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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 5, 2009.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

As people of faith, Lord God Eternal, we believe that Your Spirit fills the whole world. Moved by this faith, we try to discern authentic signs of Your presence and purpose in the events, the needs, and the longings which we share with other people all the time.

Lord, thank You for faith, because faith throws a new light on all things and makes known the full ideal to which You have called each Member of Congress and each citizen of this great Nation.

Guide minds into great collaboration and move hearts toward true solutions which transcend ideology and reach the fullest depths of human potential, bringing us into a greater union with others and with You. Then, as Your free children, we will conquer the problems which confront us, and give You glory, now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. LORETTA SANCHEZ) come forward and lead the House in the Pledge of Allegiance.

Ms. LORETTA SANCHEZ of California 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.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 520. An act to designate the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as the ''Stanley J. Roszkowski United States Courthouse''.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

TAPPING INTO THE POTENTIAL OF FUTURE GENERATIONS OF WOMEN

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, in 1987 the United States Congress officially designated March as Women's History Month in an effort to not only increase public knowledge of women's history, but also to raise the public consciousness of the impact that women have on our country.

Over the last century, we have made considerable progress. However, our work to ensure that women have equal rights and protection from assault and abuse are not over. Today, women continue to bring home smaller paychecks than men do for doing the same job. However, I am proud that this Congress passed and President Obama recently signed the Lilly Ledbetter Fair Pay Act of 2009 to help end pay discrimination against women.

Currently, there are an estimated 198,000 women serving on active duty in our military, and still we are unable to provide them with a safe environment, free of sexual assault and violence. In addition, approximately 800,000 individuals are trafficked across international borders each year, and, sadly, 80 percent of those are women and girls.

While we recognize the progress we have made, we must not be complacent, but instead work together to tap into the potential of future generations of women.

LESS IS MORE

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

Mr. POE of Texas. Mr. Speaker, under the new tax proposal, those that make over $250,000 are going to have a massive tax increase so the government can redistribute that money to special groups. Those in this high tax group already pay most of the taxes and create most of the new jobs in small busines.

But we have got a problem. These same folks are considering cutting back their work productivity so they make less than $250,000. According to ABC News, some individuals who own business also are going to downsize because of the tax increase.

A lawyer in Louisiana says, ''Why kill yourself working if it is given

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away to people who aren't working as hard?''

A dentist in Colorado said she is going to work fewer days, see fewer patients and eliminate employees so she can be underneath the tax increase. She says, ''If I am going to be working just to give it back to the government, it is demoralizing.''

Mr. Speaker, this cannot be. What are we to do if all these small business owners start following this downsizing plan, lay off employees and don't send more money to Washington? Don't they know they can't do that? Don't they know that they need to pay more taxes to take care of the rest of us?

Mr. Speaker, all citizens pay enough income tax already. It is absurd to raise taxes on anybody during this recession.

And that's just the way it is.

WORKING TOWARDS COMPREHENSIVE IMMIGRATION REFORM

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

Mr. BACA. Mr. Speaker, President Obama has said ''our patchwork heritage is a strength, not a weakness.'' Yet there are those that are full of hate and anti-immigration rhetoric that cannot see the rich contributions immigrants have made to this country.

Racial profiling in my district alone is alarming and the controversy of enforcement practices must be investigated. We will not stand for enforcement-only approaches that create a mistrust of law enforcement amongst the public. We need comprehensive immigration reform that addresses the real issues, respects families and includes enforcement and security of our Nation.

Congress needs to be proactive on this issue, instead of reactive to the negative few who preach enforcement-only failed approaches.

I urge my colleagues with the help of the CHC to have President Obama and Speaker PELOSI work towards comprehensive immigration reform.

HONORING THE LIFE AND SERVICE OF FRED PIERNO, JR.

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

Mr. ROONEY. Mr. Speaker, I rise today to honor the life and service of Martin County Fire Medic Fred Pierno, Jr. Freddy is the only member of the Martin County Fire Rescue to ever die in the line of duty. He lived a life of service to his community and country. He was a Navy veteran during the Vietnam War and served for 20 years with Martin County Fire Rescue. His fellow firefighters enjoyed working by his side and he always put others first.

It was in 2006 while trying to save the life of a patient that he contracted hepatitis C. Firefighters and medics like Freddy put their lives on the line day in and day out and face dangers that can't always be seen. Freddy is only the 13th firefighter in the United States to die in the line of duty from this virus.

We honor Fred Pierno's sacrifice to the people of Martin County. He will truly be missed.

FIXING THE BROKEN HEALTH CARE SYSTEM

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Today, the President will convene a health summit as he continues to engage experts, Members of Congress, health providers and consumer advocates in what is one of many discussions on how to best fix our broken health care system and ensure access to quality health care for every American more efficiently and effectively.

We have already made a great down payment with the expanded SCHIP, the Medicaid and other provisions in the American Recovery and Reinvestment Act. We in this body continue to work with our President through our omnibus bill; and as we prepare to develop a 2010 budget, we do so in a holistic way, also addressing the social determinants of our health, which is critical in order for us to meet our obligation to close the gaps in health that cause premature preventive illness and death in the poor and people of color and those in our rural areas.

We must remember that health care is a right.

PUTTING COMPETITIVENESS AND GROWTH FIRST

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

Mrs. BLACKBURN. Mr. Speaker, you know, it is so interesting to go home on the weekends and visit with all of my constituents. This past weekend, some of them said, I feel like everything that I am hearing from the leadership in D.C. is focused on fear and envy to push their agenda.

The President's budget is just big government reinvented. Here it is, the era of enormous big government. It expands government spending past the traditional no more than 20 percent of GDP that we have always expected, and it is going into the stratosphere. Programs are piled on top of each other to give us what is now a $3.55 trillion budget that has come from this Democrat administration. And the deficits? $1 trillion as far as the eye can see. And this is on top of the stimulus, the omnibus, the ''Housing-us'' bills, that are just ripping through this Chamber at speeds that would make my NASCAR drivers dizzy.

You know, some of my constituents suspect that the leadership in this House actually is choosing to confuse the issues. They know you cannot spend your way to recovery.

GARDEN STREET LOFTS IN HOBOKEN, NEW JERSEY, HONORED BY SUSTAINABLE BUILDING INDUSTRY COUNCIL

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

Mr. SIRES. Mr. Speaker, last week, the Sustainable Building Industry Council honored the Garden Street Lofts in Hoboken, New Jersey, at their Beyond Green High Performance Buildings Awards. I am proud of the accomplishments of MAST Construction and all those involved in the project. I am pleased that their important work has been recognized.

The Garden Street Lofts project, completed last November, successfully converted an 80-year-old warehouse into a ''Leadership in Energy and Environmental Design'' silver-certified building with 30 loft-style residences and over 7,000 square feet of retail space. The building also is located within reach of multiple forms of public transportation, further increasing its appeal and environmental benefits.

I commend this sustainable project, and I thank the Sustainable Building Industry Council for including it in its Beyond Green Awards program. MAST Construction continues to provide the 13th Congressional District of New Jersey with exceptional facilities. It is my hope that the Garden Street Lofts will serve as a successful example for other developers.

ENDING NO-BID CONTRACTS IN THE FEDERAL PROCUREMENT PROCESS

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

Mr. FLAKE. Mr. Speaker, President Obama announced an initiative yesterday to fix the Federal procurement process. He wants to make sure that there are no more no-bid contracts.

Now, this is a welcome move. But if the President really wants to get serious about ending no-bid contracts, he should veto the omnibus spending bill we are just about to send him. It contains thousands of no-bid contracts for private companies. If the President can't see fit to veto the omnibus, he should at a minimum commit to veto future legislation that contains no-bid contracts.

Again, a congressional earmark for a private company is nothing more than a no-bid contract. What is worse, many of these congressionally directed no-bid contracts go to companies whose executives and their lobbyists turn around and make campaign contributions to those who secured the earmark or no-bid contract.

This morning we will be voting on a privileged resolution to investigate earmarks and campaign contributions

related to the PMA Group, an organization being investigated right now by the Department of Justice. I urge my colleagues to support this nonpartisan resolution.

HONORING SUSAN AXELROD AND CURE

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

Mr. PERLMUTTER. Mr. Speaker, it is my honor today to rise to recognize two extraordinary people, Susan Axelrod and her daughter Lauren, for their work on issues concerning epilepsy. One of the very first meetings I had in the Congress was with Susan Axelrod, who came to visit me because she knew that I have a daughter with epilepsy. As parents of kids with chronic illnesses, and many people have family members who have chronic illnesses, it is a life-consuming endeavor to try to find a cure.

Susan founded the nonprofit organization called CURE, Citizens United for Research in Epilepsy, to educate the public, encourage research and raise funds for epilepsy. Susan's research through CURE revealed a new drug treatment which has stopped Lauren's seizures for the last 9 years.

In the decade since its inception, CURE has raised millions of dollars and has made great strides in the scientific community to develop research projects which one day may find a cure for other people with epilepsy like my daughter Alexis. Susan also assisted me with a bill to help returning service men and women who have suffered brain injuries and now are having seizures. I applaud her commitment to increasing funding for epilepsy research, and I honor her today.

I will submit for the CONGRESSIONAL RECORD an article about Susan and Lauren's commitment to curing epilepsy published in Parade Magazine dated February 15, 2009, entitled ''I Must Save My Child.''

□ 1015

PROTECT THE SECRET BALLOT

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

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful to be an original cosponsor of the Secret Ballot Protection Act, a piece of commonsense legislation introduced last week. This bill preserves the right of every worker to a secret ballot election when deciding whether or not to join a union.

We can all agree that intimidation and coercion have no place in our working environment, and should not be a part of a worker's decision to join or not join a union. After all, Americans have the right to elect their representatives here in Washington by secret ballot. Why should the decision to elect representation in the workplace be any different?

The Secret Ballot Protection Act would guarantee the fundamental right of privacy, a vital part of our Nation's founding principles. It would protect American workers and American industry from the powerful special interests here in Washington. It would promote jobs in America.

In conclusion, God bless our troops, and we will never forget September the 11th.

HAVE FAITH IN AMERICA'S FUTURE

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

Mr. YARMUTH. Mr. Speaker, yesterday, in this Chamber, Prime Minister Gordon Brown talked to us about having faith in the future, and that, in fact, is what America's always been about, having faith that the future will be better for all of us. But it's impossible for the American people to have faith in the future, faith in their future when the next illness or accident could drive them into bankruptcy or, in fact, could end their lives because they have insufficient access to quality, affordable health care.

This Congress and this administration is committed to changing that. We are committed to making sure that health care is a right that every American can exercise. And we have already taken the first steps in this Congress, by expanding SCHIP, by providing assistance to the States to provide more Medicaid, and finally, by developing the infrastructure, by investing in that health care infrastructure that will help make a system that can provide quality, accessible health care to everyone. That's what restoring faith in the future means to this Congress.

And this afternoon, when President Obama convenes his first health care summit, we will begin to take the steps, as a Nation, to develop the kind of health care system we all can be proud of and that will bring faith in the future to every American.

HEALTH CARE REFORM

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, today the White House convenes a forum on health care, and we do need health care reform. We have the best health care available in the world, but it's just too expensive for too many. Why?

A brand new report from the New England Health Care Institute stated that in our $2.3 trillion health care system, a full 30 percent of total spending could be eliminated without reducing health care quality. This is a savings of $800 billion; savings that comes from improving the quality of care, savings from eliminating misuse of drugs and less effective treatments. And we can find even more savings from stopping Medicare and Medicaid fraud.

We can make quality health care affordable and accessible. Let us work together for true reform. Let's fix it and make it better, not finance a broken system. Reform is the best medicine.

HEALTH CARE REFORM

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

Mr. PALLONE. Mr. Speaker, I was pleased to see my colleague from Pennsylvania, Mr. MURPHY, who serves on the Energy and Commerce Committee with me, to talk about the need for health care reform and the health summit that President Obama's calling today. It is a bipartisan summit. It is an effort to reach out to both parties to come up with solutions for health care reform.

And as Mr. MURPHY said, one of the biggest concerns is cost containment. We know that there's a lot of money in the system that we think can be saved and used to make health care available to more people. Basically, if you listen to President Obama, he said we need to expand coverage. We want to have universal coverage. Everyone should have health insurance.

But one way of achieving that and paying for it is to deal with the costs, because we know that they're out of hand. And increasingly, employers can't afford health insurance because of the costs. Individuals that go out and try to buy health insurance in the individual market find it hard to afford the cost. And also, we have existing government programs like Medicare, Medicaid and SCHIP that it's hard for them to continue to function because of the costs of those programs.

We need reform now on a bipartisan basis.

THE RIGHT TO KEEP AND BEAR ARMS IS PART OF AMERICA'S HERITAGE

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

Mr. REHBERG. Mr. Speaker, from hunting to protecting our families and property, the right to keep and bear arms is a part of America's heritage.

This weekend, as I traveled around Montana, I heard concern in my constituents' voices as we cussed and discussed House Resolution 45. This bill criminalizes gun ownership as we know it. It requires gun owners to register with the Federal Government after completing a list of government certifications. Gun owners and the firearms they own would be tracked in a government database, a database that would make eventual collection of guns by government agents an easy task. This is the first step, but it's one we must not take.

Gun owners are not criminals. They are patriots.

I will oppose this measure and others like it as an affront to our liberty and the Constitution.

PROCUREMENT PROCESS GONE AMOK

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

Mr. DUNCAN. Mr. Speaker, in today's Congressional Quarterly, it says the Presidential helicopter program is now $6.5 billion over budget. This is double the Pentagon's original estimate. Even President Obama said this was ''an example of the procurement process gone amok.''

It seems that the Pentagon cannot complete any major program without huge cost overruns. Almost on every Federal program we are given low-ball estimates of the cost on the front end, and then costs just explode. This has nothing to do with the current President, but no President needs 28 helicopters.

The current estimate is that these helicopters will cost at least $13 billion. But the way the Pentagon is operating these days, these helicopters will end up costing several billion more unless the number is cut way back to something a little less ridiculous.

It makes you wonder, Mr. Speaker, if there are any fiscal conservatives in the Defense Department.

THE HYPOCRISY OF THE CURRENT ADMINISTRATION

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

Mr. SHIMKUS. Mr. Speaker, I come to the floor today to talk about the hypocrisy of this current administration. First they say they want to cut the deficit in half by their first term, but then they add, in 6 weeks, $1.5 trillion to the national debt.

They attack earmarks as being bad, but they're soon to sign an omnibus bill that has 9,000 earmarks in it.

And last but not least, a promised tax cut to 95 percent of all Americans, while in their budget planning to raise $646 billion by a carbon tax. What does that do?

This is Peabody Mine Number 10. The last clean air bill we passed, 1,000 mine workers lost their job. A carbon tax kills the fossil fuel industry in this country, raises the cost of energy, will destroy manufacturing. As the Detroit News said in its editorial yesterday, it's a job destroyer for the State of Michigan. Be aware of the carbon tax.

NO TAX HIKES

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, this administration's new budget torpedoes core values we Americans hold dear: hard work, fairness and the freedom to thrive.

Sadly, the new budget will raise taxes on anyone who works hard, plays by the rules and pays taxes. It will raise taxes on anyone who drives a car, turns on their lights or saves. It will raise taxes on people who donate to charity or own a home. It will raise taxes on anyone who plans, hopes or dreams of becoming successful.

That's just wrong. We must not raise taxes, but save America during this severe recession.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1106, HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 205 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 205

Resolved, That during further consideration of the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability, pursuant to House Resolution 190, amendment number 1 printed in House Report 111–21 shall be considered as perfected by the modification printed in the report of the Committee on Rules accompanying this resolution.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. For the purpose of debate only, Mr. Speaker, I yield the customary 30 minutes to the gentlelady, my friend from North Carolina, Dr. FOXX. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 205 provides for further consideration of H.R. 1106, the Helping Families Save Their Homes Act of 2009. As I've previously stated, the Helping Families Save Their Homes Act takes a crucial step toward reviving our housing market, stemming the tide of home foreclosures, and putting our Nation's economy back on track.

This bill provides for a safe harbor from liability to mortgage servicers who engage in loan modifications to remove any impediments that may prevent them from partaking in voluntary modifications. It also makes much-needed changes to the HOPE for Homeowners Program in order to encourage more lenders to participate and ensure that the program meets its intended objective.

The bill further makes permanent the temporary increase in deposit insurance coverage for both the FDIC Deposit Insurance Fund and the National Credit Union Administration Share Insurance Fund, in order to both enhance the liquidity and stability of our banking institutions, and help restore confidence in our financial system.

The underlying legislation, Mr. Speaker, also makes several long overdue changes to our bankruptcy code. Now, some have understandably questioned these provisions which would allow bankruptcy judges the ability to modify loans on a homeowner's principal residence if the homeowner meets specified stringent criteria. It has been argued that allowing judicial modifications will lead to a sudden slew of bankruptcy filings, will cause massive losses to financial institutions, and will increase the cost of borrowing for other homeowners. However, this will simply not be the case.

Bankruptcy will remain, as it always has been, a last resort. And modifications will be at the individual discretion of a bankruptcy judge who will determine if a borrower has acted responsibly and if a claim has any merit.

Most importantly, allowing judicial modifications will maximize, not lessen, the value of troubled mortgages for lenders, and will avoid the continuous decline in property values in neighborhoods with foreclosed properties.

Additionally, this rule provides for a revised manager's amendment that will make the bankruptcy provision and this legislation even more effective and efficient. The revised manager's amendment will allow a court to consider lowering the interest rate to reduce a homeowner's mortgage payments in lieu of reducing the mortgage principal.

□ 1030

It also gives mortgage holders a greater proportion of a home's appreciation should the home be sold during the bankruptcy plan, and it makes changes to the good faith requirement, further ensuring that judicial modifications are only used when borrowers have exhausted all other options.

The bankruptcy provisions in this legislation with the changes proposed in the revised manager's amendment will help thousands of American families stay in their homes. We must remember that bankruptcy is no walk in the park. It is a strict, demanding, and intrusive process in which every aspect of one's financial life is scrutinized and controlled, and that says nothing of the negative stigma and of the long-lasting effects of filing for bankruptcy.

In addition, to be eligible for such loan modifications, families must show

that they will be able to repay their debts and that they have tried to obtain a loan modification outside of bankruptcy, but let's not kid ourselves. Under current law, similar loan modifications are available for every other type of secured loan except for loans securing primary residences.

If a millionaire or a billionaire can modify a loan on a private jet and if a housing speculator can modify loans on countless failed investment properties, why can't we allow struggling families to modify their mortgages so that they're not put out on the streets?

It's easy to stand up here and claim that this bill is simply a bailout for reckless homeowners; but as our Nation creeps deeper into this financial crisis, it is painfully clear that our housing market is having a rippling effect on the economy. Families who have acted responsibly and who have paid every single payment on time are finding themselves, in one way or another, swept up by the foreclosure crisis, oftentimes through no fault of their own.

As foreclosures rise, surrounding home prices fall, funding for vital public services goes down, financial institutions are saddled with losses, access to credit shrinks, and our economy grinds to a halt. This legislation will put a stop to this deadly spiral. It will rebuild this economy from the bottom up, for our Nation simply cannot recover if we here in Congress turn our backs on the millions of Americans struggling to care for their families and to stay in their homes.

Mr. Speaker, this bill may not help every family. It will, however, help responsible individuals stay in their homes, and it will mitigate the destructive impact of this housing crisis by clearing legal impediments to loan modifications, by improving the HOPE for Homeowners Program, by ensuring confidence in our banking system, and by finally making commonsense reforms to our bankruptcy laws.

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

Ms. FOXX. Mr. Speaker, I have great respect for my colleague, and I wish that just his saying something would make it so.

Unfortunately, my distinguished colleague who has a distinguished service not only in Congress but also as a judge, you simply cannot say something and make it so. This is not going to stop the problem that we have in the housing market. This is actually going to make it worse. Let me make a couple of comments about why that is the case.

We have talked over and over about the fact that this is going to drive up the cost of loans in the future and about why it's going to hurt people who have played by the rules.

You know, House Republicans support responsible homeowners who live within their means, who make honest representations on their loan applications, who pay their debts, and who work hard to achieve the American dream. But that's not what this bill does. What this bill does is it rewards bad behavior. It extends the welfare program in this country, and it's going to make home mortgages in the future much, much more expensive.

Why is that the case?

As my colleague has said, in the past, home mortgages have been left out of the bankruptcy law because they then become higher in risk. That has held down interest rates. By putting these home mortgages into the bankruptcy law, it is going to make the interest rates higher in the future. Even Justice Stevens said that taking the principal home out of the bankruptcy law was to encourage the flow of capital into the home lending market, but now we're going to increase the risk to lenders, and this is going to drive up the cost of interest rates.

As for the comments about millionaires and billionaires, that's a straw dog, just a straw dog, and we don't need to be putting those things out.

This rule and the underlying bill are opposed by both the Heritage Foundation and the New York Times. That doesn't happen very often, Mr. Speaker. It very rarely happens that those two entities oppose something, but they do.

I want to say something about the fact that we were here a week ago today to deal with this rule, and we thought we were going to be voting on the underlying bill, so it was pulled off because it was going to be made better, but you know, this is just the bait-and-switch game. I want to say to my colleagues that this underlying bill was not made better. This rule was not made better as a result of this week that has passed by. In fact, it may have been made worse.

I challenge my colleagues who have hesitation about this bill and whether to vote for it to read the bill, to read the rule. See if you think that this has actually made it better.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to the gentlewoman from California, a member of the Committee on the Judiciary, Ms. ZOE LOFGREN.

Ms. ZOE LOFGREN of California. Mr. Speaker, I would like to yield to my colleague from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I rise to engage in a colloquy with my distinguished colleague from California (Ms. ZOE LOFGREN) regarding the Helping Families Save Their Homes Act of 2009.

Ms. ZOE LOFGREN of California. I am happy to engage in a colloquy.

Mrs. TAUSCHER. Thank you.

Mr. Speaker, I would like to take this opportunity to thank Ms. LOFGREN, Chairman CONYERS, Speaker PELOSI, Majority Leader HOYER, and Majority Whip CLYBURN for the collaborative and constructive discussions we have had during the past several weeks.

Our good-faith negotiations have resulted in positive changes to this bill by increasing uniformity in the Chapter 13 bankruptcy process and by making qualified loan modifications the centerpiece of our efforts to keep families in their homes.

In addition to other changes making the bill stronger, the legislation will ensure that a bankruptcy judge considers whether a borrower has been offered a qualifying loan modification before seeking a judicial modification. This is consistent with President Obama's plan. Additionally, changes were made to ensure that judges use FHA appraisal guidelines in determining the fair market value of property. This will streamline and simplify the valuation process.

I am also pleased that we have included language to prevent wealthy people who can afford their loans from filing bankruptcy just to capitalize on falling real estate prices and to get a better deal when there are so many more who are truly in need.

This bill is not perfect, but the process has worked better than anyone expected. Over the last couple of weeks, we have worked together to make improvements that will ensure that bankruptcy is an option of last resort.

Accessible and sustainable loan modifications are essential to getting millions of families the tools they need to keep their homes. Along with President Obama's Making Home Affordable Plan, this bill will provide these tools, and it will offer a comprehensive plan to address our Nation's foreclosure crisis.

Ms. ZOE LOFGREN of California. To my friend, I want to also thank you for the good-faith discussions and negotiations we've had. I appreciate your support for this bill and your work toward a sustainable loan modification program.

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

Mr. HASTINGS of Florida. I yield the gentlewoman an additional 2 minutes.

Ms. ZOE LOFGREN of California. I agree with you that loan modifications are a key component to a comprehensive plan.

I thank my friend, Mrs. TAUSCHER, for her thoughtful work on this matter. It has made this bill a better bill and one that, I think, we can all be proud of. I appreciate your effort.

I would yield further.

Mrs. TAUSCHER. Thank you. I thank my good friend from California (Ms. ZOE LOFGREN) for her very intensive work to make this a better bill, and I appreciate the changes that have been made to this bill.

I urge my colleagues to support the significant engagement process to get a better bill by voting for the rule, and I will tell my colleagues that this is a better bill, that this is something that will help all Americans by making sure that the bankruptcy process through Chapter 13 is available to those who need it, but at the same time, that it is

the option of last resort. Most significantly, it puts the President's loan modification plan as the centerpiece of opportunities to keep millions of Americans in their homes. I urge my colleagues to vote for the bill.

Ms. ZOE LOFGREN of California. Thank you.

I would just note further the participation of others in Congress who worked to make this a better bill: our colleague DENNIS CARDOZA, who is part of the second-degree Lofgren-Tauscher-Cardoza amendment, as well as Congressman BRAD MILLER, Congressman JIM MARSHALL, and of course the chairman of the committee, Congressman JOHN CONYERS. Thanks to all who worked so hard on this.

Ms. FOXX. Mr. Speaker, I now yield 4 minutes to the gentleman from Wisconsin, my distinguished colleague, Mr. SENSENBRENNER.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the rule and to the underlying bill.

What we have just heard is that the amendments that will modify the Conyers manager's amendment are going to solve the problems and concerns that were raised last week. This is not the case, and the modification that this rule makes in order still makes this modification of the bankruptcy law smoke and mirrors. The devil is really in the details, and let me point out three instances where the details make this amendment a sham.

First of all, it gives a defaulting homeowner two bites at the apple. Far from making bankruptcy a last resort, it allows it to guarantee abuse of the system. If the homeowner obtains a mortgage modification that is compliant with the President's terms, he still can file for bankruptcy, but the lender is bound by the modifications under the President's program should it be enacted into law. So the borrower and the bankruptcy attorneys can shop around and can find out which is the better deal for the homeowner. That's something that we deny the lender the opportunity to do, and this is a guarantee of abuse of the system.

Secondly, this amendment encourages happy-go-lucky borrowers. Nothing happens to a borrower who rejects the terms under the President's mortgage modification plan. The bankruptcy court can theoretically refuse to confirm a borrower's cramdown plan, but under the terms of the amendment, that will likely happen only when the lender is offered a modification anyhow.

What about borrowers who are within 30 days of a foreclosure sale? They don't even have to contact their lenders under this amendment about voluntary modifications, so none of this amendment's modifications and accommodations apply. The new manager's amendment does nothing to change this exception that swallows the bill, and as a result, cagey borrowers and their attorneys can game the system by simply waiting until the borrowers are within 30 days of a foreclosure sale to file for bankruptcy.

Finally, this bill allows free money to be offered. The amendment provides an alternative to cram down a principal, but astoundingly, the alternative is free money. If a judge doesn't want to give a cramdown, he can just rewrite the mortgage as a no-interest loan over the full terms of a new 30-year, fixed-rate mortgage. Lenders can kiss their principal goodbye because the amendment seeks to resuscitate the earlier agreement to let lenders claw back and cram down principal if the borrower sells the house after a cramdown.

□ 1045

But the clawback is a sham. Once the borrower emerges from bankruptcy, the lender gets nothing back from the crammed-down principal, and since the point of the bill is to help the borrowers stay in the house during bankruptcy, sales aren't going to occur until after bankruptcy—when the lenders' clawback is worthless.

The bankruptcy law since 1898 has prohibited bankruptcy judges from rewriting the terms of mortgages that are placed on principal residences. There is a reason for that, and the reason is simple: it allows the mortgage industry to attract more capital to lend out to qualified borrowers at reasonable rates. If the capital isn't there, and the capital is not attracted, then what you will see is the cost of mortgages go up, whether it's in interest rates, points, fees or whatever.

It seems to me that Congress did the right thing during the depression in not changing this law. We should not change the law today.

Mr. HASTINGS of Florida. Mr. Speaker, I would advise the Chair and the gentlelady from North Carolina that I may have an additional speaker, but he or she has not arrived yet, and toward that end, I would reserve my time.

Ms. FOXX. Mr. Speaker, I thank my colleague. We do have several speakers, Mr. Speaker.

I would now like to recognize my colleague, the gentleman from New York, Mr. CHRIS LEE, for 2 minutes.

Mr. LEE of New York. I thank the gentlelady from North Carolina for yielding.

I rise today to oppose the rule and underlying ''cramdown'' bill, which will allow bankruptcy judges to arbitrarily rewrite the amount of principal owed on a home mortgage loan.

I recently received an e-mail from a constituent in Byron, New York, who said he lost $50,000 on a previous home he had recently sold. He's a hard-working individual in my district who accepted that but ended his e-mail by asking, ''Are we now going to be expected to pay for someone else's losses when I'm struggling to keep paying my own mortgage?''

I receive calls, faxes, e-mails like these every day from homeowners who work hard trying to make ends meet only to be asked to help those who either have made poor decisions or who acted purely for personal gain by speculating on the market.

Yet in this bill, part of Congress' response is to change the Nation's bankruptcy laws and to allow judges arbitrarily to rewrite the amount of principal on mortgages. This will open up a Pandora's box on government intervention and will have the exact opposite effect than what is needed during these very tough economic times.

When I talked to our community banks and ask how they have been able to prevent foreclosures, they point to a combination of sound lending practices and access to credit. It is in the banks' best interests to work with borrowers to help them stay in the homes. And, in fact, they are doing that now. Allowing bankruptcy judges to intervene would add additional risk to the market. It will help push that more mortgages won't be repaid and forcing lenders to tighten credit and raise borrowing costs for all homeowners at the worst possible time.

I ask my colleagues to vote down this rule so we can keep this Pandora's box closed and get back to work on truly sensible practices that will help keep the dream of homeownership within reach of middle-class families.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to Ms. LOFGREN.

Ms. ZOE LOFGREN of California. Mr. Speaker, I just wanted to say a word about the manager's amendment to make sure that everyone is clear.

The second-degree amendment is going to make sure that fairness is restored to the bankruptcy laws to give needed relief to homeowners at a time when there is a truly historic crisis in the housing market.

The manager's amendment strengthens the good faith provisions of the bill to ensure that borrowers who can't afford to pay their debts do so. The good faith provision also requires the court to take into consideration an offer of a qualified loan modification. And when an affordable loan modification is available, we want homeowners to take that route.

The manager's amendment also advises courts to consider the Treasury's guidelines in crafting modifications, and in doing so, it works seamlessly with the Obama administration's Making Homes Affordable Plan. In both instances, fairness and affordability are the touchstones.

It doesn't make any kind of sense that relief in Chapter 13 is denied to homeowners while it is provided to speculators and investors, which is what the current law provides. By changing the law, we've restored basic fairness to the system.

In addition to the heightened good faith requirement, the amendment would extend the pre-filing notice from 15 to 30 days and require the debtor to submit financial documentation to the lender so a meaningful negotiation

could take place. It also enhances the clawback provision to increase the amount of appreciation returning to the lender if a home should be sold for profit after judicial modification.

I really, as I said earlier, want to thank my colleagues, Mrs. TAUSCHER, Mr. CARDOZA, Mr. MARSHALL, and Mr. MILLER for their efforts.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield the gentlelady an additional 1 minute.

Ms. ZOE LOFGREN of California. Bankruptcy should be a last resort. And I'll tell you, bankruptcy is no picnic. For an extended period of time, all of the debtor's personal financial life is in public. You can't spend anything without permission of the court. You can't tithe to your church unless the bankruptcy judge says ''okay.'' Santa can't come to your house on Christmas unless the court permits expenditures for a toy. It is a permanent mark on your record.

And so to think that someone would go into that proceeding frivolously with that kind of stain, that burden and that kind of a stigma, is just not realistic. And I hope the people understand this is not something that people do in a frivolous way or an unthoughtful way.

Ms. FOXX. Mr. Speaker, I would like to ask that my colleagues on the other side of the aisle put the microphones close to their mouths because there are times we can't understand the words over here because the volume is not coming through.

I would like to say that I understand my colleague is very concerned about the issue of fairness, but I think that we need to think about those people who played by the rules and not those who tried to go around the rules. We're not being fair to those people.

I would now like to yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I'd like to thank the gentlelady from North Carolina for yielding.

I rise in opposition to this rule. And I rise, of course, in opposition to the underlying bill as well.

But speaking to the rule, my argument's about process. There's a tremendous amount of fraud that's taking place in the mortgages in this country, and people that have relief under this should have clean hands. And in recognizing that, I introduced an amendment in the Judiciary Committee that would exclude those who have misrepresented or, under false pretenses or actual fraud, achieved an extension of their mortgage and then brought this to the bankruptcy court. We've got to have people with clean hands, not those that are taking advantage of this situation. The door has already been opened. This opens the door more.

My amendment, Mr. Speaker, passed the Judiciary Committee by a vote of 21–3. It was a prudent decision on the part of the members of the committee. It's the judgment of the Judiciary Committee. The problem with it was that it was stripped out after the committee approved it and sent it to Rules as part of a change in a manager's amendment.

I took my amendment back to Rules to try to get back the process. The process ought to respect the will of the Judiciary Committee. The Rules refused to even allow me to offer my amendment here on the floor to try to get another recorded vote even when I'd been successful in Judiciary Committee. And now there's another manager's amendment before this committee that amends the amendment that was amended by the previous manager's amendment after it passed the Judiciary Committee. The will of the Judiciary Committee means nothing in this bill. It's the will of the manager's amendment that will be voted on here on the floor of this Congress.

I argue for the process. I argue we have to have a clean process. I also think that we have to maintain the covenant of the contract between the mortgager and the mortgagee. This amendment doesn't do that. This amendment tears that contract asunder and says to lenders that their capital's at risk and their interest rate is at risk. Why would anyone loan anybody money unless they could calculate in the risk that some judge would change the rules after the fact, just like the rules of the Judiciary Committee on a successful 21–3 vote have been changed after the fact?

Mr. Speaker, I oppose the rule.

Mr. HASTINGS of Florida. Mr. Speaker, I would say to my friend when he asked the question, why would anybody offer money for people if they knew that a bankruptcy judge was going to modify it—but what about those private jets? They tend to loan money for them. And I know a whole lot of rich people that went into bankruptcy for the express purpose of avoiding paying bills. So I don't buy into that argument. We're about trying to help people here.

Mr. Speaker, I yield 2 minutes to the distinguished lady from Texas.

Ms. FOXX. Mr. Speaker, I would like to ask the gentleman if he would yield for a question.

Mr. HASTINGS of Florida. At this time, I will not.

I will yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. I came to the floor, Mr. Speaker, because I wanted to make sure that this was the day that the United States Congress addressed the question of responsible, hardworking Americans.

I came to the floor with my BlackBerry because there's a message about one of our renowned mortgagers, Countrywide, that is in the process of evicting one of my constituents—a hardworking, long-standing, if you will, working American trying to save their home. Long message as to what has been going on in this instance and the insensitivity of the mortgager.

So today is a day for being responsible. It is not a day for those who have, in essence, been irresponsible. It is a day to allow them, as every American has a right, their day in court with a judge with a fine-tooth comb who will review all of the documents and even including the responsibility of that particular petitioner to include all of the information on income, expenses and debts to the holder of the mortgage, with the second amendment including a particular clawback provision that increases the amount of money that the lender might get if the particular house was sold.

In addition, I am supporting this rule, but I do look forward to the conference, which I hope that I will be a participant, because, in fact, if these individuals are victims of predatory lending, which many of them have been—meaning that they would go to a servicer who would masquerade their documents and say they can get into a house—this particular action of bankruptcy should not be part of the credit score which then dumbs down the opportunity for this individual to restore themselves, get back into the economic market, be able to get credit, be able to buy things and turn this economy.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield an additional minute to the gentlewoman.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman.

This is a fair and reasonable bill, along with the manager's amendment that, in fact, allows this particular homeowner, the person that is in this BlackBerry that is in the midst of an eviction having purchased a house in honesty with the lights on, putting forward the documentation but yet being subjected to that well-known mortgager, Countrywide, that gave vast numbers of, if you will, mortgages in the context that might not have been the most appropriate.

Today we are allowing the courts of law, the established bankruptcy court—established statutorily and protected by the Constitution—to allow someone due process. That's all we're saying, Mr. Speaker.

And all of this about irresponsible persons offends me because there are thousands, and now millions, of families who are simply trying to say, Keep the tax base for my struggling city, allow my neighbors to not have their homes depreciated because I have had the unfortunate mistake of being misrepresented to. Some of these people are still working.

I close by saying 3,500 people are in line for a job. Today is the little person's opportunity.

Mr. Speaker, thank you for your leadership on this very important question. Chairman CONYERS and Chairman FRANK, I would like to

also thank you for your leadership. Lastly, I would like to thank my able Legislative Director, Arthur Sidney, for his hard work on this issue.

The bill before us today is very important and will help Americans during this difficult economic time. As you know, home foreclosures are at an all-time high and they are poised to accelerate as the recession deepens. In 2006, there were 1.2 million foreclosures in the United States, representing an increase of 42 percent over the prior year. During 2007 through 2008, mortgage foreclosures were estimated to result in a whopping $400 billion worth of defaults and $100 billion in losses to investors in mortgage securities.

During this time, debtors and average homeowners found themselves in the midst of a home mortgage foreclosure crisis of unprecedented levels. Many of the mortgage foreclosures were the result of subprime lending practices.

Subprime lending did not always have a bad name; however, within the last five to seven years, unscrupulous lenders have preyed upon buyers in a predatory fashion. The amendment that I offered before the Rules Committee was intended to address this issue.Specifically, my amendment would preclude a foreclosure and bankruptcy that resulted from subprime and predatory lending from being included in the determination of a debtor's creditor score. Certainly, a debtor's declaration of foreclosure or bankruptcy has a deleterious effect on one's credit score.

This makes a bad situation, worse. If a debtor has poor credit to begin with and is forced to declare bankruptcy or is forced into foreclosure, this combination would make it almost impossible for a debtor to secure credit in the future. A lowered credit score results in a downward spiral for the debtor and ultimately leads to an economic quagmire for the debtor.

MY AMENDMENT

I offered the following amendment to be included in the bill:

SEC. 205. FORBEARANCE IN CREATION OF CREDIT SCORE

(a) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

''(h) FORECLOSURE ON SUBPRIME NOT TAKEN INTO ACCOUNT FOR CREDIT SCORES.—

''(1) IN GENERAL.—A foreclosure on a subprime mortgage of a consumer may not be taken into account by any person in preparing or calculating the credit score (as defined in subsection (f)(2)) for, or with respect to, the consumer.

''(2) SUBPRIME DEFINED.—The term 'subprime mortgage' means any consumer credit transaction secured by the principal dwelling of the consumer that bears or otherwise meets the terms and characteristics for such a transaction that the Board has defined as a subprime mortgage.''.

(b) REGULATIONS.—The Board shall prescribe regulations defining a subprime mortgage for purposes of the amendment made by subsection (a) before the end of the 90-day period beginning on the date of the enactment of this Act.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act and shall apply without regard to the date of the foreclosure:

My amendment would have prevented homeowners and debtors, who were facing mortgage foreclosure as a result of the unscrupulous and unchecked lending of predatory lenders and financial institutions, from having their mortgage foreclosure count against them in the determination of their credit score. It is an equitable result given that the debtors ultimately faced mortgage foreclosure because of the bad practices of the lender.

Simply put, my amendment would have prevented homeowners who have declared mortgage foreclosure as a result of subprime mortgage lending and mortgages from having the foreclosure count against the debtor/homeowner in the determination of the debtor/homeowner's credit score.

The homeowners should not be required to pay for the bad acts of the lenders. It would take years for a homeowner to recover from a mortgage foreclosure. My amendment strengthens this already much needed and well thought out bill.

I am delighted that the Judiciary Committee has indicated that my language will be included in the Conference language. I look forward to having my staff work with the Committee to achieve this end.

There were four amendments that were made in order by the Rules Committee. I will address my support or non-support for each amendment.

CONYERS AMENDMENT

I support the Manager's Amendment offered by Chairman CONYERS. The amendment makes sense and makes clear that H.R. 1106 is intended to help those that cannot afford to repay their mortgage without intervention. Indeed it is strength to the underlying bill by providing finality to the decisions worked out by the bankruptcy courts. These decisions would provide finality between lenders and borrowers. Moreover, the debtors are afforded certain protections by the Second Degree Amendment. The Second Degree Amendment provides that the lender could receive additional funding from the sale of the foreclosed home.

The Manager's Amendment would do the following:

(1) require courts to use FHA appraisal guidelines where the fair market value of a home is in dispute;

(2) deny relief to individuals who can afford to repay their mortgages without judicial mortgage modification; and

(3) extend the negotiation period from 15 to 30 days, requiring the debtor to certify that he or she contacted the lender, provided the lender with income, expense and debt statements, and that there was a process for the borrower and lender to seek to reach agreement on a qualified loan modification.

The Conyers Amendment would require a GAO study regarding the effectiveness of mortgage modifications outside of bankruptcy and judicial modifications, whether there should be a sunset, the impact of the amendment on bankruptcy courts, whether relief should be limited to certain types of homeowners. The GAO must analyze how bankruptcy judges restructure mortgages, including the number of judges disciplined as a result of actions taken to restore mortgages.

The Conyers Amendment would clarify that loan modifications, workout plans or other loss mitigation plans are eligible for the servicer safe harbor. Further, it would require HUD to receive public input before implementing certain FHA approval provisions.

With respect to the HOPE for Homeowners Program: recasts the prohibition against having committed fraud over the last 10 years from a freestanding prohibition to a borrower certification. The Conyers Amendment would amend the National Housing Act to broaden eligibility for Home Equity Conversion Mortgage (HECM) or ''reverse mortgage.''

Provides that the GAO must submit to Congress a review of the effects of the judicial modification program.

Requires the Comptroller of Currency, in coordination with the Director of Thrift Supervision, to submit reports to Congress on the volume of mortgage modifications and issue modification data collection and reporting requirements.

Expresses the Sense of Congress that the Treasury Secretary should use amounts made available under the Act to purchase mortgage revenue bonds for single-family housing.

Expresses the Sense of Congress that financial institutions should not foreclose on any principal homeowner until the loan modification programs included in H.R. 1106 and the President's foreclosure plan are implemented and deemed operational by the Treasury and HUD Secretaries.

Establishes a Justice Department Nationwide Mortgage Fraud Task Force to coordinate anti-mortgage fraud efforts. Would provide that the Treasury Secretary shall provide that the limit on the maximum original principal obligation of a mortgage that may be modified using EESA funds shall not be less than the dollar limit on the maximum original principal obligation of a mortgage that may be purchased by the Federal Home Loan Mortgage Corporation that is in effect at the time the mortgage is modified.

PRICE, TOM AMENDMENT

I oppose the Price Amendment. The Price Amendment provides that if a homeowner who has had a mortgage modified in a bankruptcy proceeding sells the home at a profit, the lender can recapture the amount of principal lost in the modification.

I oppose the Price Amendment for the following reasons.

First, the Price amendment would make homeowners into renters for life. It will lead to poorly maintained homes and lower property values for all of us. It takes away any incentive for homeowners to maintain their homes or insist on competitive sale prices.

Second, the Manager's Amendment already allows lenders to get back a substantial portion of any amount a home appreciates after bankruptcy. But it leaves in place incentives for homeowners to maintain and improve homes.

Third, the Price Amendment is opposed by the Center for Responsible Lending, Consumers Union, Leadership Conference on Civil Rights, National Association of Consumer Advocates, National Association of Consumer Bankruptcy Attorneys, National Community Reinvestment Coalition, National Consumer Law Center, National Legal Aid and Defender Association, National Policy and Advocacy Council on Homelessness, and USPIRG.

For the foregoing reasons, I oppose the Price Amendment and I urge my colleagues to vote ''no'' on this amendment.

PETERS, GARY AMENDMENT

I support this amendment. This amendment is straightforward and is intended to help the borrower by providing a last clear chance to garner much needed information. It is my hope that this information would be used to provide financial assistance and education to the consumer.

In many cases, proper education about the use of credit and mortgages could have made all the difference in the consumers choices. Simply put, if the consumers made wise and informed credit decisions in the first instance, they might not have been in bankruptcy or facing foreclosure. I find this amendment incredibly prudent and helpful to debtors and consumers. I urge my colleagues to support this amendment.

TITUS AMENDMENT

The Titus Amendment would require a servicer that receives an incentive payment under the HOPE for homeowners to notify all mortgagors under mortgages they service who are ''at-risk homeowners'' (as such term is defined by the Secretary), in a form and manner as shall be prescribed by the Secretary, that they may be eligible for the HOPE for Homeowners Program and how to obtain information regarding the program.

The HOPE for Homeowners (H_4H) program was created by Congress to help those at risk of default and foreclosure refinance into more affordable, sustainable loans. H_4H is an additional mortgage option designed to keep borrowers in their homes. The program is effective from October 1, 2008 to September 30, 2011.

HOW THE PROGRAM WORKS

There are four ways that a distressed homeowner could pursue participation in the HOPE for Homeowners program:

1. Homeowners may contact their existing lender and/or a new lender to discuss how to qualify and their eligibility for this program.

2. Servicers working with troubled homeowners may determine that the best solution for avoiding foreclosure is to refinance the homeowner into a HOPE for Homeowners loan.

3. Originating lenders who are looking for ways to refinance potential customers out from under their high-cost loans and/or who are willing to work with servicers to assist distressed homeowners.

4. Counselors who are working with troubled homeowners and their lenders to reach a mutually agreeable solution for avoiding foreclosure.

It is envisioned that the primary way homeowners will initially participate in this program is through the servicing lender on their existing mortgage. Servicers that do not have an underwriting component to their mortgage operations will partner with an FHA-approved lender that does.

Because I am committed to helping Americans obtain homes and remain in their homes, I support the HOPE for Homeowners Program and I support this amendment. I urge my colleagues to support this bill. Indeed, I feel personally vindicated that Congress has set aside $100 bill to address the issue of mortgage foreclosure, an issue that I have long championed in the 110th Congress.

All in all, the rule makes sense. The amendments that I support will make this bill much stronger and will benefit more Americans. I urge my colleagues to support the Conyers, Peters, and Titus Amendments.

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Ms. FOXX. Mr. Speaker, I now am pleased to yield 2 minutes to my colleague from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I thank the gentlewoman for yielding.

With our current economic situation, I think it's vital that we encourage responsibility. Congress is spending all of its time and energy rewarding those who have acted irresponsibly. We must not ignore those who have played by the rules and lived within their means.

Responsible homeowners are being left out of the equation, and that must change. We must recognize responsibility. For just that reason, last night I introduced legislation to give responsible homeowners who have paid and continue to pay their mortgages on time a $5,000 tax credit. This isn't another bailout or a taxpayer-backed debt obligation. It's a way for hardworking American families to keep more of the money that they earn so they can keep acting responsibly and help our economy grow. Just because responsible homeowners are paying their mortgages on time does not mean that they don't need help. The administration claims their plan will help one in nine homeowners. My commonsense plan helps the other eight of nine homeowners the administration and the Democrats ignore.

Mr. Speaker, this is simple. We cannot continue the policies pursued by the administration and my Democratic colleagues that reward irresponsibility and dependency. To pull ourselves out of this crisis we need real change. We must pursue policies that foster a culture of responsibility. So I urge my colleagues to take a look at my legislation and support it, because my plan does do just that.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend from Missouri, a member of the Financial Services Committee, Representative CLEAVER.

Mr. CLEAVER. Mr. Speaker, I'd like to share a letter that I received from an attorney in my district. The attorney, Sidney Willens, wrote me this letter, and it is, in essence, a letter that supports this rule.

He says, ''Dear Congressman CLEAVER, let me tell you a story of Mrs. Sherrita Richardson, a 37-year-old African American mother of four, a bus driver for 9 years. Four years ago, Mrs. Richardson acquired a house in your district at 3413 East 60th Street with an inflated appraisal of $93,000, requiring a 10 percent down payment she didn't have. Yet, virtually penniless, Mrs. Richardson acquired title to a house for $93,000. A mortgage broker purchased a $9,300 cashier's check payable to the seller, made a copy to show the 10 percent down payment was made, then redeemed the $9,300 check 24 hours later.''

He goes on to say, ''The need for bankruptcy judges to reduce mortgage balances consistent with current fair market values is absolutely essential if we're to get out of this economic mess.''

For those who give hope to ''mortgage modification,'' let me say one thing; mortgages have been modified by crooks using the adjustable rate mortgage—they modified mortgages, they did it as hoodlums. And there is no reason for the Congress of the United States of America not to step in and try to help people who've been ripped off in the name of good business.

Ms. FOXX. Mr. Speaker, I now yield 3 minutes to my colleague from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, many of us have read the Peruvian economist book, Hernando de Soto's book, ''The Mystery of Capital: Why Capitalism Succeeds in the West and Fails Everywhere Else.'' It's a best seller in the developing world.

The importance of that book in a lot of the world is it explains to people why it is that interest rates are so low here, why it is that we're so successful in the percentages of mortgages that we're able to grant in the United States. And it is the sanctity of that contract, it is the certainty of that mortgage contract. And the great fear I think many of us have here is that if we start down the road to writing down the principal in that contract, we are going to end up moving in the direction, as de Soto would say, of the difference between the First World and the Third World. We are not going to be able to have interest rates that are around 6 or 7 percent.

Is there a way that Treasury has developed as an alternative to this scheme? Yes, they have. They have developed a way to have mortgage servicers work out these Alt-A loans that we're talking about today, these ARMs that might go to 8¾, and to work that out into 30 years at 6 percent that's affordable for people. And we've had 2.3 million of those workouts by the end of last year.

But now, here we are, instead of doing the voluntary arrangement and putting resources in to do that—which is what we intended to do, I think, as we started this process—we're, instead, listening to the bankruptcy attorneys with an alternative approach. And that approach is to set this up so that it can be gamed in a way that knocks down the amount of the principal. And if we do that, we're right back to where Chief Justice of the Supreme Court John Paul Stevens said we would be in the case of Nobleman v. American Savings Bank. He said, you do this—there's a reason why that mortgage contract is held in the law the way it is. If you manage to reduce that principal, then the consequence is going to be that capital is not going to come in and drive down interest rates.

My concern here is that the difference between what people pay on the market for credit card rates or auto loan rates and interest rates on their home mortgage is a huge sum of money. And in order to empower these bankruptcy judges to go forward and take advantage of this and open this up, then the investors on the other side of the—let me throw one other thought out there besides the impact it's going to have on interest rates.

Think now about what happens with the HOPE NOW Alliance, where people at the table are trying to get that 30-year loan at 6 percent. Are either the borrower or the lender going to stay at that table when they think, oh, no, here's an alternative: we go to bankruptcy court, we write down the amount of that principal? No, my friends. We're headed down a road here that is very, very ill-advised.

If you want to do workouts in terms of lowering the interest rate, that's one thing, and there is a way we can do it. We can put more resources in there that the mortgage servicers can use to do that. But this is the wrong road.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend, the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. I thank the Member from Florida for yielding the time. I am honored to be associated with this piece of legislation.

Mr. Speaker, the words that come to mind, as we debate this issue, the words that comes to mind are, ''at last.'' At last we are now embracing help for homeowners. We have worked for Wall Street, we have worked to do something for Main Street; it is now time to do something for ''Home Street,'' the street where people live, the street where people have their greatest investment.

Let's talk for just a moment about the concerns with reference to allowing bankruptcy to become a part of this process. My dear friends, bankruptcy is already a part of the process. If you own two, three, four or five homes, you may modify those homes in bankruptcy. If you only own one home as your principal home, that home is excluded from bankruptcy. The bankruptcy process ought to embrace people who have not been as fortunate as those who have five homes to the same extent that it embraces people who have but one place to call home. It is time to bring some equity into the process.

This equity is not prospective, it is retrospective. It only applies to homes that were closed on prior to the bill being enacted. It does not go forward. So this argument that it embraces interest rates into the future is not a correct argument. It only embraces the past, not the future.

And finally, I would say to you, as this is done, the homeowner has to attempt a workout before there can be judicial modification.

The safeguards are there. The opportunity is before us. The question is, do we want to protect Home Street to the same extent that we want to protect Main Street and Wall Street? There are people who are suffering, this is the opportunity to help them.

Ms. FOXX. Mr. Speaker, I am very pleased to yield 5 minutes to the ranking member of the Judiciary Committee, Mr. SMITH from Texas.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding.

Mr. Speaker, our country has fallen into a serious economic recession, a recession that is worsened by the foreclosure crisis.

Until we address the rising number of foreclosures, it will be difficult for the economy to recover. Some of what is in this bill we consider today will be helpful, such as providing loan officers a safe harbor from the threat of litigation if they offer borrowers meaningful loan modifications. But the bill also includes many counterproductive components, especially the bankruptcy provision. This bankruptcy provision not only will fail to solve the foreclosure crisis, but also will make the crisis deeper, longer and wider. Allowing bankruptcy judges to rewrite mortgages will increase the overall cost of loaning. Lenders and investors will hesitate to put up capital in the future if they fear that judges will rewrite the terms of their mortgage contracts. Less available capital and increased risk means that borrowers will pay higher interest rates in the future.

Allowing bankruptcy judges to rewrite mortgages will also encourage borrowers who owe more money on their mortgage than their house is worth to file for bankruptcy. Under this bill, a borrower will be able to reduce, for example, a $300,000 mortgage to $200,000. When housing prices rise in the future, that borrower has no obligation to pay back the $100,000, which of course amounts to a windfall.

Experts predict that this will provide an incentive for borrowers to file for bankruptcy so that they can avoid repaying the entire amount they owe. Also, if bankruptcy filings increase as a result of this legislation—which is virtually predicted by everyone—it is unlikely that the country's only 368 bankruptcy judges could handle perhaps millions of cases. This will prolong the crisis as borrowers wait years for their bankruptcy plan to be court approved.

In fact, even Senator DURBIN, the primary sponsor of this legislation in the Senate, stated that he is ''willing to restrict'' this legislation to subprime mortgages in an effort to make this proposal ''reasonable.''

Because it has been suggested that Senator DURBIN did not make these comments, I would like to submit the transcript of Senator DURBIN's remarks to be made part of the RECORD.

Mr. Speaker, the legislation we are considering today in the Housing Affordability and Stability Plan really amounts to another entitlement program, a program that comes at the expense of the 92 percent of homeowners who are making their payments on time. And it is a program that benefits lenders who wrote irresponsible loans and borrowers who borrowed more than they could afford. In other words, this legislation will punish the successful, tax the responsible, and hold no one accountable.

If we pass this legislation, what message does it send to responsible borrowers who are making their payments on time? How can we ask them to foot the bill for their neighbors' mortgages? What do homeowners think as they pay back the full amount of principal they owe while others receive a government-granted reduction in principal?

Mr. Speaker, we need to do everything we can to help solve the foreclosure crisis, but we need to do so in a manner that doesn't bankrupt the taxpayers or our financial system and that is fair to all. Unfortunately, this bill does not do that.

[From American Banker, Feb. 27, 2009]

TRANSCRIPT OF REMARKS BY SEN. DURBIN

The following is a transcript of remarks between Sen. Richard Durbin and an American Banker reporter, Tuesday evening after President Obama's speech to Congress.

AB Reporter: ''Sen. Durbin, do you have a moment today on bankruptcy reform?''

Sen. Durbin: ''Sure.''

AB Reporter: ''I know that in the House, at least regarding this week, the lenders are still trying to make the restrictions so that you have to exhaust all other recourses before bankruptcy pretty tough, even today I heard about making HUD or one of the regulators certify that you had a modification or something that didn't work before you could go through bankruptcy. What are your thoughts on what the standard ought to be?''

Sen. Durbin: ''I think that it is reasonable to require the borrower to be in communication for a reasonable time before they file for bankruptcy. You know if a borrower will not talk to a bank they should not be able to avail themselves but it's really difficult to write into law a measurement of good faith so the best you can do is give them an opportunity to meet. Remember 99% of foreclosed homes end up owned by the bank so it isn't as if they are going to end up coming out ahead if the person's losing their home. They get stuck with $50,000 in costs and a house to maintain; to protect from vandalism, and to show and try to sell, so the banks ought to be much more forthcoming. Every attempt we've tried, every voluntary attempt we've tried has failed. You have to have this bankruptcy provision as the last resort if there is a failure to negotiate the mortgage.''

AB Reporter: ''Do you know when the Senate might be taking this up?''

Sen. Durbin: ''After the House and we might change it of course. There are variations we're looking at. But I'm willing to restrict this to homeowners to eliminate speculators; to subprime mortgages, only those currently in existence. I want to make this a reasonable limited—

AB Reporter: ''You're willing to limit it to subprime mortgages?''

Sen. Durbin: ''We've talked about that as a possibility. But I am willing to negotiate. I want this to be a reasonable approach, but we have to include it. If we don't include it we'll be stuck in the same mess we're in today.''

AB Reporter: ''What about the time limitation as far as when the loans were originated. I understand there are some who

would like to see it limited to loan underwritten in the last few years?''

Sen. Durbin: ''My version will not be prospective. So it has to be existing loans.''

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to the distinguished chairperson of the Committee on the Judiciary, my good friend, Mr. CONYERS.

Mr. CONYERS. I thank the floor manager, Judge HASTINGS, for his kindness.

And I only rise to thank Dr. FOXX for her appreciation and pointing out to me one thing that we have added now to the manager's amendment, and that is the requirement of studies by the Government Accountability Office and other agencies, including the Office of Comptroller of Currency and the Office of Thrift Supervision. She appreciated that in the Rules Committee, I'm sure she does now, and I thank her for that important contribution.

And I would yield to her.

Ms. FOXX. If I could engage in a very short colloquy with the chairman of the Judiciary Committee.

Mr. CONYERS. Absolutely.

Ms. FOXX. I do thank you again for including my suggestions in the bill. As I said last week on the floor, and as I have indicated to you personally, I thank you very much. I wish we could have made the bill even better, but thank you.

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

Mr. HASTINGS of Florida. I yield the gentleman an additional 30 seconds.

Mr. CONYERS. She is giving me further instructions, so I'll see what I can do between now and the time we introduce the manager's amendment.

□ 1115

Ms. FOXX. Mr. Speaker, I now yield 2 minutes to my colleague from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentlewoman for yielding.

Mr. Speaker, I come from the State of California, which has been hit about as badly as any State in the Union with the burst of the housing bubble, and particularly my part of the State of California. So I know, and I am earnestly hopeful that we will enact legislation that will be a benefit to that phenomena that has occurred throughout this country.

However, I rise in opposition to this rule and rise in opposition to this bill precisely because of the inclusion of the bankruptcy cramdown provision. It is a classic example of the law of unintended consequences.

The gentleman came to the floor, the gentleman from Texas, just a moment ago, and said, look, we should treat this the way we do with other homes and other investment properties. That is an inept analogy in that if you look at chapter 13 right now and you do have a cramdown on a vacation home, for instance, from $550,000 to $500,000, that plan would require the entire thing to be paid back within 3 to 5 years.

That's not the proposal we have here on the floor with respect to the primary residence. This would be extended over 30 years. This would create an additional uncertainty in the marketplace so that the accessibility, the eligibility and the low rates that are now given in the arena of primary homes, as opposed to other homes or other investments, would be in jeopardy.

That's the thing that we have to understand. We are treated precisely, differently in bankruptcy court because we want to promote homeownership, we want to promote eligibility. We want to promote accessibility, and we want to promote low rates.

When you introduce an uncertainty like this, and we have in our minority report from the Judiciary Committee extensive reference to experts who say this is the case, when you introduce additional reduced risk, as you do here, you are going to jeopardize the accessibility and eligibility of these mortgages in the future to everybody, particularly those who are of the medium and low-income groups.

So sometimes we have got to learn on this floor that best intentions don't conclude with the best results. What we are doing here is working against the interests of the very people we claim to be helping.

Mr. HASTINGS of Florida. Mr. Speaker, I would inquire of the gentlelady from North Carolina if she has any remaining speakers?

Ms. FOXX. Yes, Mr. Speaker, I have several remaining speakers.

Mr. HASTINGS of Florida. Then I would reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I now would like to yield 2 minutes to my colleague from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentlelady from North Carolina.

Mr. Speaker, when a bank forecloses in a neighborhood, it certainly affects the values of the surrounding homes. But when a bankruptcy judge arbitrarily breaks the mortgage contract, it will lower values on houses everywhere. I rise today in opposition to the rule and also to the well intended but tragically flawed bill.

The Helping Families Save Their Homes Act of 2009 may live up to its name for a few people and for a very short time, but it does not stop home prices from falling. That, Mr. Speaker, is exactly what must happen for the economy to recover.

Nobody here wants to see his or her constituents lose their homes to foreclosure, but it is our responsibility, as leaders, as Members of Congress, to make sure that the laws we passed don't have severe, unintended consequences. As most economists agree, two things are causing housing prices to fall, first home builders overbuilt and there was a glut on the market, and the demand did not keep up with the supply.

Second, as long as perspective buyers expect prices to fall, they will continue to hold out buying. In doing so, there is a self-fulfilling prophecy here.

And like the two clauses of this crisis, this bill will have two consequences. Banks will most certainly require much higher down payments for future borrowers. Instead of 5 or 20 percent, borrowers will have to come up with, perhaps, 40 or 50 percent. Why, because of the uncertainty of is this amount of the mortgage going to hold?

Second, banks will certainly charge a higher interest rate than they do today. Under normal circumstances, some might consider that a good thing. But if this bill becomes law, the House prices will fall further, faster, and the economy will certainly follow.

As we have seen, many more people will lose their livelihoods and find themselves in a foreclosure. And, tragically, the families this legislation was supposed to help will find themselves underwater again. This is incredible danger here, and I urge my colleagues to vote against the rule.

Mr. HASTINGS of Florida. I continue to reserve.

Ms. FOXX. Mr. Speaker, I now yield 2 minutes to my colleague from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentlelady for yielding.

This rule and this bill are both blatantly unfair.

They are unfair to the working poor. They are unfair to the middle class. They are unfair to the community banks that have no blame in this housing crisis, for the most part. What it's going to do is it's going to hurt the people who have been responsible, and it's going to help those who have been irresponsible.

We have solutions. We, on our side, have offered many solutions that would stop this steamroll of socialism. This is another turn of the wheel of that steamroll of socialism that's being forced down the throats of the American people.

We have got to stop this. We have got to stop messing in people's business and hurting the people that this bill is intended to help. It's going to reward those who have been irresponsible. It's going to reward those who have been involved in greed, and it's going to hurt those people who are trying their best to have a home, to have a good value in their home.

We need to vote down this rule, we need to stop this bill. We need to stop this gross infringement on people's rights and privacy and lives that this Federal Government is doing.

We have to stop this steamroll of socialism, and I call upon my colleagues to vote down this rule and to vote down this bill.

Mr. HASTINGS of Florida. I continue to reserve, Mr. Speaker.

Ms. FOXX. Mr. Speaker, I now yield 2 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I rise in opposition to the rule and to the Helping Families Save Their Homes Act.

It's legislation that really will punish those who played by the rules, lived within their means, by forcing them to subsidize Americans who made irresponsible choices. This bill also throws good money after bad.

If the HOPE for Homeowners Program was intended to help 400,000 borrowers, the American people deserve to know that to date the program has assisted 43 borrowers, not 43,000, not 430, 43. The President said it was his goal to, quote, eliminate government programs that are not performing. We could start with the HOPE for Homeowners Program.

More than anything else, Mr. Speaker, we are witnessing a disturbing pattern here in Washington, one that rewards bad decisions at the expense of people that have made right choices. We saw it in the bailout of Wall Street under a prior administration and continued under the new one.

We saw this with the so-called stimulus bill that was designed to stem the rising tide in this economic crisis but was nothing more than a wish list of spending priorities put on the backs of our children and grandchildren. But today we should note more than 90 percent of Americans are paying their mortgages on time and meeting their financial obligations, even in these difficult days, let me say with authority as we consider this bill.

People back in Indiana don't want a handout. They don't want to turn a blind eye to people who, through no fault of their own, found themselves in loans in which they should not have been engaged, but Hoosiers don't want to be put on the hook for a handout for people who knowingly made bad choices.

These are tough times. We should all be willing to make the sacrifices necessary to weather this economic storm, but we to begin by reaffirming the principle of personal responsibility.

The bill before us fails this essential standard. Rewarding bad behavior will not solve our problems, it will only worsen them. We should reject this bill. We should pursue the kinds of policies that put personal responsibility first and ultimately create the incentive for Americans who have invested in their homes and in their lives to continue to expand and prosper.

Mr. HASTINGS of Florida. I continue to reserve.

Ms. FOXX. Mr. Speaker, I want to thank all of my colleagues who have come today to speak on this rule. They have been extremely eloquent in explaining why we are opposed to this rule and the underlying bill.

We are in a terrible situation in this country in terms of our economic situation. And what this bill is going to do is it's going to have the effect of making the current situation even worse, and let me explain a little bit why that is the case.

This bill is going to require that banks have increased capital reserves, which is going to mean we are going to have decreased lending of all types. Every day I hear from people across the country, particularly developers, who say they cannot get loans, there is no capital out there, and it is hurting our economy. Some of us wonder if our colleagues understand this and understand that the effect of this bill is to make the economy worse and wonder if that is an intention for this bill.

I think that we have to say that we had hoped that the bill that was pulled last week was going to come back as a better bill, and yet it has not. It's made this underlying bill either worse or it's simply window dressing.

The new rule that has come in is basically not doing anything to help our situation and it's not helping the underlying bill. There was a promise that this was going to be better. We knew there were moderates on the other side who were having problems voting for this rule and voting for this bill. They have now, I think, been fooled into thinking that this is a better bill. It is not.

As my colleagues have so eloquently said, there is a reward for irresponsibility and punishment for responsibility. We have heard the President say over and over and over, we need a new era of responsibility and accountability. This does just the opposite. This rule and this bill deserve the emperor's new clothes award because it doesn't do anything that they pretend it is going to do.

I urge my colleagues to vote ''no'' on the rule and vote ''no'' on the bill when it comes up.

I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the remainder of our time.

This is a good rule, Mr. Speaker, that not only addresses our current housing crisis but it also more precisely targets relief to those who need it most.

In January of this year alone, in St. Lucie County that I am privileged to serve, there was 1,372 home foreclosures, according to RealtyTrac. This was the second highest foreclosure rate in my State of Florida, up 44 percent from the previous year.

This legislation is not a giveaway, it is not welfare, it is a collective bill that will help those who have played by the rules. We must lay the foundation in this country to help us get out of this crisis, and we must make every effort to rebuild this country. We can't turn a blind eye to the nearly 6 million households in America that are possibly facing foreclosure.

Therefore, I urge my colleagues to support this rule that will put this great Nation back on track and will give millions of Americans the opportunity to continue living in their homes.

I urge a ''yes'' vote on the previous question and on the rule.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 205 will be followed by 5-minute votes on the motion to suspend the rules on House Resolution 146, if ordered, and the motion to suspend the rules on House Concurrent Resolution 14, if ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 181, answered ''present'' 1, not voting 10, as follows:

[Roll No. 97]

YEAS—239

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

Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—181

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

ANSWERED ''PRESENT''—1

Kaptur

NOT VOTING—10

Cao
Davis (IL)
Ehlers
Hinojosa
Melancon
Miller, Gary
Perriello
Schock
Speier
Stark

□ 1155

Messrs. BOUSTANY and MILLER of Florida changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. SCHOCK. Mr. Speaker, on rollcall No. 97, Rule for H.R. 1106, had I been present, I would have voted "nay."

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and all who serve in our Armed Forces and their families.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

READ ACROSS AMERICA DAY

The SPEAKER pro tempore (Mr. PASTOR of Arizona). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 146.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 146.

The question was taken.

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

Mr. CROWLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 14, as follows:

[Roll No. 98]

YEAS—417

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz

Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—14

Cao
Cleaver
Davis (IL)
Ehlers
Hall (NY)
Hinojosa
McKeon
Melancon
Miller, Gary
Miller, George
Perriello
Rush
Speier
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1205

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF MULTIPLE SCLEROSIS AWARENESS WEEK

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 14.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 14.

The question was taken.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 0, not voting 15, as follows:

[Roll No. 99]

AYES—416

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Griffith
Grijalva
Guthrie
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Cao
Davis (IL)
Ehlers
Green, Gene
Gutierrez
Hall (NY)
Hinojosa
McKeon
Melancon
Miller, Gary
Miller, George
Perriello
Rodriguez
Speier
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1213

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 99, had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. GEORGE MILLER of California. Mr. Speaker, as Chairman of the Committee on Education and Labor, I was called to the White House for a series of meetings with the President on health care reform. Accordingly, I missed two votes, that on H. Res. 146 (rollcall vote No. 98) and H. Con. Res. 14 (rollcall vote No. 99). Had I been present, I would have voted in favor of both resolutions.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members be granted 5 legislative days to revise and extend their remarks on H.R. 1106, as well as to include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 205 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1106.

□ 1215

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability, with Mr. SALAZAR (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, February 26, 2009, all time for general debate pursuant to House Resolution 190 had expired.

Pursuant to House Resolution 205, amendment No. 1, printed in House Report 111–21, shall be considered as perfected by the modification printed in House Report 111–23.

Pursuant to House Resolution 190, the bill shall be considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 1106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as ''Helping Families Save Their Homes Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is the following:

Sec. 1. Short title; table of contents.

TITLE I—PREVENTION OF MORTGAGE FORECLOSURES

Subtitle A—Modification of Residential Mortgages

Sec. 101. Eligibility for relief.
Sec. 102. Prohibiting claims arising from violations of the Truth in Lending Act.
Sec. 103. Authority to modify certain mortgages.
Sec. 104. Combating excessive fees.
Sec. 105. Confirmation of plan.
Sec. 106. Discharge.
Sec. 107. Standing trustee fees.
Sec. 108. Effective date; application of amendments.

Subtitle B—Related Mortgage Modification Provisions

Sec. 121. Adjustments as a result of modification in bankruptcy of housing loans guaranteed by the department of veterans affairs.
Sec. 122. Payment of FHA mortgage insurance benefits.
Sec. 123. Adjustments as result of modification of rural single family housing loans in bankruptcy.
Sec. 124. Unenforceability of certain provision as being contrary to public policy.

TITLE II—FORECLOSURE MITIGATION AND CREDIT AVAILABILITY

Sec. 201. Servicer safe harbor for mortgage loan modifications.
Sec. 202. Changes to HOPE for Homeowners Program.
Sec. 203. Requirements for FHA-approved mortgagees.
Sec. 204. Enhancement of liquidity and stability of insured depository institutions to ensure availability of credit and reduction of foreclosures.

TITLE I—PREVENTION OF MORTGAGE FORECLOSURES

Subtitle A—Modification of Residential Mortgages

SEC. 101. ELIGIBILITY FOR RELIEF.

Section 109 of title 11, United States Code, is amended—

(1) by adding at the end of subsection (e) the following: ''For purposes of this subsection, the computation of debts shall not include the secured or unsecured portions of—

''(1) debts secured by the debtor's principal residence if the value of such residence as of the date of the order for relief under chapter 13 is less than the applicable maximum amount of noncontingent, liquidated, secured debts specified in this subsection; or

''(2) debts secured or formerly secured by what was the debtor's principal residence that was sold in foreclosure or that the debtor surrendered to the creditor if the value of such real property as of the date of the order for relief under chapter 13 was less than the applicable maximum amount of noncontingent, liquidated, secured debts specified in this subsection.'', and

(2) by adding at the end of subsection (h) the following:

''(5) The requirements of paragraph (1) shall not apply in a case under chapter 13 with respect to a debtor who submits to the court a certification that the debtor has received notice that the holder of a claim secured by the debtor's principal residence may commence a foreclosure on the debtor's principal residence.''.

SEC. 102. PROHIBITING CLAIMS ARISING FROM VIOLATIONS OF THE TRUTH IN LENDING ACT.

Section 502(b) of title 11, 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) the claim for a loan secured by a security interest in the debtor's principal residence is subject to a remedy for rescission under the Truth in Lending Act notwithstanding the prior entry of a foreclosure judgment, except that nothing in this paragraph shall be construed to modify, impair, or supersede any other right of the debtor.''.

SEC. 103. AUTHORITY TO MODIFY CERTAIN MORTGAGES.

Section 1322 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (11) as paragraph (12),

(B) in paragraph (10) by striking ''and'' at the end, and

(C) by inserting after paragraph (10) the following:

''(11) notwithstanding paragraph (2), with respect to a claim for a loan originated before the effective date of this paragraph and secured by a security interest in the debtor's principal residence that is the subject of a notice that a foreclosure may be commenced with respect to such loan, modify the rights of the holder of such claim (and the rights of the holder of any claim secured by a subordinate security interest in such residence)—

''(A) by providing for payment of the amount of the allowed secured claim as determined under section 506(a)(1);

''(B) if any applicable rate of interest is adjustable under the terms of such loan by prohibiting, reducing, or delaying adjustments to such rate of interest applicable on and after the date of filing of the plan;

''(C) by modifying the terms and conditions of such loan—

''(i) to extend the repayment period for a period that is no longer than the longer of 40 years (reduced by the period for which such loan has been outstanding) or the remaining term of such loan, beginning on the date of the order for relief under this chapter; and

''(ii) to provide for the payment of interest accruing after the date of the order for relief under this chapter at a fixed annual rate equal to the currently applicable average prime offer rate as of the date of the order for relief under this chapter, corresponding to the repayment term determined under the preceding paragraph, as published by the Federal Financial Institutions Examination Council in its table entitled 'Average Prime Offer Rates—Fixed', plus a reasonable premium for risk; and

''(D) by providing for payments of such modified loan directly to the holder of the claim or, at the discretion of the court, through the trustee during the term of the plan; and'', and

(2) by adding at the end the following:

''(g) A claim may be reduced under subsection (b)(11)(A) only on the condition that if the debtor sells the principal residence securing such claim, before completing all payments under the plan (or, if applicable, before receiving a discharge under section 1328(b)) and receives net proceeds from the sale of such residence, then the debtor agrees to pay to such holder not later than 15 days after receiving such proceeds—

''(1) if such residence is sold in the 1st year occurring after the effective date of the plan, 80 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under section 1322(b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection;

''(2) if such residence is sold in the 2d year occurring after the effective date of the plan, 60 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under section 1322(b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection;

''(3) if such residence is sold in the 3d year occurring after the effective date of the plan, 40 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under section 1322(b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection; and

''(4) if such residence is sold in the 4th year occurring after the effective date of the plan, 20 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under section 1322(b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection.

''(h) With respect to a claim of the kind described in subsection (b)(11), the plan may not contain a modification under the authority of subsection (b)(11)—

''(1) in a case commenced under this chapter after the expiration of the 15-day period beginning on the effective date of this subsection, unless—

''(A) the debtor certifies that the debtor attempted, not less than 15 days before the commencement of the case, to contact the holder of such claim (or the entity collecting payments on behalf of such holder) regarding modification of the loan that is the subject of such claim; or

''(B) a foreclosure sale is scheduled to occur on a date in the 30-day period beginning on the date the case is commenced; and

''(2) in any other case pending under this chapter, unless the debtor certifies that the debtor attempted to contact the holder of such claim (or the entity collecting payments on behalf of such holder) regarding modification of the loan that is the subject of such claim, before—

''(A) filing a plan under section 1321 that contains a modification under the authority of subsection (b)(11); or

''(B) modifying a plan under section 1323 or 1329 to contain a modification under the authority of subsection (b)(11).

''(i) In determining the holder's allowed secured claim under section 506(a)(1) for purposes of subsection (b)(11)(A), the value of the debtor's principal residence shall be the fair market value of such residence on the date such value is determined.''.

SEC. 104. COMBATING EXCESSIVE FEES.

Section 1322(c) of title 11, United States Code, is amended—

(1) in paragraph (1) by striking ''and'' at the end,

(2) in paragraph (2) by striking the period at the end and inserting a semicolon, and

(3) by adding at the end the following:

''(3) the debtor, the debtor's property, and property of the estate are not liable for a fee, cost, or charge that is incurred while the case is pending and arises from a debt that is secured by the debtor's principal residence except to the extent that—

''(A) the holder of the claim for such debt files with the court and serves on the trustee, the debtor, and the debtor's attorney (annually or, in order to permit filing consistent with clause (ii), at such more frequent periodicity as the court determines necessary) notice of such fee, cost, or charge before the earlier of—

''(i) 1 year after such fee, cost, or charge is incurred; or

''(ii) 60 days before the closing of the case; and

''(B) such fee, cost, or charge—

''(i) is lawful under applicable nonbankruptcy law, reasonable, and provided for in the applicable security agreement; and

''(ii) is secured by property the value of which is greater than the amount of such claim, including such fee, cost, or charge;

''(4) the failure of a party to give notice described in paragraph (3) shall be deemed a waiver of any claim for fees, costs, or charges described in paragraph (3) for all purposes, and any attempt to collect such fees, costs, or charges shall constitute a violation of section 524(a)(2) or, if the violation occurs before the date of discharge, of section 362(a); and

''(5) a plan may provide for the waiver of any prepayment penalty on a claim secured by the debtor's principal residence.''.

SEC. 105. CONFIRMATION OF PLAN.

Section 1325(a) of title 11, United States Code, is amended—

(1) in paragraph (5) by inserting ''except as otherwise provided in section 1322(b)(11),'' after ''(5)'',

(2) in paragraph (8) by striking ''and'' at the end,

(3) in paragraph (9) by striking the period at the end and inserting a semicolon, and

(4) by inserting after paragraph (9) the following:

''(10) notwithstanding subclause (I) of paragraph (5)(B)(i), whenever the plan modifies a claim in accordance with section 1322(b)(11), the holder of a claim whose rights are modified pursuant to section 1322(b)(11) shall retain the lien until the later of—

''(A) the payment of such holder's allowed secured claim; or

''(B) completion of all payments under the plan (or, if applicable, receipt of a discharge under section 1328(b)); and

''(11) whenever the plan modifies a claim in accordance with section 1322(b)(11), the court finds that such modification is in good faith and does not find that the debtor has been convicted of obtaining by actual fraud the extension, renewal, or refinancing of credit that gives rise to a modified claim.''.

SEC. 106. DISCHARGE.

Section 1328(a) of title 11, United States Code, is amended—

(1) by inserting ''(other than payments to holders of claims whose rights are modified under section 1322(b)(11))'' after ''paid'', and

(2) in paragraph (1) by inserting ''or, to the extent of the unpaid portion of an allowed secured claim, provided for in section 1322(b)(11)'' after ''1322(b)(5)''.

SEC. 107. STANDING TRUSTEE FEES.

(a) AMENDMENT TO TITLE 28.—Section 586(e)(1)(B)(i) of title 28, United States Code, is amended—

(1) by inserting ''(I) except as provided in subparagraph (II)'' after ''(i)'',

(2) by striking ''or'' at the end and inserting ''and'', and

(3) by adding at the end the following:

''(II) 4 percent with respect to payments received under section 1322(b)(11) of title 11 by the individual as a result of the operation of section 1322(b)(11)(D) of title 11, unless the bankruptcy court waives all fees with respect to such payments based on a determination that such individual has income less than 150 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved and payment of such fees would render the debtor's plan infeasible.''.

(b) CONFORMING PROVISION.—The amendments made by this section shall apply to any trustee to whom the provisions of section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99–554; 100 Stat. 3121) apply.

SEC. 108. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this subtitle and the amendments made by this subtitle shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this subtitle shall apply with respect to cases commenced under title 11 of the United States Code before, on, or after the date of the enactment of this Act.

(2) LIMITATION.—Paragraph (1) shall not apply with respect to cases closed under title 11 of the United States Code as of the date of the enactment of this Act that are neither pending on appeal in, nor appealable to, any court of the United States.

Subtitle B—Related Mortgage Modification Provisions

SEC. 121. ADJUSTMENTS AS A RESULT OF MODIFICATION IN BANKRUPTCY OF HOUSING LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subsection (a) of section 3732 of title 38, United States Code is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (2) as subparagraph (A) of paragraph (2), and

(2) by inserting after subparagraph (A) the following new subparagraph:

''(B) In the event that a housing loan guaranteed under this chapter is modified under the authority provided under section 1322(b) of title 11, United States Code, the Secretary may pay the holder of the obligation the unpaid balance of the obligation due as of the date of the filing of the petition under title 11, United States Code, plus accrued interest, but only upon the assignment, transfer, and delivery to the Secretary (in a form and manner satisfactory to the Secretary) of all rights, interest, claims, evidence, and records with respect to the housing loan.''.

(b) MATURITY OF HOUSING LOANS.—Paragraph (1) of section (d) of section 3703 of title 38, United States Code, is amended by inserting ''at the time of origination'' after ''loan''.

(c) IMPLEMENTATION.—The Secretary of Veterans Affairs may implement the amendments made by this section through notice, procedure notice, or administrative notice.

SEC. 122. PAYMENT OF FHA MORTGAGE INSURANCE BENEFITS.

(a) IN GENERAL.—Subsection (a) of section 204 of the National Housing Act (12 U.S.C. 1710(a)) is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

''(E) MODIFICATION OF MORTGAGE IN BANKRUPTCY.—

''(i) AUTHORITY.—If an order is entered under the authority provided under section 1322(b) of title 11, United States Code, that (a) determines the amount of an allowed secured claim under a mortgage in accordance with section 506(a)(1) of title 11, United States Code, and the amount of such allowed secured claim is less than the amount due under the mortgage as of the date of the filing of the petition under title 11, United States Code, or (b) reduces the interest to be paid under a mortgage in accordance with section 1325 of such title, the Secretary may pay insurance benefits for the mortgage as follows:

''(I) FULL PAYMENT AND ASSIGNMENT.—The Secretary may pay the insurance benefits for the mortgage, but only upon the assignment, transfer, and delivery to the Secretary of all rights, interest, claims, evidence, and records with respect to the mortgage specified in clauses (i) through (iv) of paragraph (1)(A). The insurance benefits shall be paid in the amount equal to the original principal obligation of the mortgage (with such additions and deductions as the Secretary determines are appropriate) which was unpaid upon the date of the filing of by the mortgagor of the petition under title 11 of the United States Code. Nothing in this Act may be construed to prevent the Secretary from providing insurance under this title for a mortgage that has previously been assigned to the Secretary under this subclause. The decision of whether to utilize the authority under this subclause for payment and assignment shall be at the election of the mortgagee, subject to such terms and conditions as the Secretary may establish.

''(II) ASSIGNMENT OF UNSECURED CLAIM.—The Secretary may make a partial payment of the insurance benefits for any unsecured claim under the mortgage, but only upon the assignment to the Secretary of any unsecured claim of the mortgagee against the mortgagor or others arising out of such order. Such assignment shall be deemed valid irrespective of whether such claim has been or will be discharged under title 11 of the United States Code. The insurance benefits shall be paid in the amount specified in subclause (I) of this clause, as such amount

is reduced by the amount of the allowed secured claim. Such allowed secured claim shall continue to be insured under section 203.

''(III) INTEREST PAYMENTS.—The Secretary may make periodic payments, or a one-time payment, of insurance benefits for interest payments that are reduced pursuant to such order, as determined by the Secretary, but only upon assignment to the Secretary of all rights and interest related to such payments.

''(ii) DELIVERY OF EVIDENCE OF ENTRY OF ORDER.—Notwithstanding any other provision of this paragraph, no insurance benefits may be paid pursuant to this subparagraph for a mortgage before delivery to the Secretary of evidence of the entry of the order issued pursuant to title 11, United States Code, in a form satisfactory to the Secretary.'';

(2) in paragraph (5), in the matter preceding subparagraph (A), by inserting after ''section 520, and'' the following: '', except as provided in paragraph (1)(E),''; and

(3) by adding at the end the following new paragraph:

''(10) LOAN MODIFICATION PROGRAM.—

''(A) AUTHORITY.—The Secretary may carry out a program solely to encourage loan modifications for eligible delinquent mortgages through the payment of insurance benefits and assignment of the mortgage to the Secretary and the subsequent modification of the terms of the mortgage according to a loan modification approved by the mortgagee.

''(B) PAYMENT OF BENEFITS AND ASSIGNMENT.—Under the program under this paragraph, the Secretary may pay insurance benefits for a mortgage, in the amount determined in accordance with paragraph (5)(A), without reduction for any amounts modified, but only upon the assignment, transfer, and delivery to the Secretary of all rights, interest, claims, evidence, and records with respect to the mortgage specified in clauses (i) through (iv) of paragraph (1)(A).

''(C) DISPOSITION.—After modification of a mortgage pursuant to this paragraph, the Secretary may provide insurance under this title for the mortgage. The Secretary may subsequently—

''(i) re-assign the mortgage to the mortgagee under terms and conditions as are agreed to by the mortgagee and the Secretary;

''(ii) act as a Government National Mortgage Association issuer, or contract with an entity for such purpose, in order to pool the mortgage into a Government National Mortgage Association security; or

''(iii) re-sell the mortgage in accordance with any program that has been established for purchase by the Federal Government of mortgages insured under this title, and the Secretary may coordinate standards for interest rate reductions available for loan modification with interest rates established for such purchase.

''(D) LOAN SERVICING.—In carrying out the program under this section, the Secretary may require the existing servicer of a mortgage assigned to the Secretary under the program to continue servicing the mortgage as an agent of the Secretary during the period that the Secretary acquires and holds the mortgage for the purpose of modifying the terms of the mortgage. If the mortgage is resold pursuant to subparagraph (C)(iii), the Secretary may provide for the existing servicer to continue to service the mortgage or may engage another entity to service the mortgage.''.

(b) AMENDMENT TO PARTIAL CLAIM AUTHORITY.—Paragraph (1) of section 230(b) of the National Housing Act (12 U.S.C. 1715u(b)(1)) is amended by striking ''12 of the monthly mortgage payments'' and inserting ''30 percent of the unpaid principal balance of the mortgage''.

(c) IMPLEMENTATION.—The Secretary of Housing and Urban Development may implement the amendments made by this section through notice or mortgagee letter.

SEC. 123. ADJUSTMENTS AS RESULT OF MODIFICATION OF RURAL SINGLE FAMILY HOUSING LOANS IN BANKRUPTCY.

(a) GUARANTEED RURAL HOUSING LOANS.—Subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) in paragraph (7)—

(A) in subparagraph (A), by inserting before the period at the end the following: '', unless the maturity date of the loan is modified in a bankruptcy proceeding or at the discretion of the Secretary''; and

(B) in subparagraph (B), by inserting before the semicolon the following: '', unless such rate is modified in a bankruptcy proceeding'';

(2) by redesignating paragraphs (13) and (14) as paragraphs (14) and (15), respectively; and

(3) by inserting after paragraph (12) the following new paragraph:

''(13) PAYMENT OF GUARANTEE.—In addition to all other authorities to pay a guarantee claim, the Secretary may also pay the guaranteed portion of any losses incurred by the holder of a note or the servicer resulting from a modification of a note by a bankruptcy proceeding.''.

(b) INSURED RURAL HOUSING LOANS.—Subsection (j) of section 517 of the Housing Act of 1949 (42 U.S.C. 1487(j)) is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) to pay for losses incurred by holders or servicers in the event of a modification pursuant to a bankruptcy proceeding;''.

(c) IMPLEMENTATION.—The Secretary of Agriculture may implement the amendments made by this section through notice, procedure notice, or administrative notice.

SEC. 124. UNENFORCEABILITY OF CERTAIN PROVISION AS BEING CONTRARY TO PUBLIC POLICY.

No provision in any investment contract between a servicer and a securitization vehicle or investor in effect as of the date of enactment of this Act that requires excess bankruptcy losses that exceed a certain dollar amount on residential mortgages to be borne by classes of certificates on a pro rata basis that refers to types of bankruptcy losses that could not have been incurred under the law in effect at the time such contract was entered into shall be enforceable, as such provision shall be contrary to public policy. Notwithstanding this section, such reference to types of bankruptcy losses that could have been incurred under the law in effect at the time such contract was entered into shall be enforceable.

TITLE II—FORECLOSURE MITIGATION AND CREDIT AVAILABILITY

SEC. 201. SERVICER SAFE HARBOR FOR MORTGAGE LOAN MODIFICATIONS.

(a) SAFE HARBOR.—

(1) LOAN MODIFICATIONS AND WORKOUT PLANS.—Notwithstanding any other provision of law, and notwithstanding any investment contract between a servicer and a securitization vehicle or investor, a servicer that acts consistent with the duty set forth in section 129A(a) of Truth in Lending Act (15 U.S.C. 1639a) shall not be liable for entering into a loan modification, workout, or other loss mitigation plan, including, but not limited to, disposition with respect to any such mortgage that meets all of the criteria set forth in paragraph (2)(B) to—

(A) any person, based on that person's ownership of a residential mortgage loan or any interest in a pool of residential mortgage loans or in securities that distribute payments out of the principal, interest and other payments in loans on the pool;

(B) any person who is obligated pursuant to a derivatives instrument to make payments determined in reference to any loan or any interest referred to in subparagraph (A); or

(C) any person that insures any loan or any interest referred to in subparagraph (A) under any law or regulation of the United States or any law or regulation of any State or political subdivision of any State.

(2) ABILITY TO MODIFY MORTGAGES.—

(A) ABILITY.—Notwithstanding any other provision of law, and notwithstanding any investment contract between a servicer and a securitization vehicle or investor, a servicer—

(i) shall not be limited in the ability to modify mortgages, the number of mortgages that can be modified, the frequency of loan modifications, or the range of permissible modifications; and

(ii) shall not be obligated to repurchase loans from or otherwise make payments to the securitization vehicle on account of a modification, workout, or other loss mitigation plan for a residential mortgage or a class of residential mortgages that constitute a part or all of the mortgages in the securitization vehicle,

if any mortgage so modified meets all of the criteria set forth in subparagraph (B).

(B) CRITERIA.—The criteria under this subparagraph with respect to a mortgage are as follows:

(i) Default on the payment of such mortgage has occurred or is reasonably foreseeable.

(ii) The property securing such mortgage is occupied by the mortgagor of such mortgage.

(iii) The servicer reasonably and in good faith believes that the anticipated recovery on the principal outstanding obligation of the mortgage under the particular modification or workout plan or other loss mitigation action will exceed, on a net present value basis, the anticipated recovery on the principal outstanding obligation of the mortgage to be realized through foreclosure.

(3) APPLICABILITY.—This subsection shall apply only with respect to modifications, workouts, and other loss mitigation plans initiated before January 1, 2012.

(b) REPORTING.—Each servicer that engages in loan modifications or workout plans subject to the safe harbor in subsection (a) shall report to the Secretary on a regular basis regarding the extent, scope and results of the servicer's modification activities. The Secretary shall prescribe regulations specifying the form, content, and timing of such reports.

(c) DEFINITION OF SECURITIZATION VEHICLES.—For purposes of this section, the term ''securitization vehicle'' means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(1) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans; and

(2) holds such mortgages.

SEC. 202. CHANGES TO HOPE FOR HOMEOWNERS PROGRAM.

(a) PROGRAM CHANGES.—Section 257 of the National Housing Act (12 U.S.C. 1715z–23) is amended—

(1) in subsection (c)—

(A) in the heading for paragraph (1), by striking ''THE BOARD'' and inserting ''SECRETARY'';

(B) in paragraph (1), by striking ''Board'' inserting ''Secretary, after consultation with the Board,''; and

(C) by adding after paragraph (2) the following:

''(3) DUTIES OF BOARD.—The Board shall advise the Secretary regarding the establishment and implementation of the HOPE for Homeowners Program.''.

(2) by striking ''Board'' each place such term appears in subsections (e), (h)(1), (h)(3), (j), (l), (n), (s)(3), and (v) and inserting ''Secretary'';

(3) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

''(1) BORROWER CERTIFICATION.—

''(A) NO INTENTIONAL DEFAULT OR FALSE INFORMATION.—The mortgagor shall provide a certification to the Secretary that the mortgagor has not intentionally defaulted on the existing mortgage or mortgages and has not knowingly, or willfully and with actual knowledge, furnished material information known to be false for the purpose of obtaining the eligible mortgage to be insured.

''(B) LIABILITY FOR REPAYMENT.—The mortgagor shall agree in writing that the mortgagor shall be liable to repay to the Secretary any direct financial benefit achieved from the reduction of indebtedness on the existing mortgage or mortgages on the residence refinanced under this section derived from misrepresentations made by the mortgagor in the certifications and documentation required under this paragraph, subject to the discretion of the Secretary.'';

(B) in paragraph (7), by striking the semicolon and all that follows through ''new second lien'';

(C) in paragraph (9)—

(i) by striking ''by procuring (A) an income tax return transcript of the income tax return of the mortgagor, or (B)'' and inserting ''in accordance with procedures and standards that the Secretary shall establish, which may include requiring the mortgagee to procure''; and

(ii) by striking ''and by any other method, in accordance with procedures and standards that the Board shall establish''; and

(D) by adding after paragraph (11) the following new paragraph:

''(12) BAN ON MILLIONAIRES.—The mortgagor shall not have a net worth, as of the date the mortgagor first applies for a mortgage to be insured under the Program under this section, that exceeds $1,000,000.'';

(4) in subsection (h)(2)—

(A) by striking ''The Board shall prohibit the Secretary from paying'' and inserting ''The Secretary shall not pay''; and

(B) by inserting after the period at the end the following: ''In implementing this provision with respect to a failure by a mortgagor to make a first payment, the Secretary shall establish policies and timing of endorsements as consistent as is possible with endorsement policies established with respect to mortgages insured under section 203(b)'';

(5) in subsection (i)—

(A) by inserting '', after weighing maximization of participation with consideration of collection of premiums,'' after ''Secretary shall'';

(B) in paragraph (1), by striking ''equal to 3 percent'' and inserting ''not more than 2 percent''; and

(C) in paragraph (2), by striking ''equal to 1.5 percent'' and inserting ''not more than 1 percent'';

(6) in subsection (k)—

(A) by striking the subsection heading and inserting ''EXIT FEE'';

(B) in paragraph (1), in the matter preceding subparagraph (A), by striking ''such sale or refinancing'' and inserting ''the mortgage being insured under this section''; and

(C) in paragraph (2), by striking ''and the mortgagor'' and all that follows through the end and inserting ''may, upon any sale or disposition of the property to which the mortgage relates, be entitled to up to 50 percent of appreciation, up to the appraised value of the home at the time when the mortgage being refinanced under this section was originally made. The Secretary may share any amounts received under this paragraph with the holder of the eligible mortgage refinanced under this section.'';

(7) in the heading for subsection (n), by striking ''THE BOARD'' and inserting ''SECRETARY'';

(8) in subsection (p), by striking ''Under the direction of the Board, the'' and inserting ''The'';

(9) in subsection (s)—

(A) in the first sentence of paragraph (2), by striking ''Board of Directors of'' and inserting ''Advisory Board for''; and

(B) in paragraph (3)(A)(ii), by striking ''subsection (e)(1)(B) and such other'' and inserting ''such'';

(10) in subsection (v), by inserting after the period at the end the following: ''The Secretary shall conform documents, forms, and procedures for mortgages insured under this section to those in place for mortgages insured under section 203(b) to the maximum extent possible consistent with the requirements of this section.''; and

(11) by adding at the end the following new subsections:

''(x) PAYMENT TO EXISTING LOAN SERVICER.—The Secretary may establish a payment to the servicer of the existing senior mortgage for every loan insured under the HOPE for Homeowners Program in an amount, for each such loan, that does not exceed $1,000.

''(y) AUCTIONS.—The Secretary, with the concurrence of the Board, shall, if feasible, establish a structure and organize procedures for an auction to refinance eligible mortgages on a wholesale or bulk basis.''.

(b) REDUCING TARP FUNDS TO OFFSET COSTS OF PROGRAM CHANGES.—Paragraph (3) of section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) is amended by inserting '', as such amount is reduced by $2,316,000,000,'' after ''$700,000,000,000''.

SEC. 203. REQUIREMENTS FOR FHA-APPROVED MORTGAGEES.

(a) MORTGAGEE REVIEW BOARD.—Paragraph (2) of section 202(c) of the National Housing Act (12 U.S.C. 1708(c)) is amended—

(1) in subparagraph (E), by inserting ''and'' after the semicolon;

(2) in subparagraph (F), by striking ''; and'' and inserting a period; and

(3) by striking subparagraph (G).

(b) LIMITATIONS ON PARTICIPATION AND MORTGAGEE APPROVAL AND USE OF NAME.—Section 202 of the National Housing Act (12 U.S.C. 1708) is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(2) by inserting after subsection (c) the following new subsection:

''(d) LIMITATIONS ON PARTICIPATION IN ORIGINATION AND MORTGAGEE APPROVAL.—

''(1) REQUIREMENT.—Any person or entity that is not approved by the Secretary to serve as a mortgagee, as such term is defined in subsection (c)(7), shall not participate in the origination of an FHA-insured loan except as authorized by the Secretary.

''(2) ELIGIBILITY FOR APPROVAL.—In order to be eligible for approval by the Secretary, an applicant mortgagee shall not be, and shall not have any officer, partner, director, principal, or employee of the applicant mortgagee who is—

''(A) currently suspended, debarred, under a limited denial of participation (LDP), or otherwise restricted under part 24 or 25 of title 24 of the Code of Federal Regulations, or any successor regulations to such parts, or under similar provisions of any other Federal agency;

''(B) under indictment for, or has been convicted of, an offense that reflects adversely upon the applicant's integrity, competence or fitness to meet the responsibilities of an approved mortgagee;

''(C) subject to unresolved findings contained in a Department of Housing and Urban Development or other governmental audit, investigation, or review;

''(D) engaged in business practices that do not conform to generally accepted practices of prudent mortgagees or that demonstrate irresponsibility;

''(E) convicted of, or who has pled guilty or nolo contendre to, a felony related to participation in the real estate or mortgage loan industry—

''(i) during the 7-year period preceding the date of the application for licensing and registration; or

''(ii) at any time preceding such date of application, if such felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering;

''(F) in violation of provisions of the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) or any applicable provision of State law; or

''(G) in violation of any other requirement as established by the Secretary.''; and

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

''(h) USE OF NAME.—The Secretary shall, by regulation, require each mortgagee approved by the Secretary for participation in the FHA mortgage insurance programs of the Secretary—

''(1) to use the business name of the mortgagee that is registered with the Secretary in connection with such approval in all advertisements and promotional materials, as such terms are defined by the Secretary, relating to the business of such mortgagee in such mortgage insurance programs; and

''(2) to maintain copies of all such advertisements and promotional materials, in such form and for such period as the Secretary requires.''.

(c) CHANGE OF STATUS.—The National Housing Act is amended by striking section 532 (12 U.S.C. 1735f–10) and inserting the following new section:

''SEC. 532. CHANGE OF MORTGAGEE STATUS.

''(a) NOTIFICATION.—Upon the occurrence of any action described in subsection (b), an approved mortgagee shall immediately submit to the Secretary, in writing, notification of such occurrence.

''(b) ACTIONS.—The actions described in this subsection are as follows:

''(1) The debarment, suspension of a Limited Denial of Participation (LDP), or application of other sanctions, fines, or penalties applied to the mortgagee or to any officer, partner, director, principal, manager, supervisor, loan processor, loan underwriter, or loan originator of the mortgagee pursuant to applicable provisions of State or Federal law.

''(2) The revocation of a State-issued mortgage loan originator license issued pursuant to the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) or any other similar declaration of ineligibility pursuant to State law.''.

(d) CIVIL MONEY PENALTIES.—Section 536 of the National Housing Act (12 U.S.C. 1735f–14) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ''or any of its owners, officers, or directors'' after ''mortgagee or lender'';

(ii) in subparagraph (H), by striking ''title I'' and all that follows through ''Act of 1989)'' and inserting ''title I or II''; and

(iii) by inserting after subparagraph (J) the following:

''(K) Violation of section 202(d) of this Act (12 U.S.C. 1708(d)).''; and

(B) in paragraph (2)—

(i) in subparagraph (B), by striking ''or'' at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following new subparagraph:

''(D) causing or participating in any of the violations set forth in paragraph (1) of this subsection.''; and

(2) in subsection (g), by striking ''The term'' and all that follows through the end of the sentence and inserting ''For purposes of this section, a person acts knowingly when a person has actual knowledge of acts or should have known of the acts.''.

(e) EXPANDED REVIEW OF FHA MORTGAGEE APPLICANTS AND NEWLY APPROVED MORTGAGEES.—Not later than the expiration of the 3-month period beginning upon the date of the enactment of this Act, the Secretary of Housing and Urban Development shall—

(1) expand the existing process for reviewing new applicants for approval for participation in the mortgage insurance programs of the Secretary for mortgages on 1- to 4-family residences for the purpose of identifying applicants who represent a high risk to the Mutual Mortgage Insurance Fund; and

(2) implement procedures that, for mortgagees approved during the 12-month period ending upon such date of enactment—

(A) expand the number of mortgages originated by such mortgagees that are reviewed for compliance with applicable laws, regulations, and policies; and

(B) include a process for random reviews of such mortgagees and a process for reviews that is based on volume of mortgages originated by such mortgagees.

SEC. 204. ENHANCEMENT OF LIQUIDITY AND STABILITY OF INSURED DEPOSITORY INSTITUTIONS TO ENSURE AVAILABILITY OF CREDIT AND REDUCTION OF FORECLOSURES.

(a) PERMANENT INCREASE IN DEPOSIT INSURANCE.—

(1) AMENDMENTS TO FEDERAL DEPOSIT INSURANCE ACT.—Effective upon the date of the enactment of this Act, section 11(a) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)) is amended—

(A) in paragraph (1)(E), by striking ''$100,000'' and inserting ''$250,000'';

(B) in paragraph (1)(F)(i), by striking ''2010'' and inserting ''2015'';

(C) in subclause (I) of paragraph (1)(F)(i), by striking ''$100,000'' and inserting ''$250,000'';

(D) in subclause (II) of paragraph (1)(F)(i), by striking ''the calendar year preceding the date this subparagraph takes effect under the Federal Deposit Insurance Reform Act of 2005'' and inserting ''calendar year 2008''; and

(E) in paragraph (3)(A), by striking '', except that $250,000 shall be substituted for $100,000 wherever such term appears in such paragraph''.

(2) AMENDMENT TO FEDERAL CREDIT UNION ACT.—Section 207(k) of the Federal Credit Union Act (12 U.S.C. 1787(k)) is amended—

(A) in paragraph (3)—

(i) by striking the opening quotation mark before ''$250,000'';

(ii) by striking '', except that $250,000 shall be substituted for $100,000 wherever such term appears in such section''; and

(iii) by striking the closing quotation mark after the closing parenthesis; and

(B) in paragraph (5), by striking ''$100,000'' and inserting ''$250,000''.

(3) REPEAL OF EESA PROVISION.—Section 136 of the Emergency Economic Stabilization Act (12 U.S.C. 5241) is hereby repealed.

(b) EXTENSION OF RESTORATION PLAN PERIOD.—Section 7(b)(3)(E)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)(E)(ii)) is amended by striking ''5-year period'' and inserting ''8-year period''.

(c) FDIC AND NCUA BORROWING AUTHORITY.—

(1) FDIC.—Section 14(a) of the Federal Deposit Insurance Act (12 U.S.C. 1824(a)) is amended by striking ''$30,000,000,000'' and inserting ''$100,000,000,000''.

(2) NCUA.—Section 203(d)(1) of the Federal Credit Union Act (12 U.S.C. 1783(d)(1)) is amended by striking ''$100,000,000'' and inserting ''$6,000,000,000''.

(d) EXPANDING SYSTEMIC RISK SPECIAL ASSESSMENTS.—Section 13(c)(4)(G)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(ii)) is amended to read as follows:

''(ii) REPAYMENT OF LOSS.—

''(I) IN GENERAL.—The Corporation shall recover the loss to the Deposit Insurance Fund arising from any action taken or assistance provided with respect to an insured depository institution under clause (i) from 1 or more special assessments on insured depository institutions, depository institution holding companies (with the concurrence of the Secretary of the Treasury with respect to holding companies), or both, as the Corporation determines to be appropriate.

''(II) TREATMENT OF DEPOSITORY INSTITUTION HOLDING COMPANIES.—For purposes of this clause, sections 7(c)(2) and 18(h) shall apply to depository institution holding companies as if they were insured depository institutions.

''(III) REGULATIONS.—The Corporation shall prescribe such regulations as it deems necessary to implement this clause. In prescribing such regulations, defining terms, and setting the appropriate assessment rate or rates, the Corporation shall establish rates sufficient to cover the losses incurred as a result of the actions of the Corporation under clause (i) and shall consider: the types of entities that benefit from any action taken or assistance provided under this subparagraph; economic conditions, the effects on the industry, and such other factors as the Corporation deems appropriate and relevant to the action taken or the assistance provided. Any funds so collected that exceed actual losses shall be placed in the Deposit Insurance Fund.''.

(e) ESTABLISHMENT OF A NATIONAL CREDIT UNION SHARE INSURANCE FUND RESTORATION PLAN PERIOD.—Section 202(c)(2) of the Federal Credit Union Act (12 U.S.C. 1782(c)(2)) is amended by adding at the end the following new subparagraph:

''(D) FUND RESTORATION PLANS.—

''(i) IN GENERAL.—Whenever—

''(I) the Board projects that the equity ratio of the Fund will, within 6 months of such determination, fall below the minimum amount specified in subparagraph (C) for the designated equity ratio; or

''(II) the equity ratio of the Fund actually falls below the minimum amount specified in subparagraph (C) for the equity ratio without any determination under sub-clause (I) having been made,

the Board shall establish and implement a Share Insurance Fund restoration plan within 90 days that meets the requirements of clause (ii) and such other conditions as the Board determines to be appropriate.

''(ii) REQUIREMENTS OF RESTORATION PLAN.—A Share Insurance Fund restoration plan meets the requirements of this clause if the plan provides that the equity ratio of the Fund will meet or exceed the minimum amount specified in subparagraph (C) for the designated equity ratio before the end of the 5-year period beginning upon the implementation of the plan (or such longer period as the Board may determine to be necessary due to extraordinary circumstances).

''(iii) TRANSPARENCY.—Not more than 30 days after the Board establishes and implements a restoration plan under clause (i), the Board shall publish in the Federal Register a detailed analysis of the factors considered and the basis for the actions taken with regard to the plan.''.

The Acting CHAIR. No amendment to the bill is in order except those printed in House Report 111–21. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA, AS MODIFIED

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–21, as perfected by the modification printed in House Report 111–23.

Ms. ZOE LOFGREN of California. I have this amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. ZOE LOFGREN of California, as modified:

In the table of contents of the bill, in the item relating to section 121, strike ''department of veterans affairs'' and insert ''Department of Veterans Affairs''.

Page 2, after line 6, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 100. DEFINITION.

Section 101 of title 11, United States Code, is amended by inserting after paragraph (43) the following (and make such technical and conforming changes as may be appropriate):

''(43A) The term 'qualified loan modification' means a loan modification agreement made in accordance with the guidelines of the Obama Administration's Homeowner Affordability and Stability Plan as implemented March 4, 2009, that—

''(A) reduces the debtor's payment (including principal and interest, and payments for real estate taxes, hazard insurance, mortgage insurance premium, homeowners' association dues, ground rent, and special assessments) on a loan secured by a senior security interest in the principal residence of the debtor, to a percentage of the debtor's income in accordance with such guidelines, without any period of negative amortization or under which the aggregate amount of the regular periodic payments would not fully amortize the outstanding principal amount of such loan;

''(B) requires no fees or charges to be paid by the debtor in order to obtain such modification; and

''(C) permits the debtor to continue to make payments under the modification

agreement notwithstanding the filing of a case under this title, as if such case had not been filed.''.

Beginning on page 7, strike line 6 and all that follows through line 16 on page 8, and insert the following:

''(1) if such residence is sold in the 1st year occurring after the effective date of the plan, 90 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under subsection (b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection;

'(2) if such residence is sold in the 2d year occurring after the effective date of the plan, 70 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under subsection (b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection;

''(3) if such residence is sold in the 3d year occurring after the effective date of the plan, 50 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under subsection (b)(11) (plus costs of sale and improvements), but not exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection;

''(4) if such residence is sold in the 4th year occurring after the effective date of the plan, 30 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under subsection (b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection; and

''(5) if such residence is sold in the 5th year occurring after the effective date of the plan, 10 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under subsection (b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection.''.

Beginning on page 8, strike line 17 and all that follows through line 7 on page 9, and insert the following (and make such technical and conforming changes as may be appropriate):

''(h) With respect to a claim of the kind described in subsection (b)(11), the plan may not contain a modification under the authority of subsection (b)(11)—

''(1) in a case commenced under this chapter after the expiration of the 30-day period beginning on the effective date of this subsection, unless—

''(A) the debtor certifies that the debtor—

''(i) not less than 30 days before the commencement of the case, contacted the holder of such claim (or the entity collecting payments on behalf of such holder) regarding modification of the loan that is the subject of such claim;

''(ii) provided the holder of the claim (or the entity collecting payments on behalf of such holder) a written statement of the debtor's current income, expenses, and debt substantially conforming with the schedules required under section 521(a) or such other form as is promulgated by the Judicial Conference of the United States for such purpose; and

''(iii) considered any qualified loan modification offered to the debtor by the holder of the claim (or the entity collecting payments on behalf of such holder); or

''(B) a foreclosure sale is scheduled to occur on a date in the 30-day period beginning on the date of case is commenced;''.

Page 9, line 24, insert ''and, if the issue of value is contested, the court shall determine such value in accordance with the appraisal rules used by the Federal Housing Administration'' after ''determined''.

Page 11, strike lines 23 through 25, insert the following (and make such technical and conforming changes as may be appropriate):

(1) in the matter preceding paragraph (1) strike ''subsection (b)'' and insert ''subsections (b) and (d)''.

(2) in paragraph (5)—

(A) by inserting ''except as otherwise provided in section 1322(b)(11),'' after ''(5)'', and

(B) in subparagraph (B)(iii)(I) by inserting ''(including payments of a claim modified under section 1322(b)(11))'' after ''payments'' the 1st place it appears,

Page 12, line 20, insert the following after ''faith'':

(Lack of good faith exists if the debtor has no need for relief under this paragraph because the debtor can pay all of his or her debts and any future payment increases on such debts without difficulty for the foreseeable future, including the positive amortization of mortgage debt. In determining whether a reduction of the principal amount of loan resulting from a modification made under the authority of section 1322(b)(11) is made in good faith, the court shall consider whether the holder of such claim (or the entity collecting payments on behalf of such holder) has offered to the debtor a qualified loan modification that would enable the debtor to pay such debts and such loan without reducing such principal amount.)''.

Page 12, after line 24, insert the following (and make such technical and conforming changes as may be appropriate):

(b) Section 1325 of title 11, United States Code, is amended by adding at the end the following (and make such technical and conforming changes as may be appropriate):

''(d) Notwithstanding section 1322(b)(11)(C)(ii), the court, on request of the debtor or the holder of a claim secured by a senior security interest in the debtor's principal residence, may confirm a plan proposing a reduction in the interest rate on the loan secured by such security interest and that does not reduce the principal, provided the total monthly mortgage payment is reduced to a percentage of the debtor's income in accordance with the guidelines of the Obama Administration's Homeowner Affordability and Stability Plan as implemented March 4, 2009, if, taking into account the debtor's financial situation, after allowance of expenses that would be permitted for a debtor under this chapter subject to paragraph (3) of subsection (b), regardless of whether the debtor is otherwise subject to such paragraph, and taking into account additional debts and fees that are to be paid in this chapter and thereafter, the debtor would be able to prevent foreclosure and pay a fully amortizing 30-year loan at such reduced interest rate without such reduction in principal.''.

Page 15, after line 8, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 109. GAO STUDY.

The Comptroller General shall carry out a study, and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, not later than 2 years after the date of the enactment of this Act a report containing—

(1) the results of such study of—

(A) the number of debtors who filed, during the 1-year period beginning on the date of the enactment of this Act, cases under chapter 13 of title 11 of the United States Code for the purpose of restructuring their principal residence mortgages,

(B) the number of mortgages restructured under the amendments made by this subtitle that subsequently resulted in default and foreclosure,

(C) a comparison between the effectiveness of mortgages restructured under programs outside of bankruptcy, such as Hope Now and Help for Homeowners, and mortgages restructured under the amendments made by this subtitle,

(D) the number of cases presented to the bankruptcy courts where mortgages were restructured under the amendments made by this subtitle that were appealed,

(E) the number of cases presented to the bankruptcy courts where mortgages were restructured under the amendments made by the subtitle that were overturned on appeal, and

(F) the number of bankruptcy judges disciplined as a result of actions taken to restructure mortgages under the amendments made by this subtitle, and

(2) a recommendation as to whether such amendments should be amended to include a sunset clause.

SEC. 110. REPORT TO CONGRESS.

Not later than 18 months after the date of the enactment of this Act, the Comptroller General, in consultation with the Federal Housing Administration, shall submit to the Congress, a report containing—

(1) a comprehensive review of the effects of the amendments made by this subtitle on bankruptcy court,

(2) a survey of whether the program should limit the types of homeowners eligible for the program., and

(3) a recommendation on whether such amendments should remain in effect.

Page 15, line 15, strike ''Subsection (a) of section'' and insert ''Section''.

Page 25, after line 9, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 125. MORTGAGE MODIFICATION DATA COLLECTING AND REPORTING.

(a) REPORTING REQUIREMENTS.—Not later than 120 days after the date of the enactment of this Act, and quarterly thereafter, the Comptroller of the Currency, in coordination with the Director of the Office of Thrift Supervision, shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, and the Joint Economic Committee on the volume of mortgage modifications reported to the Office of the Comptroller of the Currency and the Office of Thrift Supervision, under the mortgage metrics program of each such Office, during the previous quarter, including the following:

(1) A copy of the data collection instrument currently used by the Office of the Comptroller of the Currency and the Office of Thrift Supervision to collect data on loan modifications.

(2) The total number of mortgage modifications resulting in each of the following:

(A) Additions of delinquent payments and fees to loan balances.

(B) Interest rate reductions and freezes.

(C) Term extensions.

(D) Reductions of principal.

(E) Deferrals of principal.

(F) Combinations of modifications described in subparagraph (A), (B), (C), (D), or (E).

(3) The total number of mortgage modifications in which the total monthly principal and interest payment resulted in the following:

(A) An increase.

(B) Remained the same.

(C) Decreased less than 10 percent.

(D) Decreased between 10 percent and 20 percent.

(E) Decreased 20 percent or more.

(4) The total number of loans that have been modified and then entered into default, where the loan modification resulted in—

(A) higher monthly payments by the homeowner;

(B) equivalent monthly payments by the homeowner;

(C) lower monthly payments by the homeowner of up to 10 percent;

(D) lower monthly payments by the homeowner of between 10 percent to 20 percent; or

(E) lower monthly payments by the homeowner of more than 20 percent.

(b) DATA COLLECTION.—

(1) REQUIRED.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Comptroller of the Currency and the Director of the Office of Thrift Supervision, shall issue mortgage modification data collection and reporting requirements to institutions covered under the reporting requirement of the mortgage metrics program of the Comptroller or the Director.

(B) INCLUSIVENESS OF COLLECTIONS.—The requirements under subparagraph (A) shall provide for the collection of all mortgage modification data needed by the Comptroller of the Currency and the Director of the Office of Thrift Supervision to fulfill the reporting requirements under subsection (a).

(2) REPORT.—The Comptroller of the Currency shall report all requirements established under paragraph (1) to each committee receiving the report required under subsection (a).

Page 25, line 24, after ''disposition'' insert the following: '', including any modification or refinancing undertaken pursuant to standard loan modification, sale, or disposition guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008,''.

Page 28, strike lines 18 and 19 and insert the following:

(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(2) SECURITIZATION VEHICLE.—The term ""securitization vehi-

Page 28, strike line 22 and insert the following:

(A) is the issuer, or is created by the issuer, of

Page 29, strike line 3 and insert the following:

(B) holds such mortgages.

Page 30, line 12, before the period insert the following: ''and has not been convicted under Federal or State law for fraud during the 10-year period ending upon the insurance of the mortgage under this section''.

Page 30, after line 23, insert the following:

(B) in paragraph (4)(A), by striking ''; subject to standards established by the Board under subparagraph (B),'';

Page 31, line 1, strike lines 1 through 3 and insert the following:

(C) in paragraph (7), by striking ''and provided that'' and all that follows through ''new second lien'' and inserting ''and except that the Secretary may, under such terms and conditions as the Secretary may establish, permit the establishment of a second lien on a property under an eligible mortgage to be insured, for the purpose of facilitating payment of closing or refinancing costs by a State or locality using funds provided under the HOME Investment Partnerships program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) or the community development block grants program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) or by a State or local housing finance agency'';

Page 31, line 4, strike ''(C)'' and insert ''(D)''.

Page 31, line 15, strike ''and''.

Page 31, after line 15, insert the following:

(E) by striking subparagraph (10);

(F) in paragraph (11), by inserting before the period at the end the following: '', except that the Secretary may provide exceptions to such latter requirement (relating to present ownership interest) for any mortgagor who has inherited a property or for any mortgagor who has relocated to a new jurisdiction, and is in the process of trying to sell such property or has been unable to sell such property due to adverse market conditions'';

(G) by redesignating paragraph (11) as paragraph (10); and

Page 31, line 16, strike ''(D) by adding after paragraph (11)'' and insert ''(H) by adding at the end''.

Page 31, line 18, strike ''(12)'' and insert ''(11)''.

Page 36, line 6, strike ''or employee'' and insert ''manager, supervisor, loan processor, loan underwriter, or loan originator''.

Page 37, strike the quotation marks in line 19 and all that follows through the end of the line.

Page 37, after line 19, insert the following:

''(3) RULEMAKING AND IMPLEMENTATION.—The Secretary shall conduct a rulemaking to carry out this subsection. The Secretary shall implement this subsection not later than the expiration of the 60-day period beginning upon the date of the enactment of this subsection by notice, mortgagee letter, or interim final regulations, which shall take effect upon issuance.''; and

Page 47, after line 13, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 205. APPLICATION OF GSE CONFORMING LOAN LIMIT TO MORTGAGES ASSISTED WITH TARP FUNDS.

In making any assistance available to prevent and mitigate foreclosures on residential properties, including any assistance for mortgage modifications, using any amounts made available to the Secretary of the Treasury under title I of the Emergency Economic Stabilization Act of 2008, the Secretary shall provide that the limitation on the maximum original principal obligation of a mortgage that may be modified, refinanced, made, guaranteed, insured, or otherwise assisted, using such amounts shall not be less than the dollar amount limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal Home Loan Mortgage Corporation that is in effect, at the time that the mortgage is modified, refinanced, made, guaranteed, insured, or otherwise assisted using such amounts, for the area in which the property involved in the transaction is located.

SEC. 206. MORTGAGES ON CERTAIN HOMES ON LEASED LAND.

Section 255(b)(4) of the National Housing Act (12 U.S.C. 1715z–20(b)(4)) is amended by striking subparagraph (B) and inserting:

''(B) under a lease that has a term that ends no earlier than the minimum number of years, as specified by the Secretary, beyond the actuarial life expectancy of the mortgagor or comortgagor, whichever is the later date.''.

SEC. 207. SENSE OF CONGRESS REGARDING MORTGAGE REVENUE BOND PURCHASES.

It is the sense of the Congress that the Secretary of the Treasury should use amounts made available in this Act to purchase mortgage revenue bonds for single-family housing issued through State housing finance agencies and through units of local government and agencies thereof.

Page 47, at the end of title II, add the following (and conform the table of contents accordingly):

TITLE III—MORTGAGE FRAUD

SEC. 301. SHORT TITLE.

This title may be cited as the ''Nationwide Mortgage Fraud Task Force Act of 2009''.

SEC. 302. NATIONWIDE MORTGAGE FRAUD TASK FORCE.

(a) ESTABLISHMENT.—There is established in the Department of Justice the Nationwide Mortgage Fraud Task Force (hereinafter referred to in this section as the ''Task Force'') to address mortgage fraud in the United States.

(b) SUPPORT.—The Attorney General shall provide the Task Force with the appropriate staff, administrative support, and other resources necessary to carry out the duties of the Task Force.

(c) EXECUTIVE DIRECTOR.—The Attorney General shall appoint one staff member provided to the Task Force to be the Executive Director of the Task Force and such Executive Director shall ensure that the duties of the Task Force are carried out.

(d) BRANCHES.—The Task Force shall establish, oversee, and direct branches in each of the 10 States determined by the Attorney General to have the highest concentration of mortgage fraud.

(e) MANDATORY FUNCTIONS.—The Task Force, including the branches of the Task Force established under subsection (d), shall—

(1) establish coordinating entities, and solicit the voluntary participation of Federal, State, and local law enforcement and prosecutorial agencies in such entities, to organize initiatives to address mortgage fraud, including initiatives to enforce State mortgage fraud laws and other related Federal and State laws;

(2) provide training to Federal, State, and local law enforcement and prosecutorial agencies with respect to mortgage fraud, including related Federal and State laws;

(3) collect and disseminate data with respect to mortgage fraud, including Federal, State, and local data relating to mortgage fraud investigations and prosecutions; and

(4) perform other functions determined by the Attorney General to enhance the detection of, prevention of, and response to mortgage fraud in the United States.

(f) OPTIONAL FUNCTIONS.—The Task Force, including the branches of the Task Force established under subsection (d), may—

(1) initiate and coordinate Federal mortgage fraud investigations and, through the coordinating entities established under subsection (e), State and local mortgage fraud investigations;

(2) establish a toll-free hotline for—

(A) reporting mortgage fraud;

(B) providing the public with access to information and resources with respect to mortgage fraud; and

(C) directing reports of mortgage fraud to the appropriate Federal, State, and local law enforcement and prosecutorial agency, including to the appropriate branch of the Task Force established under subsection (d);

(3) create a database with respect to suspensions and revocations of mortgage industry licenses and certifications to facilitate the sharing of such information by States;

(4) make recommendations with respect to the need for and resources available to provide the equipment and training necessary for the Task Force to combat mortgage fraud; and

(5) propose legislation to Federal, State, and local legislative bodies with respect to the elimination and prevention of mortgage fraud, including measures to address mortgage loan procedures and property appraiser practices that provide opportunities for mortgage fraud.

(g) DEFINITION.—In this section, the term ''mortgage fraud'' means a material misstatement, misrepresentation, or omission relating to the property or potential mortgage relied on by an underwriter or lender to fund, purchase, or insure a loan.

Page 47, at the end of the bill, add the following (and conform the table of contents accordingly):

TITLE IV—FORECLOSURE MORATORIUM PROVISIONS

SEC. 401. SENSE OF THE CONGRESS ON FORECLOSURES.

(a) IN GENERAL.—It is the sense of the Congress that mortgage holders, institutions, and mortgage servicers should not initiate a foreclosure proceeding or a foreclosure sale on any homeowner until the foreclosure mitigation provisions, like the Hope for Homeowners program, as required under title II, and the President's ''Homeowner Affordability and Stability Plan'' have been implemented and determined to be operational by the Secretary of Housing and Urban Development and the Secretary of the Treasury.

(b) SCOPE OF MORATORIUM.—The foreclosure moratorium referred to in subsection (a) should apply only for first mortgages secured by the owner's principal dwelling.

(c) FHA-REGULATED LOAN MODIFICATION AGREEMENTS.—If a mortgage holder, institution, or mortgage servicer to which subsection (a) applies reaches a loan modification agreement with a homeowner under the auspices of the Federal Housing Administration before any plan referred to in such subsection takes effect, subsection (a) shall cease to apply to such institution as of the effective date of the loan modification agreement.

(d) DUTY OF CONSUMER TO MAINTAIN PROPERTY.—Any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued , or consummated with respect to any homeowner mortgage should not, with respect to any property securing such mortgage, destroy, damage, or impair such property, allow the property to deteriorate, or commit waste on the property.

(e) DUTY OF CONSUMER TO RESPOND TO REASONABLE INQUIRIES.—Any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued, or consummated with respect to any homeowner mortgage should respond to reasonable inquiries from a creditor or servicer during the period during which such foreclosure proceeding or sale is barred.

The Acting CHAIR. Pursuant to House Resolution 190, the gentlewoman from California (Ms. ZOE LOFGREN) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from California.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

(Ms. ZOE LOFGREN of California asked and was given permission to revise and extend her remarks.)

Ms. ZOE LOFGREN of California. Mr. Chairman, this important bill gives families whose home mortgages are in distress a better opportunity to come to terms with their lender, to bring their mortgage payments in line with prevailing lending rates in the lending market and with prevailing values in the housing market. This is the same opportunity that owners of vacation homes, investment properties, private jets, and luxury yachts have long enjoyed. I think it's only fair that we offer it now to average families as well. The economic crisis engulfing this country and the world had its start in the housing foreclosure crisis. The Helping Families Save Their Homes Act will begin to address this underlying cause, and it will provide meaningful relief to struggling homeowners.

In developing this legislation, we have benefited at every step of the way from constructive engagement from members on and off the Judiciary Committee, from lenders and brokers, from consumer groups, from bankruptcy judges and trustees. With their help, we've reached consensus on a series of significant changes culminating in the manager's amendment before us today. I should note that the amendment is the Lofgren-Tauscher-Cardoza amendment, and the changes that it encompasses make this a much better bill.

Under the manager's amendment, the homeowner must notify the lender, submit financial records and work in good faith for at least 30 days to try to modify a mortgage outside of the bankruptcy using the Obama mortgage modification plan outlined yesterday. We provide also that, should those efforts not prove fruitful and as a last resort an individual ends up in Chapter 13 proceedings, the court should utilize the Obama mortgage modification plan as a guideline for the court in reviewing and in helping a homeowner to meet obligations.

We also have required that bankruptcy courts will use the FHA appraisal guidelines, repayment plans, and for equal monthly mortgage payments. If a homeowner sells a home while still under a Chapter 13 payment plan, the lender is going to share in the profit, and that's only fair. The closer in time of the mortgage modification, the greater the lender's share, and the manager's amendment actually further increases the lender's share at each point over the period.

Homeowners who engage in bad faith, such as filing for bankruptcy when they could really afford to pay their mortgages, will be disqualified for assistance in chapter 13, and a special Justice Department task force is set up to investigate reports of possible mortgage fraud. These are in addition to improvements already made at earlier stages. The changes are all described in greater detail in a summary that was sent to all of your offices today. I have brought copies of a summary with me today.

In short, we have sought to respond in a reasonable manner to every single concern brought to our attention. We've achieved a balanced reform that will bring meaningful help to families in genuine need without costing taxpayers a dime.

The bill is not going to usher in a rash of bankruptcy filings. In fact, by setting up a homeowner-lender negotiating process that begins well before bankruptcy, it is designed to keep more families out of bankruptcy and out of foreclosure. The number of new chapter 13 mortgage modifications that may result will be far less than the number of foreclosures that will be prevented, and preventing foreclosures is the key. That will benefit not only homeowners and their families but also neighborhoods, their communities, their lenders, and the entire American economy.

It's worth noting that any time there is a foreclosure, the average decline of property values for neighboring property is 9 percent, so this is important to every American to avert these foreclosures.

I thank Mrs. TAUSCHER, Mr. CARDOZA, Mr. MARSHALL, BRAD MILLER, JOHN CONYERS, and all of the other Members who have worked so hard to improve this bill through the manager's amendment.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment, and I will yield myself such time as I may consume.

Unfortunately, this amendment does little to change the fact that the bankruptcy provisions in this legislation will fail to solve the foreclosure crisis. Some claim the manager's amendment will narrow the bill's bankruptcy provisions, but there is nothing in this amendment that meaningfully changes the underlying bill. Meaningful change would have meant a true requirement for bankruptcy petitioners to exhaust other options before going to bankruptcy court.

As Speaker PELOSI observed just this week, ''Bankruptcy, by its nature, should require a judge to see that other remedies had been exhausted and that good faith overtures from the lender had not been dismissed by the borrower.''

The manager's amendment does not do that. Rather, it merely requires that judges consider whether the lender offered the borrower a loan modification when determining whether to approve the borrower's bankruptcy plan. So a judge is free to consider a loan modification the lender offered and then approve a cramdown despite the lender's offer. The judge can approve a cramdown even if the borrower signed a pre-bankruptcy modification with the lender and then went shopping for a sweeter deal in bankruptcy.

The manager's amendment also contains a major loophole that will allow borrowers to avoid any requirement that they contact their lender about a loan modification prior to filing for bankruptcy. Under the manager's amendment, a borrower can do nothing, fail to seek a qualifying loan modification and still be entitled to get a

bankruptcy cramdown once a foreclosure sale was scheduled. In other words, bankruptcy relief is available to those who fail to seek a loan modification under the Obama plan.

Meaningful change also would have meant substantially narrowing the class of loans eligible for bankruptcy modification. Senator DURBIN, the principal sponsor of the companion legislation in the Senate, has acknowledged the merit and proposals to limit the bill to subprime loans.

[From American Banker, Feb. 27, 2009]

TRANSCRIPT OF REMARKS BY SEN. DURBIN

The following is a transcript of remarks between Sen. Richard Durbin and an American Banker reporter, Tuesday evening after President Obama's speech to Congress.

AB Reporter: ''Sen. Durbin, do you have a moment today on bankruptcy reform?''

Sen. Durbin: ''Sure.''

AB Reporter: ''I know that in the House, at least regarding this week, the lenders are still trying to make the restrictions so that you have to exhaust all other recourses before bankruptcy pretty tough, even today I heard about making HUD or one of the regulators certify that you had a modification or something that didn't work before you could go through bankruptcy. What are your thoughts on what the standard ought to be?''

Sen. Durbin: ''I think that it is reasonable to require the borrower to be in communication for a reasonable time before they file for bankruptcy. You know if a borrower will not talk to a bank they should not be able to avail themselves but it's really difficult to write into law a measurement of good faith so the best you can do is give them an opportunity to meet. Remember 99% of foreclosed homes end up owned by the bank so it isn't as if they are going to end up coming out ahead if the person's losing their home. They get stuck with $50,000 in costs and a house to maintain; to protect from vandalism, and to show and try to sell, so the banks ought to be much more forthcoming. Every attempt we've tried, every voluntary attempt we've tried has failed. You have to have this bankruptcy provision as the last resort if there is a failure to negotiate the mortgage.''

AB Reporter: ''Do you know when the Senate might be taking this up?''

Sen. Durbin: ''After the House and we might change it of course. There are variations we're looking at. But I'm willing to restrict this to homeowners to eliminate speculators; to subprime mortgages, only those currently in existence. I want to make this a reasonable limited—

AB Reporter: ''You're willing to limit it to subprime mortgages?''

Sen. Durbin: ''We've talked about that as a possibility. But I am willing to negotiate. I want this to be a reasonable approach, but we have to include it. If we don't include it we'll be stuck in the same mess we're in today.''

AB Reporter: ''What about the time limitation as far as when the loans were originated. I understand there are some who would like to see it limited to loan underwritten in the last few years?''

Sen. Durbin: ''My version will not be prospective. So it has to be existing loans.''

Mr. Chairman, the manager's amendment makes no attempt to narrow the class of eligible loans. That class is as wide as it ever was. Finally, rather than narrowing the bill, the manager's amendment actually provides that, if the judge doesn't want to give a cramdown, he can just rewrite the mortgage as a no-interest loan over the full term of a new 30-year mortgage. What a gift and what an insult to those who pay their mortgages on time. The only borrower the manager's amendment suggests should be denied relief is the borrower who ''can pay all of his or her debts and any future payment increases on such debts without difficulty for the foreseeable future,'' but that person will never need to be in bankruptcy court, by definition.

Mr. Chairman, the manager's amendment continues the majority's policy of punishing the successful, taxing the responsible and holding no one accountable. It is unfair for Congress to bail out mortgage lenders and borrowers on the backs of responsible homeowners who continue to pay their mortgages even in these troubled economic times. Clearly, the American people are not willing to pay for their neighbors' irresponsible actions. The manager's amendment hardly narrows the scope of the underlying bill. In some areas, it actually makes it worse. Members should oppose both this amendment and the underlying bill.

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

Ms. ZOE LOFGREN of California. Mr. Chairman, I would now like to yield 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Mr. Chairman, it is important to understand that Citigroup supports this bill. Why? They're a huge lender. It's because they understand that we have to stabilize home values in order to begin the recovery, and they need a tool to accomplish it.

So this is about lenders as much as it is about borrowers. Why? Because these mortgages that have been sliced and diced into 40 or 50 different sections make it impossible even for a mortgage company and a borrower, homeowner or a family to come together to resolve the problem that they share together. So this bankruptcy provision, written narrowly so that it is a last resort, is not only fair, but is necessary to lenders as well as to borrowers.

I applaud both committees for the work that they have done.

The Acting CHAIR. Without objection, the gentleman from Virginia (Mr. GOODLATTE) will control the remainder of the time of the gentleman from Texas (Mr. SMITH).

There was no objection.

Mr. GOODLATTE. Mr. Chairman, at this time, I am pleased to yield 1 minute to the gentlewoman from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. Mr. Chairman, of the foundational policies of American exceptionalism, the concepts that have inspired our great Nation are the sanctity of private contracts and upholding the rule of law. This cramdown bill crassly undercuts both of these pillars of American exceptionalism.

Why would a lender make a 30-year loan if they fear the powers of the Federal Government will violate the very terms of that loan? They will only make those loans at a great cost both to the borrower and to our society. Surely as day follows night, we will witness yet another nail in the coffin of home developers who already are reeling under the burden of poisonous government policies.

Experts currently estimate that the additional cost due to this risk of the cramdown bill would raise mortgage rates as much as two full percentage points or would substantially increase required down payments. This is the last thing homeowners need, the last thing our economy needs. There are responsible homeowners all across America who are living within their means, who are making honest representations on their loan applications, who are paying their debts, and who are working hard to achieve the American dream. Let's not disadvantage them.

Ms. ZOE LOFGREN of California. I would just note that yesterday was the anniversary of our Constitution's going into effect, March 4, 1789. In that Constitution was article I, section 8 that provides for bankruptcy.

I would yield 40 seconds to Mr. MARSHALL.

Mr. MARSHALL. Mr. Chairman, there are a number of misconceptions about this bill because it only affects existing mortgages, not home loans in the future. It will have no impact on the cost of borrowing into the future. For all of those homeowners like me who haven't been part of this latest credit crisis, I see my property values declining dramatically, in part, because there are foreclosures and vacancies occurring all over the country.

In essence, what this bill would do is force the parties—the lender and the borrower—without putting any taxpayer dollars in it, to deal with their circumstances without adding more properties vacant on the market, declining home prices that are affecting all Americans. It's good for lenders. It's good for homeowners. It does not pose a risk of an increased cost of credit.

□ 1230

Ms. ZOE LOFGREN of California. Mr. Chairman, I would further yield 1 minute to a member of the committee, Ms. SHEILA JACKSON-LEE of Texas.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the manager for all of her hard work.

I want to pay tribute to Chairman CONYERS for standing up in early January and insisting that we complete our tasks, and I always come to the floor to say, this is the little guy's day.

I came earlier today to speak of an individual who had foreclosure issues, but as I proceeded to read her case, she actually went into loan modification with her mortgager, her lender, Countrywide. And isn't it interesting that as her fees were paid and the loan was

supposed to be modified, that some days later, here comes the mortgager with the foreclosure notice or a foreclosure person at her door taking pictures trying to decide what the situation was. Interestingly enough, the house had gone into sale.

These are the unscrupulous types of activities that have come about when there is no binding, if you will, judgment that can come about through the bankruptcy court.

Again, this bill forces no one to pay anything. It takes no money out of the government. All it does is it allows us to treat those fairly who are going into foreclosure.

Mr. Chairman, I rise in strong support of H.R. 1106, ''Helping Families Save Their Homes in Bankruptcy Act of 2009.'' I would like to thank Chairman CONYERS of the House Judiciary Committee and Chairman BARNEY FRANK of the Financial Services Committee for their leadership on this issue. I also would like to thank Arthur D. Sidney of my staff who serves as my able Legislative Director.

Mr. Chairman, I urge my colleagues to support this bill because it provides a viable medium for bankruptcy judges to modify the terms of mortgages held by homeowners who have little recourse but to declare bankruptcy.

This bill could not have come at a more timely moment. This bill is on the floor of the House within weeks after the President's address before the Joint Session of Congress where President Obama outlined his economic plan for America and discussed the current economic situation that this country is facing.

To be sure, there are many economic woes that saddle this country. The statistics are staggering.

Home foreclosures are at an all-time high and they will increase as the recession continues. In 2006, there were 1.2 million foreclosures in the United States, representing an increase of 42 percent over the prior year. During 2007 through 2008, mortgage foreclosures were estimated to result in a whopping $400 billion worth of defaults and $100 billion in losses to investors in mortgage securities. This means that one per 62 American households is currently approaching levels not seen since the Depression.

The current economic crisis and the foreclosure blight have affected new home sales and depressed home value generally. New home sales have fallen by about 50 percent. One in six homeowners owes more on a mortgage than the home is worth which raises the possibility of default. Home values have fallen nationwide from an average of 19% from their peak in 2006, and this price plunge has wiped out trillions of dollars in home equity. The tide of foreclosure might become self-perpetuating. The nation could be facing a housing depression—something far worse than a recession.

Obviously, there are substantial societal and economic costs of home foreclosures that adversely impact American families, their neighborhoods, communities and municipalities. A single foreclosure could impose direct costs on local government agencies totaling more than $34,000.

I am glad that this legislation is finally on the floor of the United States House of Representatives. I have long championed in the first TARP bill that was introduced and signed late last Congress, that language be included to specifically address the issue of mortgage foreclosures. I had asked that $100 billion be set aside to address that issue. Now, my idea has been vindicated as the TARP today has included language and we here today are continuing to engage in the dialogue to provide monies to those in mortgage foreclosure. I have also asked for modification of homeowners' existing loans to avoid mortgage foreclosure. I believe that the rules governing these loans should be relaxed. These are indeed tough economic times that require tough measures.

Because of the pervasive home foreclosures, federal legislation is necessary to curb the fallout from the subprime mortgage crisis. For consumers facing a foreclosure sale who want to retain their homes, Chapter 13 of the Bankruptcy Code provides some modicum of protection. The Supreme Court has held that the exception to a Chapter 13's ability to modify the rights of creditors applies even if the mortgage is under-secured. Thus, if a Chapter 13 debtor owes $300,000 on a mortgage for a home that is worth less than $200,000, he or she must repay the entire amount in order to keep his or her home, even though the maximum that the mortgage would receive upon foreclosure is the home's value, i.e., $200,000, less the costs of foreclosure.

Importantly, H.R. 1106 provides for a relaxation of the bankruptcy provisions and waives the mandatory requirement that a debtor must receive credit counseling prior to the filing for bankruptcy relief, under certain circumstances. The waiver applies in a Chapter 13 case where the debtor submits to the court a certification that the debtor has received notice that the holder of a claim secured by the debtor's principal residence may commence a foreclosure proceeding against such residence.

This bill also prohibits claims arising from violations of consumer protection laws. Specifically, this bill amends the Bankruptcy Code to disallow a claim that is subject to any remedy for damages or rescission as a result of the claimant's failure to comply with any applicable requirement under the Truth in Lending Act or other applicable state or federal consumer protection law in effect when the noncompliance took place, notwithstanding the prior entry of a foreclosure judgment.

H.R. 1106 also amends the Bankruptcy Code to permit modification of certain mortgages that are secured by the debtor's principal residence in specified respects. Lastly, the bill provides that the debtor, the debtor's property, and property of the bankruptcy estate are not liable for a fee, cost, or charge incurred while the Chapter 13 case is pending and that arises from a debt secured by the debtor's principal residence, unless the holder of the claim complies with certain requirements.

I have long championed the rights of homeowners, especially those facing mortgage foreclosure. I have worked with the Chairman of the House Judiciary Committee to include language that would relax the bankruptcy provisions to allow those facing mortgage foreclosure to restructure their debt to avoid foreclosure.

Manager's Amendment

Because I have long championed the rights of homeowners facing mortgage foreclose in the recent TARP bill and before the Judiciary Committee, I have worked with Chairman CONYERS and his staff to add language that would make the bill stronger and that would help more Americans. I co-sponsored sections of the Manager's Amendment and I urge my colleagues to support the bill.

Specifically, I worked with Chairman CONYERS to ensure that in section 2 of the amendment, section 109(h) of the Bankruptcy Code would be amended to waive the mandatory requirement, under current law, that a debtor receive credit counseling prior to filing for bankruptcy relief. Under the amended language there is now a waiver that will apply where the debtor submits to the court a certification that the debtor has received notice that the holder of a claim secured by the debtor's principal residence may commence a foreclosure proceeding against such residence.

This is important because it affords the debtor the maximum relief without having to undergo a slow credit counseling process. This will help prevent the debtor's credit situation from worsening, potentially spiraling out of control, and result in the eventual loss of his or her home.

Section 4 of the Manager's Amendment relaxes certain Bankruptcy requirements under Chapter 13 so that the debtor can modify the terms of the mortgage secured by his or her primary residence. This is an idea that I have long championed in the TARP legislation—the ability of debtors to modify their existing primary mortgages. Section 4 allows for a modification of the mortgage for a period of up to 40 years. Such modification cannot occur if the debtor fails to certify that it contacted the creditor before filing for bankruptcy. In this way, the language in the Manager's Amendment allows for the creditor to demonstrate that it undertook its ''last clear'' chance to work out the restructuring of the debt with its creditor before filing bankruptcy.

Importantly, the Manager's Amendment amends the bankruptcy code to provide that a debtor, the debtor's property, and property of the bankruptcy estate are not liable for fees and costs incurred while the Chapter 13 case is pending and that arises from a claim for debt secured by the debtor's principal residence.

Lastly, I worked to get language in the Manager's Amendment that would allow the debtors and creditors to negotiate before a declaration of bankruptcy is made. I made sure that the bill addresses present situations at the time of enactment where homeowners are in the process of mortgage foreclosure. This is done with a view toward consistency, predictability, and a hope that things will improve.

Rules Committee

During this time, debtors and average homeowners found themselves in the midst of a home mortgage foreclosure crisis of unprecedented levels. Many of the mortgage foreclosures were the result of subprime lending practices.

I have worked with my colleagues to strengthen the housing market and the economy, expand affordable mortgage loan opportunities for families at risk of foreclosure, and strengthen consumer protections against risky loans in the future. Unfortunately, problems in the subprime mortgage markets have helped push the housing market into its worst slump in 16 years.

Before the Rules Committee, I offered an amendment that would prevent homeowners

and debtors, who were facing mortgage foreclosure as a result of the unscrupulous and unchecked lending of predatory lenders and financial institutions, from having their mortgage foreclosure count against them in the determination of their credit score. It is an equitable result given that the debtors ultimately faced mortgage foreclosure because of the bad practices of the lender.

Simply put, my amendment would prevent homeowners who have declared mortgage foreclosure as a result of subprime mortgage lending and mortgages from having the foreclosure count against the debtor/homeowner in the determination of the debtor/homeowner's credit score.

Specifically, my amendment language was the following:

SEC. 205. FORBEARANCE IN CREATION OF CREDIT SCORE.

(a) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

''(h) FORECLOSURE ON SUBPRIME NOT TAKEN INTO ACCOUNT FOR CREDIT SCORES.—

''(1) IN GENERAL.—A foreclosure on a subprime mortgage of a consumer may not be taken into account by any person in preparing or calculating the credit score (as defined in subsection (f)(2)) for, or with respect to, the consumer.

''(2) SUBPRIME DEFINED.—The term 'subprime mortgage' means any consumer credit transaction secured by the principal dwelling of the consumer that bears or otherwise meets the terms and characteristics for such a transaction that the Board has defined as a subprime mortgage.''.

(b) REGULATIONS.—The Board shall prescribe regulations defining a subprime mortgage for purposes of the amendment made by subsection (a) before the end of the 90–day period beginning on the date of the enactment of this Act.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act and shall apply without regard to the date of the foreclosure.

The homeowners should not be required to pay for the bad acts of the lenders. It would take years for a homeowner to recover from a mortgage foreclosure. My amendment would have strengthened this already much needed and well thought out bill.

I intend to offer a bill later this Congress to address this issue. I am delighted, however, that the Judiciary Committee has expressed their willingness to incorporate my language in the Conference language for this bill. Without a doubt, this issue is important to me and it is critical to Americans who are facing mortgage foreclosure and bankruptcy.

Other Amendments

There were four amendments that were made in order by the Rules Committee. I will address my support or non-support for each amendment.

CONYERS AMENDMENT

I support the Manager's Amendment offered by Chairman CONYERS. The amendment makes sense and makes clear that H.R. 1106 is intended to help those that cannot afford to repay their mortgage without intervention. Indeed it is strength to the underlying bill by providing finality to the decisions worked out by the bankruptcy courts. These decisions would provide finality between lenders and borrowers. Moreover, the debtors are afforded certain protections by the Second Degree Amendment. The Second Degree Amendment provides that the lender could receive additional funding from the sale of the foreclosed home.

The Manager's Amendment would do the following:

(1) require courts to use FHA appraisal guidelines where the fair market value of a home is in dispute;

(2) deny relief to individuals who can afford to repay their mortgages without judicial mortgage modification; and

(3) extend the negotiation period from 15 to 30 days, requiring the debtor to certify that he or she contacted the lender, provided the lender with income, expense and debt statements, and that there was a process for the borrower and lender to seek to reach agreement on a qualified loan modification.

The Conyers Amendment would require a GAO study regarding the effectiveness of mortgage modifications outside of bankruptcy and judicial modifications, whether there should be a sunset, the impact of the amendment on bankruptcy courts, whether relief should be limited to certain types of homeowners. The GAO must analyze how bankruptcy judges restructure mortgages, including the number of judges disciplined as a result of actions taken to restore mortgages.

The Conyers Amendment would clarify that loan modifications, workout plans or other loss mitigation plans are eligible for the servicer safe harbor. Further, it would require HUD to receive public input before implementing certain FHA approval provisions.

With respect to the HOPE for Homeowners Program: recasts the prohibition against having committed fraud over the last 10 years from a freestanding prohibition to a borrower certification. The Conyers Amendment would amend the National Housing Act to broaden eligibility for Home Equity Conversion Mortgage (HECM) or ''reverse mortgage.''

Provides that the GAO must submit to Congress a review of the effects of the judicial modification program.

Requires the Comptroller of Currency, in coordination with the Director of Thrift Supervision, to submit reports to Congress on the volume of mortgage modifications and issue modification data collection and reporting requirements.

Expresses the Sense of Congress that the Treasury Secretary should use amounts made available under the Act to purchase mortgage revenue bonds for single-family housing.

Expresses the Sense of Congress that financial institutions should not foreclose on any principal homeowner until the loan modification programs included in H.R. 1106 and the President's foreclosure plan are implemented and deemed operational by the Treasury and HUD Secretaries.

Establishes a Justice Department Nationwide Mortgage Fraud Task Force to coordinate anti-mortgage fraud efforts. Would provide that the Treasury Secretary shall provide that the limit on the maximum original principal obligation of a mortgage that may be modified using EESA funds shall not be less than the dollar limit on the maximum original principal obligation of a mortgage that may be purchased by the Federal Home Loan Mortgage Corporation that is in effect at the time the mortgage is modified.

PRICE, TOM AMENDMENT

I oppose the Price Amendment. The Price Amendment provides that if a homeowner who has had a mortgage modified in a bankruptcy proceeding sells the home at a profit, the lender can recapture the amount of principal lost in the modification.

I oppose the Price Amendment for the following reasons.

First, the Price amendment would make homeowners into renters for life. It will lead to poorly maintained homes and lower property values for all of us. It takes away any incentive for homeowners to maintain their homes or insist on competitive sale prices.

Second, the Manager's Amendment already allows lenders to get back a substantial portion of any amount a home appreciates after bankruptcy. But it leaves in place incentives for homeowners to maintain and improve homes.

Third, the Price Amendment is opposed by the Center for Responsible Lending, Consumers Union, Leadership Conference on Civil Rights, National Association of Consumer Advocates, National Association of Consumer Bankruptcy Attorneys, National Community Reinvestment Coalition, National Consumer Law Center, National Legal Aid and Defender Association, National Policy and Advocacy Council on Homelessness, and USPIRG.

For the foregoing reasons, I oppose the Price Amendment and I urge my colleagues to vote ''no'' on this amendment.

PETERS, GARY AMENDMENT

I support this amendment. This amendment is straightforward and is intended to help the borrower by providing a last clear chance to garner much needed information. It is my hope that this information would be used to provide financial assistance and education to the consumer.

In many cases, proper education about the use of credit and mortgages could have made all the difference in the consumers choices. Simply put, if the consumers made wise and informed credit decisions in the first instance, they might not have been in bankruptcy or facing foreclosure. I find this amendment incredibly prudent and helpful to debtors and consumers. I urge my colleagues to support this amendment.

TITUS AMENDMENT

The Titus Amendment would require a servicer that receives an incentive payment under the HOPE for homeowners to notify all mortgagors under mortgages they service who are ''at-risk homeowners'' (as such term is defined by the Secretary), in a form and manner as shall be prescribed by the Secretary, that they may be eligible for the HOPE for Homeowners Program and how to obtain information regarding the program.

The HOPE for Homeowners (H4H) program was created by Congress to help those at risk of default and foreclosure refinance into more affordable, sustainable loans. H4H is an additional mortgage option designed to keep borrowers in their homes.

The program is effective from October 1, 2008 to September 30, 2011.

How the program works

There are four ways that a distressed homeowner could pursue participation in the HOPE for Homeowners program:

1. Homeowners may contact their existing lender and/or a new lender to discuss how to qualify and their eligibility for this program.

2. Servicers working with troubled homeowners may determine that the best solution for avoiding foreclosure is to refinance the homeowner into a HOPE for Homeowners loan.

3. Originating lenders who are looking for ways to refinance potential customers out from under their high-cost loans and/or who are willing to work with servicers to assist distressed homeowners.

4. Counselors who are working with troubled homeowners and their lenders to reach a mutually agreeable solution for avoiding foreclosure.

It is envisioned that the primary way homeowners will initially participate in this program is through the servicing lender on their existing mortgage. Servicers that do not have an underwriting component to their mortgage operations will partner with an FHA-approved lender that does.

Because I am committed to helping Americans obtain homes and remain in their homes, I support the HOPE for Homeowners Program and I support this amendment. I urge my colleagues to support this bill. Indeed, I feel personally vindicated that Congress has set aside a bill to address the issue of mortgage foreclosure, an issue that I have long championed in the 110th Congress.

Housing, Foreclosures, and Texas

Texas ranks 17th in foreclosures. Texas would have faired far worse but for the fact that homeowners enjoy strong constitutional protections under the state's home-equity lending law. These consumer protections include a 3% cap on lender's fees, 80% loan-to-value ratio (compared to many other states that allow borrowers to obtain 125% of their home's value), and mandatory judicial sign-off on any foreclosure proceeding involving a defaulted home-equity loan.

Still, in the last month, in Texas alone there have been 30,720 foreclosures and sadly 15,839 bankruptcies. Much of this has to do with a lack of understanding about finance—especially personal finance.

Last year, American's Personal income decreased $20.7 billion, or 0.2 percent, and disposable personal income (DPI) decreased $11.8 billion, or 0.1 percent, in November, according to the Bureau of Economic Analysis. Personal consumption expenditures (PCE) decreased $56.1 billion, or 0.6 percent. In India, household savings are about 23 percent of their GDP.

Even though the rate of increase has showed some slowing, uncertainties remain. Foreclosures and bankruptcies are high and could still beat last year's numbers.

Home foreclosures are at an all-time high and they will increase as the recession continues. In 2006, there were 1.2 million foreclosures in the United States, representing an increase of 42 percent over the prior year. During 2007 through 2008, mortgage foreclosures were estimated to result in a whopping $400 billion worth of defaults and $100 billion in losses to investors in mortgage securities. This means that one per 62 American households is currently approaching levels not seen since the Depression.

The current economic crisis and the foreclosure blight has affected new home sales and depressed home value generally. New home sales have fallen by about 50 percent.

One in six homeowners owes more on a mortgage than the home is worth raising the possibility of default. Home values have fallen nationwide from an average of 19% from their peak in 2006 and this price plunge has wiped out trillions of dollars in home equity. The tide of foreclosure might become self-perpetuating. The nation could be facing a housing depression—something far worse than a recession.

Obviously, there are substantial societal and economic costs of home foreclosures that adversely impact American families, their neighborhoods, communities and municipalities. A single foreclosure could impose direct costs on local government agencies totaling more than $34,000.

Recently, the Congress set aside $100 billion to address the issue of mortgage foreclosure prevention. I have long championed that money be a set aside to address this very important issue. I believe in homeownership and will do all within my power to ensure that Americans remain in their houses.

Bankruptcy

We have come full circle in our discussion today. The bill before us today is on bankruptcy and mortgage foreclosures.

I have long championed in the first TARP bill that was introduced and signed late last Congress, that language be included to specifically address the issue of mortgage foreclosures. I had asked that $100 billion be set aside to address that issue. Now, my idea has been vindicated as the TARP that was voted upon this week has included language that would give $100 billion to address the issue of mortgage foreclosure. I am continuing to engage in the dialogue with Leadership to provide monies to those in mortgage foreclosure. I have also asked for modification of homeowners' existing loans to avoid mortgage foreclosure.

I believe that the rules governing these loans should be relaxed. These are indeed tough economic times that require tough measures. Again, I feel a sense of vindication on this point, because this bill, H.R. 1106 addresses this point.

Credit Crunch

A record amount of commercial real estate loans coming due in Texas and nationwide the next three years are at risk of not being renewed or refinanced, which could have dire consequences, industry leaders warn. Texas has approximately $27 billion in commercial loans coming up for refinancing through 2011, ranking among the top five states, based on data provided by research firms Foresight Analytics LLC and Trepp LLC. Nationally, Foresight Analytics estimates that $530 billion of commercial debt will mature through 2011. Dallas-Fort Worth has nearly $9 billion in commercial debt maturing in that time frame.

Most of Texas' $27 billion in loans maturing through 2011—$18 billion—is held by financial institutions. Texas also has $9 billion in commercial mortgage-backed securities, the third-largest amount after California and New York, according to Trepp.

Mr. Chairman, my amendment would have helped alleviate these problems. Although my amendment language was not included in the bill, I am confident that it will be included in the Conference language.

All in all, I believe that this bill is important and will do yeoman's work helping America get back on the right track with respect to the economy and the mortgage foreclosure crisis. I wholeheartedly urge my colleagues to support this bill.

Mr. GOODLATTE. Mr. Chairman, I yield myself 3 minutes.

First, I'd like to respond to the gentleman from Vermont who said that Citigroup endorsed this legislation. Well, I must tell you the American Banking Association doesn't support this, nor do the community bankers, the bankers who still have their heads above water all across my congressional district and many other districts across the country that are making mortgage loans day in and day out. They don't support this legislation. But a bank that is receiving already tens of billions of dollars in government assistance supports it. That should convince us that this legislation leads us in the right direction?

Then to the gentleman from Georgia, I would point out that the Congress, a number of years ago, created a special Chapter 12 bankruptcy proceeding for farmers, and that was a temporary change in the law as well, as this one is. The gentleman is correct; it only applies to existing mortgages. But that law, created many, many years ago, still exists because it's been extended and extended, and we are at risk of having the same thing happen here, particularly when the mindset is that we should turn to the advice of banks that are failing to tell us a good way to handle a problem that banks that are succeeding say it is a bad, bad practice.

And I also want to speak against this amendment. Far from making bankruptcy a last resort, this gives homeowners two bites at the apple. Even if they obtain the Obama compliant loan modification from their lenders, i.e., workouts that meet the terms of President Obama's mortgage program, they can still go into bankruptcy. Once there, they can shop for a better deal from the bankruptcy court. Lenders, meanwhile, have to honor the already-cut voluntary deals all the way through bankruptcy.

At the end of the case, the homeowner keeps whichever deal is sweeter. That's not making bankruptcy a last resort. That's guaranteeing abuse of both voluntary modification and bankruptcy. We're going to see a run on the bankruptcy courts if this legislation is adopted.

Meanwhile, what happens to the borrower who rejects an offer meeting President Obama's terms? Nothing. The bankruptcy court can theoretically refuse to confirm a borrower's cramdown plan, but under the terms of the amendment, that will likely happen only when the lender offered a modification without a voluntary cramdown and the borrower has no need for bankruptcy relief anyway.

And what about borrowers who are within 30 days of foreclosure sales? They don't even have to contact their lenders about voluntary modifications. So none of the amendment modifications do not apply.

The new manager's amendment does nothing to change this exception that

swallows the whole bill. As a result, borrowers who may have entered into mortgages that they shouldn't have in the first place, and bankruptcy attorneys can game the system by simply waiting until borrowers are within the 30 days of a foreclosure sale to file for bankruptcy.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I would just note that the National Association of Community Development Credit Unions has announced their support of this measure as altered.

I yield 2 minutes to the gentleman from North Carolina (Mr. MILLER), who's worked so hard on this measure, who was the author of the underlying bill in the last Congress.

Mr. MILLER of North Carolina. Mr. Chairman, this has been a pretty remarkable debate. We've heard we're now going down a dangerous road, and we'll begin the modification or altering contracts in court. Mr. Chairman, that is what bankruptcy does. That is the rule of law. We do enforce contracts. Except when people get hopelessly in debt, we allow them to draw a line to pay what they can, and then to get a fresh start in life. That's what bankruptcy does.

In fact, home mortgages is the only kind of debt that can't be modified, and it is not because that was brought down on stone tablets from Mount Sinai. That exception is just a special-interest give which we see around here all the time. In 1978, the mortgage industry got that exception as a special-interest provision.

We've heard that this will result in arbitrary modifications. No. There are more than a million bankruptcy cases a year. We have a pretty good idea what bankruptcy judges are going to do. They're going to do the same thing with this kind of interest that they do with every other, including family farms, and this is exactly like the treatment of family farms.

We've heard it will help speculators. No. Speculators already can be helped. Investors already can modify their mortgage in bankruptcy. It is only people who live in their homes who can't get relief. We've heard it will help people who bought too much house. No. If you can't afford a 100-percent mortgage at higher than the prime rate, it doesn't help you.

The most infuriating argument is that the opposition is really not about helping the banking industry and the securities industry. It's all about helping the little people that's going to increase interest rates on the little people. Mr. Chairman, I have been hearing that the whole time I have been in Congress. It's never been about helping the banks get rich, according to the banks. It's always been about helping the little people. No matter how crooked their business practices may seem on their face, it's always something they need to do to help the little people.

Here's a reality. Two years ago, just a couple years ago, 40 percent of all corporate profits were for the financial services' sector, 40 percent. That's after all of their salaries and their bonuses and their $50 million corporate jets and their golf tournaments and everything else.

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

Ms. ZOE LOFGREN of California. Mr. Chairman, I would yield the gentleman an additional 15 seconds.

Mr. MILLER of North Carolina. This amendment simply gives lenders one last chance to make a voluntary modification. That is undoubtedly better for a borrower to get a voluntary modification rather than having to go through bankruptcy.

I support this amendment.

Mr. GOODLATTE. Mr. Chairman, I yield myself 30 seconds.

First, I say to the gentlewoman from California that the largest credit union association in the world, Credit Union National Association, a member-owned collection of credit unions around the United States, strongly opposes this legislation. When we talk about the ''little people'' and the organizations that reach out and help people day-to-day with loans, they know the impact that this will have.

And secondly, to the gentleman from North Carolina, the fact of the matter is cramdowns were entirely prohibited going back to the 1898 law. So for more than 100 years, when they liberalized in other areas, they simply continued in this area. It's not true that they have only prohibited cramdowns since 1978.

Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Virginia for yielding.

Mr. Chairman, this amendment before us allows for actual fraud, misrepresentation or obtaining a loan or refinancing by false pretenses. It's specific. We passed an amendment in the Judiciary Committee that prohibited such things, but the language has been changed after the fact. The language has been changed now so that it reads that the court does not find that the debtor has been convicted of obtaining—by actual fraud—the extension, renewal or refinancing of credit that gives rise to a modification claim.

In other words, whatever kind of fraud and misrepresentation or false pretenses might be used, it's not going to be considered by a cramdown court unless there is an actual conviction. That's a breathtaking position to take in print here in the United States Congress.

I think this cramdown, when you break the contract, you allow a judge—a judge perhaps yet to be appointed, a judge with a different idea on what a contract is—to break that contract, sever it apart, and readjust the principal and the interest to meet what the judge believes is convenient to the borrower and give them two bites at the apple and let them pick whatever is the best deal for them?

I can tell you what happens, Mr. Chairman, and that is this: The degree of risk must be proportional to the potential for profit. That's the business equation. Lenders will not loan money unless they have a prospective profit on the other side of this.

So that means that they're going to ask for more down money, and they're going to ask for more interest, and there will be fewer people owning homes, not more. There may be some temporary relief over this window over the next couple of years, and maybe this economy comes back around. But the long run is this: We'll have fewer homeowners, not more. The price for that will end up being more public housing, not less, to replace the homeowners that aren't able to own their own home.

This is the public housing promotion bill in the end. That's where it takes us. It was misplaced thinking to pass the Community Reinvestment Act, it's misplaced thinking not to hold Fannie and Freddie, and it's misplaced thinking to push this cramdown.

Ms. ZOE LOFGREN of California. Mr. Chairman, may I inquire as to the time remaining on each side?

The Acting CHAIR. The gentlelady from California has 5¾ minutes, and the gentleman from Virginia has 4½ minutes.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield to the gentleman from Florida (Mr. MEEK) 1 minute.

Mr. MEEK of Florida. Mr. Chairman, I just want to let the Members know on this great piece of legislation and this amendment that we're debating now that we have a mortgage fraud task force to be created in the Department of Justice.

This same language passed this House 350–23 in the last Congress. I think it's important, with this Nationwide task force, we have a number of communities and a number of victims of those individuals that have obtained loans and tried to get even second loans to be able to save their homes, they find themselves falling to these predators that are out there now.

This task force will be a voluntary participation between Federal, State and local law enforcement officials to be able to close down on these individuals. In my State of Florida, we came in first in 2006, 2007, 2008 of having these mortgage fraud individuals carrying out their acts against Floridians. I think it's also important that the increase was 168 percent in Florida. And as we look at making sure that we protect not only the borrower but also making sure that lenders can be trusted in this process, that we do have bad apples amongst the lending community.

I thank you for allowing me this minute.

Mr. GOODLATTE. Mr. Chairman, at this time I am pleased to yield 1½ minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank the gentleman for yielding. I want to thank him for his leadership on this issue.

Mr. Chairman, I rise to just point out a couple fallacies on the arguments on the other side.

I think it's important that everybody appreciate why this law is in place in the first place, why isn't cramdown allowed in a bankruptcy on a primary residence. And the reason, Mr. Chairman, as you well know, is that it's to encourage primary residence ownership. If lenders don't know what amount of principal they are going to be able to get back on any loan, then they will not be encouraged to loan men and women across this Nation money to purchase a primary reason. That's why. It's very simple.

So what this will do is make it so there will be less money available for homeowner purchasers, there will be less money available for individuals to gain their primary residence.

Higher interest rates will certainly occur. The gentleman from Vermont, I chuckled when he said that Citigroup was supporting this. Well, as has been said in the past, Mr. Chairman, ''Surprise, surprise, surprise.'' Citigroup is supporting it because it gets billions of dollars from the Federal Government. What can it do? In this political economy, under this leadership and this administration, in this political economy, politicians are directing who the winners and losers are, who gets money; and consequently, Citigroup can do nothing but support what this majority and this administration wants.

It's a political economy. It's not a market economy. We need to return to a market economy so that the American people can realize their hopes and dreams and make it so that more individuals are able to purchase their primary residence without the imposition of the Federal Government.

□ 1245

Ms. ZOE LOFGREN of California. Mr. Chairman, I would like to yield 15 seconds to Mr. MARSHALL.

Mr. MARSHALL. To the gentlemen from Georgia and Virginia, again, this only applies to existing debt. Even if the bill is extended, its terms only apply to existing debt now. You would have to change that for it to apply to future loans.

The argument, if it's valid at all—and there is, frankly, scholarship to the contrary—but the argument that the price of a home mortgage has gone up just doesn't hold water.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield 1 minute to a member of the committee, Mr. MAFFEI.

Mr. MAFFEI. I thank the gentlewoman for yielding and for her leadership on this bill.

I, too, had some hesitation about broadening the bankruptcy judges' jurisdiction on this. But what I did was I listened to the other side and I worked with the gentlewoman from California and the distinguished chairman from Michigan, and we were able to get a lot of changes in this bill—and particularly in this manager's amendment—that would make sure that the lender and the borrower would get together, that there would be a safe haven to protect banks and make sure that they could, in fact, renegotiate these loans, and to keep anyone from using this for anything but an absolute last resort. However, as a last resort, it's a necessary, because if we don't have this, then whatever the borrower does, they may not have recourse.

In my district, this is not the biggest problem, foreclosures are not the biggest thing. But yet, even if one family comes to me and says, we're desperate, we have to declare bankruptcy, and if we had a second home, it would be covered, if we had a yacht, it would be covered, but our first home would not be covered, that's a very difficult thing to explain. So I support the manager's amendment.

Ms. ZOE LOFGREN of California. Let me mention one point that has been discussed, which is the potential that enacting this legislation would somehow impact future interest rates for principal mortgages.

I would like to mention that Mark Zandi, who was Senator John McCain's economic adviser during his campaign for President, said this: ''Given that the total cost of foreclosure to lenders is much greater than that associated with Chapter 13 bankruptcy, there is no reason to believe that the cost of mortgage credit across all mortgage loan products should rise.''

I think that this is a bogus argument. And I think that if we don't act to provide fairness to this system, we will be letting down our constituents, and once again, the little guy will lose.

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

Mr. GOODLATTE. Mr. Chairman, I yield myself 1 minute.

Some of the other issues raised in this manager's amendment that need to be pointed out are that the amendment provides an alternative to cramdown of principal, but astoundingly the alternative is free money. If the judge does not want to give a cramdown, he can just rewrite the mortgage as a no-interest loan over the full term of a new 30-year deal. Now, just like there's no such thing as a free lunch, there's no such thing as free money for banks or credit unions to lend to the people who come to them.

So while the gentleman—in fact, several have made the point that this only applies to existing mortgages. The fact of the matter is the money to pay for the modifications that are made here has got to come from someplace. And while I remain concerned that all you would have to do in the future would be to advance the enactment date—everything else in the law would be the same—so you could continue this policy and make it permanent, even if you didn't, money from future borrowers is what's going to be used to fund these changes in current mortgages. It's wrong.

Ms. ZOE LOFGREN of California. Mr. Chairman, may I inquire as to how much time remains on each side.

The Acting CHAIR. The gentlelady from California has 3 minutes remaining and the gentleman from Virginia has 2 minutes remaining.

Ms. ZOE LOFGREN of California. I would like to yield 1 minute to the gentleman from Georgia (Mr. MARSHALL) at this point.

Mr. MARSHALL. In reply to my friend from Virginia, in his observation that, in fact, there are going to be losses and those losses that might be incurred as a result of foreclosures for less than the amount of the loan, all the expenses that are involved in attempting a foreclosure, the expenses associated with maintaining vacant properties—which are huge, by the way—all of those losses could wind up causing credit to increase in the future. Obviously, I described those losses the way I did because, frankly, having a bankruptcy write down is similar to the other kinds of losses that are associated with a foreclosure setting, a setting in which there is a distressed property. And in most instances, the result for the creditor in a bankruptcy process is less expensive than in other processes available to creditors in circumstances like these.

Bottom line, if we can limit these vacancies, we limit the falling home values, which helps the portfolios of most of the lenders that I know.

Mr. GOODLATTE. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, the bottom line, in response to the gentleman from Georgia's argument, is that his case is the strongest one for leaving the bankruptcy laws the way they are because the incentives already exist for them to avoid the cost that he described. So somebody who is struggling right now with their mortgage payments, the incentive exists for them to work with the financial institution and for the financial institution to work with them so they don't face the uncertainties that occur in bankruptcy court.

So, the bottom line is that what this is going to do is it's going to pass along to future people who want to buy homes, whether the law is extended in the future or not, the cost that will be borne by credit unions and community banks and others who are making these mortgages today—they have to cover costs that are unanticipated when they made the mortgages—they're going to have to pass them along in the future. To the extent that they can voluntarily work that out with the existing homeowner, that is the best solution. But that occurs right now and that incentive exists right now under the law. To change the law in the manner that's provided for here, even with the changes in this amendment, simply does not work. And it does not give the assurance to those who said that there needs to be a second chance, a second opportunity to negotiate between the lender and the homeowner voluntarily

because, as I pointed out earlier, any clever bankruptcy attorney will advise his client to simply wait until they're within 30 days of foreclosure, then they don't have to engage in that, they can go straight to the bankruptcy court, bypass exactly what he was calling for happening, and go to the court and see what they can accomplish there under this very, very harmful law from the standpoint of the health of currently healthy banking institutions.

So I urge my colleagues to oppose this amendment and to oppose the underlying bill. This is not the way to keep a healthy system by allowing people to continue to borrow and buy homes.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia, who, I would like to point out, was actually, in his prior life before Congress, an expert in this area of the law.

Mr. MARSHALL. Again, to my friend from Virginia, the bankruptcy process is set up so that the creditor receives, essentially in fair value, the treatment that the creditor otherwise would have received.

And the reality is, in most instances—almost all instances—debtors who default on their mortgages have already got huge problems with other creditors and other debt, and lenders typically know that it's just throwing good money after bad to spend an awful lot of time on workouts. And that's why we've seen the programs that we've put in place thus far in an attempt to stem the foreclosures and the vacancies that are hurting all of us, those programs aren't working, and it's in large part because these debtors need relief from bankruptcy. Outside bankruptcy, for the most part it is just not going to work.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself the remaining time.

Nearly six million households are facing the possibility of foreclosure in our country. And as a result, responsible families who did everything right, who have a traditional mortgage, are facing foreclosure or their neighborhoods are struggling. It's estimated that each foreclosed home reduces the price of the surrounding property—people who did nothing wrong—by 9 percent, or sometimes more. That's when the meth dealers move that is the ''sometimes more.''

This bill takes a number of steps. We've talked about bankruptcy, but that's just a small part of it. It provides a safe harbor for servicers to modify loans. It increases the FDIC insured rate for banks. It makes improvements to the HOPE for Homeowners Program. But it also narrowly affects the exemption for primary residences under Chapter 13.

As has been pointed out, speculators can go into Chapter 13 and get complete relief; it's only the individual homeowner who is not able to get that relief. That's just not fair. There's no way you can possibly defend how that is fair, that the big guys and the speculators get their way, but the individual struggling homeowner does not.

We have worked very hard in these last few weeks to narrow this provision, to listen to every objection that was honestly made, that was credible, and to accommodate it. This amendment is a consensus measure that makes the bill better. I urge its passage.

Mr. CONYERS. Mr. Chair, Title I of H.R. 1106, the Helping Families Save Their Homes Act of 2009, is based in part on H.R. 200, legislation approved by the Judiciary Committee last month to give families whose home mortgage is in distress a better opportunity to come to terms with their lender on workable payment terms—more realistically based on current market interest rates and current home market values.

Because the provisions in title I of this bill differ in a number of respects from H.R. 200 as reported, and differ further with the adoption of the manager's amendment, I am inserting in the RECORD a section-by-section analysis of this bill, as a further supplement to the legislative history in the floor debate today and last week, and in the hearings and committee report for H.R. 200.

H.R. 1106, THE ''HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009,'' SECTION-BY-SECTION EXPLANATION (AS AMENDED BY THE REVISED MANAGER'S AMENDMENT)

Section 1. Short Title; Table of Contents. Subsection (a) sets forth the short title of this Act as the ''Helping Families Save Their Homes Act of 2009.'' Subsection (b) consists of the table of contents.

TITLE I—PREVENTION OF MORTGAGE FORECLOSURES

Subtitle A—Modification of residential mortgages

Section 100. Bankruptcy Code section 101 defines various terms. Section 100 amends this provision to add a definition of ''qualified loan modification,'' which is defined as a loan modification agreement made in accordance with the guidelines of the Obama Administration's Homeowner Affordability and Stability Plan, as implemented on March 4, 2009 with respect to a loan secured by a senior security interest in the debtor's principal residence. To qualify as such, the agreement must reduce the debtor's mortgage payment (including principal and interest) and payments for various other specified expenses (i.e., real estate taxes, hazard insurance, mortgage insurance premium, homeowners' association dues, ground rent, and special assessments) to a percentage of the debtor's income in accordance with such guidelines. The payment may not include any period of negative amortization and it must fully amortize the outstanding mortgage principal. In addition, the agreement must not require the debtor to pay any fees or charges to obtain the modification. And, the agreement must permit the debtor to continue to make these payments notwithstanding the debtor having filed a bankruptcy case as if he or she had not filed for such relief.

Section 101. Eligibility for Relief. Bankruptcy Code section 109(e) sets forth secured and unsecured debt limits to establish a debtor's eligibility for relief under chapter 13. Section 101 of the Act amends this provision to provide that the computation of debts does not include the secured or unsecured portions of debts secured by the debtor's principal residence, under certain circumstances. The exception applies if the value of the debtor's principal residence as of the date of the order for relief under chapter 13 is less than the applicable maximum amount of the secured debt limit specified in section 109(e). Alternatively, the exception applies if the debtor's principal residence was sold in foreclosure or the debtor surrendered such residence to the creditor and the value of such residence as of the date of the order for relief under chapter 13 is less than the secured debt limit specified in section 109(e). This amendment is not intended to create personal liability on a debt if there would not otherwise be personal liability on such debt.

In addition, section 101 amends Bankruptcy Code section 109(h) to waive the mandatory requirement that a debtor receive credit counseling prior to filing for bankruptcy relief, under certain circumstances. The waiver applies in a chapter 13 case where the debtor submits to the court a certification that the debtor has received notice that the holder of a claim secured by the debtor's principal residence may commence (or has commenced) a foreclosure proceeding against such residence.

Section 102. Prohibiting Claims Arising from Violations of the Truth in Lending Act. Under the Truth in Lending Act, a mortgagor has a right of rescission with respect to a mortgage secured by his or her residence, under certain circumstances. Bankruptcy Code section 502(b) enumerates various claims of creditors that are not entitled to payment in a bankruptcy case, subject to certain exceptions. Section 102 amends Bankruptcy Code section 502(b) to provide that a claim for a loan secured by a security interest in the debtor's principal residence is not entitled to payment in a bankruptcy case to the extent that such claim is subject to a remedy for rescission under the Truth in Lending Act, notwithstanding the prior entry of a foreclosure judgment. In addition, section 102 specifies that nothing in this provision may be construed to modify, impair, or supersede any other right of the debtor.

Section 103. Authority to Modify Certain Mortgages. Under Bankruptcy Code section 1322(b)(2), a chapter 13 plan may not modify the terms of a mortgage secured solely by real property that is the debtor's principal residence. Section 103 amends Bankruptcy Code section 1322(b) to create a limited exception to this prohibition. The exception only applies to a mortgage that: (1) originated before the effective date of this provision; and (2) is the subject of a notice that a foreclosure may be (or has been) commenced with respect to such mortgage.

In addition, the debtor must certify pursuant to new section 1322(h) that he or she contacted—not less than 30 days before filing for bankruptcy relief—the mortgagee (or the entity collecting payments on behalf of such mortgagee) regarding modification of the mortgage. The debtor must also certify that he or she provided the mortgagee (or the entity collecting payments on behalf of such mortgagee) a written statement of the debtor's current income, expenses, and debt in a format that substantially conforms with the schedules required under Bankruptcy Code section 521 or with such other form as promulgated by the Judicial Conference of the United States. Further, the certification must include a statement that the debtor considered any qualified loan modification offered to the debtor by the mortgagee (or the entity collecting payments on behalf of such holder). This requirement does not apply if the foreclosure sale is scheduled to occur within 30 days of the date on which the debtor files for bankruptcy relief. If the chapter 13 case is pending at the time new section 1322(h) becomes effective, then the

debtor must certify that he or she attempted to contact the mortgagee (or the entity collecting payments on behalf of such mortgagee) regarding modification of the mortgage before either: (1) filing a plan under Bankruptcy Code section 1321 that contains a modification pursuant to new section 1322(b)(11); or (2) modifying a plan under Bankruptcy Code section 1323 or section 1329 to contain a modification pursuant to new section 1322(b)(11).

Under new section 1322(b)(11), the debtor may propose a plan modifying the rights of the mortgagee (and the rights of the holder of any claim secured by a subordinate security interest in such residence) in several respects. It is important to note that the intent of new section 1322(b)(11) is permissive. Accordingly, a chapter 13 may propose a plan that proposes any or all types of modification authorized under section 1322(b)(11).

First, the plan may provide for payment of the amount of the allowed secured claim as determined under section 506(a)(1). In making such determination, the court, pursuant to new section 1322(i), must use the fair market value of the property as of when the value is determined. If the issue of value is contested, the court must determine such value in accordance with the appraisal rules used by the Federal Housing Administration.

Second, the plan may prohibit, reduce, or delay any adjustable interest rate applicable on and after the date of the filing of the plan.

Third, it may extend the repayment period of the mortgage for a period that is not longer than the longer of 40 years (reduced by the period for which the mortgage has been outstanding) or the remaining term of the mortgage beginning on the date of the order for relief under chapter 13.

Fourth, the plan may provide for the payment of interest at a fixed annual rate equal to the currently applicable average prime offer rate as of the date of the order for relief under chapter 13, as determined pursuant to certain specified criteria. The rate must correspond to the repayment term determined under new section 1322(b)(11)(C)(i) as published by the Federal Financial Institutions Examination Council in its table entitled, ''Average Prime Offer Rates—Fixed.'' In addition, the rate must include a reasonable premium for risk.

Fifth, the plan, pursuant to new section 1322(b)(11)(D), may provide for payments of such modified mortgage directly to the holder of the claim or, at the discretion of the court, through the chapter 13 trustee during the term of the plan. The reference in new section 1322(b)(11)(D) to ''holder of the claim'' is intended to include a servicer of such mortgage for such holder. It is anticipated that the court, in exercising its discretion with respect to allowing the debtor to make payments directly to the mortgagee or by requiring payments to be made through the chapter 13 trustee, will take into consideration the debtor's ability to pay the trustee's fees on payments disbursed through the trustee.

New section 1322(g) provides that a claim may be reduced under new section 1322(b)(11)(A) only on the condition that the debtor agrees to pay the mortgagee a stated portion of the net proceeds of sale should the home be sold before the completion of all payments under the chapter 13 plan or before the debtor receives a discharge under section 1328(b). The debtor must pay these proceeds to the mortgagee within 15 days of when the debtor receives the net sales proceeds. If the residence is sold in the first year following the effective date of the chapter 13 plan, the mortgagee is to receive 90 percent of the difference between the sales price and the amount of the claim as originally determined under section 1322(b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under new section 1322(b)(11)(A). If the residence is sold in the second year following the effective date of the chapter 13 plan, then the applicable percentage is 70 percent. If the residence is sold in the third year following the effective date of the chapter 13 plan, then the applicable percentage is 50 percent. If the residence is sold in the fourth year following the effective date of the chapter 13 plan, then the applicable percentage is 30 percent. If the residence is sold in the fifth year following the effective date of the chapter 13 plan, then the applicable percentage is ten percent. It is the intent of this provision that if the unsecured portion of the mortgagee's claim is partially paid under this provision it should be reconsidered under 502(j) and reduced accordingly.

Section 104. Combating Excessive Fees. Section 104 amends Bankruptcy Code section 1322(c) to provide that the debtor, the debtor's property, and property of the bankruptcy estate are not liable for a fee, cost, or charge that is incurred while the chapter 13 case is pending and that arises from a claim for debt secured by the debtor's principal residence, unless the holder of the claim complies with certain requirements. It is the intent of this provision that its reference to a fee, cost, or charge includes an increase in any applicable rate of interest for such claim. It also applies to a change in escrow account payments.

To ensure such fee, cost, or charge is allowed, the claimant must comply with certain requirements. First, the claimant must file with the court and serve on the chapter 13 trustee, the debtor, and the debtor's attorney an annual notice of such fee, cost, or charge (or on a more frequent basis as the court determines) before the earlier of one year of when such fee, cost, or charge was incurred or 60 days before the case is closed.

Second, the fee, cost, or charge must be lawful under applicable nonbankruptcy law, reasonable, and provided for in the applicable security agreement.

Third, the value of the debtor's principal residence must be greater than the amount of such claim, including such fee, cost or charge.

If the holder fails to give the required notice, such failure is deemed to be a waiver of any claim for such fees, costs, or charges for all purposes. Any attempt to collect such fees, costs, or charges constitutes a violation of the Bankruptcy Code's discharge injunction under section 524(a)(2) and the automatic stay under section 362(a), whichever is applicable.

Section 104 further provides that a chapter 13 plan may waive any prepayment penalty on a claim secured by the debtor's principal residence.

Section 105. Confirmation of Plan. Bankruptcy Code section 1325 sets forth the criteria for confirmation of a chapter 13 plan. Section 105 amends section 1325(a)(5) (which specifies the mandatory treatment that an allowed secured claim provided for under the plan must receive) to provide an exception for a claim modified under new section 1322(b)(11). The amendment also clarifies that payments under a plan that includes a modification of a claim under new section 1322(b)(11) must be in equal monthly amounts pursuant to section 1325(a)(5)(B)(iii)(I).

In addition, section 105 specifies certain protections for a creditor whose rights are modified under new section 1322(b)(11). As a condition of confirmation, new section 1325(a)(10) requires a plan to provide that the creditor must retain its lien until the later of when: (1) the holder's allowed secured claim (as modified) is paid; (2) the debtor completes all payments under the chapter 13 plan; or (3) if applicable, the debtor receives a discharge under section 1328(b).

Section 105 also provides standards for confirming a chapter 13 plan that modifies a claim pursuant to new section 1322(b)(11). First, the debtor cannot have been convicted of obtaining by actual fraud the extension, renewal, or refinancing of credit that gives rise to such modified claim. Second, the modification must be in good faith. Lack of good faith exists if the debtor has no need for relief under this provision because the debtor can pay all of his or her debts and any future payment increases on such debts without difficulty for the foreseeable future, including the positive amortization of mortgage debt. In determining whether a modification under section 1322(b)(11) that reduces the principal amount of the loan is made in good faith, the court must consider whether the holder of the claim (or the entity collecting payments on behalf of such holder) has offered the debtor a qualified loan modification that would enable the debtor to pay such debts and such loan without reducing the principal amount of the mortgage.

Section 105 further amends section 1325 to add a new provision. New section 1325(d) authorizes the court, on request of the debtor or the mortgage holder, to confirm a plan proposing to reduce the interest rate lower than that specified in new section 1322(b)(11)(C)(ii), provided: (1) the modification does not reduce the mortgage principal; (2) the total mortgage payment is reduced through interest rate reduction to the percentage of the debtor's income that is the standard for a modification in accordance with the Obama Administration's Homeowner Affordability and Stability Plan, as implemented on March 4, 2009; (3) the court determines that the debtor can afford such modification in light of the debtor's financial situation, after allowance of expense amounts that would be permitted for a debtor subject to section 1325(b)(3), regardless of whether the debtor is otherwise subject to such paragraph, and taking into account additional debts and fees that are to be paid in chapter 13 and thereafter; and (4) the debtor is able to prevent foreclosure and pay a fully amortizing 30-year loan at such reduced interest rate without such reduction in principal. If the mortgage holder accepts a debtor's proposed modification under this provision, the plan's treatment is deemed to satisfy the requirements of section 1325(a)(5)(A) and the proposal should not be rejected by the court.

Section 106. Discharge. Bankruptcy Code section 1328 sets forth the requirements by which a chapter 13 debtor may obtain a discharge and the scope of such discharge. Section 106 amends section 1328(a) to clarify that the unpaid portion of an allowed secured claim modified under new section 1322(b)(11) is not discharged. This provision is not intended to create a claim for a deficiency where such a claim would not otherwise exist.

Section 107. Standing Trustee Fees. Section 108(a) amends 28 U.S.C. § 586(e)(1)(B)(i) to provide that a chapter 13 trustee may receive a commission set by the Attorney General of no more than four percent on payments made under a chapter 13 plan and disbursed by the chapter 13 trustee to a creditor whose claim was modified under Bankruptcy Code section 1322(b)(11), unless the bankruptcy court waives such fees based on a determination that the debtor has income less

than 150 percent of the official poverty line applicable to the size of the debtor's family and payment of such fees would render the debtor's plan infeasible.

With respect to districts not under the United States trustee system, section 108(b) makes a conforming revision to section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986.

Section 108. Effective Date; Application of Amendments. Section 108(a) provides that this measure and the amendments made by it, except as provided in subsection (b), take effect on the Act's date of enactment.

Section 108(b)(1) provides, except as provided in paragraph (2), that the amendments made by this measure apply to cases commenced under title 11 of the United States Code before, on, or after the Act's date of enactment.

Section 108(b)(2) specifies that paragraph (1) does not apply with respect to cases that are closed under the Bankruptcy Code as of the date of the enactment of this Act.

Section 109. GAO Study. Section 109 requires the Government Accountability Office to complete a study and to submit a report to the House and Senate Judiciary Committees within two years from the enactment of this Act a report. The report must contain the results of the study of: (1) the number of debtors who filed cases under chapter 13, during the one-year period beginning on the date of the enactment of this Act for the purpose of restructuring their principal residence mortgages; (2) the number of mortgages restructured under this Act that subsequently resulted in default and foreclosure; (3) a comparison between the effectiveness of mortgages restructured under programs outside of bankruptcy, such as Hope Now and Hope for Homeowners, and mortgages restructured under this Act; (4) the number of appeals in cases where mortgages were restructured under this Act; (5) the number of such appeals where the bankruptcy court's decision was overturned; and (6) the number of bankruptcy judges disciplined as a result of actions taken to restructure mortgages under this Act. In addition, the report must include a recommendation as to whether such amendments should be amended to include a sunset clause.

Section 110. Report to Congress. Not later than 18 months after the date of enactment of this Act, the Government Accountability Office, in consultation with the Federal Housing Administration, must submit to Congress a report containing: (1) a comprehensive review of the effects of the Act's amendments on bankruptcy courts; (2) a survey of whether the types of homeowners eligible for the program should be limited; and (3) a recommendation on whether such amendments should remain in effect.

TITLE III—MORTGAGE FRAUD

Section 301. Short Title. Section 301 sets forth the short title of title III as the Nationwide Mortgage Fraud Task Force Act of 2009.

Section 302. Nationwide Mortgage Fraud Task Force. Subsection (a) establishes a nationwide mortgage fraud task force within the Justice Department to address mortgage fraud in the United States. Subsection (b) mandates that the Attorney General must provide the task force with appropriate staff, administrative support, and other resources necessary so that the task force can carry out its duties. Subsection (c) requires the Attorney General to appoint one staff member to be the executive director of the task force who, in turn, will ensure that the task force carries out its duties. Subsection (d) requires the task force to establish, oversee, and direct branches in each of the ten states determined by the Attorney General to have the highest concentration of mortgage fraud. Subsection (e) requires the task force to coordinate with federal, state and local law enforcement to establish mortgage fraud initiatives; provide training; and collect and disseminate data. Subsection (f), among other matters, authorizes the task force to establish a toll-free hotline for reporting mortgage fraud; provide the public with access to information and resources with respect to mortgage fraud; establish a data base; and make legislative proposals. Subsection (g), for purposes of this provision, defines mortgage fraud as a material misstatement, misrepresentation or omission relating to the property or potential mortgage relied on by an underwriter or lender to fund, purchase, or insure a loan.

TITLE IV—FORECLOSURE MORATORIUM PROVISIONS

Section 401. Sense of the Congress on Foreclosures. Subsection (a) expresses a sense of the Congress that mortgage holders, institutions, and mortgage servicers should not initiate a foreclosure proceeding or sale until the foreclosure mitigation provisions, such as Hope for Homeowners Program and the President's Homeowner Affordability and Stability Plan, have been implemented and determined to be operational by the Secretary of the Treasury and the Secretary of Housing and Urban Development. Subsection (b) states that the foreclosure moratorium should apply only for first mortgages secured by the owner's principal dwelling. Subsection (c) provides that if a mortgage holder, institution, or mortgage servicer (to which subsection (a) applies) reaches a loan modification agreement with a homeowner under the auspices of the Federal Housing Administration before any plan referred to in such subsection takes effect, subsection (a) shall cease to apply to such institution as of the effective date of the loan modification agreement. Subsection (d) states that any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued or consummated with respect to any homeowner mortgage should not destroy, damage, or impair such property, allow it to deteriorate, or commit waste on the property. Subsection (e) provides that any homeowner for whose benefit any foreclosure proceeding is barred under subsection (a) from being instituted, continued, or consummated with respect to any homeowner mortgage should respond to reasonable inquiries from a creditor or servicer during the period during which such foreclosure proceeding or sale is barred.

Mrs. MALONEY. Mr. Chair, I rise today in strong support of H.R. 1106, the "Helping Families Save Their Homes Act." This legislation is needed now more than ever, and I want to commend Chairman FRANK, Chairman CONYERS, and the Leadership for working together to bring this bill to the Floor.

It is important to remember that behind the economic and housing statistics are real people—the hard-working Americans and their families who are facing difficulties paying their bills every day. H.R. 1106 contains several key provisions to ensure that homeowners will have more options available to them to stay in their homes.

The bill before us would make necessary improvements to the Hope for Homeowners program including reducing current fees that have discouraged lenders from voluntarily participating and offering a $1,000 incentive payment to servicers for each successful refinance of existing loans. H.R. 1106 will ensure that predatory lenders, who bear some of the responsibility for today's housing situation, will not be approved as lenders under FHA programs. The legislation also provides a safe harbor from liability to mortgage servicers who engage in certain loan modifications, and it makes permanent an increase, from $100,000 to $250,000, in the amount of bank or credit union deposits insured by Federal banks and credit union regulators. H.R. 1106 establishes a 5-year restoration plan for the National Credit Union Administration (NCUA) which is currently required to restore the equity ratio of the Share Insurance Fund within one year.

I think most of us agree that bankruptcy should be the option of last resort. However, for those homeowners facing bankruptcy, H.R. 1106 will allow bankruptcy judges to reduce the principal, extend the repayment period, or authorize the reduction of an exorbitant interest rate to a level that helps make a mortgage more affordable. I am glad that we have been able to make changes to this legislation that will enable homeowners to stay in their homes, while at the same time providing greater certainty to lenders and to the secondary market.

I am hopeful that this bill will help to stem the tide of foreclosures and ensure that our neighborhoods do not experience a cascade of increased vacant lots and decreased property values.

The President has proposed a plan to help make it easier for homeowners, including those who are still in repayment but at risk for default, to refinance their mortgages at around the current market rate, or modify their loans. H.R. 1106 is an important step in moving forward with that plan. We must act now. The American people deserve no less than our full commitment to helping them through these troubled times.

I urge my colleagues to support this legislation.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 2 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–21.

Mr. PRICE of Georgia. Mr. Chairman, I have an amendment made in order by the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PRICE of Georgia:

Beginning on page 7, strike line 5 and all that follows through line 16 on page 8, insert the following (and make such technical and conforming changes as may be appropriate):

days after receiving such proceeds, if such residence is sold after the effective date of the plan, the amount of the difference between the sales price and the amount of such claim as originally determined under subsection (b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection.

The Acting CHAIR. Pursuant to House Resolution 190, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, at a time when the government is going to unprecedented lengths to stabilize the banking system, this legislation is short-sighted, untimely, unfair, and counterproductive.

Now, while some might see cramdown as a quick fix, in reality the legislation will have a costly impact on generations to come. Ranking Member SMITH of the Judiciary Committee sent a thoughtful letter to the administration raising concerns about the bill, saying that it would lead to, one, significant taxpayer liability for Federal mortgage guarantees by redistributing wealth from responsible taxpayers to irresponsible borrowers and lenders; two, the hoarding by banks of hundreds of billions of dollars in capital, undermining the efforts that have been undertaken by the government since September to stabilize the financial market; and three, additional constriction in the home lending market. This bill punishes those who have lived within their means and acted prudently by forcing them to subsidize those who made irresponsible choices.

One of the many problems with this bill is that it doesn't have any safeguards to prevent the very people who profited from risky behavior and irresponsible choices from further benefiting at taxpayer expense. The text of the underlying legislation will allow for a partial payback of the cramdown amount if the house is sold within 4 years of the modification. The manager's amendment barely changes the language already in the bill by extending by 1 year and 10 percent the possible partial recapture.

If a mortgagee sells his or her home 6 years after going through a cramdown at a profit, he or she can pocket all of the difference. Mr. Chairman, no one should be able to profit off of a bankruptcy proceeding. Bankruptcy should not be an opportunity to game the system. Hence my amendment.

The amendment would prevent this from happening by simply saying that if a homeowner who has had a mortgage modified in a bankruptcy proceeding sells the home at a profit, the lender—the individuals originally at risk for the money—may recapture the amount of principal lost in the modification or cramdown.

By putting lenders in a position of hedging against cramdown losses, this legislation will raise interest rates for the very individual whose tax dollars are paying all of these government bailouts. Some suggest that the cramdown may raise interest rates as much as 2 percentage points. The 92 percent of homeowners who are working to pay off their mortgages should not be forced to subsidize the mistakes of irresponsible borrowing or lending. By restoring the lender the money that is owed them, we will mitigate the amount to which the industry will need to raise interest rates on responsible homeowners.

This bill is yet another ''Joe the plumber'' moment here in this Congress, providing for the redistribution of wealth from responsible, accountable taxpayers to borrowers and lenders who will not be held accountable.

□ 1300

President Obama has spoken repeatedly of the importance of fairness and personal responsibility. This amendment is an important step in that direction.

I urge my colleagues to adopt the amendment, a responsible and simple amendment, and reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I must oppose this amendment, and I yield myself such time as I may consume.

The issue it addresses is already addressed in the bill and, again, in the manager's amendment. This would take the issue another step further, and I will say it's a step too far.

This would have the effect of making it practically impossible for a family to move to pursue another job. Families would not only keep their homes, they would be trapped there.

The bill also leaves no room for a homeowner to reap a windfall, either calculated or happenstance, so this amendment is unrequired.

I would note that the Price amendment would turn homeowners really into renters for life. It would remove any incentive for a homeowner who needed to sell a house to seek top value in the sale of that house or even to keep up appearances on that house.

It's a mistake, and it's not what the American Dream is all about.

I reserve the balance of my time.

Mr. PRICE of Georgia. May I inquire as to the time remaining?

The Acting CHAIR. The gentleman from Georgia has 2 minutes and the gentlelady from California has 4 minutes.

Mr. PRICE of Georgia. I am pleased to yield to my friend from Virginia (Mr. GOODLATTE) 1 minute.

Mr. GOODLATTE. I thank the gentleman for yielding me the time, and I am pleased to support his amendment, which addresses a serious problem that's in the underlying bill that is not corrected by the manager's amendment, and that is that the cramdown bill will reduce the incentive for many solvent borrowers to keep making payments on their mortgages.

While there are 3 million borrowers who are 60 days or more delinquent on their mortgages, 52 million borrowers remain current in their payments. The cramdown bill gives struggling, but still solvent, borrowers a powerful incentive to stop paying off their mortgages, trigger foreclosure notices and go into bankruptcy to cramdown their mortgage principal and restructure or eliminate all of their other debts.

We will have an outright catastrophe on our hands if most borrowers get the idea that they can successfully game the bankruptcy system in this way. The gentleman's amendment would correct this problem and make sure that we don't have a run on the bankruptcy courts of great magnitude by creating what is currently in the bill now, an incentive to file bankruptcy if the value of your mortgage is greater than the value of your home.

THE FOUR WORST THINGS ABOUT THE MORTGAGE CRAMDOWN BILL (H.R. 200)

No. 1: Back to the Financial Meltdown—The cramdown bill seriously threatens to send us through a time warp straight back to the September financial meltdown. Write-downs of mortgages in bankruptcy will inexorably force downgrades of mortgage-backed securities based on those mortgages. The downgrades will in turn force banks and insurance companies on the hook for the securities to boost their capital reserves. (For example, if a AAA-rated security is downgraded to a BB rating, a bank or insurance company will have to hold 10-times the capital reserves.) The resulting hoarding of capital could total hundreds of billions of dollars, freeze lending, kill many already wounded banks, and send us straight back to the brink we faced in September 2008. This could precipitate another bank bailout to the tune of hundreds of billions of dollars, and it will undermine everything we yet have done to stem the financial crisis.

No. 2: Moral Hazard—The cramdown bill will reduce the incentive for many solvent borrowers to keep making payments on their mortgages. While 3 million borrowers are 60 days or more delinquent on their mortgages, 52 million borrowers remain current in their payments. The cramdown bill gives struggling but still solvent borrowers a powerful incentive to stop paying off their mortgages, trigger foreclosure notices, and go into bankruptcy to cram down their mortgage principal and restructure or eliminate all of their other debts. We will have an outright catastrophe on our hands if most borrowers get the idea that they can successfully game the bankruptcy system in this way.

No. 3: Higher Interest Rates and Down Payment Requirements—Including for the Innocent and the Risky Borrowers Most in Need—The cramdown bill is not the last step. It is the key step in the Democratic Congress' walk-up to its long-sought repeal of the primary residence mortgage exception from the Bankruptcy Code. Once the primary residence exception is gone, lenders' greatly increased risk will surely lead to higher interest rates, higher down payment requirements, and other, tighter terms of principal residence mortgages. This will especially hurt already risky, lower-income borrowers, anyone who needs to refinance out of a challenging mortgage, and everyone who responsibly waited on the home-buying sidelines until the housing bubble burst. In fact, once the first, very big step is taken through the cramdown bill, lenders would be foolish not to begin pricing in their likely increased risk right away. So what's the result of the cramdown bill? Nothing more than swapping the victims.

No. 4: We Still Have Better Options We Can Try—Backers of the cramdown bill say we've tried everything else to stem the foreclosure crisis, and nothing else has worked. That's nonsense. The most recent voluntary programs are working better, and top-flight academics have proposed a terrific solution to get at the mortgages we still haven't been able to reach—mortgages served by third-party servicers that don't own the loans. These servicers lack sufficient incentive to seek loan modifications rather than to foreclose. What is more, if they do modify loans, they can be sued by mortgage-backed securities investors. Still on the table is a proposal to fix this problem by giving third-party servicers a small, per-loan incentive out of TARP funds, and cutting off litigation risk by overriding problem contract clauses and affording a litigation safe-harbor. This proposal appears to be the best possible solution for the critical mass of the remaining problem loans. It will cost little more than $10 billion in TARP funds. Why on earth would we risk the parade of horribles and hundreds of billions of dollars of downside risk threatened by the cramdown bill, when we still haven't tried other, better options.

Ms. ZOE LOFGREN of California. I would yield to the gentleman from Georgia (Mr. MARSHALL) 1 minute.

Mr. MARSHALL. Mr. Chairman, in response to the motion, I understand that the gentleman from Georgia is opposed to the bill. In effect, the gentleman's amendment, proposed amendment, would simply gut the bill. People would not take advantage of this relief.

I am not somebody who is interested in taking taxpayer dollars and injecting the taxpayer dollars into a bad deal, either to help out the lender or help out the borrower. I am somebody who is interested, for the sake of our lenders, and all of our homeowners, in seeing the number of vacancies diminish, not increase, in finding some sort of bottom to home values. Now, this bill does that.

It also, and I was largely the author of this, it also provides that there is a claw-back provision where equity is concerned. The borrower has incentives to take care of the property to improve the property because, gradually, the borrower acquires equity in the property. But initially the borrower does not have equity in the property following cramdown.

What this bill provides is that if a borrower defaults hard on the heels of cramdown, 100 percent of the value, upside value, goes to the lender.

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

Ms. ZOE LOFGREN of California. I would yield the gentleman an additional 15 seconds.

Mr. MARSHALL. One hundred percent of the upside goes to the lender, and then gradually the borrower, by performing appropriately, obtains equity in the property.

It's a reasonable balance here. The balance could have been struck some other way. In effect, the lender continues to have an interest and the balance is appropriate—does not go so far as the gentleman's suggestion goes, because the gentleman's suggestion would essentially kill the bill and continue these vacancies that are hurting all of us.

Mr. PRICE of Georgia. I will continue to reserve.

Ms. ZOE LOFGREN of California. I believe I have the right to close, do I not? Does the gentleman have additional speakers?

Mr. PRICE of Georgia. I don't; do you?

Ms. ZOE LOFGREN of California. No, we don't.

Mr. PRICE of Georgia. Mr. Chairman, this is a very simple amendment. What it says is that if a bank loans an individual $150,000 to purchase a home, and that is subject to a bankruptcy provision and a cramdown, and a judge says that principal will only be $100,000, and that individual who owns the home then sells it at a future date, more than 5 years, for somewhere between $100,000 and $150,000, then that amount of money goes to the lender, the individuals that were individually at risk for the money, loaned the money. If it was over $150,000, then the old homeowner is able to pocket that profit appropriately.

It's a very simple provision. It's a provision, an amendment of fairness, of simplicity. It doesn't gut the bill. In fact, what it does is actually makes the system fair and responsible and rewards responsible activity.

I urge my colleagues to support a commonsense, responsible amendment and yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, this amendment would enrich lenders and really gut the bill, damage communities and damage home values. In the bill there is a responsible provision for lenders who have had their mortgages adjusted in chapter 13 to recover on a graduated basis, should property values appreciate at sale. What this amendment would do would be to turn homeowners into renters for life.

I will just point out something else. In bankruptcy law, if you are a speculator, you go in and you buy three condominiums on spec, and you hope you are going to make a fortune on it. But, instead, the market turns. You go into chapter 13, you can get the principal written down, you can get the interest written down but the homeowner in a condo cannot.

I would point out that if condo values rise, the speculator under the Price amendment gets all the value, the lender gets none. Only the homeowner would be made a renter for life. Now, how is that fair in America, a country that's looking for fairness?

I would like to note that currently, if a lender forecloses on a home, it receives none of the home's appreciation. So what is in the manager's amendment, the balanced amendment—I want to credit Mr. MARSHALL for his excellent work in putting this in—is a vast improvement over current bankruptcy law as it relates to homeowners.

Now, why is this important? Lenders benefit by getting part of their appreciated value and by savings on foreclosure costs. Homeowners share in the value of their home's increasing value, and that's the American Dream.

I would note also that it provides incentives for homeowners who have gone through the tragic circumstance of losing so much and reorganizing in chapter 13 and the stigma that that entails. It provides them incentive to continue to keep up their properties, to paint their houses and to keep up appearances because they have a stake in the future as well, it's not just some remote bank.

Finally, communities benefit because homeowners have this incentive to maintain their properties. So it's important that this measure proceed. As I mentioned earlier, the Price amendment would basically gut this bill and that would be a mistake.

With 6 million homeowners facing foreclosure, that is a disaster not just for those 6 million but for their neighbors. I have seen areas in our country where half the houses are in foreclosure, and I will tell you, it's a nightmare for everyone in that community. The meth dealers move in, the property values decline.

Reject the Price amendment.

Mr. SHERMAN. Mr. Chair, the Price amendment to H.R. 1106 fails to deal appropriately with post-bankruptcy improvements made by the homeowner.

The Acting CHAIR. All time for debate has expired.

The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

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

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 3 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–21.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PETERS:

Beginning on page 3, strike line 21 and all that follows through line 2 on page 4, insert the following:

''(5) Notwithstanding the 180-day period specified in paragraph (1), with respect to a debtor in a case under chapter 13 who submits to the court a certification that the debtor has received notice that the holder of a claim secured by the debtor's principal residence may commence a foreclosure on the debtor's principal residence, the requirements of paragraph (1) shall be considered to be satisfied if the debtor satisfies such requirements not later than the expiration of the 30-day period beginning on the date of the filing of the petition.''.

The Acting CHAIR. Pursuant to House Resolution 190, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. PETERS. Mr. Chairman, I would like to yield myself such time as I may consume.

Today we are considering some important legislation that is going to provide borrowers, lenders and the government with a number of very important tools to address the housing and foreclosure crisis in this country. Much of the focus of this debate has been on the bankruptcy reform portion, which is also the focus of the amendment on the floor right now.

Under current law, those filing for bankruptcy must receive counseling services from an improved credit counseling agency during the 180-day period before the bankruptcy filing. H.R. 1106 eliminates the counseling requirement for those who have already received a foreclosure notice because of a concern that the requirement would be a procedural burden for those who file for bankruptcy quickly in order to save their homes.

The Peters' amendment would preserve the requirement for credit counseling but would allow those who have received a foreclosure notice to file for bankruptcy so long as they obtained the required credit counseling within 30 days after the bankruptcy filing.

This will ensure that everyone who enters the bankruptcy process will continue to receive this very important service, but it also makes clear that no one will lose their home because they could not get access to counseling on time.

Credit counseling is an incredibly important service. In some cases the independent credit counselors can review a debtor's finances and recommend options other than bankruptcy that may be appropriate. It should always be our goal to keep people out of bankruptcy whenever possible.

In every case, however, credit counselors can provide important tools for budgeting that will help the debtor adjust to living under the kinds of financial restrictions that bankruptcy requires.

Mr. Chairman, I urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I rise to claim the time in opposition to the amendment, even though I am not opposed to the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

The amendment seeks partially to reinstate a credit counseling requirement for chapter 13 bankruptcy petitioners that H.R. 1106 will strip entirely away. There is no good reason to wipe out the credit counseling requirement for debtors facing foreclosure.

Bankruptcy credit counseling benefits consumers by providing the financial education needed to emerge successfully from bankruptcy. Homeowners facing foreclosure are ideal candidates for credit counseling. This is not always because they can avoid bankruptcy.

It is often so that they can get help to increase their prospects of being successful after bankruptcy. The vast majority of Americans who receive credit counseling believe strongly that it benefits them.

Finally, credit counseling offers one last real opportunity for a homeowner to reach out to a lender and determine whether a loan modification is possible. A majority claims that many borrowers were hoodwinked into obtaining their loans. That's largely why the majority wants homeowners to be able to take their loans into bankruptcy.

But if credit counseling might show homeowners a better option than bankruptcy, why not let them try counseling. The amendment we are considering does not go far enough. It does not fully restore the requirement for counseling that is in current law.

The Rules Committee should have made Mr. FORBES' credit counseling amendment in order. That amendment would fully restore the counseling requirement and ensure that borrowers receive counseling before they file for bankruptcy.

However, because the amendment before us does restore at least a limited requirement for counseling, I support it.

I reserve the balance of my time.

Mr. PETERS. I would like to yield to the gentlewoman from California (Ms. ZOE LOFGREN) for 1 minute.

Ms. ZOE LOFGREN of California. Mr. Chairman, I rise to support this amendment offered by my colleague from Michigan (Mr. PETERS).

It was a pleasure to work with him to reach agreement on his amendment, and I appreciate his commitment to ensuring that Americans have credit counseling under the Bankruptcy Code, especially in these difficult economic times.

His amendment, Mr. PETERS' amendment, ensures that homeowners will be able to meet their obligations, to obtain credit counseling without risking foreclosure. It strikes the right balance, and it shows real foresight, judgment and skill on Mr. PETERS' part, and I appreciate supporting his amendment, and I appreciate his presence here in our body.

Mr. GOODLATTE. Mr. Chairman, may I ask how much time is remaining on each side?

The Acting CHAIR. There are 3½ minutes for the gentleman from Virginia and 2 minutes for the gentleman from Michigan.

□ 1315

Mr. GOODLATTE. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Chairman, the crisis that we're in right now had a number of factors that helped create it. One, we had investment bankers on Wall Street that got a little too greedy. Congress forced banks to make some loans that they shouldn't have made.

But throughout all this process, community banks, generally speaking, by and large, have done a great job of staying stable even through the toughest of times. But we keep rewarding greed and improper conduct and then keep hurting the people who have done the most good.

Now, I understand the hearts of those on the other side that are pushing this, and I understand that my colleagues feel like it's going to help. But the fact is you talk to the community banks who have really been hurt, starting with Paulson's screaming that we'll take care of dollar for dollar of every dime in money market accounts but banks are only covered to $100,000. People withdrew their money from the banks. They still survived and they're doing well.

But you've got to look at what banks are required to do. They're required to be solvent. And that means on the asset side, they have to show a net plus. And if we pass this, then that net plus will be an uncertainty. They will not know what they have because we'll have a bankruptcy judge who can come in and just at his whim change the principal on a mortgage. And I see my colleague shaking her head. A bankruptcy judge will be able to lower the principal. That's what this is about, and that is going to be creating such uncertainty in the banks.

And here at a time when we have just in 2 months added what will ultimately be more taxes to the next generation and the generation after that than they could possibly pay, now if this passes, those banks will have to be so sure that people will not file bankruptcy, they're going to need to have a good credit history for 10, 15 years, 20 years. So not only are we adding all this tax burden to them, we're also telling

them, and, by the way, you're not going to be able to get a home loan for years to come until you have such a great track record that a bank can be certain you won't file bankruptcy because otherwise their bank financial statement will be uncertain.

We've done enough damage to the next generations. It's time to stop hurting the next generations. Let's take care of this with our generation. Let's not reward problem activity. Let's let the community banks survive this process without hurting them any worse.

Mr. PETERS. Mr. Chairman, I do not have any further requests for time, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, may I ask how much time is remaining?

The Acting CHAIR. The gentleman from Virginia has 30 seconds remaining.

Mr. GOODLATTE. Mr. Chairman, let me take the 30 seconds to say that while I think this is a good amendment and I support it, it doesn't go as far as it should have. We should have had the opportunity to vote today and debate today the amendment offered by Congressman FORBES from Virginia. But nonetheless, that not being the case, I support this amendment.

But I still strongly oppose this underlying legislation, which is going to cause hardships for future homeowners who are going to wind up paying higher mortgage rates and larger down payments for the problems that exist today. That's wrong. We should not pass that and spread that risk to those people, and we should not jeopardize legitimate credit unions and community banks that have been doing so much to help extend credit in this country.

Mr. PETERS. Mr. Chairman, my amendment is a commonsense compromise that ensures that everyone who enters into the bankruptcy process will continue to get important credit counseling services, while at the same time giving those who do not have the time to complete the counseling and are in danger of losing their home the opportunity to do so after they have filed for bankruptcy. The amendment is supported by the Financial Counseling Research Roundtable, which is comprised of the Nation's leading nonprofit organizations providing Americans with bankruptcy, housing, consumer credit, and financial counseling.

I'd also like to take this opportunity to thank Chairman CONYERS for working with me on this amendment and for his leadership in helping to put together this package.

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

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

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

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

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

AMENDMENT NO. 4 OFFERED BY MS. TITUS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–21.

Ms. TITUS. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. TITUS:

Page 34, strike line 13, and insert the following:

''(x) PAYMENT TO EXISTING LOAN SERVICERS.—

''(1) PAYMENT.—The''.

Page 34, after line 17, insert the following:

''(2) NOTIFICATION REQUIREMENT.—The Secretary shall require each servicer that receives a payment under this paragraph to notify all mortgagors under mortgages serviced by such servicer who are at-risk homeowners (as such term is defined by the Secretary), in a form and manner as shall be prescribed by the Secretary, that they may be eligible for the HOPE for Homeowners Program under this section and how to obtain information regarding the program.''.

The Acting CHAIR. Pursuant to House Resolution 190, the gentlewoman from Nevada (Ms. TITUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Nevada.

Ms. TITUS. Mr. Chairman, I rise today with an amendment to H.R. 1106, the Helping Families Save Their Homes Act.

As you know, the foreclosure crisis is wreaking havoc across the entire Nation, but my district in Southern Nevada is particularly hard hit. Nevada has the highest foreclosure rate in the country. Home prices have dropped significantly. Thousands of families are upside-down on their mortgages, and foreclosures are extending into the prime market. In fact, there was a report that was issued today by the First American CoreLogic group that stated there were 58.2 percent of Las Vegas houses upside-down and another 3.5 percent that are fast approaching that for a total of 61.7 percent of all outstanding mortgages. Compounding the problem even further, the unemployment rate in Nevada is over 9 percent, well above the national average. Families who are responsible and bought a home within their means are now facing foreclosure due to loss of a job or reduction of hours at work.

Foreclosure prevention, I believe, is a critical part of any strategy to get us back on track. I strongly believe that aggressive outreach to borrowers can help prevent unnecessary foreclosures, and that is exactly what my amendment seeks to address.

The amendment is simple and straightforward. In short, it would require that servicers who participate in the HOPE for Homeowners Program and receive government incentives paid for by taxpayer dollars notify at-risk homeowners that they may be eligible for the program and tell them how to obtain information regarding the program. It also requires that the HUD Secretary define who are at-risk homeowners and prescribe a form and manner of notifying them of their potential eligibility for assistance.

By requiring HUD to define what is meant by ''at risk'' and to prescribe the method of notification of eligible homeowners, my amendment attempts to limit the administrative burden on the servicers. At the same time, it ensures that homeowners who are in danger of losing their homes and may be eligible for help will receive as much information as possible about the HOPE for Homeowners Program. Many people in trouble do not even know what help is available to them, and this amendment will help resolve that problem so they can find out about HOPE for Homeowners in a timely fashion before it's too late. I cannot tell you how many calls I have received from constituents in my district office who are facing foreclosure and don't know where to turn. This amendment will provide them with the information and help they need under this very important legislation.

Mr. Chairman, I have discussed this issue with Chairman FRANK of the Financial Services Committee and understand that he has some reservations regarding the scope of the amendment. He intended to be here but was delayed by a press conference. Although I intend to withdraw the amendment, I think it's important that we have the discussion on this issue today, and I appreciate your indulgence. I also look forward to working with Chairman FRANK as we move forward to improve notification requirements and address the foreclosure crisis in our country.

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

Mrs. CAPITO. Mr. Chairman, I rise to claim the time in opposition; although I'm not opposed to the gentlewoman's amendment.

The Acting CHAIR. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Mrs. CAPITO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not in opposition to the gentlewoman's amendment, but I do want to talk about my opposition to the underlying package before the House today.

Our Nation is facing significant challenges, especially in the mortgage market. We once had a flowing market providing the funds critical to the origination of mortgages to our home buyers.

One of the proposals before us today is to allow judges to alter the terms of a mortgage product in bankruptcy. I really understand the desire to help families avoid foreclosure and agree that we should do everything we can to help them. However, this solution to helping should not adversely affect the

overwhelming majority of the population that are tightening their family budgets to continue paying their mortgages on time. Passage of this legislation in its current form could send mortgage rate fees higher for our regular homeowners as creditors pass on the risk of bankruptcy procedures. This is a question of fairness, in my mind. We must be certain that in the pursuit of helping those who deserve help and need help that we do not unduly burden those who have worked hard to keep their heads above water.

I also have concerns about the state of the HOPE for Homeowners Program. During a recent hearing in our Financial Services Committee, one of the witnesses from the Department of Housing and Urban Development agreed with me when I posited the question: Should we just scrap this and start over? Realizing that as of today, HOPE for Homeowners, which has been in effect for several months now, has only helped 50 homeowners in their current situation. I offered an amendment, and I feel that we should give the FHA new authority to reshape this program where it can really work quickly and is targeted to the population who desperately need this help. I offered an amendment to the Rules Committee to achieve this goal, but I was prevented from offering it on the floor and am, therefore, prevented from discussing it on the floor in a fuller manner. So later today I will be introducing that proposal as stand-alone legislation, the REFI for Homeowners Act.

There are some provisions in this bill that I do support, like the safe harbor provisions that will encourage more modifications, the increasing of deposit insurance for FDIC and NCUA, and the ultimate goal of this bill, which is to help homeowners. However, the cramdown of mortgages and the continuation of the HOPE for Homeowners Program that is not working is not in the best interest of our taxpayers. I think we can do better than what this bill offers.

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

Ms. TITUS. Mr. Chairman, I yield such time as he may consume to Chairman FRANK.

Mr. FRANK of Massachusetts. I thank the gentlewoman for yielding.

Mr. Chair, I think her amendment is a very important one. I would ask her if we could withhold further action to do a little work on it because the notion that we should put a requirement on these servicers to get funding is a valid one. There are some interconnections here, and I think we could actually make it apply to more people. But, also, if a servicer is only doing two or three of these, the requirement that they notify everybody might become a deterrent to doing some. So I would like to sharpen it and broaden it at the same time. And if the gentlewoman would agree, we could work on this, and I think by the time this gets through the Senate, never known for breakneck speed, we would have a version that would improve it. So I would suggest that to the gentlewoman.

Mrs. CAPITO. Mr. Chairman, I yield 45 seconds to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chair, we fiscal conservatives are in the minority, unfortunately, and have been working hard to lay out alternatives to stimulate the economy with immediate tax cuts, with spending cuts.

The new majority in Congress, with this new President, has spent more money in less time than any Congress in history. In fact, that's all borrowed money. About $1.3 trillion in borrowed money has already been spent by this Congress.

I would like to ask the Congresswoman from Nevada (Ms. TITUS), who ran on a record of being fiscally responsible, Ms. TITUS, how is it fiscally responsible that you voted for $1.2 trillion in new spending, borrowed money, which is going to be paid for by our children and grandchildren? How is that fiscally responsible?

□ 1330

Ms. ZOE LOFGREN of California. Mr. Chairman, that is not a germane point. I would raise a point of order.

The Acting CHAIR. The gentleman's time has expired.

Ms. TITUS. Mr. Chairman, I would just like to comment on Chairman FRANK's offer to help work on this amendment in terms of both its scope and depth. I appreciate that offer of assistance. I think we can improve the amendment. I think it is very important that we have an aggressive borrower outreach program so people who are in trouble can find out about the help that is available to them and find that out before it is too late.

Mr. Chairman, I would ask unanimous consent that the amendment be withdrawn.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

Mrs. CAPITO. Mr. Chairman, I have time remaining; is that correct?

I reserve the right to object.

The Acting CHAIR. The gentlewoman could have reserved the right to object before the amendment was withdrawn, but the amendment has been withdrawn.

Mr. FRANK of Massachusetts. Mr. Chairman, it was not our intention to shut off the gentlewoman from West Virginia. Is it in order to ask unanimous consent that she be allowed the remaining time as if it had not been withdrawn?

The Acting CHAIR. Yes, it is.

Mr. FRANK of Massachusetts. Then I would make a unanimous consent request that the gentlewoman from West Virginia be able to conclude her remarks as if the amendment had not been withdrawn.

The Acting CHAIR. Without objection, the gentlewoman from West Virginia reclaims the balance of her time.

There was no objection.

Mrs. CAPITO. I thank the chairman for the unanimous consent request.

I yield the time I have remaining to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. You know, one of the things that concerns me is that we have spent trillions of dollars in the last few weeks, trillions. The people of this country were very concerned about the money they had in the banks so the Federal Deposit Insurance Corporation raised the amount of money from $100,000 to $250,000 so people will feel secure, they will know their money is safe in the banks. Yet today, the head of the FDIC, Sheila Bair, said the fund could become insolvent this year.

That is the craziest thing this woman could possibly say. If she wants to avoid a run on the banks and scaring the American people to death, she shouldn't be making these kinds of comments. To say that the FDIC is not going to insure the deposits of the people of this country is insane, especially at a time when everybody in this country is scared to death.

Ms. ZOE LOFGREN of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. TITUS) having assumed the chair, Mr. SALAZAR, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability, had come to no resolution thereon.

RECESS

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

Accordingly (at 1 o'clock and 34 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1641

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SERRANO) at 4 o'clock and 41 minutes p.m.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 190 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1106.

□ 1641

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the further consideration of the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability, with Mr. HOLDEN (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 3, printed in House Report 111–21, offered by the gentleman from Michigan (Mr. PETERS) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111–21 on which further proceedings were postponed, in the following order:

Amendment No. 1, as modified, by Ms. ZOE LOFGREN of California.

Amendment No. 2 by Mr. PRICE of Georgia.

Amendment No. 3 by Mr. PETERS of Michigan.

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

AMENDMENT NO. 1 OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA, AS MODIFIED

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. ZOE LOFGREN), as modified, on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 263, noes 164, not voting 10, as follows:

[Roll No. 100]

AYES—263

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Foxx
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—164

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

NOT VOTING—10

Cao
Coffman (CO)
Conyers
Dingell
Ehlers
Faleomavaega
Melancon
Miller, Gary
Perriello
Stark

□ 1649

Mr. FORTENBERRY changed his vote from ''aye'' to ''no.''

Ms. MARKEY of Colorado and Mr. RANGEL changed their vote from ''no'' to ''aye.''

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. PRICE OF GEORGIA

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 211, noes 218, not voting 8, as follows:

[Roll No. 101]

AYES—211

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Cole
Conaway
Connolly (VA)
Crenshaw
Culberson
Dahlkemper
Davis (AL)
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Edwards (TX)
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Himes

Hodes
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Murphy (CT)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—218

Abercrombie
Ackerman
Adler (NJ)
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boswell
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—8

Cao
Coffman (CO)
Ehlers
Faleomavaega
Melancon
Miller, Gary
Perriello
Stark

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1731

Mr. MASSA changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. PETERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. PETERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 423, noes 2, not voting 12, as follows:

[Roll No. 102]

AYES—423

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry

Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—2

Flake
Lewis (CA)

NOT VOTING—12

Akin
Bilbray
Cao
Coffman (CO)
Ehlers
Faleomavaega
Kaptur
McMorris Rodgers
Melancon
Miller, Gary
Perriello
Stark

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1738

So the amendment was agreed to.

The result of the vote was announced as above recorded.

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

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROSS) having assumed the chair, Mr. HOLDEN, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability, pursuant to House Resolution 190, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

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

The amendments were agreed to.

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

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

MOTION TO RECOMMIT

Mr. PRICE of Georgia. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. PRICE of Georgia. I am.

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

The Clerk read as follows:

Mr. Price of Georgia moves to recommit the bill, H.R. 1106, to the Committee on the Judiciary and the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

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

TITLE III—LIMITATIONS ON USE OF FUNDS FOR PREVENTION AND MITIGATION OF MORTGAGE FORECLOSURES

SEC. 301. LIMITATIONS ON USE OF FUNDS FOR PREVENTION AND MITIGATION OF MORTGAGE FORECLOSURES.

(a) PROHIBITIONS ON USE OF TARP AND OTHER FORECLOSURE MITIGATION ASSISTANCE.—

(1) TARP FUNDS.—Notwithstanding any provision of title I of the Emergency Economic Stabilization Act of 2008, no funds made available to the Secretary of the Treasury pursuant to section 115(a)(3) of such Act and used by the Secretary in any manner for the prevention or mitigation of foreclosures on mortgages on residential properties, may be used for any assistance or relief in violation of the prohibitions under paragraph (3).

(2) ASSISTANCE UNDER THIS ACT.—Notwithstanding any other provision of this Act or any amendment made by this Act, no relief or assistance may be provided under this Act, the amendments made by this Act, or any authority or program established or amended by this Act, in violation of the prohibitions under paragraph (3).

(3) PROHIBITIONS.—Relief or assistance in violation of the prohibitions under this paragraph is relief or assistance as follows:

(A) MISREPRESENTATION.—Relief or assistance to, for, or on behalf of any mortgagor who obtained the mortgage with respect to which the assistance or relief is provided by material misrepresentation, false pretenses, or actual fraud.

(B) FAILURE TO FOLLOW UNDERWRITING STANDARDS.—Relief or assistance to, for, or on behalf of any lender or mortgagee that failed to comply with underwriting standards for residential mortgages applicable to such lender or mortgagee.

(C) INCENTIVE PAYMENTS FOR BORROWERS OR SERVICERS.—Relief or assistance in the form of providing any payment, discount, reduction, or other thing of value to any mortgagor, mortgagee, or servicer of a mortgage as an incentive to engage or participate in any activity or program for the prevention or mitigation of foreclosure on the mortgage, or other mortgage modification or workout, including any of the following incentive payments under the Homeowner Affordability and Stability Plan of the Secretary of the Treasury:

(i) The incentives under such Plan referred to as ''Pay for Success Incentives to Servicers'', which provide servicers with an up-front fee of $1,000 for each eligible modification meeting guidelines under the Plan and monthly payments in an amount up to $1,000 each year for three years, as long as the borrower stays current on the mortgage.

(ii) The incentives under such Plan referred to as ''Incentives to Help Borrowers Stay Current'', which provide a monthly balance reduction payment that goes toward reducing the principal balance of the mortgage loan, in an amount of up to $1,000 for each year for five years, as long as a borrower stays current on the mortgage.

(iii) The incentives under such Plan referred to as ''Reaching Borrowers Early'', which provide a payment of $500 to servicers, and a payment of $1,500 to mortgage holders, if they modify at-risk loans before the borrower falls behind.

(b) REQUIREMENT FOR SUBMISSION OF TARP FORECLOSURE MITIGATION PLAN TO CONGRESS.—Notwithstanding any provision of title I of the Emergency Economic Stabilization Act of 2008, none of the funds otherwise available to the Secretary of the Treasury pursuant to section 115(a)(3) of such Act may be used by the Secretary for the prevention or mitigation of foreclosures on mortgages on residential properties, unless—

(1) a comprehensive plan for the use of the funds has been submitted to the Congress by the Secretary and the 90-day period that begins upon such submission has expired; and

(2) the plan provides for equitable treatment of all mortgagors, and does not limit assistance only to mortgagors that are delinquent, or in danger of defaulting, on their mortgages.

Mr. PRICE of Georgia (during the reading). Mr. Speaker, I ask unanimous consent that the reading of the motion to recommit be suspended.

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

There was no objection.

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

Mr. PRICE of Georgia. Mr. Speaker, at a time when the government is going to unprecedented lengths to stabilize the banking system, this legislation—the underlying legislation—is shortsighted, untimely, unfair, and counterproductive. While some might see cramdown as a quick fix, in reality, this legislation will have a costly impact on generations to come.

Ranking Member SMITH of the Judiciary Committee sent a thoughtful letter to the administration, raising concerns that this bill will lead to significant taxpayer liability for Federal mortgage guaranties by redistributing wealth from responsible taxpayers.

The letter that Ranking Member SMITH sent to the administration raised concerns about the underlying bill leading to significant taxpayer liability for Federal mortgage guaranties by redistributing wealth from responsible taxpayers to irresponsible borrowers and lenders by the hoarding by banks of hundreds of billions of dollars in capital while undermining the efforts that had been undertaken by the government in September to stabilize the financial markets.

Finally, additional constriction in the home lending market: Markets are very stressed right now. The homeownership market is leading the way. There is more uncertainty than confidence. Many in America are having real financial problems, and we understand that. This bill only increases that uncertainty. If any Member truly desires fairness in the system of homeownership, then this motion to recommit will give them that assurance.

The underlying bill leaves the door open to reward irresponsible actors, and our motion to recommit ensures that that doesn't happen. It would prohibit taxpayer assistance to any borrowers who misrepresented or lied about their income on their mortgage applications. It would prohibit taxpayer assistance to any lender who failed to follow proper underwriting standards. It would prohibit taxpayer funds from being used as incentives to lenders to rework loans for irresponsible borrowers, in essence, bribes from the taxpayer to pay mortgages. It would prohibit taxpayer funds from

being used unless the President submits a new plan that provides equitable treatment of all mortgages.

□ 1745

His current plan does not do that. Contrary to the words from President Obama, his plan rewards irresponsible behavior and continues a reckless course.

What we're asking for instead is a plan that's fair to everyone, a plan that provides equitable treatment for everyone. All homeowners are struggling right now, and this plan in the underlying bill rewards bad behavior.

The key aspects of the Obama administration's housing bailout proposal rewards irresponsible borrowers and lenders at the expense of the more than 90 percent of American families still making their mortgage payments on time. This is fundamentally unfair, and the American people know it.

Mr. Speaker, our motion to recommit will ensure that unscrupulous and irresponsible actors will not be bailed out by the overwhelming majority of working families that have lived responsibly and within their means.

I urge adoption of the motion to recommit.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I rise to oppose the motion to recommit.

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

Mr. FRANK of Massachusetts. Mr. Speaker, before turning to this motion to recommit, I have a serious subject I want to address.

A number of Members have been concerned about the increased assessment that's hit community banks from the FDIC, in part because of failures to which they did not contribute. Today, the Chair of the FDIC, Sheila Bair, has written to our Senate counterparts to say that in effect, if we go ahead with the increase in FDIC borrowing authority—some of that is in this bill; it would be improved on in the Senate in ways that we agree with—but if she gets the increased borrowing authority, a process that begins in this bill, she will substantially reduce that assessment on the community banks.

So voting for this bill will be an important step towards reducing the assessment of the community banks.

I insert this letter into the RECORD at this point.

FEDERAL DEPOSIT INSURANCE CORPORATION,
Washington, DC, March 5, 2009.

Hon. CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing, and Urban Affairs U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my support for the Depositor Protection Act of 2009, legislation to increase the Federal Deposit Insurance Corporation's borrowing authority with the Treasury Department if losses from failed financial institutions exceed the industry funded resources of the Deposit Insurance Fund (DIF).

As you know, the FDIC's borrowing authority was set in 1991 at $30 billion and has not been raised since that date. Assets in the banking industry have tripled since 1991, from $4.5 trillion to $13.6 trillion. As I indicated in my previous letter of January 26, 2009, the FDIC believes it is prudent to adjust the statutory line of credit proportionately to leave no doubt that the FDIC can immediately access the necessary resources to resolve failing banks and provide timely protection to insured depositors.

The legislation would include important additional authority for the FDIC and would rationalize the FDIC's current borrowing authority. Under current law, the FDIC has the authority to borrow up to $30 billion from Treasury to cover losses incurred in insuring deposits up to $100,000. In addition, when Congress temporarily increased deposit insurance coverage to $250,000, it temporarily lifted all limits on the FDIC's borrowing authority to implement the new deposit insurance obligation.

The bill would permanently increase the FDIC's authority to borrow from Treasury from $30 billion to $100 billion. In addition the bill also would temporarily authorize an increase in that borrowing authority above $100 billion (but not to exceed $500 billion) based on a process that would require the concurrence of the FDIC, the Federal Reserve Board, and the Treasury Department, in consultation with the President.

Because the existing borrowing authority for losses from bank failures provides a thin margin of error, it was necessary for the FDIC recently to impose increased assessments on the banking industry. These assessments will have a significant impact on insured financial institutions, particularly during a financial crisis and recession when banks must be a critical source of credit to the economy.

The size of the special assessment reflected the FDIC's responsibility to maintain adequate resources to cover unforeseen losses. Increased borrowing authority, however, would give the FDIC flexibility to reduce the size of the recent special assessment, while still maintaining assessments at a level that supports the DIF with industry funding. While the industry would still pay assessments to the DIF to cover projected losses and rebuild the Fund over time, a lower special assessment would mitigate the impact on banks at a time when they need to serve their communities and revitalize the economy.

In conclusion, the Depositor Protection Act would leave no doubt that the FDIC will have the resources necessary to address future contingencies and seamlessly fulfill the government's commitment to protect insured depositors against loss. I strongly support this legislation and look forward to working with you to enact it into law.

Sincerely,

SHEILA C. BAIR.

Now, as to the motion to recommit, the gentleman from Georgia slightly under-described his amendment. Understatement is not his usual metier, but he alluded to it today. He said it would prevent, as I recall page 3, section C, help for any irresponsible borrower. No. It prevents mortgage assistance to any borrower, responsible or not, no matter what the cause. This proposal simply makes it impossible to carry out any mortgage relief.

One of the things that the President said was we would go to the servicers who now can get a payment for foreclosure. And we would say under this bill, we would authorize a payment if they did a modification instead of a foreclosure. This amendment says no, that can't happen.

We say here that we will work with the borrowers to reduce the amount that they are entitled to receive under the contract on the grounds that they would be better off avoiding foreclosure. It would have the Federal Government work with them in this. This would make it impossible.

The gentleman from Georgia kind of made clear his general position when he began by denouncing the part of this bill that deals with bankruptcy. Now, of course, this amendment, as he's offered it, doesn't deal with bankruptcy. That's why I'm here instead of my colleague from Michigan. But the purpose is clear. His view is that there should not be a Federal program to try to diminish mortgage foreclosures.

Here is the point. Diminution of mortgage foreclosures currently has a compassionate aspect. Not surprisingly, that has less appeal in some parts of this House than others. But there is also an enlightened self-interest to it. Irresponsible subprime mortgage lending and borrowing and underwriting and securitizing a whole lot of guilty parties was the biggest single cause of the financial crisis we are in. The continued cascade of foreclosures and consequent deterioration of asset prices is the major reason why we have continued economic deterioration.

There is broad agreement that until we begin to stem the tide of foreclosures—we can't stop it all, and we're not trying to stop it all; not everybody who's being foreclosed upon can be helped or should be helped—but until we do a great deal to reduce this, you will not get an end to the current crisis.

So this is a direct shot. Now, I know I do not attribute this to the gentleman from Georgia, but there is, for instance, a noted commentator on public affairs, Mr. Limbaugh, who has a certain number of fans on that side—and if they aren't fans, they're afraid to say so. He has asked that the President fail. Well, the effect of this amendment would be giving Mr. Limbaugh his wish because if you cripple the effort to reduce mortgage foreclosure, you cripple the effort to get out of the economic slump we are in.

So I understand what some people would like to see happen. They do not want President Obama and a Democratic Congress to get any credit for helping to reduce our economic situation. I understand that, but they're taking a lot of innocent people hostage. They have a right to be very partisan and go after us. But don't do it at the expense of an awful lot of Americans who would lose their homes and of an economic situation that is deteriorating.

So I reiterate that defeating this motion and passing this bill will be an important step towards, among other things, reducing those FDIC assessments—and we have the word of Sheila Bair—and it will be a responsible way

of trying to reduce mortgage foreclosure. It's to the benefit of the individual, to the benefit of the communities that are suffering from this, it's to the benefit of other homeowners whose property values have deteriorated by foreclosure; and at last, I must concede to my Republican friends, it might help the President in his effort to improve the economy. I apologize for that, but I hope you can put up with it.

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

There was no objection.

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

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

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 182, noes 242, not voting 7, as follows:

[Roll No. 103]

AYES—182

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

NOES—242

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—7

Cao
Coffman (CO)
Ehlers
Melancon
Miller, Gary
Perriello
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1808

Ms. HARMAN, Ms. LORETTA SANCHEZ of California and Mr. GUTIERREZ changed their vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 191, not voting 7, as follows:

[Roll No. 104]

YEAS—234

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castle
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kirkpatrick (AZ)
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel

Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—191

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

NOT VOTING—7

Cao
Coffman (CO)
Ehlers
Melancon
Miller, Gary
Perriello
Stark

□ 1817

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 104, had I been present, I would have voted "yea."

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, I rise to a question of the privileges of the House previously noticed.

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

The Clerk read as follows:

H. RES. 212

Whereas The Hill reported on February 10, 2009, that "a top defense-lobbying firm" that "specializes in obtaining earmarks in the defense budget for a long list of clients" was "recently raided by the FBI.";

Whereas Roll Call reported on February 11, 2009, that "the defense-appropriations-focused lobbying shop" had in recent years "spread million of dollars of campaign contributions to lawmakers.";

Whereas Politico reported on February 13, 2009, that "federal investigators are asking about thousands of dollars in campaign contributions to lawmakers as part of an effort to determine whether they were illegal 'straw man' donations.";

Whereas Roll Call reported on February 20, 2009, that they have "located tens of thousands of dollars worth of [the raided firm]-linked donations that are improperly reported in the FEC database.";

Whereas Roll Call also reported that "tracking Federal Election Commission records of campaign donations attributed to [the firm] is a comedy of errors, misinformation and mysteries, providing more questions than answers about how much money the lobbying firm actually raised for Congressional campaigns.";

Whereas CQ Today reported on February 19, 2009, that "104 House members got earmarks for projects sought by [clients of the firm] in the 2008 defense appropriations bills," and that 87 percent of this bipartisan group of Members received campaign contributions from the raided firm;

Whereas The Hill reported on February 10, 2009, that in 2008 clients of this firm had "received $299 million worth of earmarks, according to Taxpayers for Common Sense.";

Whereas The Hill reported on February 23, 2009, that "clients of a defense lobby shop under investigation are continuing to score earmarks from their patrons in Congress, despite the firm being on the verge of shutting its doors permanently" and that several of the firm's clients "are slated to receive earmarks worth at least $8 million in the omnibus spending bill funding the federal government through the rest of fiscal 2009 . . .";

Whereas the Washington Post reported on June 13, 2008, in a story describing increased earmark spending in the House version of the fiscal year 2009 defense authorization bill that "many of the earmarks serve as no-bid contracts for the recipients.";

Whereas the Associated Press reported on February 25, 2009, that "the Justice Department's fraud section is overseeing an investigation into whether [the firm] reimbursed some employees for campaign contributions to members of Congress who requested the projects.";

Whereas Politico reported on February 12, 2009, that "several sources said FBI agents have spent months laying the groundwork for their current investigation, including conducting research on earmarks and campaign contributions.";

Whereas the reportedly fraudulent nature of campaign contributions originating from the raided firm, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of congressional proceedings and the dignity of the institution; and

Whereas the fact that cases are being investigated by the Justice Department does not preclude the Committee on Standards of Official Conduct from taking investigative steps: Now, therefore, be it

Resolved, That (a) the Committee on Standards of Official Conduct, or an investigative subcommittee of the committee established jointly by the chair and ranking minority member shall immediately begin an investigation into the relationship between earmark requests on behalf of clients of the raided firm already made by Members and the source and timing of past campaign contributions related to such requests.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of this resolution.

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO TABLE

Mr. CLYBURN. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion.

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

RECORDED VOTE

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

A recorded vote was ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table will be followed by a 5-minute vote on the motion to suspend the rules on House Resolution 153, if ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 181, answered "present" 14, not voting 14, as follows:

[Roll No. 105]

AYES—222

Abercrombie
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kaptur
Kildee
Kilpatrick (MI)

Kilroy
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOES—181

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

ANSWERED ''PRESENT''—14

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Hastings (WA)
Kline (MN)
Latham
Lofgren, Zoe
Myrick
Walden
Welch

NOT VOTING—14

Ackerman
Calvert
Cao
Coffman (CO)
Davis (AL)
Ehlers
Hall (NY)
Kanjorski
Kennedy
Melancon
Miller, Gary
Moran (VA)
Perriello
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1840

Messrs. MITCHELL, McNERNEY, and KISSELL changed their vote from ''aye'' to ''no.''

Mr. WELCH changed his vote from ''aye'' to ''present.''

Mr. LATHAM changed his vote from ''no'' to ''present.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, ladies and gentlemen of the House, as you know, the continuing resolution expires at midnight tomorrow. As you also know, the other body is still in the process of considering the omnibus appropriation that we sent to them some days ago.

They are currently in the process of voting on five amendments. That will take probably another half hour. At the conclusion of that, they will be discussing whether or not they can get to two more votes to conclude their consideration of the omnibus appropriation.

There have been no amendments adopted in the Senate to the omnibus appropriation. As a result, if there are no amendments adopted and the Senate can come to a vote sometime this evening and that is assured, then it will not be necessary for us to return tomorrow. But I cannot tell you at this point in time. I'm hopeful that by 8:30 I will be able to give you a pretty definitive word on whether or not we will need to be here tomorrow.

So I wanted to bring you up to date. We will try to have it, as I say, by 8:30. If we get it earlier, we will give you that notice earlier. But I'm hopeful that by 8:30 we will be able to inform you.

We have one more vote now; but, again, if they proceed, as has been the case, and they can get an agreement on voting tonight, then it would not be necessary for us to be here tomorrow. If not, obviously we will have to be here tomorrow to assure that we do not shut down the government.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

COMMENDING THE UNIVERSITY OF SOUTHERN CALIFORNIA ON ITS 2009 ROSE BOWL VICTORY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 153.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 153.

The question was taken.

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

RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 362, noes 15, answered ''present'' 4, not voting 50, as follows:

[Roll No. 106]

AYES—362

Abercrombie
Aderholt
Adler (NJ)
Akin
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Dreier
Driehaus
Duncan
Edwards (MD)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves

Grayson
Green, Al
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Olson
Olver
Ortiz
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Radanovich
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Young (AK)
Young (FL)

NOES—15

Altmire
Berry
Boccieri
Carney
Dahlkemper
Doyle
Kagen
Kanjorski
King (NY)
Murphy, Patrick
Rahall
Ryan (WI)
Sensenbrenner
Souder
Terry

ANSWERED ''PRESENT''—4

Baird
Cassidy
Donnelly (IN)
Hare

NOT VOTING—50

Ackerman
Alexander
Barrett (SC)
Boehner
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Cao
Coffman (CO)
Conyers
Davis (AL)
Davis (CA)
DeGette
Dicks
Edwards (TX)
Ehlers
Gallegly
Gohmert
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Harman
Hastings (FL)
Hinchey
Holden
Jackson-Lee (TX)
Kind
Larsen (WA)
Linder
Lofgren, Zoe
McCarthy (NY)
Melancon
Miller, Gary
Moran (VA)
Obey
Pascrell
Perriello
Price (NC)
Putnam
Schakowsky
Shuler
Slaughter
Stark
Sullivan
Turner
Whitfield
Wu
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

□ 1851

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. CANTOR. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the Republican whip for yielding.

On Monday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business.

On Tuesday, the House will meet at 10:30 a.m. for morning hour and 12 p.m. for legislative business.

On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business.

On Friday, no votes are expected.

We will consider several bills under suspension of the rules. A complete list of suspensions will be announced by the close of business tomorrow, as is usual.

In addition, we will consider H.R. 1262, the Water Quality Investment Act of 2009. We also possibly will consider H.R. 157, the District of Columbia House Voting Rights Act of 2009.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would ask the gentleman regarding the schedule going forward if he could tell the House what the timing would be on bringing the so-called card-check bill to the floor.

Mr. HOYER. With respect to the card-check bill, as the gentleman knows, we have already passed that bill with a very handy vote. We believe that that is an appropriate bill to be passed and are supportive of it. However, we have passed that bill. The Senate has indicated that they are going to consider that bill, and my expectation is that they will be doing so in the relatively near future and we will see what action they take.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would say to the gentleman that we have in this House passed in prior Congresses that bill. As the gentleman knows, there are plenty of new Members here that have not had a chance to vote on that bill. So if I hear the gentleman correctly, we will await Senate action prior to any House action.

Mr. HOYER. I want to make it clear, if the gentleman will yield, that it is our intention to move this bill, but we are expecting the Senate to move and we will see what they have done and we will take that up in good time.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would also like to ask the gentleman for the anticipated timing on the public lands bill and when the gentleman thinks that he will bring that to the floor.

Mr. HOYER. As you know, there is a lot of interest on both sides of the aisle on this bill and very significant interest in the Senate to see this bill completed and sent to the President. We will continue to work together with the Republican leadership and the Senate leadership to get this bill to the President's desk as soon as possible. I have discussed this, as you know, with you and the leader, so we are hoping to bring this forward soon, possibly next week.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would also point out to the gentleman from Maryland, there has been a lot of discussion lately, certainly on the part of the White House, the President, about his plans for making sure of the security of our troops in Iraq and his announcement of the withdrawal timeline. I know that the Speaker has also spoken out on this issue, seeming to have somewhat of a different position than the White House on this. I know the gentleman himself, I believe, has said that he is in agreement with the President. We support the President, Mr. Speaker, in his decision to listen to the commanders on the ground.

I would note that in Congresses past we certainly have had a number of resolutions based on a timeline for withdrawal of our troops, and would ask the gentleman, is he anticipating any type of resolution of disapproval of the President's announcement?

Mr. HOYER. If the gentleman will yield, as you have stated, the President announced a plan last Friday at a meeting in the White House and then announced it publicly down at Camp Lejeune. It calls for withdrawal of our troops, to be out of Iraq in terms of a military role within 18 months. This is, I think personally, a responsible plan.

The gentleman asked me whether or not I think there will be a resolution of disapproval. I don't think there will be a resolution of disapproval. Clearly, as the gentleman well knows, there will be an authorizing bill that will come forward later this spring, there will be an appropriations bill appropriating money for the Defense Department, and obviously those two opportunities will present themselves to Members who may want to express themselves on this issue.

But as to the gentleman's question, do I expect a resolution of disapproval, I do not.

Mr. CANTOR. I thank the gentleman on that.

Mr. Speaker, I would ask the gentleman just in the context of the budget discussion that is ongoing obviously here on Capitol Hill in Congress and at the White House, there are some unanswered questions as far as the Republican Conference is concerned as to the direction of this budget that the leader sees coming through the House.

Obviously there have been some discussions about charitable giving that the gentleman himself has raised concerns regarding and that I have extraordinary concerns about taking away incentives to help support our charities in such a tough economic period, and was wondering if the gentleman could comment on whether he felt that the House budget that he will bring to the floor would reflect our concern that perhaps we shouldn't be throttling back on people's giving to charities.

Mr. HOYER. If the gentleman will yield, I thank the gentleman for his question and I understand his concern. As he says, I have expressed a concern with respect to that issue. However, having said that, I am not going to anticipate at this point in time what the Budget Committee is going to do. Clearly the Budget Committee is having hearings and the Budget Committee will be, some weeks from now, marking up a budget and bringing it to the floor.

As you know, we are very committed on this side of the aisle to PAYGO, paying our bills and trying to reduce our deficit. Clearly we have added very substantially to the deficit because of the economic crisis that confronts us, but we still feel a great responsibility to move ahead on making sure that we move towards reducing that deficit in the long term.

Clearly the President has proposed from our perspective one of the most honest budgets that we have received in the sense that it includes costs of the war, it includes costs for adjusting the alternative minimum tax, it includes the costs within its budget contemplation of fixing the doctors payments for Medicare. So in all those ways and more, this budget sets forth a responsible alternative for us to pursue. In addition, as the gentleman knows, it provides for the continuation of a tax cut for 95 percent of American families and individuals. So we think those are all very important proposals. We know that the Budget Committee will be considering that.

As the gentleman knows, both your side of the aisle and my side of the aisle will be discussing and debating that and we will be adopting a budget. I do not want to at this point in time anticipate each and every item that they may or may not include in that budget, however.

Mr. CANTOR. I thank the gentleman for that answer and just would like to underscore our concern that as he knows and we have discussed as late as today at the President's summit on health care at the White House, these are extraordinary times. We have tough choices to make.

□ 1900

Families are out there struggling to make ends meet. And the President has continued to say that we will provide tax relief for working Americans. We will provide tax relief to 95 percent of the American people.

The trouble, Mr. Speaker, that we're having is when we hear members of the President's administration talk about the President's desire to see cap-and-trade legislation pass through this House, and the admission on the part of officials in the administration that that legislation would produce $1,300 worth of additional tax to every household in this country, if we do the math, with the Make Work Pay Program, and even if one was able to get the maximum relief under that program, that's an $800 relief for a household. You do the math, we still are at a point where you have a $500 deficit in each household, if every one of those were to be able to receive the maximum relief.

So I would ask the gentleman, as far as the overall sense of the budget that he will bring to the floor, are we really going to deliver on this tax relief? Or are we going to try and address this cap-and-trade program, which has now been admitted to be an extra tax that will outweigh any tax relief under the Make Work Pay Program?

I yield.

Mr. HOYER. I thank the gentleman for his question.

Let me first observe that, quite obviously, we are going to provide for tax relief, as the President said in his campaign, as he's reiterated in his speech to the joint session, tax relief for 95 percent of taxpayers. We have every intention of pursuing that.

We also have every intention of having a fiscally responsible budget. We also, as the President also indicated in his speech to the joint session, will pursue vigorously energy independence and the issue of global warming.

The gentleman speaks of one of the alternatives, an alternative proposed by the President to deal with that issue in terms of cap-and-trade. The Energy and Commerce Committee will be considering that, as the gentleman knows, and I'm not going to anticipate their specific action. But I am going to say that we are committed on this side of the aisle, as I hope your side of the aisle will be as well, to very, very substantially reducing the carbon footprint that we are making in this country, and indeed, that's being made around the world, which we believe that science is pretty clear on this. And very frankly, the previous administration, which did not express that view early in its tenure, during its last year, changed somewhat its view. In any event, we want to deal with that.

And the gentleman has mentioned an alternative the President has proposed. It's an alternative supported by a large number of people, and that is before the committee. And we'll see what the committee does with it.

Mr. CANTOR. Mr. Speaker, I thank the gentleman again, and would say that, again, our priority must be on, as he has said in the past as well, must be on this economy. It must be on maintaining, protecting and creating jobs. And we believe, as the gentleman knows, on this side of the aisle, that the way to do that is to focus on small businesses, to ensure that we're not adding burdens to the real job generators, which are our small businesses.

So if we're talking about bringing this budget forward and talking about PAYGO, as the gentleman has referred to, I know last year we passed the stimulus bill, and the gentleman indicated that we waived PAYGO back then for tax relief. I know that Members on our side of the aisle would certainly be supportive of any bit of relief we could give to those small businesses.

But, Mr. Speaker, I'd ask the gentleman again, in the context of where we're operating now, and the fact that the Dow Jones dropped another 280 points today, and the fact we've not gotten from the White House and the administration a plan for the bank fix. We don't know the direction that the TARP funding is going. We have a sense from some of the statements made in the Budget Committee and others this last several days, that the TARP money has been all committed. And if so, is there any indication, do we know how much more money will be impacting this budget?

Because, Mr. Speaker, I'd ask the gentleman how he expects this House to produce an honest budget if we do not know the plans of this administration, which will occur, I'm sure, imminently in their request for more assistance and more money towards the banking problem.

And I yield.

Mr. HOYER. I thank the gentleman for his question. Of course, at the center of that question is the crisis that we confront in the economy. As the gentleman knows, he talked about, in a bipartisan way, supporting the President's policy on Iraq. As the gentleman knows, in a bipartisan way, we supported the Bush administration's request, both in January of 2008, in September of 2008, and again in December of 2008, when the President made a request for the second tranche of the TARP. I think every Member of this Congress believes that the first tranche did not work as well as we had hoped it would work.

We also, in these past 2 weeks, have passed extraordinarily quickly and robustly, consistent with the advice of the last administration and this administration, an attempt to do what the gentleman says we want to do, create jobs.

The gentleman also knows that we passed a recovery and reinvestment bill that had over $250 billion of tax relief, some for individuals and some for small businesses, some for businesses generally. About 35 percent of that bill was tax relief for our citizens. The other percentage of that bill was for investment, was for dealing with those who have been put at deepest risk by the economic crisis, in terms of losing jobs, in terms of not being able to feed their families and not having health care available to them.

So I say to my friend that, as we move forward on the budget, and as we look to the administration for the clarification that the gentleman seeks, appropriately, in my opinion, and in our opinion, a more specific outline of how the administration's going to proceed, we will have that in consideration when we produce a budget. And as I say, we intend to produce a responsible budget that looks towards deficit reduction. That obviously won't be until some time from now. We've got to turn this economy around, start creating jobs which, hopefully, will have the effect of the stock market going up, not down, which is to the interest of all of us.

Mr. CANTOR. Mr. Speaker, I thank the gentleman. I yield back my time.

VOTING RIGHTS FOR THE DISTRICT OF COLUMBIA

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

Mr. TONKO. Two and a third centuries ago, before our United States Capitol had even been imagined, the Founders were asking a question we hear in the District of Columbia to this day, and that is, how can we cut out a city from its home State and put it under the direct rule of Congress without violating the principles that the Revolutionary War fought to secure?

James Madison argued that there was only one way around that hypocrisy, ''to provide for the rights and the consent of the citizens inhabiting it.'' And further, its people ''will have had their voice in the election of the government which is to exercise authority over them.''

That was the intent of our Founders. Those were the conditions for this District to exist, but they have not been upheld. 233 years later, of all the world's democracies, there is only one national capital without full voting rights. Washington, D.C., this city full of monuments to democracy, holds that distinction. At last, that's on the verge of changing.

Soon this House will vote on a bill to give the District of Columbia a voting Member of the House of Representatives. I urge my colleagues in this Chamber to finally give the people of Washington, D.C. a vote in this great body.

SPECIAL ORDERS

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

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

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

STAFF-LED TOURS OF THE CAPITOL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to express my deep concern about the difficulties Member offices are experiencing offering staff-led tours of the Capitol.

As Chair of the Legislative Branch Appropriations Subcommittee, I am fully committed to making sure Member offices can continue providing this important service to their constituents.

The Capitol is not a museum. It is a living, breathing institution at the core of our representative democracy. Staff-led tours give our constituents a chance to experience the work that goes on here on a personalized level.

When there was talk last year about eliminating staff-led tours, we made clear at our oversight hearings that preserving those tours should be one of the highest priorities for the Capitol Visitor Center. Reflecting that priority, we included a provision in last year's Legislative Branch Appropriations bill prohibiting the elimination of staff-led tours.

However, preserving the existence of the tours and putting a button on the CVC Web site is simply not enough. We also need to make sure that the system in place doesn't diminish Member offices' ability to offer staff-led tours. Mr. BRADY and I intend to work aggressively over the next few weeks to ensure that improvements to the system arrive before the peak visitor season hits.

Staff who give tours should receive training, but we need to make sure that the time requirements make sense, that the training is consistent and effective, and that classes are offered frequently enough to meet Member office needs. We also need to make sure that we don't homogenize the Capitol tour and turn this beautiful institution into a museum.

Staff-led tours offer something that guide-led tours cannot, a personalized experience that incorporates items of State and local interest. We need to make sure that we don't take that personal touch out of the tour process.

We also need to make sure that Member offices are given clear information about how to accommodate their constituents if the on-line reservation system shows all the slots for a given day are taken.

The CVC Web site and reservation system also could stand improvement, particularly standardizing the on-line process for booking staff-led tours so that you don't have to hunt and peck to figure out how to book one.

I look forward to working with Mr. BRADY and the authorizing committees on these issues so we can make the existing system more user-friendly, without compromising security or overloading the Capitol building.

And I encourage and ask all Members if they have suggestions to please offer them to us.

□ 1915

DEFENDERS OF THE ALAMO THAT DIED MARCH 6, 1836 BY MARY ANN NOONON GUERRA—HISTORIAN

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

Mr. POE of Texas. Mr. Speaker, 163 years ago this night, on March the 5th, 1836, would be the last night for a group of individuals who came from all over the United States. They were from most of the States. They were from numerous foreign countries. They were odd sorts of individuals. They were frontiersmen, landowners, lawyers, unemployed. They were of all races—black, white and brown—but they were all volunteers, and most of them knew that this would be their last night after spending 12 days defending an old, beat-up Spanish fort that had already been over 100 years old. It was now a mission but also a fortress, what we call the Alamo.

You see, this odd bunch of individuals ended up there because all of them had ended up and had come to Texas from different parts of the country—from Mexico, from Europe—to seek a new life.

Backing up in history a little bit, the country of Spain had claimed most of Central America and Mexico, which included Texas at the time. Mexico decided to revolt against Spain. That revolution was successful, and in 1824, the country of Mexico adopted a constitution drafted very similarly to ours, which gave civil liberties to all people in Mexico, which included Texas.

But Mexico had a problem with a dictator. His name was Santa Anna, and when he became dictator of Mexico, he abolished the Constitution of 1824. He eliminated civil rights. He abolished the right to be tried by a jury, and he imposed dictator powers on Mexico. That offended people who lived in what is now Texas. It offended people of all races. So, in 1835, a revolution started in Texas.

Then on March the 6th, 1836, which would be tomorrow morning, 13 days after defending the Alamo, these individuals were sieged by a force of military Mexican soldiers several times the size of the 187 defenders. Most of them knew that that would be their last night on Earth and that tomorrow they would see their fate because they were outnumbered.

You have heard all of their names throughout history. Probably the most famous are a Tennessee Congressman by the name of Davy Crockett and Jim Bowie, famous from Louisiana, but there were others—Juan Sequin from Mexico, who was a scout, or William Barret Travis, the commander of the Alamo. Jim Bonham was a scout who was also a boyhood friend of William Barret Travis. In all, there were 187. William Barret Travis was a 27-year-old lawyer from South Carolina, then Alabama, and then he came to what is now Texas.

All of these individuals called themselves, not Texans, but Texians. Even Hispanic defenders of the Alamo referred to themselves as Tehanos, or Texians.

No one came to the help of the individuals who were at the Alamo, even though Travis had sent out numerous requests for aid, except for 32 men from the small town of Gonzales. They marched their way into the Alamo walls, and when they arrived, Travis made the comment, ''These men came to die.''

We all have heard about his famous letter that he has written, that is now in history, about how he had asked for aid and about how he was determined to sustain himself for as long as possible, which he did.

Some historians say and tradition says that, before the last day took place on March the 5th, in the evening, William Barret Travis drew a line in the sand with his sword, and he told those individuals who wanted to fight, and yet die for the Republic of Texas, to cross the line.

Historians say the first person to cross the line was a 26-year-old kid from Ohio. All walked over except an individual by the name of Moses Rose. Moses Rose was an individual from France, and he decided not to stay at the Alamo, and left over the Alamo wall. He later became one of the biggest sources for what took place at the Alamo.

That next morning, Santa Anna assaulted the troops, assaulted the fort, and after several hours of fighting, the fort was taken. What few defenders were captured after they surrendered were summarily executed, and the bodies were burned. William Barret Travis made the comment that victory would be more costly to the enemy than defeat. He was right. Ten times the number of Santa Anna's military and army were defeated and killed at that battle.

Mr. Speaker, it's important that we remember the men of the Alamo who fought for victory in the Republic of Texas. It's important that we always remember anybody anywhere in the world who fights for liberty, and we honor those people tonight.

And that's just the way it is.

DEFENDERS OF THE ALAMO THAT DIED MARCH 6, 1836, BY MARY ANN NOONON GUERRA, HISTORIAN

Abamillo, Juan, San Antonio (Mexico); Allen, Robert, Virginia; Andross, Miles Deforest, 21, Vermont; Autry, Micajah, 42, North Carolina; Badillo, Juan Antonio, San Antonio (Mexico); Bailey, Peter James III, Kentucky; Baker, Isaac G., 22, Arkansas; Baker, William Charles M., Missouri; Ballentine, John J., Pennsylvania; Ballentine, Richard W., 22, Scotland; Baugh, John J., 33, Virginia; Bayliss, Joseph, 28, Tennessee; Blair, John, Tennessee; Blair, Samuel C., 33, Tennessee; Blazeby, William, 41, England; Bonham, James Butler, 29, South Carolina; Bourne, Daniel, 26, England; Bowie, James, 40, Kentucky; Bowman, Jesse B., 51, Tennessee; Brown, George, 35, England; Brown, James Murry, 36, Pennsylvania; Brown, Robert, 18, Unknown; Buchanan, James, 23, Alabama; Burns, Samuel E., 26, Ireland; Butler, George D., 23, Missouri; Cain (Cane), John, 34, Pennsylvania; Campbell, James (Robert), 26, Tennessee; Carey, William R., 30, Virginia; Clark, Charles Henry, Missouri; Clark, M.B., Mississippi; Cloud, Daniel William, 24, Kentucky; Cochran, Robert E., 26, New Hampshire; Cottle, George Washington, 27, Missouri; Courtman, Henry, 28, Germany; Crawford, Lemuel, 22, South Carolina; Crockett, David, 50, Tennessee; Crossman, Robert, 26, Pennsylvania; Cummings, David P., 29, Pennsylvania; Cunningham, Robert W., 34, New York; Darst, Jacob C., Kentucky; Davis, John, Kentucky; Day, Freeman H.K., Unknown; Day, Jerry C., Missouri; Daymon, Squire, Tennessee; Dearduff, William, Tennessee; Dennison, Stephen (or Ireland), England; Despallier, Charles, Louisiana; Dickerson (Dickinson), Almeron, 36, Tennessee; Dimpkins, James R., England; Duvalt, Andrew, Ireland; Espalier, Carlos, San Antonio (Mexico); Esparza, Gregorio (Jose Maria), San Antonio (Mexico); Evans, Robert, Ireland; Evans, Samuel B., New York; Ewing, James L., Tennessee; Fishbaugh, William, Alabama; Flanders, John, Massachusetts; Floyd, Dolphin Ward, North Carolina; Forsyth, John Hubbard, 39, New York; Fuentes, Antonio, San Antonio (Mexico); Fuqua, Galba, Alabama; Garnett, William, Virginia; Garrand, James W., Louisiana; Garrett, James Girard, Tennessee; Garvin, John E., Unknown; Gaston, John E., 17, Kentucky; George, James, Unknown; Goodrich, John Camp, Virginia; Grimes, Albert (Alfred) Calvin, Georgia; Gwynne, James C., England; Hannum, James, Pennsylvania; Harris, John, Kentucky; Harrison, Andrew Jackson, Tennessee; Harrison, William B., Ohio; Haskell, Charles M., Tennessee; Hawkins, Joseph M., Ireland; Hays, John M., Tennessee; Herndon, Patrick Henry, Virginia; Hersee, William Daniel, England; Holland, Tapely, 26, Ohio; Holloway, Samuel, Pennsylvania; Howell, William D., Massachusetts; Jackson, Thomas, Ireland; Jackson, William Daniel, Kentucky; Jameson, Green B., Kentucky; Jennings, Gordon C., Connecticut; Jimenez, Damacio, San Antonio (Mexico);

Johnson, Lewis, Wales; Jones, John, New York; Kellogg, John Benjamin, Kentucky; Kenny, James, Virginia; Kent, Andrew, Kentucky; Kerr, Joseph, Louisiana; Kimble (Kimbell), George C., Pennsylvania; King, William Phillip, 15, San Antonio (Mexico); Lewis, William Irvine, San Antonio (Mexico); Lightfoot, William J., San Antonio (Mexico); Lindley, Jonathan L., Illinois; Linn, William, Massachusetts; Losoya, Jose Toribio, San Antonio (Mexico); Main, George Washington, Virginia; Malone, William T., Virginia; Marshall, William, Tennessee; Martin, Albert, Rhode Island; McCafferty, Edward, Unknown; McCoy, Jesse, Tennessee; McDowell, William, Pennsylvania; McGee, James, Ireland; McGregor, John, Scotland;

McKinney, Robert, Tennessee; Melton, Elice (Eliel), 38, Georgia; Miller, Thomas R., Tennessee; Millsaps, Isaac, 41, Mississippi; Mills, William, Tennessee; Mitchasson, Edward F., Virginia; Mitchell, Napoleon B., Unknown; Moore, Robert B., Virginia; Moore, Willis A., Mississippi; Musselman, Robert, 31, Ohio; Nava, Andres, San Antonio (Mexico); Neggan, George, South Carolina; Nelson, Andrew M., Tennessee; Nelson, Edward, South Carolina; Nelson, George, South Carolina; Northcross, James, Virginia; Nowlan, James, England, Pagan, George, Mississippi; Parker, Christopher Adams, Mississippi; Parks, William, North Carolina; Perry, Richardson, San Antonio (Mexico); Pollard, Amos, 33, Massachusetts;

Reynolds, John Purdy, Pennsylvania; Robertson, James Waters, Tennessee; Roberts, Thomas H., Unknown; Robinson, Isaac, Scotland; Rose, James M., Ohio; Rusk, Jackson J., Ireland; Rutherford, Joseph, Kentucky; Ryan, Isaac, Louisiana; Scurlock, Mial; North Carolina; Sewell, Marcus L., England; Shied, Manson, Georgia; Simmons, Cleveland Kinloch, 21, South Carolina; Smith, Andrew H., Tennessee; Smith, Charles S., Maryland; Smith, Joshua G., North Carolina; Smith, William H., Unknown; Starr, Richard, England; Stewart James E., England; Stockton, Richard Lucius, New Jersey; Summerlin, A. Spain, Tennessee; Summers, William E., Tennessee; Sutherland, William Depriest, 18, Alabama;

Taylor, Edward, Tennessee; Taylor, George, Tennessee; Taylor, James, Tennessee; Taylor, William, Tennessee; Thomas, B. Archer M., Kentucky; Thomas, Henry, Germany; Thompson, Jesse G., Arkansas; Thomson, John W., North Carolina; Thurston, John M., Pennsylvania; Trammel Burke, Ireland; Travis, William Barret, 27, South Carolina; Tumlinson, George W., Missouri; Tylee, James, New York; Walker, Asa, Tennessee; Walker, Jacob, 37, Tennessee; Ward, William B., 30, Ireland; Warnell, Henry, 24, Arkansas; Washington, Joseph G., Kentucky; Waters, Thomas, England; Wells, William, Georgia; White, Isaac, Alabama; White, Robert, Unknown;

Williamson, Hiram James, Pennsylvania; Wills, William, Georgia; Wilson, David L., Scotland; Wilson, John, 32, Pennsylvania; Wolfe, Anthony (Avram), England; Wright, Claiborne, North Carolina; Zanco, Charles, Denmark; and John (last name unknown), Unknown.

IMPLEMENTING THE PRESIDENT'S PLAN: AN OUTLINE FOR ACTION IN IRAQ

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

Ms. WOOLSEY. Mr. Speaker, the Center for Arms Control and Nonproliferation has released a report. It's called ''Implementing the President's Plan: An Outline for Action in Iraq.''

This report, based on the Obama plan to redeploy U.S. troops and military contractors in 16 months, was written by retired military leaders Colonel Richard L. Klass, Lieutenant General Robert G. Gard, Jr., and Brigadier General John Johns.

In a town full of reports, theirs is unique because it gives a clear outline of just how to execute the administration's original plan for a responsible and orderly redeployment from Iraq. Anyone who questioned the original proposal just needs to listen to those who know what it really means to carry out a military plan.

About the 16-month timeline, retired Army Lieutenant General Robert Gard says, ''President Obama's plan to remove combat forces from Iraq is militarily workable and can be executed responsibly.''

Echoing what many of us in Congress have been saying for years, retired Air Force Colonel Richard Klass said, ''Redeployment of U.S. combat forces should be coupled with a diplomatic surge to help stabilize Iraq.''

Mr. Speaker, instead of a residual force of up to 50,000 troops, this plan proposes a workable U.S. redeployment schedule that would result in, first, 100,000 total U.S. troops remaining in Iraq by the end of 2009 and 35,000 to 65,000 support troops remaining in Iraq up until 2010 when the President's 16-month timetable would end, if it is initiated by April 2009, and less than 1,000 troops remaining by December 2011 when the U.S.-Iraqi security agreement mandates that all U.S. forces be out of Iraq.

Not only would this plan redeploy troops and military contractors, but it would ensure that the United States will not have any permanent bases in Iraq. Even though the report comes from former military brass, they readily acknowledge that there is no military solution to the situation in Iraq.

The report calls for a strong diplomatic surge. It goes on to say, ''The United States needs to undertake an all-fronts diplomatic initiative to engage the nations of the region to help stabilize Iraq.''

The evidence keeps mounting up, Mr. Speaker, and the extended occupation of Iraq is not in the interest of the United States, of the international community or of the Iraqi people. I encourage our military and foreign policy leaders to look closely at this report and to heed the American people. We must redeploy all troops and military contractors from Iraq, and we must do it as soon as possible.

TAKING CARE OF OUR NATION'S VETERANS—LCPL JEREMY SMERUD

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

Mr. JONES. Mr. Speaker, our Nation has asked many of its military personnel to serve in Iraq and in Afghanistan to fight for freedom and for the protection of the American people. Unfortunately, many of these servicemembers are returning home with symptoms of post-traumatic stress disorder—PTSD—and other mental health challenges.

A 2008 study by the RAND Corporation found that nearly 20 percent of Iraq and Afghanistan veterans have symptoms of PTSD or major depression. This study also found that many servicemembers say they do not seek treatment for psychological illnesses because they fear it will harm their careers. If our government and the military fail to address problems associated with PTSD, the situation will only grow worse in future years.

One disturbing example involves Lance Corporal Jeremy Smerud, a marine who is stationed in my district at Camp Lejeune.

Last month, I received a letter from his mother, who is very concerned about how the Marine Corps is treating her son. Mr. Speaker, for the second time, I would like to read the letter from Jeremy's mother:

''My son joined the Marine Corps while still in high school. I remember him as a little boy, looking in awe of his grandfather in his Marine Corps uniform and telling me that was what he was going to be when he grew up.

''Growing up, Jeremy was the son every parent could be proud of. He never got into any trouble in school. He was always there to help with his younger siblings, held a job after school, and was extremely active in the Boy Scouts. He earned his rank of Eagle Scout at the age of 16. Because of his Eagle Scout status, he entered the Marine Corps as a PFC and quickly rose to the rank of sergeant within his first 3 years in the Marines. He was an exemplary marine and an exemplary young man.

''If you review his military records, you can plainly see that Jeremy had no problems with behavior or performance prior to his deployment to Iraq and Afghanistan. He has had a very difficult time readjusting to life after the conflict. He came home to a 'Dear John' letter, has had several friends injured and killed, and has seen more destruction than most of us will in a lifetime. Having no one to turn to for help because of the stigma and the fear of losing his career, he started drinking to self-medicate and to be able to sleep.

''Congressman, do you know what it is like to listen to your once strong son cry like a baby at 3:30 in the morning 3 or 4 times a week because he cannot handle what he has been through? Wanting to kill himself because he doesn't feel he is worthy to live because his brothers were shot? Do you know what it's like to be 1,500 miles away and not have the ability to help him through this, all the while wondering and asking why the Corps he so proudly served and willingly has written him off as worthless and weak and has offered no help to prevent him from faltering further?

''I am so desperately disappointed in the way the Corps has treated my son. My son left the Marine Corps 100 percent intact. He will be leaving the Marine Corps with two feet that are fractured, back and knee problems, decreased hearing, decreased vision, and PTSD that will carry a life-long burden for him.

''Yet, according to the Corps, he has disgraced them by his behavior and is no longer worthy. The way I see this, they used him, abused him, now will discard him and find some fresh, young man who isn't tainted, and they will mold him and ask him to sacrifice himself for their cause, and when he is no longer of use to them, they will discard him as well.

''I hope with all my heart the Marine Corps will find the moral courage to do the right thing when it comes to not only Jeremy but all other young men and women who need their help and guidance.''

Mr. Speaker, I along with Congressman TOM LATHAM have written the Commandant of the Marine Corps about this marine who is pending Involuntary Administrative Separation due to misconduct. Lance Corporal Smerud's fitness report proved that he was an outstanding marine prior to his deployments. His medical board report states, ''His service in the Marine Corps caused his PTSD and indirectly his incidents/legal problems. The Marine Corps' failure to treat him in the past and treat him appropriately has done nothing but worsen the problem.''

Mr. Speaker, it will be difficult for this marine to succeed in life if he is administratively separated from the Service. He will not be eligible for TRICARE benefits; he will have difficulty obtaining a job, and it is unlikely that a university will accept him as a student. This is a story of one marine, but this is not an isolated problem. The culture within all branches of Service must change to recognize that PTSD is a real concern that must be addressed.

Mr. Speaker, as I close, I want to say that I have great faith in the Marine Corps and in all of our Services. I ask the Marine Corps to please look into this case and all cases of those who have PTSD. They deserve the love, and they deserve the treatment of this Nation. With that, Mr. Speaker, I ask God to continue to bless our men and women in uniform, to bless the families who have given their loved one in Afghanistan and in Iraq—those who have died—and to bless the wounded, and I ask God to continue to bless America.

□ 1930

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

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

THREE CUPS OF TEA

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

MR. McDERMOTT. Mr. Speaker, I just returned from a codel to Iraq and Afghanistan. There's a lot to reflect on after a trip, especially the wisdom in a book entitled ''Three Cups of Tea.'' It relates to our military involvement and misjudgments—first in Iraq and, potentially now, in Afghanistan.

Before I go further, let me say that we cannot do enough to recognize and honor our soldiers and their bravery and dedication and love for our country.

For a few brief moments, we got a taste of what they endure every day. Every member of the codel was equipped with body armor and helmets, and you quickly realize the dangers and stresses our soldiers endure every day. We owe them our gratitude, our support when they return, and the confidence in knowing that our government will only place them in harm's way as a last resort. We failed that responsibility in Iraq, and many are asking whether we may fail again in Afghanistan. We are the most powerful Nation on Earth, but our bullets and bombs cannot penetrate the corridors of history. And the book ''Three Cups of Tea'' provides a powerful reminder that we must silence the guns if we are to hear the voices of truth coming from history.

Greg Mortenson, who wrote the book, was in Afghanistan and Pakistan on the border. And he there met an Elder who said, ''These mountains have been here a long time and so have we. You can't tell the mountains what to do. You must listen to them. So now I'm asking you to listen to me. By the mercy of Almighty Allah, you have done much for our people, and we appreciate it. But now you must do one more thing for me.''

Mortenson said, ''Anything.''

He said, ''Sit down. And shut your mouth. You're making everyone crazy.''

Then he began to make tea. When the porcelain bowls of hot butter tea were in our hands, Mortenson said the Elder spoke and said, ''If you want to thrive in Baltistan, you must respect our ways. The first time you share tea with a Balti, you are a stranger. The second time you take tea, you are an honored guest. The third time you share a cup of tea, you become family, and for our family, we are prepared to do anything, even die.

''Doctor Greg, you must make time to share three cups of tea. We may be uneducated. But we are not stupid. We have lived and survived here for a long time.''

''That day, the Elder taught me,'' says Mortenson, ''the most important lesson I've ever learned in my life. We Americans think you have to accomplish everything quickly. We're the country of the thirty-minute power lunch and the two-minute football drills. Our leaders thought their 'shock and awe' campaign would end the war in Iraq before it even started. The elder taught me to share three cups of tea to slow down and make building relationships as important as building projects.

''He taught me that I had more to learn from the people I work with than I could ever hope to teach them.''

There are many nations and languages and religions in the world today, but there is one thing true in all this diversity. Those who do not learn the lessons of history are doomed to repeat them.

After Vietnam, many Americans said it will never happen again. But it has. We were misled into waging a false war in Iraq, and now we are beginning to transfer soldiers from Iraq to Afghanistan. When will we learn?

Russia once and Britain twice believed that the tread of their tanks and the velocity of their shells could flatten the mountains of history in Afghanistan and pave the way for outside control. But the mountains are still standing and history has recorded new chapters which recount and reflect on the folly of nations that believe military power is all powerful. History tells us otherwise. The Iraq war was a mistake, and I fear we may be heading for another quagmire in Afghanistan.

''Three Cups of Tea'' is now required reading for everyone in the CIA. It should be required reading for every Member of Congress.

We need to listen to the mountains.

SPENDING IS OUT OF CONTROL

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

Mr. BURTON of Indiana. Mr. Speaker, things are happening so fast in this body and the other body and down on 1600 Pennsylvania Avenue at the White House, I don't see how Members of Congress—let alone the American people—can keep up with it.

Let us just take a quick look at what happened in the last 7, 8, 9 weeks. We got the second tranche of the TARP bill. That TARP spending was $700 billion. People can't get their arms around what $700 billion is, but $700 billion to save our economy.

And then the automobile industry had problems. And so we had an auto bailout, first tranche, of $14 billion. And then we had to have an economic stimulus package because the economy wasn't responding as we wanted it to. So we passed an economic stimulus that was $787 billion more; and with interest, that was well over a trillion dollars.

And we have an omnibus spending bill that's pending in the Senate right now tonight for $410 billion. And the President has a budget he's proposing to the Congress for $3.9 trillion, and $635 billion of that is the first down payment on a national health care of a socialized medicine approach for helping us with our health care problems in this country.

Now, yesterday, Senator DODD and Senator SHELBY were talking to the Fed and said, ''We want to know where this money's been going.'' And the Fed said, ''We're not going to tell you.''

Now, can you imagine the Senate Banking Committee or the House Banking Committee being stonewalled by the Fed saying, ''We're not going to tell you where we're spending these trillions of dollars''? And Geithner over at Treasury said he may have to put another $2 or $3 trillion into the financial institutions to keep the economy moving.

Now, you go past that and you say, What about taxes on the American people: $1.6 trillion increase in the budget, and the 2001–2003 tax cuts that we've put in place are going to expire. When those tax cuts expire, that, in essence, is a tax increase. And this is no time for a tax increase.

And the death tax, which we were trying to do away with so we could pass businesses onto the next generation without a huge tax liability that would run them out of business, they're going to do away with the death tax cut.

Now, in addition to that, we have what's called a carbon tax or an energy tax. That's going to be $646 billion in new taxes that's going to be passed on to the consumer every time they turn on their lights or buy a gallon of gas or use a lump of coal.

Now, they're going to reduce the mortgage deduction. If you've got a house and you've been deducting the mortgage interest on it, they're going to reduce. The administration and the Democrats in this body are going to reduce or try to reduce the amount of tax deductibility on your mortgage interest. And I'm sure that's going to be a reason to buy new houses when you do away with one of the incentives for people by doing away with part of their mortgage deduction interest on interest.

And then for charitable institutions—and this is happening so fast, you can't keep up with it. Charitable institutions—your church, the Salvation Army, the Boy Scouts of America, all of those whom you support and give money to—they want to reduce the tax deductibility for those contributions. Every charitable institution in this country ought to be marching on this Capitol saying, ''Hey. Enough. We need those tax deductions so we can encourage people to help us so the burden of helping people in this country doesn't fall completely on the Federal Government.''

But sometimes I wonder if this White House and this administration and the Democrats don't want the government to take over everything in a socialistic approach to government.

Now, the 2010 budget would increase the national debt by $12.3 trillion over the next 10 years, $12.3 trillion more. And that is more of the debt that's been accumulated since the beginning of the Republic in 1789 until today. That's how fast we're spending this money.

And in 2007, when my colleagues on the other side of the aisle took control of the Congress, CBO said we would have an $800 billion surplus in 10 years; and after 2 years of their leadership, instead of an $800 billion surplus in the next 10 years, we're going to have a $7.8 trillion deficit. Now, they'll try to blame that all on the White House, but they were in charge of the spending because they had control of both Houses of Congress.

Now, there was an article written just yesterday saying the money supply in this country has been increased by three times almost, 271 percent. What does that mean? That means we have almost three times as much money in circulation. It's being hoarded by a lot of people because they're scared to death. But when that money gets into circulation, we're going to have very high inflation. You're going to see the cost of bread and milk and gas and everything go through the roof.

Well, Mr. Speaker, there is so much more to tell and so little time. I will be back, and I hope the American people are paying attention, Mr. Speaker.

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

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

HONORING THE LIFE OF STAFF SERGEANT DANIEL TALLOUZI

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

Mr. HEINRICH. Mr. Speaker, today I rise to honor the life of Staff Sergeant Daniel Tallouzi of New Mexico's First Congressional District.

Staff Sergeant Tallouzi was a vibrant young Son of Albuquerque and a graduate of Valley High School. He loved to make his family laugh and followed in the honorable footsteps of his three uncles and older brother, Christopher, to serve in the United States military.

Daniel Tallouzi served in the rank of staff sergeant at the young age of 22 until his post at Camp Taji in Baghdad was hit by a mortar explosion in September of 2006. Staff Sergeant Tallouzi suffered a traumatic brain injury as a result of that attack, and sadly, he succumbed to that injury this past Saturday. My heart goes out to Staff Sergeant Tallouzi's mother Mary, a single parent who left her job to spend every waking minute at her son's side during his rehabilitation.

Staff Sergeant Tallouzi's death is a tragic reminder that we must do all we can to provide our veterans returning from combat with the very best treatment, counseling and care.

Ms. Tallouzi, on behalf of the people of Daniel's congressional district, I express my heartfelt condolence to you for the loss of your son and my deepest gratitude for his sacrifice to our country.

Thank you.

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

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

INHUMANE ECONOMY

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

Mr. MCCOTTER. Mr. Speaker, we live amid an inhumane economy. We need to look no further for proof than the unemployment figures released today from my home State of Michigan, an unemployment number that has climbed to 11.6 percent and has seen tens of thousands of my friends and neighbors lose their jobs.

As people know, Michigan is an automotive and manufacturing State. We get sicker quicker, and we heal more slowly in difficult times. But I encourage them to make no mistake, what happens in Michigan will happen in the rest of America. And we cannot let that continue.

One of the things that has caused the current crisis we are in is a theory. Many of us have heard it. Namely, it is the theory that some institutions are too big to fail. And yet, after the loss of millions of jobs and the expenditure of hundreds of billions of taxpayer dollars, we find out that these institutions were, in fact, not too big to fail; they were too big to succeed.

Over the decades, this problem has arisen, and yet, if we look back over those same decades, there were voices of reason warning us that we should seek a more humane economy. And I quote one of those individuals:

''Even as the drive toward bigness (and) concentration . . . has reached heights never before dreamt of in the past, we have come suddenly to realize how heavy a price we have paid: in overcrowding and pollution of the atmosphere, and impersonality; in growth of organizations, particularly government, so large and powerful that individual effort and importance seem lost; and in loss of the values of nature and community and local diversity that found their nurture in the smaller towns and rural areas of America. And we can see . . . that the price has been too high. Bigness, loss of community, organizations and society grown far past the human scale—these are the besetting sins which threaten to paralyze our very capacity to act, or our ability to preserve the traditions and values of our past in a time of swirling, constant change.

□ 1945

''Therefore, the time has come when we must actively fight bigness and overconcentration, and seek instead to bring the engines of government, of technology, of the economy, fully under the control of our citizens, to recapture and reinforce the values of a more human time and place.

''It is not more bigness that should be our goal. We must attempt, rather, to bring people back to the warmth of community, to the worth of individual effort and responsibility, and of individuals working together as a community to better their lives and their children's future. It is the lesson that government can follow the leadership of private citizens; that men who are citizens in the full sense of the word need not belong to the government in order to benefit their community. And it is the lesson that if this country is to move ahead, it will not be by making everything bigger, not by piling all our people further on top of one another in huge cities, not by reducing the citizen to the role of passive consumer and recipient of the official vision, the official product.'' These were the words spoken on September 17, 1966 of the junior Senator from New York, Robert Francis Kennedy.

Today, as we seek a better world and a more humane economy, we should remember his words. For after trillions of dollars in potential government expenditures, the amassing and concentration of power in Washington, we can see that we are no better off, as the unemployment figures in Michigan portend. What we really have to do is realize that as the dot-com bubble was replaced by the housing bubble, we must not attempt to replace the housing bubble with a government bubble. For when that bubble bursts, what will be left?

What we need to do is seek a way to free the entrepreneurial spirit of the American people, to allow them, with their own hands and genius, to rebuild their lives, to rebuild and restore order, opportunity, and prosperity to our chaotic economy, and to preserve the cherished America we all call home. We will.

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

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

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

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

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

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

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

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

PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Here we are for yet another Progressive Caucus, progressive message coming to the American people to articulate a progressive vision for the society that we live in.

I'm so happy to be talking about the progressive message today. And I'm going to be joined by our chairwoman, who is none other than Congresswoman LYNN WOOLSEY, and I look forward to having a very robust dialogue today.

Well, it's budget time, time to discuss the budget. And what better time than budget time to talk about how we're going to reshape our budget in a progressive and effective way that will reflect the needs and wants of the American people. Budget time, where we look at things, where we set our priorities, and where we really examine where we're going.

Tonight we're going to focus on a particular part of the budget. We're going to talk about the defense budget and the need for reform, to review what we've been spending our money on, to make sure that while we absolutely protect the American people, that we do not spend so much money that the American people really can't afford it, and that we try to get that peace dividend that after the fall of the Soviet Union we all thought we would be realizing. This is what we're going to talk about tonight with the progressive message, which we come to you with every single week.

The progressive message tonight: The budget. Tonight: The defense appropriation and how this particular end of the budget needs to be cut so that we, as Americans, can have the money we need to not only keep America safe, but also to keep America in the black and not in the red. Very important dialogue tonight.

Let me invite our chairwoman, LYNN WOOLSEY, to have some open remarks. I yield to the gentlelady from the great State of California.

Ms. WOOLSEY. Mr. Speaker, as co-Chair of the Congressional Progressive Caucus, it is my honor to be here again tonight with Congressman ELLISON and other members of the Progressive Caucus who will come down to talk about the Federal budget and our progressive priorities.

When we talk about the budget, it's easy for people to have their eyes just glaze over because they automatically think we're going to be talking about a bunch of numbers on a page. But, you know, this budget and every budget is so much more than that. While you will hear a bunch of numbers being thrown around here for the next hour, the important thing that must be remembered is that all of these figures represent what we believe. They represent what we, as a Nation, have as our priorities, what that says to every citizen of this country and every nation around the world.

The funding decisions that are included in the budget are the choices that every Member of Congress must make on what our priorities as a country should be for the next—not 1 year, but 10 years. These are choices that affect the lives of every single American. It is choices like whether or not we ensure that everyone will receive adequate health care, or whether or not we build yet another weapons system that we don't need. And these choices speak as loudly as anything on who we are as a Nation. That's why it's so important to talk about this and to understand what the numbers in the budget mean for our constituents, and to let them know that all this isn't set in stone, but that there are real choices to be made.

For the past 2 years, and again this year, the Progressive Caucus will be offering a full budget alternative, an alternative that will bring defense spending under control, that will balance our tax code to ensure that everyone is paying their fair share, and invests in renewable energy, in education, transportation, housing, veterans benefits, and health care for all.

These are our priorities; they're priorities that we, as progressives, have laid out. And I look forward to discussing all this with my progressive colleague, Mr. ELLISON, and others who are here tonight

Mr. ELLISON. All right. Well, it's good to be here again. Thanks for getting us started.

Let me invite Congressman POLIS from the great State of——

Mr. POLIS. Colorado.

Mr. ELLISON. Colorado. Congressman POLIS, forgive my lack of sharpness on that point. But you're a welcomed friend tonight, and we want to thank you.

Would you like to make some opening comments as we begin to talk about the progressive message, the progressive budget, and we're going to be focusing on responsible defense spending tonight?

Mr. POLIS. Yes, I do. Thank you so much to my colleague from Minnesota. I'm a new member of the Progressive Caucus.

Mr. ELLISON. And we're honored to have you.

Mr. POLIS. I am pleased to inform my colleagues that we have joined as of yesterday. And I'm particularly thrilled that we're willing to look at defense spending as part of the overall picture. It's hard to have a real route to fiscal responsibility and balancing our budget without looking at defense spending. And whether we're looking at 3 years or 5 years or 10 years out, this is going to be a critical component of the return to fiscal responsibility. I look forward to being a voice for that within the Progressive Caucus.

Mr. ELLISON. Well, Congressman POLIS, you are a very welcomed voice. We agree wholeheartedly.

You know, the American people may be under the mistaken impression that the more money you spend on defense, the more secure you're going to be. Well, tonight we're going to talk about how that isn't true.

What I want to do is start out by quoting our President, Barack Obama, in his first address to Congress last Tuesday. He said, ''We will eliminate the no-bid contracts that have wasted billions in Iraq and reform our defense budget so that we're not paying for Cold War era weapons systems we don't use. At the risk of repetition let me just say, ''We will eliminate the no-bid contracts that we have wasted billions in Iraq and reform our defense budget so that we are not paying for Cold War-era weapons systems we don't use.''

When I quote that statement of our President, Congresswoman WOOLSEY, what sort of thoughts come to mind for you?

Ms. WOOLSEY. Well, the first thought that comes to my mind is, the Cold War is over, it's been over for a long time, and why are we still investing in weapons systems and equipment to fight the second generation of Russian weapons that aren't even being produced in Russia? Why are we doing that? What is it costing us? And what can we do with that money instead of wasting it?

Mr. ELLISON. Well, Congresswoman WOOLSEY, you know every dollar spent is a dollar earned by somebody. And I imagine that these weapons systems may be quite a pretty penny for some people.

Congressman POLIS, when I read that quote from our President—you were here last Tuesday night—what sort of thoughts come to you right away?

Mr. POLIS. Well, you know, there comes a point when more spending equals less security. And you need to look at the whole picture, including the diplomatic picture with regard to foreign aid, with regard to helping developing nations, with regard to promoting peace in the Middle East and elsewhere.

Mr. ELLISON. Well, I think that's dead on the mark.

I want to say that, just yesterday, President Obama began by making good on his promise by signing the Presidential memorandum that will reform government by contracting. What this memorandum talks about is strengthening oversight and management of taxpayer dollars, ending unnecessary no-bid, cost-plus contracts, and maximizing the use of competitive procurement processes and clarifying the rules prescribing when outsourcing is and is not appropriate.

The Office of Management and Budget will be tasked with giving guidance to every agency on making sure contracts serve taxpayers, not contractors. It's important to focus on who really matters here; this is taxpayer and American citizens, not contractors. That's the focus that we need to have. So I'm very happy to see the President taking the focus and really drilling down on getting the most for the American taxpayer.

I think we've also been joined by the gentleman from the State of Washington who has been pitching hard for so long, speaking so eloquently for so long about issues of peace, issues of security, and important issues on the welfare of the American people. I am speaking of none other than JIM MCDERMOTT of the State of Washington.

I would yield to the gentleman for any comments you might make on this important topic tonight.

Mr. MCDERMOTT. Well, I have to commend you for coming out here and talking about the defense budget.

There's a lot of talk in Congress about entitlements. When we talk about entitlements, people think, oh, you mean Medicare and you mean welfare and you mean Social Security and all these things, but there is, in fact, a defense entitlement in this country. It's as though the Defense Department is entitled to get more and more money every year. And anything anybody can think up for a new defense system, we wind it up, whether it makes any sense or not.

Now, if you look at the wars that we've been involved in or the military actions that we've been involved in, they have not been standard wars where tanks are facing tanks or machine guns; it has been mostly counter-insurgency, guerrilla-type events. And we continue to spend huge amounts of money on a variety of weapons that simply don't deal with what the country is facing today. And I think that the most egregious example of this was when the last administration decided that Iran was a problem; therefore, we have to have a missile defense system in Europe against Iran. So we went to the Czech Government, we leaned on them. They said, okay, you can have a tracking station here. And we went to the Poles and said, we're going to put missiles right on the border with Russia.

Now, first of all, they've made Iran into a boogyman. And they began to create a defense, and suddenly we're selling and we're putting all this stuff out there, and lo and behold, the Russians don't like it. Now, is that any surprise? If you were a sovereign country and somebody came and put missiles right on your border, how can you possibly think that that wouldn't be responded to by the Russians?

The next thing we know, they go into Georgia. And everybody's all up in arms and saying, oh, my goodness, my goodness, what are they doing going into Georgia? Well, if you go on a pretext to go into Iraq and attack Iraq, the Russians say, look, we went into a next-door neighbor that asked for our help. You went 9,000 miles to a place that wasn't asking for it.

□ 2000

So the military use of our power, in my view, has been greatly exaggerated in its real importance. What we need today is soft power.

I was just in Iraq, and I think that President Obama, one of the things that will be his toughest jobs is to get back control of reconstruction from the military. We fill the military budget with all this money and expect them to go out and build sewer systems and water systems and all these other things.

That's not what the military's job is. That should be the job of USAID and the State Department, and it shouldn't be done by soldiers.

Now, as long as we inflate the military budget and don't put the money over into the areas where it's really needed, we are not going to change the political climate in these countries. Whether you are talking about Iraq or whether you are talking about Afghanistan or a lot of places, you can talk about Pakistan, what we do is we give them a lot of money from the military budget to buy military equipment from the United States.

And, in my view, in the long run, we are not safer. The question is, are we developing a system that makes us secure? And just having tanks everywhere and Humvees and all this kind of stuff does not make us safer.

What should be done with our money is to look at what's happening to these countries who are economically being destroyed by this world economic situation and dealing with helping them reconstruct their country. Now, the irony of being in Iraq this weekend was realizing that we were rebuilding things that we bombed and destroyed. The question comes to your mind, well, what did we get out of that except a lot of destruction and a lot of ways to spend money in this country?

The Inspector General was out there on the trip with us, and here we have military colonels, you have got a colonel that was just sentenced to 9 years in a Federal penitentiary for taking a $7 million bribe in Iraq. Another colonel and his wife and his sister-in-law were taking bribes and running them through their church, trying to hide them by washing them through the church that they belonged to.

This is what is needed in oversight and a clear plan for what we are trying to do with our money. We have thrown money away endlessly. Talk about waste, fraud and abuse, the military, in my view, is as ripe for an investigation as any part of government. Before we expand the budget, we ought to look at and have investigations, as Harry Truman did, after the Second World War. He made his reputation on looking at the misexpenditure of money in the Second World War, and that's what ought to be going on now.

We are simply bloating the budget around issues that do not make us more secure and make us, actually, more enemies in the world. For that reason I think your examination, the Progressive Caucus examination of the budget is extremely important.

I think that this is an issue, obviously, people, as you point out, have jobs. People make a living making war machinery. But there have to be other things they can make, maybe things related to green energy, or there's a lot of other places that the workers in this country, with all their creativity, could be put to work rather than simply building more and more arms to sell around the world and for us to use in various situations.

We are talking about leaving Iraq. But one of the soldiers said to me, if we are getting ready to leave Iraq, why are we still building buildings like that one over there, what are we building for?

It is a really good question. I mean, if you listen to the soldiers, they can see that lots of money is being spent wastefully. There is a tower, a control tower for an airport in Iraq. We spent $14 billion building a control tower for a field where there are two helicopters, two helicopters.

Now, you ask yourself, what was that tower built for and why was it built there? And these kinds of questions aren't being asked, and I think that's why it's important that the budget that the Progressive Caucus is putting out is really raising a whole series of issues, and I think that the members of the caucus, of the larger Democratic Caucus, should think long and hard about how much money is put into the military budget.

At a time when we need things all across this country in terms of health and infrastructure and education, all these issues are going to be sacrificed to the defense entitlement. And Members have to ask themselves are we going to continue to feed the military monster or are we going to take some of it away and deal with the domestic problems of Americans today. So I thank you for the opportunity to talk about it, and I think the American people should be listening and thinking about what makes sense, what makes us safer?

I served in the military, so I am not against war. I am not some kind of a crazy peacenik that thinks you never go to war.

I served during the Vietnam era. I took care of casualties, so I know there is no glory in war, and I know what happens to those casualties when they come back to the United States. We are creating, by this war, a lot of costs in the future that no one is willing really to talk about. They said today in the newspaper that there may be as many as 300,000 brain injuries from this war.

And you think about what that's going to mean as we try to deal with

those veterans over the next 30 or 40 years. These kids are 20, 30 years old. They are going to live to 70, so we are looking at least to 40 years, and that is a cost that's built into this kind of behavior.

I think it really has to be carefully examined, and I think that Barack Obama is correct in bringing as many of those troops home. I think he should bring them all home, but he is talking about bringing 100,000 home and leaving 50,000 over there. I don't know what for. Is that just kind of for them to sit around and if something happens somewhere they will go jump out and do something?

They said they are going to be for training police and training the Army, 50,000 advisers? It doesn't make sense. So thank you for raising this issue. I think it's important that you take an hour tonight and talk about it.

Mr. ELLISON. Well, I just want to say that I think it's critical that we discuss this issue. I believe that a budget is a statement of values. And if we value human life, and if we value peace, then we should have that reflected in our budget. That's why tonight we are talking about taking a look at the defense budget.

I just want to tell you, draw your attention to this chart up here, Mr. Speaker, Cold War-era weapons systems. Things that were mentioned, the anti-ballistic missile system, this is a pretty big-ticket item. If you could look at what we could save by cutting the Bush's fiscal year 2008 request, and then there is a task force that proposed a reduction, these would not result in any reductions in safety and security for the American people, and this chart was generated by the task force on the united security budget.

I just want to talk about it a little bit. Let me frame it this way.

Mr. MCDERMOTT. If I could ask a question?

Mr. ELLISON. Yes, sir.

Mr. MCDERMOTT. I can't quite read that bottom figure. Is that $60 billion?

Mr. ELLISON. That's $60 billion, with a ''B.''

Ms. WOOLSEY. Over 10 years.

Mr. ELLISON. Yes, and that's quite a pretty pity, quite a bit of money there.

As a matter of fact, let me just say that Congressman FRANK, like yourself, Congresswoman WOOLSEY and many others, Congresswoman LEE, have been working with the Center for American Progress and have adopted one of their proposals for reducing defense spending. That proposal, coupled with ending the war in Iraq, will be at the center of this plan to reduce military spending.

First, a timely withdrawal from Iraq could create $105 billion of savings in 1 year if the recommendation for the Center for American Progress report, ''Building a Military for the 21st Century,'' is followed. That's where this chart actually comes from.

If we were to take these proposals and reduce the Virginia Class Submarine and this destroyer, if we were to deal in a very sensible way with offensive space weapons. What do we need to be fighting in space for? I have no idea.

To reduce our nuclear arsenal which, you know, under the nuclear nonproliferation treaty, countries that don't have nuclear weapons shouldn't get them, but countries that do have them should be reducing them. This could be a significant savings. Then waste procurement and business operations, a 7 percent reduction.

We could save $60 billion. How many college educations is that? How many teachers, how many cops? Could we afford a universal single pair health care system?

Ms. WOOLSEY. Yes.

Mr. ELLISON. Could we afford the things that will make our country ready for this new age, this green economy.

Let me ask you, Congresswoman WOOLSEY, what are your views on this subject?

Ms. WOOLSEY. Well, I have some.

Mr. ELLISON. I had a feeling you did.

Ms. WOOLSEY. Probably because I am a peacenik, I just am, have been, I think I was born that way.

But, you know, before we talk about the savings, I think we should, first of all, know that this is the third Progressive Caucus alternative budget in the last three budget cycles that we have introduced, and all of our budgets have been around what our President said in his speech, reforming our defense budget so that we are not paying for Cold War-era weapons systems that we don't use. You said that, I am going to emphasize that.

Now we are working with Congressman BARNEY FRANK. This budget is going to be wrapped around cutting 25 percent of the defense budget so that our colleagues will have an option. They will have an alternative. They will be able to vote their conscience if they want to cut the defense budget. I am not saying they won't vote for the base budget, but they will have a chance to vote for a budget that cuts defense and invests in our national priorities.

But here is why we know we can do this. The United States doesn't just lead the world in defense spending, we almost outspend the rest of the entire world combined.

Mr. ELLISON. Wait a minute, do you mean to tell me that if you take every country in the world from Palau to Brazil, Russia to Israel, from Argentina to Brunei, you add them all up, you mean we still spend more?

Ms. WOOLSEY. That's right, and a full 43 percent of the world defense spending comes from the United States alone. When we add NATO allies into it, it's over 50 percent.

So our annual defense budget dwarfs that of all our biggest rivals, and we spend four times as much as China and eight times as much as Russia. Why? That's what I ask you, we don't need to do that.

And if you want to put this in perspective, every single person spent, when we add up our Pentagon budget, that's 40 percent of the taxes that every single person pays, 40 percent of their taxes go to the Pentagon. Why, I ask you? It does not make it safer and, in the end, you are less safe.

So what kinds of weapons are we cutting? You have got your chart up there, we are saving $15 billion a year by reducing the number of nuclear warheads that we have in our arsenal. We are going from 10,000 to a thousand. We don't think we need 10,000 warheads. We need 1,000 to keep us safe, even with the rest of the world. Over time, we should be working to have a nonnuclear world because it's nuclear weapons that can actually do all of humanity in, and shame on us for not knowing enough to stop that.

So we also, in this budget, get rid of the F–22 Raptor. We save $4 billion because this fighter jet was designed to fight, as I said, the next generation of Soviet planes, which were never even built.

It makes sense to build a plane that fights ghosts? I ask you, no, it doesn't.

There is the Virginia Class Submarine that, like the F–22, was built to fight the Soviets. It's more expensive than the submarines we currently have, and it doesn't have any new capacity or capability.

So there is so much about this that makes no sense.

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And the other thing that we have to know is an investment in defense spending on weapons does not nearly enough for our economy. If you want to invest in the economy, invest in jobs and infrastructure and education.

Mr. ELLISON. Early childhood, health care.

Ms. WOOLSEY. Right. Health care. Invest in what gives back to the people of this country.

Mr. ELLISON. Mr. MCDERMOTT, a great American whose birthday we celebrate every January 15, actually on April 4, 1967, said these words: ''A Nation that continues year after year to spend more money on military defense than on programs of social uplift is approaching spiritual death.'' Those words were spoken by Martin Luther King.

What do you think about that quote?

Mr. MCDERMOTT. Well, I think it's obvious that one of the things that President Obama faces is the fact that this country has used its military might all over the world for the last 7 years and lost its moral authority by issues like Guantanamo and Abu Ghraib and a variety of other things. And it is clear, and it was Hubert Humphrey, from your home State and actually was mayor of your city, who said that a country will be judged by how it deals with those in the twilight of life and those at the dawn of life, the children and the old people.

Mr. ELLISON. In the shadows of life.

Mr. McDERMOTT. Right. You know the quote.

Mr. ELLISON. Yes, I do.

Mr. McDERMOTT. A guy from Minnesota should know it.

Mr. ELLISON. Absolutely.

Mr. McDERMOTT. But the fact is that that is the essence of what the government is about. The Constitution and the Declaration of Independence are basic documents that say it is our responsibility to protect the life and liberty of the American people and allow them to develop themselves to the fullest extent possible. And there is a point at which when we don't educate our children and when we don't take care of their health care, when we're the only industrialized country on the face of the Earth that doesn't have universal access to health care, you have to ask yourself how many guns do we need? How many bombers? I mean I would like to take a few of those off there and use them as financing for extending the health care system to everybody in this country. It wouldn't take very much out of this budget. But it would, in fact, make us a safer country and make us a morally responsible government to deal with the problems of our people.

For us not to do that, for us not to do in energy what needs to be done, in the long run it doesn't make any difference how many nuclear weapons we have. If global warming causes the oceans to rise and all these other things begin to happen, nuclear weapons aren't any good to shoot at polar bears or at whatever. I don't know. We'll have this stockpile of weapons, and some day people will come along a thousand years from now and say, I wonder what they were planning to do with all those weapons? They built them and they sat here and rotted. And that's really what's happening.

I really think that making a sensible and reasonable defense system is important. But we have gone way over the top, as has been suggested by some of these weapons systems that people were imagining something. I mean this whole business of Star Wars, it started with Reagan. I mean he said, well, you know, suppose they get up there in the sky and they start shooting rockets down on us. We've got to have this missile defense. And we are spending money even today on that stuff, and it makes no sense whatsoever.

If you look around the world and ask yourself are we really threatened by the Iranians? Are we really threatened by the Pakistanis? Are we really threatened by the Chinese? The Chinese have got so many problems of their own. But we continue to build weapons as though they were sitting over there just about to launch off into attacking us, and it could be nothing further from the truth. Chinese families want food and housing and an education for their kids and a health care system and a government that makes peace and makes a decent life for the people. They're not looking to attack us. But yet we continue to build weapons systems.

In fact, I think in some cases the military industrial complex was sad when the Berlin Wall fell because they had nothing to justify this stuff. And they've been scrambling around to justify it ever since, trying to find somebody to be afraid of. When, in fact, what we ought to be doing is building a peaceful world and dealing with our own problems at home and the problems of AIDS and hunger and disease around the rest of the world. If we would spend our money on those things, we would have much more peace than we will have building these weapons that are on the chart next to you. There's no security in that kind of continued——

Ms. WOOLSEY. Will the gentleman yield?

Mr. ELLISON. I was going to ask you to react to the quote, if you would, ma'am. Would you react to the Martin Luther King quote, or should I read it again?

Ms. WOOLSEY. Read it again. That would be beautiful.

Mr. ELLISON. ''A Nation that continues year after year to spend more money on military defense than on programs of social uplift is approaching spiritual death.''

How do you react to that? And then add on what other thoughts you may have.

Ms. WOOLSEY. Well, I believe it with all my heart. That's why I have introduced every year for the last 5 years SMART Security, which has war as the very last option when countries aren't getting along, if we even need that option, and it cuts military spending and invests in soft power and in diplomacy and international relations.

I want to read something out of an article that Barney Frank has in The Nation.

Mr. ELLISON. Please do.

Ms. WOOLSEY. The March 2 edition of The Nation. And I would like to enter this article into the RECORD. It's a great article, and it supports his and our 25 percent cut in defense spending in our budget. And he says, in the middle of this article, ''Spending on military hardware does produce some jobs, but it is one of the most inefficient ways to deploy public funds to stimulate the economy.''

Then he went on to talk about when he was talking with Alan Greenspan. He said, ''When I asked'' Alan Greenspan ''what he thought about military spending as stimulus, to his credit, he said that from an economic standpoint military spending was like insurance: If necessary to meet its primary need, it had to be done, but it was not good for the economy, and to the extent that it could be reduced, the economy would benefit.''

There is no question. President Eisenhower, before he left office, said beware of the military industrial complex, Americans, because it's got us going in the wrong direction. And we have a chance now to turn it around. We have a new President who does believe in diplomacy. We have a majority in the House and the Senate and we have our President in the White House, and now it is time for us to stand up and put together plans that will meet Martin Luther King's promise to us, and that's that we would have a world of peace as the world we want to live in.

[From the Nation, Mar. 2, 2009]

CUT THE MILITARY BUDGET—II

(By Barney Frank)

I am a great believer in freedom of expression and am proud of those times when I have been one of a few members of Congress to oppose censorship. I still hold close to an absolutist position, but I have been tempted recently to make an exception, not by banning speech but by requiring it. I would be very happy if there was some way to make it a misdemeanor for people to talk about reducing the budget deficit without including a recommendation that we substantially cut military spending.

Sadly, self-described centrist and even liberal organizations often talk about the need to curtail deficits by cutting Social Security, Medicare, Medicaid and other programs that have a benign social purpose, but they fail to talk about one area where substantial budget reductions would have the doubly beneficial effect of cutting the deficit and diminishing expenditures that often do more harm than good. Obviously people should be concerned about the $700 billion Congress voted for this past fall to deal with the credit crisis. But even if none of that money were to be paid back—and most of it will be—it would involve a smaller drain on taxpayer dollars than the Iraq War will have cost us by the time it is concluded, and it is roughly equivalent to the $651 billion we will spend on all defense in this fiscal year.

When I am challenged by people—not all of them conservative—who tell me that they agree, for example, that we should enact comprehensive universal healthcare but wonder how to pay for it, my answer is that I do not know immediately where to get the funding but I know whom I should ask. I was in Congress on September 10, 2001, and I know there was no money in the budget at that time for a war in Iraq. So my answer is that I will go to the people who found the money for that war and ask them if they could find some for healthcare.

It is particularly inexplicable that so many self-styled moderates ignore the extraordinary increase in military spending. After all, George W. Bush himself has acknowledged its importance. As the December 20 Wall Street Journal notes, ''The president remains adamant his budget troubles were the result of a ramp-up in defense spending.'' Bush then ends this rare burst of intellectual honesty by blaming all this ''ramp-up'' on the need to fight the war in Iraq.

Current plans call for us not only to spend hundreds of billions more in Iraq but to continue to spend even more over the next few years producing new weapons that might have been useful against the Soviet Union. Many of these weapons are technological marvels, but they have a central flaw: no conceivable enemy. It ought to be a requirement in spending all this money for a weapon that there be some need for it. In some cases we are developing weapons—in part because of nothing more than momentum—that lack not only a current military need but even a plausible use in any foreseeable future.

It is possible to debate how strong America should be militarily in relation to the rest of the world. But that is not a debate that needs to be entered into to reduce the military budget by a large amount. If, beginning one year from now, we were to cut military spending by 25 percent from its projected levels, we would still be immeasurably stronger than any combination of nations with whom we might be engaged.

Implicitly, some advocates of continued largesse for the Pentagon concede that the case cannot be made fully in terms of our need to be safe from physical attack. Ironically—even hypocritically, since many of those who make the case are in other contexts anti-government spending conservatives—they argue for a kind of weaponized Keynesianism that says military spending is important because it provides jobs and boosts the economy. Spending on military hardware does produce some jobs, but it is one of the most inefficient ways to deploy public funds to stimulate the economy. When I asked him years ago what he thought about military spending as stimulus, Alan Greenspan, to his credit, noted that from an economic standpoint military spending was like insurance: if necessary to meet its primary need, it had to be done, but it was not good for the economy; and to the extent that it could be reduced, the economy would benefit.

The math is compelling: if we do not make reductions approximating 25 percent of the military budget starting fairly soon, it will be impossible to continue to fund an adequate level of domestic activity even with a repeal of Bush's tax cuts for the very wealthy.

I am working with a variety of thoughtful analysts to show how we can make very substantial cuts in the military budget without in any way diminishing the security we need. I do not think it will be hard to make it clear to Americans that their well being is far more endangered by a proposal for substantial reductions in Medicare, Social Security or other important domestic areas than it would be by canceling weapons systems that have no justification from any threat we are likely to face.

So those organizations, editorial boards and individuals who talk about the need for fiscal responsibility should be challenged to begin with the area where our spending has been the most irresponsible and has produced the least good for the dollars expended—our military budget. Both parties have for too long indulged the implicit notion that military spending is somehow irrelevant to reducing the deficit and have resisted applying to military spending the standards of efficiency that are applied to other programs. If we do not reduce the military budget, either we accustom ourselves to unending and increasing budget deficits, or we do severe harm to our ability to improve the quality of our lives through sensible public policy.

Mr. ELLISON. Congressman, you've been reflecting quite a bit on issues of military reductions and focusing on our country's security, not sacrificing that, but on how we might save more money. But what do you think about this idea of military expenditures not being a good economic investment, not stimulating a lot of jobs? Any thoughts occur to you about that?

Mr. McDERMOTT. If you spend a dollar in a school educating a kid who then does better in the world and gets a job and makes money and pays taxes and contributes to the society, you've created something. When you build a nuclear weapon and put it on a shelf somewhere, you have developed nothing. It just sits there. Or you build a tank or you build a Humvee.

Ms. WOOLSEY. And it kills somebody.

Mr. McDERMOTT. You have to ask yourself why do we keep building more and more and more? And, in fact, there's a curious thing about Iraq. Having been over there, it reminds me, we have 150,000 soldiers over there and we also have 150,000 contractors. Now, if a soldier is paid $50,000 and a contractor is paid $100,000, why isn't it more sensible to hire another soldier than to hire a contractor for twice the money? And that's going on all over Iraq, in fact, all over the world. We are contracting things out that ought to be done by our own soldiers and would be done in a much more reasonable and cost-efficient way. So if you look at this budget, there are a million places where you can find places to save money if you care about that.

Mr. ELLISON. Talking about soldiers as opposed to contractors, I will never forget the hearing in which General Petraeus was asked how much he makes, and I think he makes about $170,000 a year for managing a whole lot of people and a whole lot of equipment. And then somebody asked Erik Prince, who is the head of Blackwater, how much he makes, and he makes quite a bit more than that, definitely millions. And I mean he runs an operation quite a bit smaller than the United States military and a comparable force. So even when it comes to the leadership in the military arena, we're contracting military leadership and we are paying them a whole lot more than we are those soldiers who are at the head of our military and who are really doing the real hard work and can't just walk away, and it's not just about a dollar and cents for them. When you made your observation about contractor versus soldier pay, that was another image that stuck in my mind.

I yield back to you.

Mr. McDERMOTT. I think that is the whole thing that we have not seriously looked at for the last 7 years. We have been spending, spending, spending. We've had budget after budget, supplemental budgets. They come in and say we need another $30 billion. We need another $70 billion. We're going to use $50 billion for reconstruction. We're going to use this. But no oversight. They've been putting that money out there, but nobody has been actually looking. And that's why you get control towers, as I said, built out in the desert for $14 million and nobody says to themselves, gee, what's that about? Who did that? Well, it was a contractor. You know, I don't know if it was KBR or which one of the contractors, but we let a contract to somebody to build a very sophisticated control tower. And we talk about the ''bridge to nowhere'' in our infrastructure. We complain if somebody puts a piece in the budget for a bridge somewhere. We put military things out like that and we don't even ask a question.

Mr. ELLISON. You've hit on something. Why has it been somewhat taboo to discuss the military budget? What is in operation that would make someone shy about asking tough questions about military expenditure?

Does the gentlewoman from California have any views on this?

Ms. WOOLSEY. Well, first of all, there's a big fear of looking like you're not patriotic around here. The second thing is it's very embarrassing when you ask the question and nobody has the answer and you're talking about billions of dollars. And that's why BARBARA LEE and I have been working with the GAO to have the DOD implement the over 2,000 recommendations that the GAO has made to the DOD to cut waste, fraud, and abuse. So they now know they have to do it, and we are counting on those cuts of those 2,000 wasteful expenditures in our Progressive Caucus budget.

Mr. ELLISON. Congresswoman, we have just been joined by Congressman SAM FARR, who is a member of the Progressive Caucus.

Congressman FARR, tonight we have been talking about the Progressive budget and how examining the defense budget in a tough way will allow us to save a whole lot of money which we can use for human need. And I just want to know do you have any comments on that, any reflections?

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Mr. FARR. Well, without a doubt the way we have been spending and putting the war efforts into just an emergency supplemental doesn't make any sense, because there has never been an accounting for it. The new administration has said they are bringing us in their budget the cost of Iraq and Afghanistan, so there is going to be some fiscal responsibility, and everyone knows there will be a day when we will not be spending that much money, which is a lot of money, and therefore those costs can be cut.

I think that there is no way that we cannot. As we try to balance this budget or get it into sense in the outyears, the largest increase over the years has been the Defense Department, and therefore they are going to be the one that is the most dramatically reduced. I think all of us feel that the plan is to have a smaller military, but without a doubt it has to be a smarter military, and the investment in smartness is not the kinds of things you see on that board.

I am very excited about upgrading the skills of American military, particularly because my background in the Peace Corps is that you find in Afghanistan and Iraq what is missing now is what we call soft power, which is that we have learned to kick down the doors anywhere in the world at any time, but we have not learned to win the hearts and minds of people. If indeed we are going to have peace and stability, we have got to do a lot more work on the soft power side, which is

less expensive and probably more effective. So, obviously there is room for reductions. As we argue the cost of health care, we have to also argue the cost of defense.

Mr. ELLISON. Congressman FARR, one of the things that BARNEY FRANK says is that on September 10th, 2001, we had no idea how we were going to deal with the expenditures associated with an Iraq war. Somehow over the course of time we figured out how to come up with $10 billion a month to fight the Iraq war. Yet people tell you and they tell me we can't afford universal health care. That is just too expensive. The prior President even told us that and vetoed the State Children's Health Insurance Program because it cost too much money.

But what does that mean to you when we think about reexamining our defense budget for waste, fraud and abuse, and dealing with some of these Cold War era weapons systems? In your view, what do we really need a ballistic missile defense for in this age and day? Do you have any thoughts on that topic?

Mr. FARR. You have the expert on health care here with Dr. MCDERMOTT and the American leader on single payer plans, and certainly he can give a lot of that.

But I think what I see missing in the dialogue here is that a lot of people, conservatives who would not agree with us would argue that government ought to run itself more like a business. You don't hear businesses talking about costs and expenditures. When they spend money, they talk about investments.

Indeed, if America is going to grow and strengthen itself, then it has got to talk about these things as investments. And if you really analyze the investment in education, the investment in health care, not costs in, but investments in, obviously you want to run them well, and if you really look at the military and talk about an investment in peace operations and stability, which is what it is all about, I think you come up with different numbers than just costs. You come up with different priorities.

Mr. ELLISON. Congresswoman WOOLSEY, do you want to reflect on this?

Ms. WOOLSEY. I just want to say you also should put the cost of not doing those things, the cost of not having a healthy community, not having an educated constituency, not having people ready for jobs for the 21st century. Those costs, we never look at that when we are doing our budgeting.

I have a question, if I may, to just throw out to the three of you. Sam, before you came down here we were talking about 150,000 contractors in Iraq and why our military, which is one-third of the cost, each one of our troops, why we just didn't have them doing it all.

My question is, wouldn't we have to have a draft in order to have that many troops available? I don't think we have volunteers that would be able to double the size of the troops in the units over in Iraq and Afghanistan, because I don't think people are that excited about going over there for $50,000 a year, for one thing.

Mr. FARR. Well, the difficulty you have is, again back to that investment, if indeed the contracting purpose is to build infrastructure, it is nuts to think that a company from the United States has a vested interest in the outcome and survivability of that project. We learned that with the ''ugly American,'' where we would go and build things in other countries and leave and they would fall apart, because in the process we never got the host country nationals involved in building it, in owning it, in wanting to run it and keep it up and learn how to, as we saw with generators in Iraq that we installed and nobody put oil in them and they all burned out, because they said it doesn't matter, they will wait until they come back and replace them.

So I think this dialogue is really important, because the first line of our national security is investment in a well-informed electorate or well-informed public. So the first line of our national security is investment in education. That is our biggest defense system, security system, and we have to make that investment equal to or greater than obviously it has been historically if we want to build a stronger America.

Mr. MCDERMOTT. One of the interesting things, I am standing here listening to this, and, I don't know, as people are sitting at home listening to this and wondering about all this, this is a sacred cow that we are never supposed to look at. That is why we don't discuss the defense budget, because people are afraid if you talk about it and talk about reducing it at all, you are not a patriot. That is the accusation that is made immediately.

But what happens in the Defense Department is they say, well, you know, we would like to build a submarine, so this year we will put $1 million into the budget and sign a contract to build a submarine in the next 2 years. So the next budget comes along and here is a contract already signed, and the next $10 billion goes into the budget, and the next year it is ten more. And that kind of sort of sneaking it in under the door without people actually seeing what is being committed to, that is how this missile defense stuff and all that is done, incrementally. Nobody ever sees the long-term cost of what we are doing and what it is going to mean in terms of what isn't available for the things that this society needs.

The minute anybody raises it and says, why are we doing this, somebody says, well, you don't care about the safety of this country. That couldn't be further from the truth for any one of the four of us. But in fact people will say it and they will think that somehow if you cut one dime out of the defense budget, the whole country suddenly is going to be cowering in the corner and the world is going to be threatening us. Nothing could be further from the truth.

Mr. ELLISON. Well, Congressman, the fact is that in all this exorbitant, precipitous expansion of the defense budget, you really haven't seen the average soldier getting a whole lot more money. We have had to increase the budget for the VA. When you talk about the human element in the military, this almost seems like the forgotten element.

When you think about a weapon like this ballistic missile defense over in Europe, agitating the Russians, the Iranians aren't threatening to bomb America. I haven't heard that one yet. The fact is that this thing in the Bush budget was $10 billion. The fact is you have got this $21 billion for nuclear weapons. We live in a time of asymmetrical warfare. What do we need $21 billion for? Why do we need that?

The fact is that is one of the things that is so appalling. One of the things we are doing tonight is saying it is not unpatriotic to examine the military budget. It is not a sign that you are a coward and you don't want to face the enemy if you want to cut the military budget. It doesn't mean that you don't care about the troops. Of course, we desperately care about the troops. Part of what we are arguing for is for the sake of the troops.

So the thing is that it is so important to be having this dialogue tonight, so critical that we do not shrink from this critical dialogue about cutting this budget. I am so happy that President Obama came right in this Chamber a little more than a week ago to say ''we will eliminate the no-bid contract that have wasted billions in Iraq and reform our defense budget so that we are not paying for Cold War era weapons systems we don't use. Let it begin now.''

Mr. FARR. You know what is interesting about your comment? I sit on the Military Construction Appropriations Committee. That is the military quality of life. We interview the soldiers, have them come in and ask them to prioritize what they want. Never in my 15 years have I ever heard them ask for a weapons system. What they ask for, their number one issue is quality of housing. The number two issue is childcare. Childcare. That is what the soldiers want. It is quality of life, because they are raising their families in the military. They are getting deployed and they are coming back.

The weapons system, those are all Fortune 500 companies that make those. That is Wall Street. So you have a different lobbying effort between the personnel, the human factor in the military, and the weapons systems or the procurement side of the military, and that is what is incredibly remarkable. And I am really pleased that you are pointing out if we are going to make proper adjustment, we have got

to really scrutinize these expenditures to really make them essential to a new global world order.

We are not fighting conventional wars. We are fighting asymmetrical wars, and I don't know what a ballistic missile system is going to do in an asymmetrical war in fighting people that are using the Internet and public transportation to move their weapons and ideas around.

Thank you for your time tonight. I really appreciate it.

Mr. ELLISON. Congressman FARR, let me thank you for being here. Let me also thank Congressman WOOLSEY, Congressman MCDERMOTT, and also Congressman POLIS was with us for a moment.

This is the progressive message, the progressive message tonight that we came with, to talk about just the defense aspect of the progressive message. We believe that if we follow the program that has been offered by the Center For American Progress that Congressman FRANK has been working on, we can save a lot of money for the American people without any reduction in safety for the American people.

It is not unpatriotic to question the military budget. It is not unpatriotic to talk about waste, fraud and abuse in the military. It is to enhance the quality of life for the soldier and security for the American people.

My name is KEITH ELLISON. I have been happy to be here tonight for the Progressive message. It has been great, another fantastic hour. We will be back, week in, week out, projecting a progressive message to the American people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. POLIS). Without objection, the 5-minute Special Order of the gentlewoman from North Carolina (Ms. FOXX) is vacated.

There was no objection.

FIXING THE AMERICAN ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 60 minutes as the designee of the minority leader.

Ms. FOXX. Mr. Speaker, I am pleased to be here tonight to lead this special order on behalf of the Republican leader and am pleased to be joined by some of my colleagues now on the floor and others who will be coming.

I want to say that we are going to talk about the economy tonight. We are going to talk about the cramdown bill that was passed here today. But I do want to say in response to the Progressive group, I think they call themselves, that was just speaking, is that any time I hear people talking about the need to do less in defense for this Nation, I want to say that I wake up every single morning and the first thing I do is say thank you, Lord, for letting me live in this country, and the last thing I do before I go to sleep at night is say thank you, Lord, for letting me live in this country, because I believe we live in the greatest country ever, and I know in large measure that is because of the great national defense that is provided to us by the men and women who risk their lives every day to keep us a free people.

Do I think that we should write a blank check for defense? No, I don't believe that. But I do know from reading the Constitution, and all of us are sworn to uphold the Constitution, that national defense is the number one role of the Federal Government.

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It has to be mentioned over and over again because, unfortunately, too many people talk about all these things we could be doing for the people of this country if we just didn't spend all this money on national defense.

Well, Mr. Speaker, I have to say that States can't provide national defense, the counties can't provide national defense, the municipalities can't provide national defense. And we individuals can't provide for our national defense, except as part of a larger body. So it is our Number 1 responsibility as a Federal Government. And if we have money left over, then, fine. We may be able to do other things. But if we have money left over, the first thing we should do is give it back to the people from whom we take it forcibly and allow them to vote how to decide to spend it.

I want to say that I don't say to people who criticize the defense budget that they're not patriots. But I think they should be very explicit about where they think money is being wasted. And again, if there's money left over, let's just give it back to the American citizens. Let's not spend it in Federal bureaucracies.

So, as I said, we came here tonight to talk about the economy. That's the thing that's probably on most people's minds. Thank goodness we have a military that is allowing us to be safe, allowing us to be here on this floor at night, allowing us, every citizen in this country, to go about his or her job on a regular basis, all their activities, whatever they're doing and feel safe.

But what's on the minds, again, of most of the people is the state of our economy and the inaction and incompetence of the Democratically-controlled Congress and this administration in terms of how they have responded to the problems in our economy.

So I want to recognize some of my colleagues who are here tonight and allow them to share some of their concerns. I'm going to be here for the entire hour. I'm going to let them speak, and then I will come back and, if there are things that still need to be said, then I will take up some time and share some information with those of you who are listening to us tonight.

The first person that I would like to recognize is our distinguished colleague from Georgia, Dr. BROUN.

Mr. BROUN of Georgia. Mr. Speaker, I rise today because Americans have bought a product that is not living up to its guarantee. Promises made are not being kept, and the American taxpayer is paying the price for the defective product that they bought.

This body has let the American people down. And I'm not just pointing my finger at the other side of the aisle. Both sides have hoodwinked the American taxpayer for not being fiscally responsible.

If I sound alarmist, it's because I'm concerned that it's only getting worse. I'm frightened about the path that America's heading down with this administration and this Congress in the driver's seat. HARRY REID and NANCY PELOSI are driving this steamroller of socialism and, unfortunately, President Obama isn't putting up any roadblocks, and not even a slow down sign. And it's hardworking Americans who are getting run over.

Right now, in addition to a $700 billion bailout of Wall Street, a $1 trillion non stimulus bill, and a $275 billion housing fix, the middle class is also carrying on their backs the auto industry, Bear Stearns, AIG, Citi, Freddie, Fannie and countless others.

For too long, lawmakers in Washington have ignored the pleas from hardworking families and small business owners in their districts. For too long, lawmakers in Washington have depended upon hardworking middle class to pay for their expensive programs, of which they rarely see a dime.

But there is an alternative. The middle class can demand that lawmakers stop using them to pay for policies that benefit only two ends of the spectrum. That's why I rise today, Mr. Speaker, to offer a vision for those hardworking middle class families who pay for the Wall Street fat cat speculators, who pay for welfare recipients, and who pay for all this.

My vision includes providing tax relief to small businesses and families. It includes offering incentive-based relief for job creators. We must skip the pork wish list and, instead, directly stimulate the middle class and small businesses, since they are America's economic engines. In doing so, jobs are created, faith is restored in the markets, and America's entrepreneurial spirit is once again unleashed.

Contrary to what is being said, those of us who oppose the recent actions of this ''Credit Card Congress'' are not just saying ''no.'' Unfortunately, our alternatives to help our economy are not being considered.

I want to give a 5 percent, across the board, income tax cut. I want to increase the child tax credit to $5,000. I want to lower capital gains, dividend and corporation taxes to bring investors back to America that have been

taxed out of the country. I want to create jobs by producing American energy with American workers in the form of solar, clean coal and nuclear energy. I want to increase student loan deductions so that you can send yourself or your child to school at any age, with minimal financial burden.

I want a health care system that is affordable for all people, one that is patient-focused, not government-focused, one where patients own their own insurance policies, one where the doctor/patient relationship is where health care decisions are made, not by some government bureaucrat.

The economic recovery plan that I support includes no bailouts and no pork-laden projects. It creates twice the jobs at half the cost through permanent tax relief for families and for small business here in America. This plan creates 73,000 more jobs in my home State of Georgia alone.

I also offered an amendment to the stimulus to give every American who files a tax return approximately $9,000, their share of the stimulus bill. Clearly, not spending a trillion dollars would have been a much better option, but since Congress was bound and determined to spend the money, wouldn't it have been better to place that money back in the pockets of taxpayers?

If a two-parent family, middle income, middle class family had received $18,000 in the mail, they could have bought a new car, gone on vacation, or even make a down payment on a home.

David McCullough correctly states that, and I quote him, ''History is a guide to navigation in perilous times.''

Let us not forget that in these tough times, that more government has never been a solution. Historically, socialism never has worked, never will work, and it will not work today. In fact, government actions were actually the stimulus that contributed to Fannie Mae and Freddie Mac's distension, easy money made available following relaxed interest rates, and ultimately, the push on American lenders to make loans, regardless of the borrowers' ability to pay.

As Margaret Thatcher said, ''The problem with socialism is that you eventually run out of other people's money.''

Mr. Speaker, I rise in that spirit to remind you that America was founded by pioneers with dreams who worked, and in some cases, died to protect freedom and make a more prosperous life for their children. We must not forget this.

God promises us in Psalm 30:5 that ''Weeping may endure for a night, but joy cometh in the morning.''

Now, I call upon all Americans, young and old, liberal and conservative, to demand a more efficient government, beat back the reach of big government, wipe away the tears of yesterday and demand a joyful morning in America, a future of freedom. America is depending upon it.

Ms. FOXX. I want to thank my colleague from Georgia. What he has done is put to rest the comments made by so many of our colleagues on the other side of the aisle who say that Republicans are the party of ''no'' and that we don't have a plan. Republicans, throughout this entire congressional session, beginning in January, have offered great alternatives to the abysmal proposals that have been given by the Democrats to deal with this economic situation.

We understand that the American people are hurting. We want to help the American people in ways that we know are proven ways to make things better.

What the Democrats have proposed are the things that will make the situation worse.

The American people know we cannot tax and spend and bail our way back to a growing economy. They know that raising taxes during a recession, on almost every American, is a prescription for economic decline. They know that raising taxes on small businesses, where a majority of Americans go to work every day, will not put American families back to work. They know that cutting deductions for charitable giving will harm higher education, scientific research and religious organizations struggling to stay afloat.

The American people know now more than ever before that Democrats are on the side of more government and more taxes. And we hope, through explaining our plans, that the American people are going to understand in a very tangible way that House Republicans are on their side, and we will continue to be on their side.

Mr. BROUN of Georgia. Would the gentlelady yield for a moment, please?

Ms. FOXX. I will.

Mr. BROUN of Georgia. I want to congratulate you, Ms. FOXX, for bringing up something that is extremely important. When you opened this evening's special orders, you talked about national defense being the major function of the Federal Government under the Constitution. I carry a copy in my pocket all the time, and I believe in this document as it was intended by James Madison and company.

If you look at this document, if the American people will look at this document, read what our founding fathers wrote, not only in the Constitution of the United States, but read what they wrote in the Federalist Papers, which were a group of essays to explain exactly what this document means. They will see that they've been handed a lie; that this document was never meant to be expanded beyond the 18 things that article I, Section 8 says that we, as a Congress, we, as a government, can do. And the 10th amendment puts a exclamation point upon that, because the 10th amendment says if a power is not specifically given to the Federal Government by the Constitution, in other words, those 18 things in Article I, Section 8, if it's not prohibited from the States, things such as having their own army, things like having interstate tariffs and those types of things, that those rights are reserved for the States and the people. And national defense is exactly the major function under the original intent of this Constitution.

And when we see people stand on this floor and cut down our defense—I'm a Marine, and I believe in a strong national defense, just like I believe in this document according to its original intent.

□ 2100

I congratulate you for bringing that issue up as you started this discussion tonight because the American people need to understand that this document was never meant to be expanded the way government has—the way the court has expanded it, the way the administration has expanded it and the way that Congress has expanded it—particularly beginning with FDR, with the New Deal.

That brings us to today. The New Deal did not work. I was taught in school, in high school, that it did work, but that's just a bald-faced falsehood; it's not factual. The New Deal didn't work. The only thing that got us out of that recession, that depression in the '30s and into the early '40s, was gearing up the manufacturing base to supply World War II. So it was small business and manufacturing that got us out of that depression, and we're heading in that direction today in this country, with these bills, one after another, after another, after another.

When the President came and talked to our Republican conference, I'm sure you'll remember he said that the stimulus bill was just the first of many big spending bills, of many socialistic bills, of many big government spending bills that he was going to bring to the floor and promote very quickly. The thing is socialism never worked, never will work, and it's not going to work today, and the American people need to understand what the Constitution says and what we're headed toward. We're headed toward the financial collapse of America if we don't stop spending our grandchildren's future.

So I commend you, Congresswoman FOXX, for bringing up the Constitution, because I think the American people need to understand clearly that this is not a living document. It's a document of which we need to go back to the original intent.

God asked a question in psalm 11. He asked: If the foundation is being destroyed, what are the righteous to do?

What we need to do in America is to start rebuilding the foundations that this America was founded upon, those foundational principles that made America so safe, so secure, so rich, so powerful, and the only great power in the world today. If we leave those principles, then it's going to destroy America, and we're headed toward a depression in America if we don't stop spending our grandchildren's future.

So I thank the gentlelady for yielding me a few more moments, because I am very fearful of the direction we're

heading in this Nation today. We're heading in a direction that's going to be disastrous. We're going to lose what our founding fathers fought and died and sacrificed so much for, and it's up to the American people to demand better. It's up to the American people to demand from their elected Representatives a constitutional government, a limited government, a government that isn't intrusive in their lives.

So I thank the gentlelady for yielding me a few more minutes. I am just so passionate about this. We have got to stop this steamrolling socialism that's being shoved down the throats of the American public. It's going to kill the American economy if we don't do it.

So thank you.

Ms. FOXX. Well, I want to thank my colleague from Georgia. Many of us are passionate about this issue, and that's why I never let an opportunity go by to bring it up myself. We're going to have to get our Constitution caucus going and do a Special Order one night soon.

It looks like we're going to have a lot of folks who represent the medical community here tonight. The second person whom I want to recognize tonight is a new Member of Congress this year. He is a physician and a former mayor of a town in eastern Tennessee. He is my neighbor in Tennessee. Our districts join each other. I'm in North Carolina. He's in Tennessee. He's going to bring us some wisdom from the heartland of this country from his experiences in being out, talking to folks, and some of his reflections on what has been happening.

I would like to recognize Congressman ROE from the great State of Tennessee.

Mr. ROE of Tennessee. Thank you very much.

What I'm going to do tonight is just introduce myself to the people here and just share some real life experiences.

I have lived in Johnson City, Tennessee for 31 years, have practiced medicine there, have built a thriving medical practice from 4 physicians to over 70 with 350 employees, and so we've delivered and have worked in a small business.

A few years ago, I decided to run for public office after just sharing some thoughts with friends, and I was fortunate enough to be elected to our commission and as the mayor of our city. I brought a very simple philosophy to government, very simple. It's not calculus; it's not arithmetic. It's simple math. That is: Spend less than you take in.

When we went on the commission several years ago, we had deficit spending, and we had a bloated city government. With the help of some great leadership and our other commissioners, we cut almost 100 people from our workforce. In addition to that, we had only about $2 million in the bank, and that was essentially broke. During the last 6 years, we've passed six consecutive budgets without a tax increase, and have gone from a fund balance of $2 million to $24 million.

So our city has a great savings account set so that, when this rough economy came, we were prepared for it like any individual would be with a savings account. We did this without raising taxes and without cutting services, and I think the people there rewarded us for this prudent behavior. As a matter of fact, Wall Street rewarded us by increasing our bond rating to a AA rating.

I then fast forward. I come to Washington, D.C. in January, and I'm sworn in. In the fall, we all recall the $700 billion bailout, or the so-called ''TARP''—Toxic Asset Relief Program—that had already been passed by the previous Congress, and that was passed because of illiquidity in the banking market. People weren't able to get loans, and that's still an issue.

One of the first things we confronted here was an $800-plus billion spending plan, the so-called ''stimulus.'' Now, one of the reasons we were successful where we were was we had a plan to correct our problems. We had a very well-thought-out plan, and we executed that plan—reducing debt and improving the financial stability of our local government.

Here in the Federal Government, we had a massive, massive spending plan. As we went through it, it was 450 pages or so long. The plan was discussed here on the House floor and was sent to the Senate. It came back as a 758-page bill. After conference, it was 1,071 pages, which we were presented here on the floor at about 9 o'clock one Friday morning a couple of weeks ago. We voted on it 5 hours later, of which no one could have read that bill in its entirety and can tell me what's in it. So it was about $1 billion a page. What I saw was massive Federal spending.

The options we have as a local government are: Number one, we can raise your property taxes. Tennessee is not an income tax State, so we have sales taxes and property taxes—that's a way we can raise revenue—or we can expand growth where you have more property taxes coming in. That's what we chose to do. We can't ask people to go down and spend any more money at the local department stores or at Wal-Mart or wherever. People are protecting their money now, so we can't do that. The Federal Government has a third option, and that is to borrow money, and they have borrowed massive amounts of money from China. If the situation comes where we can't borrow any more money on the credit market, then we have to print money. The danger of that is, when you expand the money supply, you certainly will create an environment where inflation may occur.

I can tell you one of the things that I did. I took this responsibility so dearly to myself because the people who are hurt the most with higher taxes are the people at the lower income and our senior citizens on a fixed income. I can think of so many people in my community for whom $20 or $30 or $40 a month is just devastating. The gas price increases we had last year were just devastating—$4 or $5 a gallon. They just could not pay it. If you had people working, as we have had many people, for $10, $12, $13 an hour and they had to drive more than 10 miles to work, it took a day-and-a-half's work per week to pay their gas to get to work.

So the people who are hurt the most are not the people here in this Congress, who make a good salary, or the people out there making six figures. It's the people on a fixed income. I think, as for this particular bill that we've done, this spending, if we create an inflationary spiral, we've hurt the very people we've said here that we're going to help. We've hurt them the most.

I had the opportunity today to speak to a good many bankers because of some legislation that came on the floor, and it was about this, the home bailout. I called and spoke to numerous ones in my district. Let me just reminisce a little bit about the banking problems we've had.

I think there are approximately nine banks in America that control about 70 percent of all of the financial assets in America and over 8,000 community banks that control the other 30 percent. Less than 5 percent of our community banks have had to ask for TARP money. Every single one of the major banks has been too big to fail. Well, who is going to go save these small community banks? I can tell you no one is, but most of them are very financially secure. I spoke to several today where less than 2 percent of their loans are a month behind or more, so they are doing very well.

Then they were presented with a situation today in this particular bill where a bankruptcy court can say to you, You have to mark down the difference. If the home price decreases in value from, let's say, $230,000 to $200,000, you have to eat that. This local bank has to eat that.

Ms. FOXX. Will the gentleman yield?

Mr. ROE of Tennessee. The gentleman will yield.

Ms. FOXX. When we were debating this bill last week, one of our colleagues on the other side of the aisle said that this is not going to cost the taxpayers a single penny. I responded: Well, the last time I looked, the banks are owned by shareholders, and those shareholders pay taxes if they have any kind of profit. It seems to me that shareholders and taxpayers are the same people.

Those banks that you're talking about in your community, those community banks, are they owned by shareholders who pay taxes?

Mr. ROE of Tennessee. Absolutely. Not only that, but if you do what they have recommended or what we voted on today, another provision in that bill is that you could get a zero in bankruptcy court. The judge could say, You get a zero interest rate for 30 years.

I asked one of my banking friends, How do you make money if you lend at zero percent for 30 years?

The bottom line is that those costs are passed on to the other people who borrow money from that bank. So the taxpayers absolutely get the bill. That is a great point you just made.

Ms. FOXX. Now, you've been a physician, but you've also been a businessman, and I think that's important. With 350 employees, that's a pretty good-sized small business. You understand that what was done today with this cramdown bill is going to affect taxpayers, and you understand how it's going to affect the people who play by the rules. I'll bet you had some of that in your practice, too, didn't you?

Mr. ROE of Tennessee. Absolutely.

What we've just said to many of the banks in our area and to the folks who've borrowed money with the intent of paying it back—which is the example I gave today—is, look, if somebody had bought a Tahoe last January and they had paid $40,000 for this new Tahoe, well, when gas prices went to $5 a gallon, you probably couldn't get $20,000 for that Tahoe. You were probably upside down in your loan right then, but what did you do? Did you walk back and give it to the bank? No. You kept paying on that until you paid your Tahoe off. So that's what we've asked people to do.

I think this bill should be vetted extremely well in the Senate. We shouldn't cause people, the 98 percent of the people who are paying their mortgages on time in Tennessee, to say, Hey, I've got to also pay for this other mortgage when I'm doing it the right way.

I think the experience I've had in government is that we've always preached—and I have seen it myself, have lived it and have breathed it—smaller government and low taxes. Businesses move in, and your economy thrives. I have personally witnessed that. I know it works. I come to Washington, D.C. What do I see? The most staggering spending that I've ever seen in my life.

Let me pose a question. Then I'll let you answer this: When we passed the omnibus spending bill, I took that 2,000 pages back to show my constituents what we'd passed here. An 8.5 percent increase. Now you tell me what State government, what local city government is going to pass an 8.5 percent increase this year. The example we should be doing is: We in Federal Government are going to cut the size of this Federal Government. We're going to tighten our belt. It would be a wonderful example to the rest of the Nation.

Ms. FOXX. I've noticed in the newscast how many people are losing their jobs in private industry. I haven't heard one word about any people on the Federal payroll who are losing their jobs. I agree with you: We have no business expanding the Federal Government at any level. We should be cutting back just like our constituents are cutting back, and we should balance the budget. We cannot continue to operate that way.

□ 2115

Mr. ROE of Tennessee. The thing that I noticed when I was home and you have, I'm sure, the same—and I have to say you have a wonderful Charlotte airport. During the snowstorm, I got to spend 24 hours there. So it's a beautiful airport. The people from North Carolina were very good to their neighbor from Tennessee.

I think one of the things that we have to do is we have to set an example in the Federal Government to the rest of the Nation. If we did that, if we had a plan that we're going to balance the budget—I mean, this particular budget we're spending is $1.6, $1.8 trillion out of balance, and we're going to cut it—well, it's some gimmickry because when you don't have an $800 billion spending package, you've already cut that much of it. That's onetime dollars. So that's really not a fair cut.

A real cut would be when you actually spend less money than you did the year before, and that's never happened in my view of Congress.

Ms. FOXX. Well, some time soon I am going to share with you an article that I read in Human Events last November about what the Federal Government looked like in the '30s and what our society looked like and what our budgets looked like in the '40s. But it has been done, and that's what we need to do.

I want to ask someone else to join us in our conversation here. We have our colleague from Wyoming (Mrs. LUMMIS) who is with us tonight. And I know that she has some interesting points that she wants to add to this discussion. And I want to bring her into it at this point.

Mrs. LUMMIS. I thank the gentlelady from North Carolina and the gentleman from Tennessee for their dialogue. It brought to mind a constituent of mine.

I am from the State of Wyoming, and an Arapaho woman, who is a friend of mine, had a business last summer on the reservation in Wyoming where she was bringing groceries in, trucking groceries into the reservation for easy access and purchase by members of both the Shoshone and Arapaho tribes on the Wind River Indian Reservation. It provided an opportunity for Native Americans to shop on the reservation rather than having to go into town in Riverton or Lander. It provided Native Americans with jobs in trucking and in the grocery business. And she's a wonderful entrepreneur.

When the price of gas reached $4 a gallon, it was not clear that she would be able to keep her grocery business open. She was beginning to cut down on the hours that her employees worked, cut down on the amount of product she had on her shelves. And had those prices continued at that rate, she would have had to have closed her doors making it more expensive for Native Americans to drive to adjacent communities to purchase their groceries. Fortunately, the price of gas dropped.

But since I've come to Congress, and particularly in the last week, I've seen, as a member of the Budget Committee and a member of the Natural Resources Committee, proposals in the President's budget for Cap and Trade legislation that would include $646 billion in new revenue. Now, that new revenue is going to come from the American people.

Ms. FOXX. Would the gentlelady yield?

Mrs. LUMMIS. I yield.

Ms. FOXX. What does that word ''revenue'' mean? Don't we know it by another name?

Mrs. LUMMIS. We do. And the gentlelady makes a wonderful point.

These are taxes. These are taxes on the consumers of American energy. So if you have electricity in your home or in your office, or if you drive a vehicle, or if you use electricity or oil or gas or energy of any kind, you will be paying a tax. And that tax will amount to $646 billion in new taxes, which will come out of your pocket.

So 100 percent of the people who use energy in this country will pay 100 percent of the taxes that will be levied pursuant to the Cap and Trade bill.

Now, this means that a typical consumer, in their electric bill in their home, will see about a 62 percent increase in their utility bills. And businesses, small businesses—such as you and the gentleman from Tennessee have been discussing—will see a 100 percent increase. They will see a doubling in their utility rates.

And, of course, other fuels will increase as well, including gasoline—which, once again, makes me recall my friend who brings groceries into the Wind River Reservation in Wyoming and the hardships that will be imposed on regular Americans as a consequence of Cap and Trade legislation.

In addition, the proposed budget by the President includes an enormous array of taxes on the oil and gas industry, which will, once again, be passed on to consumers in America—that is if the industry here survives.

And if the industry here does not survive or cuts back, that will reduce American jobs, it will increase our dependence on foreign sources of oil and gas. It fails to acknowledge that natural gas is the cleanest burning hydrocarbon. And my State of Wyoming, which produces coal, may end up shipping its coal to places like China, which are demanding coal and building new coal-fired power plants.

Now, I learned today in a committee meeting before the Natural Resources Committee from a witness that was brought in at the pleasure of the majority party that if you ceased all economic activity in the United States, Europe and Japan combined and did absolutely nothing, that unless China,

India and Russia changed their ways, we'll see no reduction in carbon emissions—which is to say we could completely cease all economic activity in Europe, the U.S. and Japan and still, because of the carbon emissions and the increases in carbon emissions that are occurring in China, Russia and India, there will be no reduction in carbon emissions.

So, in other words, we are not going to be able to influence. By hurting our own economy, reducing our own jobs, taxing our own people, we're not going be able to reduce carbon emissions.

So, consequently, we need to look at the benefits of these programs that are being proposed in the President's budget and compare them to the costs. And I can tell you based on what I saw today in budget presentations in the Budget Committee and testimony in the Natural Resources Committee that the benefits of reducing carbon emissions in the United States, Europe and Japan are not recovered, and the cost is borne by the American people.

Ms. FOXX. Well, I thank the gentlelady for sharing that experience that just happened today.

I haven't heard it explained exactly that way, but I've known for a long, long time that we in the United States are not creating the problems. If there is a problem with global warming—I will tell you that I am a social scientist, not what would be called a ''pure'' scientist, but I've read enough to know that we cannot in any way prove that we are causing global warming.

I think that the Lord's in charge of this Earth, and a lot of things have happened before human beings got here. There's been climate changes without us, and I think they're going to continue. So I appreciate you bringing that in.

Mr. ROE of Tennessee. Would the gentlelady yield for just one comment?

Ms. FOXX. I would yield.

Mr. ROE of Tennessee. Just something even more sinister.

What the gentlelady from Wyoming was saying is that the carbon tax, if you look at it, or cap-and-trade, just so people understand what that is, is when oil is offloaded from a ship or comes out of a well, a tax will be placed on it at the wellhead. So you pay a tax that goes directly to the consumer. Again, the least people able to afford this are the folks on a fixed income, our senior citizens, which we have a lot in our community.

So when you go down to the grocery store to buy a bag of tomatoes or bread, it was brought there by a vehicle that's paying more to get there just because of this carbon tax. And the theory, as you pointed out, is we want to tax carbon to produce carbon dioxide into the atmosphere, and we'll use these other renewables.

And at some other time, I certainly would like to go into some ideas that we've shared at the local level about how to reduce carbon at no cost to the taxpayers.

Ms. FOXX. Well, I think this distinguished group of new Members should put together a Special Order one night and let's talk about energy.

We've been joined by another one of our colleagues who came into the Congress along with the two of you who have just been speaking, and I have been very pleased to have had him come over and help me on a couple of Rules that I have handled on the floor and am very pleased to have him join us tonight.

We have Mr. MCCLINTOCK from the great State of California, which is not exactly in the best financial shape these days. I don't know if he wants to share any of that with us. But I know he's going to have some great comments to share, and I want to give him an opportunity to join in our discussion here.

Mr. MCCLINTOCK. Well, I thank the gentlelady for yielding, and I particularly thank her for organizing this discussion tonight over the future of our Nation.

The discussion going on right here in these hallowed halls of Congress is exactly the same discussion that's going on around dinner tables, over backyard fences, over coffee at Starbucks.

Everybody understands that our Nation is in great trouble. It's getting in deeper. And I think every citizen realizes that each of us has an important responsibility to play in being part of that discussion.

The gentlelady is quite correct. California is in a world of hurt. It's followed exactly the same policies that this administration appears to be embarked upon. It's probably a couple of years further down the road than the rest of the Nation, which offers us a very important warning of what happens when reckless spending, reckless deficits and reckless tax increases all combine into a perfect storm.

California's unemployment rate is now in double digits. This, a State that was once a golden land of opportunity, a State that used to have a recession-proof economy. It was always the last to see its unemployment rate rise. Now it's the first, and the reason is public policy.

Mr. Speaker, I would like to add to that discussion tonight by broadening the discussion to a number of points that have been made by my friends on the majority side blaming the Bush administration for the Nation's economic woes. And I hope that I don't shock my friend from North Carolina to actually rise to join that chorus in some respect.

We are all painfully aware that the Bush administration increased spending twice as fast as we saw it increase under the Democratic administration of Bill Clinton. The Bush administration's first stimulus bill added $160 billion to the national deficit through tax transfers despite warnings that it would do nothing to stimulate the economy, and it didn't.

The Bush administration's bailout bill last fall added another $700 billion to the Nation's deficit despite many warnings that it would not stabilize the economy, and it didn't. That administration ended with record spending, record borrowing, record deficits and an economy in shambles.

But my question to many of my friends in the majority, Mr. Speaker, is this: If record spending, record borrowing and record deficits is the path to economic recovery, why aren't we already enjoying a period of unprecedented economic expansion? In fact, all of the bailouts and handouts and loan guarantees that have already been enacted add up to over $9.7 trillion, as we pointed out on this floor in the past. That is more than the modern-day cost—inflation adjusted—of the space race, the Vietnamese War, the Louisiana Purchase, the Marshall Plan and the New Deal combined.

The fact is, these policies don't stimulate an economy; they stifle it. And it doesn't matter whether these policies are enacted under a Democrat or a Republican. They don't work.

□ 2130

They didn't work in the recession of 1929, when Republican President Herbert Hoover increased the marginal income tax rate in this country from 25 percent to 65 percent and piled up taxes on imports. They didn't work in the resulting depression of the 1930s, when nearly a decade of Democratic President Franklin Roosevelt's New Deal spending failed to stimulate the economy. And we forget that the unemployment rate in 1939 was actually slightly higher than it was in 1931. And we know from a year of failed bailouts and handouts and loan guarantees that these policies aren't working any better today.

Today we learned that General Motors, despite billions of dollars of taxpayer bailouts, is still going under. Monday we learned that AIG, despite billions of dollars of taxpayer bailouts, is still going under. Mr. Speaker, don't they understand that the sooner that we stop bailing out failed companies the sooner we can begin a genuine economic recovery?

Ms. FOXX. Would the gentleman yield?

Mr. MCCLINTOCK. Gladly.

Ms. FOXX. I wrote this note down just after we started this session tonight, and I want to ask you if you have ever heard this famous quote by Einstein: ''Stupidity is doing the same thing over and over again and expecting a different result.'' Do you think that characterizes the situation that we find ourselves in?

Mr. MCCLINTOCK. I believe Professor Einstein said it was not the definition of stupidity, but insanity.

Ms. FOXX. Insanity, excuse me. The definition of insanity.

Mr. MCCLINTOCK. And I certainly concur with that. And what we are seeing here in this new administration are the same mistakes, multiplied, that we've just seen in the last administration.

You know, before the failed $700 billion Bush bailout bill, this Nation's budget deficit was around $500 billion or so. Now, because of that mistake, the bailout bill—which, by the way, President Obama and many of my Democratic friends in the House supported and ultimately consummated—and because of all the other bills that have rushed through this House in the last few weeks with such reckless abandon, our deficit has tripled to $1.5 trillion for this year, on its way to an additional $1.75 trillion for next year. And as tempting as it is to censure the folly of the Bush administration's fiscal policies, I think we should be far more concerned with the greater leap in borrowing and spending that we are now pursuing under this administration.

Now, Mr. Speaker, there is one institution that doesn't look back, and that's the stock market. The past is utterly irrelevant to the stock market; it doesn't care where the economy was yesterday, it cares very much where the economy will be tomorrow. The stock market is strictly a forward-looking measurement of what investors are betting will happen to our economy in the future under current policy. And the precipitous decline of the stock market since these new policies have been unveiled should be a warning to us all—today the stock market closed at its lowest point in 12 years. If the policies we're embarked upon were destined to save our economy, you would think that those who make their living betting on the economy would be buying like crazy, and they're not.

Mr. Speaker, perhaps we would do well, then, to stop the partisan bombast and to realize that bad policy produces bad results, whether the President is a Republican or a Democrat; and, indeed, that Professor Einstein was right, doing the same thing over and over and expecting different results is, indeed, the definition of insanity.

I yield back my time.

Ms. FOXX. I thank the gentleman from California for giving us a great history lesson and reminding us of the kind of things that we ought to be about, again, regardless of what party we come from. And I want to say that I proudly voted against the bailout, predicted it would be a failure. And I voted every time in the last 4 years for reduced spending because many of us who came here in 2005 could see what was ahead.

I want to now yield some time to our colleague, one of the most dynamic people that we have here in the Congress, MICHELE BACHMANN, from the great State of Minnesota, where they say ''Minnesota nice''—I learned that this summer. So, Mrs. BACHMANN, if you would, please, join us.

Mrs. BACHMANN. Thank you. I want to thank the feisty gentlelady from North Carolina, from the Appalachian region, who sets the new standard for all of us for what we need to do to be sympathetic not only to the principles of the constitutional founding of this Nation, but sympathetic to the future of this great country. That's what we're all about here tonight, we're about growth, the future, where we're going to go.

And what we're very disappointed in is the bill that came before this body today. I think that there were intentions here that were meant to help people that were in homes to be able to stay there, but the unintended consequence could be that we could be killing the housing industry once and for all.

We've seen a proposal from our President that said that he wants to limit mortgage interest deductions for people that have a combined gross income of $250,000 or more. That may seem like a great thing. That may seem like those are people who can well afford their homes and don't have to pay for interest deductions. Well, one thing that we know will happen, in all likelihood, from what we've seen in history when the luxury tax was introduced back in the late eighties, immediately what happened is we saw the boat industry go down, we saw the fur industry go down, we saw the jewelry industry go down. Well, so what we might say. The ''so what'' is that average normal Americans lost jobs by the droves. And so immediately Congress had to come back and reverse that ill-thought out legislation so that we could bring those economies back online, and they did.

Now, once again we're seeing history repeat itself. And we're very concerned because we're seeing not only an attack on people who have managed to be able to create wealth and who have managed to have capital formation—that's the genius of the United States, private capital formation; you're able to collect money that belongs to you, hold on to it, use that money, put it at risk, create a business, create a service, create products that help all Americans and people around the world. That's the genius of the United States.

Private ownership of property. What did cramdown do today? It did just the opposite. It eviscerated pillars that exemplify American exceptionalism, and it's this; it eviscerates the sanctity of the private contract and it eviscerates the rule of law. What are we without the rule of law? What are we without private contract?

When a person goes to a bank and asks for a loan to buy a home, when that happens, that's a private contract between a borrower and between the lender. Today, this body, the United States Congress, said no to those private contracts. It said that now an American can go ahead and go and file in a bankruptcy court, and a bankruptcy judge could open up that private contract and reset the terms, completely reset the terms. What will that mean? That will mean, in the future, what lender in their right mind is going to lend to someone to buy a house if they know that a bankruptcy court will come back in and re-think this whole arrangement, perhaps to the detriment of the lender, and the lender may be left holding the bag. And if he isn't, certainly the forgotten man of the private taxpayer will be left holding the bag.

This is something that I found out today that I couldn't believe. You can have someone literally, under this bill, buy a $1.5 million home, and in some of these markets—southern California, Las Vegas—you can easily buy a $1.5 million home. And you could have seen that $1.5 million home lose value so that today maybe it's only worth $500,000. If you have that borrower go into bankruptcy court today, based upon today's fair market valuation, the bankruptcy court can go in, take your $1.5 million loan, reduce it down to $500,000. What happens to the borrower? They can sit in that house for 5 years. Once the 5 years is up, let's say that home has gone back up now, it's worth $1.5 million again, then the buyer can go sell that house and they pocket that million dollars.

What about that million dollars? Do they have to take it on their income? Absolutely not, they don't; there is no income tax consequence. Is there a capital gains consequence? Under current law, $500,000 of that gain would be tax free; in other words, that borrower would just skate. The lender was left hanging, the taxpayer was left hanging, but that borrower, who was able to live in that house for 5 years, takes $500,000 in cap gains free, no tax consequences—what a deal if you can get it—and of the remaining $500,000, they pay the cap gain on that. Amazing.

Mrs. LUMMIS. Would the gentlelady yield?

Mrs. BACHMANN. Yes.

Mrs. LUMMIS. Who is going to bail out the bank when the bank loses that money?

Mrs. BACHMANN. There's only one person left at this point to bail out. And what the President and what the majority that runs the House and Senate have said, it's up to the American taxpayer. It is the forgotten man of the American taxpayer who is the one who is on the hook for every single one of these boondoggles that we have seen introduced in Washington over the last 7 weeks, it is the forgotten man of the taxpayer.

And what's worse, under this legislation that came through today, you can take what's called the Truth in Lending Act, and the Truth in Lending Act says something like this; if in that example that I gave of someone who takes a house, they buy it for $1.5 million, it's now worth $500,000, the bankruptcy judge says now you only owe $500,000 on this house, that person can go ahead and they can comb through the Truth in Lending Act. And if the bank that made that loan, instead of giving two copies of the loan to the borrower, they only give them one copy, that lender is in violation of the

Truth in Lending Act. Do you know what that means? That means that the lien that the bank has against that house, it goes away because the bank missed a technicality. So that because the bank missed a technicality, that person with the $1.5 million home that they're now getting for $500,000, they've just gotten a free home. I mean, they owe nothing on it because that bank has just lost their loan that they had, their lien on the property, and this borrower skates away.

Here's another thing that's even worse. Let's say that guy or girl had a $1.5 million home, they take out a home equity line of credit for $1.5 million against that house, they go out, they buy a yacht, they buy a BMW, they take their kids and they go down to Orlando, they do any number of things, so they take that money and they spend it. Guess what? Same result. They will owe nothing because if not every jot and tittle of that Truth in Lending Act is followed, that borrower cannot only see their loan principal reduced, they can see it vanish and go away.

This is beyond belief. It reminds me of that television show ''Deal or No Deal,'' you know. You keep looking to see if some banker has violated some technical provision so you can get a free house. It seems like we're now in the business of turning normal Americans into crooks, where we're going to encourage normal Americans to just stop making payments on their home. Why? Because they can get a better interest rate; they can get a reduced principal; they can get terms that are up to 40 years with zero interest. Just think of the inducements. Shouldn't we be inducing Americans to make growth decisions, good decisions?

These are graveyard economics for the future of our country. And think of the lessons that we're giving to the next generation about how to conduct your financial affairs.

Mr. McCLINTOCK. Would the gentlelady yield? Just a question. You brought up a great point a minute ago where the massive borrowing takes money away from private business. Do you think that what we've done here in the last 7 weeks has been a job creator or a job killer when that much capital goes out of the market?

Mrs. BACHMANN. Doctor, what would you think? I mean, this will be a job killer. As I said, this is graveyard economics. We will not only see, I believe, a continued diminution, if we follow the Obama administration's new calculus on the economy, we will see our senior citizens, I believe, continue to reduce the valuation in their 401(k)s. That's not the future I want to see.

I will yield to the gentlelady from North Carolina.

Ms. FOXX. Thank you, Mr. Speaker. I yield back.

THE CRAMDOWN BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the honor to address you on the floor of the House of Representatives.

As I came in here awaiting my appointed hour, I was fascinated to listen to the Members who have spent the last hour talking about what is happening to our country, what's happening to our economics. And I wanted to take this thing another step.

Listening to the gentlelady from Minnesota always has me entranced as to how deeply the thought goes on the economics on that viewpoint particularly.

□ 2145

But I will take it another level from the level of a million and a half mortgage down to $1 million in the pocket that has been described here. Let me say that a borrower can also misrepresent their income. They could fraudulently misrepresent an appraisal on that property. They can misrepresent their job status. They could commit actual fraud.

They could misrepresent or, under false pretenses, obtain this loan. And the bankruptcy judge, who would now, under the provisions of this language that passed the House today, this bankruptcy judge couldn't even consider the actual fraud or the misrepresentation or the false pretenses because we offered that language in the Judiciary Committee.

In fact, I offered it as an amendment, and it passed the Judiciary Committee by a vote of 21–3. It was not quite the unanimous judgment of the Judiciary Committee that we ought to prohibit any of these cramdown provisions to anyone who has misrepresented themselves in order to get this mortgage.

But, after the fact, after the amendment passed the Judiciary Committee 21–3, without any notice to any of the Members that I am aware of, the language was changed in the bill that came to the floor, which we found, out of due diligence of our staff, reading down line by line, to make sure there wasn't something going on behind the scenes, well, there was. They changed the language.

And the language in the bill, which they have refused to even allow a vote to correct, get back to what the Judiciary Committee approved, that language in the bill now says that the borrower will have available this relief under the bankruptcy law unless they have been convicted of fraud, not out and out open fraudulent action or misrepresentation or obtaining a loan under false pretenses, that's not good enough for the bankruptcy judge to even consider that in his evaluation on whether he is going to dial the 1.5 million mortgage down to half a million and let him walk away with a million dollars in profit out of the deal. But even if they walk away with misrepresentation, they can't consider that because this Congress has said only can he consider it if the borrower is convicted of fraud.

I yield to the representative from Minnesota.

Mrs. BACHMANN. I thank the gentleman for yielding.

What's amazing about this bill, this cramdown bill, this historic bill that was passed today, is that potentially who are millionaires, who received loans and the multimillion dollar level of loans, literally could have received a loan with zero down. So they could have gone into a home, they had absolutely no skin in the game, zero money down.

In fact, they could have had a negative-equity loan, which means they could have gotten money back at closing. So they could have had zero down with money back at closing and then they could have gone and taken out a home-equity loan based on the value of their property. This was happening.

I mean, let's not forget, just as recently as 2005 we were seeing housing prices go up and up and up. Remember, half of the houses that went into foreclosure were investor homes.

So people were out there going into homes, thinking they were going to flip them, getting in so highly leveraged, and they got into this game. And now, if you own that property, you will be able to go, and you don't even have to answer your phone if on your caller ID you see it's your lender, you don't even have to pick that phone up and talk to your lender. Under this legislation we are going to start seeing television commercials where its plaintiffs' bankruptcy attorneys saying call me, call me, call me. I can get you a better deal on your house.

We are seeing all those ads on TV now. You don't have to pay your tax bill, I will get you off the hook. You don't have to pay your credit card bill. Don't worry, I will get you off the hook, but the one thing, I was born in Iowa, just like our great representative, one thing we learned when we were growing up, we have to pay our bills. Because if we don't pay our bills, our grandparents taught us somebody else is going to, and that's tantamount to stealing.

What I saw today in this cramdown bill reminded me of the 10 commandments and what the 10 commandments teaches to all people in all cultures, and that's that we shouldn't take what doesn't belong to us. When I look at this legislation and it makes clear that people can go before a bankruptcy judge, they can get a false valuation on their home and have their whole debt essentially wiped out. And if they sit on that home for 5 years, they could walk away and skate on a profit at somebody else's expense, I don't know what else you call it. I have no idea what else to call it.

I just know this is immoral. This bill that passed today is nothing short of immoral and people should be ashamed of putting their name on this bill.

Mr. KING of Iowa. There is no question, I agree, it's immoral. It undermines the underpinnings of this free market society that we are. It breaks the contract between property and assets and borrowers and lenders.

When that contract is broken, when the faith is broken—and I have sat in the bank many times with my hat in my hand trying to start a business. When I started a business in 1975 and I had a negative net worth of $5,000, I went into a capital intensive business. So I did a good job of marketing, at least that's one of the things I was able to sell, the business idea. But many times I was short of enough cash to make things work.

And I would going into the bank, and I would have to justify it every time. I would have to have the assets underneath that in order to convince the lender that I was going to be able to pay the loan. And I had to have the prospective accounts receivable and they had to be represented right and accurately. I had to have a balance sheet continually, at least annually, often monthly profit-and-loss statements—all of this to justify a business operating loan that I could keep my employees work and be able to pay the bills on time.

All of that level of integrity that's built into that relationship between the borrower and the lender, the time-honored relationship between collateral and credit and character and capital, is being ripped asunder by this bankruptcy bill, by this cramdown bill.

And, so, now what will happen is, lenders, those who decide they are going to still be in the business of mortgage lending, they have got to go back and reevaluate this equation, this business equation which says the degree of risk has to be proportional to the potential for profit. That's the equation. You put the equal sign in the middle, degree of risk, potential for profit.

Mrs. BACHMANN. Let's remember, there is no free lunch here. That's what Milton Friedman, the great economist said. There is no free lunch, because when a judge writes down, let's say, the multimillionaire went out and bought that million dollar and a half house, now the fair market value is $500,000 now. So the bankruptcy judge, with a stroke of the pen, said ''voila,'' now you only owe 500,000 when before you thought you were going to get a million and a half. The banker gave you a million and a half. What happened to that million dollars? Where did it go?

Well, remember, when the banker gave that money out and got the house back in collateral and got the promise from the borrower that the borrower was going to pay back that million and a half plus interest, the banker sold the right to that mortgage. He packaged it up in mortgage-backed securities and he sold those securities.

So now those mortgage-backed securities, which kind of started this whole meltdown in the first place, because we are worried about their valuation, now we have mortgage-backed securities that we thought were toxic before and in trouble before? Now these mortgage-backed securities, after this bill that was passed in this Chamber today, have just been made radioactive. There is no one who will touch these mortgage-backed securities.

So in a very odd, circuitous sort of way, this administration, and those that run the House and run the Senate, have just guaranteed that mortgage-backed securities are worth even less than they were worth before today. So who is going to pay for this loss? Eventually these insurers and these bondholders, because there was a carve out for AAA bond holders in this bill.

I don't know if you are aware of that, but if you are a AAA bondholder, you skate on this bill. You don't have to pay for the losses. But if you are anything else, a BB bondholder, you lose on this deal.

And so where will these people go, these insurers go? People will go to the claims court, and they will make an application at the U.S. Claims Court.

Guess who will be paying the claims? The United States taxpayer, the forgotten man, the chump at the end of the stick will be the United States taxpayer who ends up paying the freight on all of these big ideas.

At the end of the day, you have graveyard economics. And what we know is that there is a better way out of this. There is a positive ending. We don't have to have a sad ending.

That's the grief that I think we have been living with these last, 6, 7 weeks. We have seen a very sad ending to our economy, but we know there is a great ending to the economy. There is a completely different alternative that we can offer the American people.

Mr. KING of Iowa. Well, I thank the gentlelady from Minnesota, and I would point out that the point you made about these bundles of mortgage-backed securities that are tranched and sliced and diced and packaged and repackaged and sold up and down the chain and coalesced into certain values of securities, have created toxic, truly toxic assets. The value of these assets cannot be considered any longer. They cannot be evaluated.

This degree of risk can't be evaluated as being proportional to the potential for profit. And we watched these markets tank nearly every day, nearly every day during the Obama administration.

In fact, I had some interesting numbers that I ran today and I think they will be informative to everybody in this country, and I don't think anybody has asked this question until today. So I went back, and I am watching the Dow just tailspin. So I went back and took a look at has any president in history ever had such a, let's me say, negative start economically at the beginning of their administration?

So I went back to November 4, the election of 2008, took a look at where the Dow was on that day as our lead indicator of our economic growth or shrinkage, as it might be, and evaluated the first four months of President Obama's from the moment that the markets recognized that he would be the President being elected until today, 4 months from that period of time, November, December, January, February, roughly speaking, and compared that to the previous presidents as long as we had electronic records.

And it turns out to be this, as one might expect, FDR, up until this time, got the worst welcome from the Dow Jones Industrial Average. In fact, he got the two worst we will comes on record. In 1932, in the first 4 months, the Dow drooped 16.63 percent. On Franklin Delano Roosevelt, that was their level of lack of confidence in his election in 1932. In his election in 1940, it dropped 9.3 percent. Those two drops are the two largest in history of welcoming a presidential election by the market reacting.

And, by the way, the most positive reaction was, both of us born in Iowa, I will tell you, was Herbert Hoover, and we could go into that, perhaps. But in any case, President Obama's start is the worst economic start in the history that I can trace back electronically that goes back at least to Herbert Hoover's administration.

Franklin Delano Roosevelt saw the markets dropped 16.3 percent in the first months after he was elected in 1932. But, today, the first months after President Obama was elected, we have seen our Dow Jones Industrial Average drop 31.49 percent in that period of time.

It's almost twice as much of a drop and, under this administration, as any administration in our electronic history. I think it's breathtaking, the message that the markets have shown.

And this, by the way, isn't just a President Bush economy. If you will recall, President Obama supported the $700 billion bailout plan. He came to Washington to work on it too and decided he would support the proposal.

This Congress approved, I can go over our resistance, $700 billion, first half, $350 billion went essentially right away to pick up these toxic assets that then we thought were toxic today, are far more toxic than they were. The other $350 billion had to be released by Congress. That was done so under the Obama administration.

This is his economy. He is fond of saying that he had inherited a trillion dollar debt. Well, this debt is increasing more and more each coming week.

In fact, tonight on one of the networks, they announced that President Obama's wish list, if you add it up, comes to $20 trillion, $20 trillion. Now, I have not put all the line items in that, but that is a breathtaking number, $20 trillion.

And how can we have a level of confidence in this when you are seeing this kind of a response? Every day we have negative financial news. I am seeing

nothing that comes back that shores up confidence in this marketplace. The markets are going to react to an opportunity to make profit, and the government is stepping in and nationalizing and interceding themselves in the marketplace, the confidence in the marketplace is going down, not up.

You see the asset value of our lending institutions, our mortgage bankers, going down day-by-day. These institutions were going to be shored up, and they haven't been shored up. We haven't let the markets work. There is one thing we know for sure that if we keep our free markets together, if we don't get everything nationalized and all socialized, we will recover from this. But the question becomes, how long does it take?

□ 2200

Mrs. BACHMANN. I thank the gentleman from Iowa, Representative KING, for yielding.

Conversely, you had given the numbers about how the market has been tanking in the last 7 weeks since the Obama administration took over. Now, compare and contrast that to the Bush tax cuts. The first quarter after the Bush tax cuts were put into place, already we saw revenues increasing to the government and we saw an economic uptick. That's how quickly those incentives will come into place.

I handed out literature this week to various colleagues to show that our economy on its own, in a miraculous way, which always happens, is already healing itself. We saw that we had about 5 million existing homes out on the market. That number has now dropped to about 3.8 million. So the housing stock is already in the process of depleting and demand is coming up. Interest rates are coming down. In some segments of our economy, we see 85 percent home sales that are being completed. So we're seeing a turnaround already in the housing market, although now with cramdown, that may change a little bit after the lesson of today.

But also in the auto market, we're seeing pent-up demand building. We saw a very low number of sales that were completed in February, about 42 percent fewer sales. That's a dramatic low in auto sales; however, we're seeing pent-up demand. People want to go out and buy a car. But because of the news that they have seen come out of Washington the last 7 weeks, people have been unwilling to spend.

But what is it that would turn it around? That's the positive answer and the positive solution that can be on the horizon. We could turn our economy literally around if we would do a few things: One of them would be that all of this money that has been committed, and if you go back to about January of 2008 and you take a look at all of the commitments that the Federal Government has made through both the Bush and the Obama administrations, the trillions and trillions of dollars, if we would reel that money back in that hasn't been lent yet, that hasn't been spent, if we would reel those commitments back in and not spend them, because guess what, all that spending hasn't worked yet; so how is spending $20 trillion more going to turn it around? If we would pull that in and if we would give the marketplace one thing it's been begging for but hasn't gotten: certainty. The marketplace needs certainty. And what the Obama administration has given them is buckets of uncertainty. So that's why we are seeing the economy tank.

So if we do a few very simple things: One, for at least a 3-year minimum, zero out capital gains so we could get people off of the sideline, sell their assets, whether they're stock, equities, whether they're buildings, whether it's homes, sell their assets and have zero capital gains, minimum 3 years, preferably for 4 years, people would get in the game and they would start buying and selling and creating wealth because that, after all, is the genius of America. The ability to have private capital formation from which wealth comes and which you create more wealth.

Number two, the United States, as Representative KING knows, has about the second highest corporate tax rate, business tax rate, in the world at about 34 percent. If we would take that corporate tax rate from 34 percent down to permanently 9 percent, we would make America in this global economy, where we have an economic global malaise going on, we would become the situs to do business, and we would bring capital from all over the world because investors all over the world are looking for safety. They're looking for certainty. If you can have zero capital gains, 9 percent corporate tax rate, then for our United States citizens, cut everybody's taxes 5 percent on the margin. So you cut everybody's taxes down.

And then let people know what's going to happen with the death tax. We all know the right year to die in the United States is 2010 because then you have zero estate tax. But after that President Obama wants to institute a punishing high tax rate. What we need to do is just repeal the immoral death tax. That will bring more certainty to the marketplace than anything else. Our problem, then, Representative KING, would be where are we going to find the workers to find all the jobs that would be created? That brings certainty. That brings the ability to have private wealth creation, and it gives us a pro-growth, pro-prosperity climate, rather than what we have been dished out for the last 7 weeks: a graveyard economic climate.

Mr. KING of Iowa. I thank the gentlewoman from Minnesota.

And I really appreciate your bringing up the suspension of the capital gains tax. That's an issue that I have advocated for strongly. I have advocated for suspending it for 2 years. I like the idea of 3 years. I'm not going to quibble over the 3rd year. But there is so much capital that's out there on the sidelines today. There is at least, or there was, at least, before the market spun downward, $13 trillion in U.S. capital that's stranded overseas because it's faced with capital gains tax if it comes back into the U.S. marketplace. If we suspend the capital gains tax, theoretically all that money could come back into the U.S. market. It will find the smartest place for it to be invested. I don't think it will be $13 trillion. I think it could be $2 to $3 trillion, which is a tremendously large number.

I want to also suspend capital gains tax on rescue capital that would pick up these toxic assets. That has shifted since then, since I introduced that legislation, but suspending capital gains tax does the job, and it freezes up the capital that sits along on the sidelines.

And in our corporate income tax, the second highest in the industrial world, to scare our capital out of the United States and send it overseas and then try to legislate a way that we can chase it with the IRS taxman is the wrong way to go.

There's a reason why that capital is going overseas. Because it's a smarter investment. Capital is always smart, and the death tax is just cruel. It is cruel. I have, and I think many Members have, received calls from constituents whose mother or father was lying in the hospital and they're making a decision whether to put them on life support or to take them off life support. And every time this subject is ginned up here in this Congress about whether and when the death tax will be repealed or, as people on the other side of the aisle advocate, whether it's going to be put back on again and there won't be any relief, there are decisions made that are just perverse, to put a family through having to make a decision on whether they're going to plug somebody in or unplug someone in an end-of-life decision. That's what government does.

So for me, I would eliminate the IRS and the entire Federal Income Tax Code. I would take the tax off of productivity. It was Ronald Reagan that said that what you tax you get less of. But the Federal Government in its presumed wisdom has the first lien on all productivity in America. If you have earnings, savings, or investment, Uncle Sam is there with his hand out to take the cash and put it in his pocket before you get the share you're working for. If you go to work tomorrow morning and you punch in at eight o'clock, just kind of think of that little ding when you punch the timecard. Uncle Sam's goes out. ''I want mine,'' he says, in a nice subtle way until he gets it and he puts his hand in his pocket. If you're investing, if you're selling real estate, if you're collecting interest on a deposit in the bank, your earnings, your savings, your investment, stocks and dividends and shares, all of that that's converted to Uncle Sam, he's there getting his share out of productivity.

But if we adopt the fair tax, the national sales tax, then the result of that is we take the tax off of production and we unleash the American production machine and everyone can be an entrepreneur, produce all they want to produce, earn all they want to earn, save all they want to save, invest all they want to invest, and then make the decision on when they want to pay taxes by when they do their purchases. Not a VAT tax, the last stop on the retail purchase, sales and service. It totally transforms the dynamic, and it gives America a 28 percent marketing advantage over products made in the United States versus products that are imported into the United States. That saves Detroit. It saves the UAW. It saves the National Association of Manufacturers. It puts them on the profit side and makes America again the industrial powerhouse for the world and improves our national security all at the same time.

In fact, to wrap it up in a little nutshell here, everything good that anybody's tax proposal does is done by the fair tax. And everything that anybody's tax proposal does that's good is done by the fair tax. It does them all. It does them all better. It changes the dynamics of taxation. It unleashes the free market economy.

But instead of that, we're here punishing producers. We're punishing the people that earn, save, and invest. We want to raise taxes on everybody in America. This 95 percent of Americans getting tax relief and taxing the top 2 percent or 5 percent under this idea of the President, Mr. Speaker, doesn't hold up. We've got the carbon tax at least that's imposed on this. That's a tax on everyone in America that uses anything that uses energy. And I would defy anyone to come up with anything we use that doesn't use energy. And the people who are at the lowest end of the economic scale are the ones that are paying the highest percentage of their income for energy. They'll pay the highest taxes as well.

I yield to the gentlewoman.

Mrs. BACHMANN. There was an article that came out in Congressional Quarterly last April, and it was interesting. It said with the carbon tax, it doesn't matter if you are manufacturing or if you are helping orphans in Africa. Every human activity will involve an aspect of the carbon tax. So it is very disingenuous for our new President, who stood right behind you last just Tuesday during his State of the Union message, when he looked into the camera and he told the American people if you make less than $250,000, you won't pay one dime more in tax. Now, would that that were true. I wish it was true. But we all know he contradicted himself with his own words in the same speech when he said he wants to introduce the energy tax because energy tax will impact everyone.

We all remember how much fun it was last 4th of July when we were all paying well over $4 a gallon. We thought we were going to see gas at $6 a gallon, $8, $10. We didn't know where gas was going to top out. Every morning you'd get up and the first thing you would do is you'd look at your local gas station and see is it up 10 cents today, 20 cents today? The economy felt like it was out of control.

I am very concerned that here we are in an economic downturn when the demand for energy is low and so we're seeing the price of gas go down accordingly. This is exactly when we should be revisiting the American energy debate. And we should open up every form of energy for exploration that there is. Coal isn't evil. Oil isn't evil. Natural gas isn't evil. Wind isn't evil. Biofuel isn't evil. Solar isn't evil. None of these forms of energy are evil. But the interesting thing is the way that the Obama administration is approaching energy, they make evil the production and use of one of the basic building blocks of our economy. That's energy. This is a warped view of America. It's not the view that we grew up with in Iowa. It was not our commonsense understanding of fairness. We don't want to punish people for trying to get ahead. We don't want to punish people for trying to succeed and have a good economy. Fairness is what we need to be about. The Tax Code today has nothing to do with fairness.

The proposition you were talking about was fairness for the American people. I talk to people at all economic strata, and they say everybody should have to pay something. Everybody should have to pay something in taxes. People just shouldn't be exempt. It's not fair that just a few people pay taxes while other people don't. And the proposal that you're offering with the fair tax is one that should be debated in this House. The flat tax is one that should be debated in this House because everyone benefits by having a strong country. Everyone should have to participate in a simplified, easy-to-figure-out Tax Code where, no kidding, your tax return could be about this big and you could fill in an amount and you're done. Or you could even be simpler and just pay tax every time you go and you purchase something at the point of sale. There are a lot of ways we could do this, but it needs to be fair and it needs to be shared.

Mr. KING of Iowa. Reclaiming my time, the tax structure that we have and the language that was delivered here about everyone gets a tax cut unless you're in the top 2 or 5 percent, or above $250,000, but the insidious tax that goes in, the carbon tax that permeates every aspect of our economy and punishes the poorest among us, in a way it's like the cigarette tax. You add 61 cents a pack to cigarettes. The folks that smoke the most are the ones at the lower end of the income bracket. They are the ones who can least afford it. But we impose a tax on them and we call that a ''sin tax.''

Then you get a promise that comes out from the White House that says ''I am going to create or save 3½ million jobs.'' Now, the first time I heard that, okay, but somebody's going to call him on that, and really nobody has yet. The President is going to create or save 3½ million jobs. Now, think about what that means. If you were down there in maybe grade school and they were teaching you how to rationalize someplace between two plus two and two times two, you would come across the rationale of ''create or save'' leaves a little escape clause in there. Which jobs would be created and which ones would be saved? If they're not defined and we have a workforce of about 142 million here in America, as long as there are 3½ million jobs left, the President can claim he saved them.

□ 2215

So it fits the definition. That is how broad this is. And we are to be mobilized by this and moved, to leap into this giant leap of faith of trillions of dollars in borrowed money, the intergenerational theft that JOHN MCCAIN and MICHELE BACHMANN will talk about and we talk about as well, it is intergenerational theft on a promise that 3.5 million jobs are going to being be created or saved.

Here is another one. Cut the deficit in half. I remember where I heard that. That was actually President Bush that advocated he was going to cut the deficit in half in 5 years. I remember that was the timing.

Our current President would cut the deficit in half by the beginning of his second term. But we are going to create this large deficit, and then well have something more easily sliced in half. Maybe he inherited a $1 trillion deficit, but we have a $1.75 trillion deficit advocated today. It is pretty easy to cut it.

Let's just say you weigh, I don't want to use your weight, say you weigh 200 pounds and say I am going to reduce my weight by 10 pounds. Then you could gain 20 and lose 10 and you have lost 10 pounds. That is kind of how this thing works, by cutting the deficit in half. We grow the spending and then slice the spending down and advocate or at least allege that the deficit has been cut in half.

I yield to the gentlelady from Minnesota.

Mrs. BACHMANN. I thank the gentleman.

I would love to see that circus trick performed. When does government grow and ever contract down by half? It doesn't happen. Find an example where it happens. It doesn't happen.

Here is my concern about what the Obama administration may be doing. I am very concerned about the inflationary aspect. Inflation is the cruelest tax that you can inflict on anyone, especially when you have senior citizens who spent a lifetime being prudent, working hard, scraping, maybe saving 10 percent of their income in every check, putting it away, squirreling it away, helping their kids out, paying

for weddings, paying for college, paying off things so you could have a nest egg. And here you maybe have $200,000 or $400,000 in the bank, or $125,000 in the bank, and then you look at the last 7 weeks America you see that your 401(k) has dropped a third in value. Maybe by this point it has dropped 50 percent in value, your 401(k). That is just with the current economic decisions we have seen thus far, before this administration has spent $20 trillion.

Then you look at the Federal Reserve, which has been busy in various parts of this city printing money, 24 hours a day, 7 days a week, pumping money out into the money supply, inflating the currency.

What have Americans been doing? When all of this started, the U.S. savings rate was negative 1 percent. During the Depression the savings rate was negative 1.5 percent. You know what the savings rate was in the month of January? Plus 5 percent.

Why is that? Human action. Americans are scared to death about the economy, so they have taken the money that they have had and they have held it. They decided not to buy. Hence we see the anemic car sales going on, because they are scared to death. Every day we see the Obama administration saying they want to spend this many trillion, that many trillion. Now they want socialized medicine. Now they want a carbon tax. It is like more, more, more, and people have figured out this calculus doesn't add up.

So if we inflate the money supply, as the Federal Reserve may do in conjunction with our current Treasury Secretary and the Obama administration, we could potentially see our dollar, if you own a dollar in 2008 and the Federal Government pumps extra dollars in, in 2009, but there is no additional productivity, there is no additional value behind those dollars, it is just paper that comes into the system, if you have $2 in your hand and no more additional worth, you really only have 50 cents. In other words, that dollar isn't worth a dollar anymore, it is only worth 50 cents.

So inflation is a cruel tax. Just because your 401(k) maybe lost 50 percent of its value because of the stock market, you could see your 401(k) lose another half because of the cruel tax of inflation. That is the next policy that we need to see over the hill that may be coming with these Obama policies.

I don't know if the gentleman from Iowa would like to comment.

Mr. KING of Iowa. Reclaiming my time, I will say the other alternative is to have a huge growth in our economy, a booming economy, a booming economy that would grow us out of this so we don't have to put so much money into the market that inflation devalues our dollar.

Now, I would ask, how is that going to happen in the face this massive growth in government and in government spending? Where is the entrepreneurial spirit, when it has been killed and squelched by taxation, by overregulation, by messages that come out that are against energy. Nearly every sector of our economy is under assault from people that don't believe in free enterprise.

I would go further and say there is a huge philosophical divide that goes about right down the middle of the aisle right here. This is free market people over here. They believe in personal responsibility and strong families and the Constitution and the rule of law. The pillars of American exceptionalism are often defined in the dialogue over here. They are often derided by the dialogue that comes from this side of the aisle. Now it is an all out assault on our institutions.

I had a time a couple of weeks ago where I sat down with some dissidents in Russia. They said to me that Putin had destroyed nearly all the democratic institutions in Russia. They said we don't any longer have a fair election, we don't have an independent press, we don't have an independent judiciary, we don't have an independent legislative body in the Duma. In fact, I had to stand in line for an hour just to get in the door.

But those are four of the institutions that they mentioned, and they said our freedoms are really gone. There is no place else for Putin to go to take away any more of our freedom, because he now owns the institutions and has taken over of the institutions of freedom. They called it democracy.

Here we have institutions all under assault. Each one I mentioned is under assault. We don't have an independent legislative process anymore, not when a bill can come out the Speaker's office directly to the floor without committee action, without amendments being allowed in subcommittee, no subcommittee action, no committee action, and the floor action is a bill that comes down from on high at 11 o'clock at night that hits the floor the next day with no amendments allowed and an hour's worth of debate, and then it is crammed out of here and on over to the Senate before the public can wake up and even understand what has happened. I don't blame them for not knowing. A lot of people in here don't know what is going on either, but there is no opportunity to intervene or even make the case.

The independent legislature now turns into NANCY PELOSI and HARRY REID and the President. They could meet in a phone booth, the three of them, and make the decisions on where this country is going to go, to the dogs, if we let them. And that is what has happened to our independent legislature here. It is not accountable. The process has been subverted.

That is just one thing. We have the institution of the media. They have the mainstream media. If you look at where they donate their money and how they register their vote, that institution has been taken over. The educational institution has been taken over. The list goes on and on.

The rule of law doesn't mean so much any more, not when I arrived down on the border some time back and we happened to catch a drug smuggler that had about 450 pounds, excuse me, it was I think the number came to 218 or 220 pounds of marijuana under a false bed in his truck. It was 18 bales.

It was under 250 pounds, because we weren't prosecuting people that had less than 250 pounds of marijuana when they came across our border to smuggle it into the United States. They since changed that and raised it up to 500 pounds because we didn't have enough resources to prosecute.

The rule of law set aside? Another institution that is not respected universally, without question? And now the Director of Homeland Security, when there is a raid that is done for illegal employees that are working in an engine shop in Seattle, decides, well, I didn't know they were going to go in there and pick up those people illegally working, so I am going to investigate the investigators that are underneath her control. The rule of law suspended because there is a political equation involved in enforcing it?

Institution after institution are under attack in this country too, and I think they understand that in the place I have been.

The gentlelady from Minnesota.

Mrs. BACHMANN. Thank you to the gentleman from Iowa for yielding.

I think you are stating it very well. There is a strong, bold, philosophical divide. One has faith in the people, faith in the future, faith in the Constitution, faith in the pillars of American exceptionalism, the rule of law, the sanctity of the contract. Those are pillars of freedom that America was built on that caused our greatness, that gave us a pro-growth economy, that was the envy of the world.

On the other side of the equation we have our brethren on the liberal side who have a completely different faith. Their faith is in the state. Their faith is in big government. They said this is the new era of big government. They have embraced socialism with both arms. They love socialism. They can't get enough of it.

They want to make sure that the American people will have their fill of socialism, so much so today I had farmers in my office who told me just a few years ago crop insurance was 33 percent provided for by the State, just a few years ago. Today, 80 percent of all crop insurance is purchased through the Federal Government. Why? Because the Federal Government subsidizes that rate, and so they are crowding out private insurers for crops and they are becoming the new game in town.

Just like what we saw the liberals do here in Congress with those who give out student loans. They didn't like the idea that private banks and companies offered and made student loans. No, that wasn't good enough. The liberals that run Congress wanted to make sure

that the government gives out student loans. Where is their faith? Their faith is in government.

Now what do we see with health care? It just roils those liberals to have private health care and private pay of health care. They can't stand it. What do they want to make sure we have? They want to make sure we have socialized medicine, and as quick as possible, so quick that in this stimulus bill that you spoke of, Representative KING, that not one person in Congress read before we voted on it, one hour of debate before we were forced to vote on this bill, we couldn't even ask questions hardly on this bill and we were forced to act on it.

There is a rationing board, a Federal rationing board for Federal health care. Not only that, all Americans will have to have their health records, including their mental health records, all poured into one health record per person, and 600,000 entities, not people, 600,000 entities will have access to every American's health records.

This Congress, led by the liberals who have more faith in the state, more faith in government than in the American people, has decided that everyone's private health records will now be naked before the world; that 600,000 entities will now have access to every American's private health records, including chart notes from therapists if they go to see a mental health professional.

That is the faith that we see from the liberals that run this Congress. That is the future that they have defined for Americans. That is not the future that I hear when I go back to the Sixth District of Minnesota. The great people in Minnesota, just like the great people in Iowa, are working pretty hard these days. They are pretty nervous these days. They have faith in themselves, in their fellow man. They go to their churches. They are praying. They are seeking relief. And they are concerned about what they are seeing come out of Washington, D.C.

I just want the American people to know, there are a few of us here in Washington that still believe in American exceptionalism, that still believe in our Constitution, and that still believe in the greatness and the future of this country and that it lies in the hard work and innovation of the American people, and we are not going to give up that level of freedom.

I yield back to the gentleman.

Mr. KING of Iowa. I thank the gentlelady.

I point out I had a conversation with an individual that represents a company domiciled in your State of Minnesota who, because of the language that was in the stimulus bill that no one knew was in there, it cost their company $25.3 million with the stroke of President Obama's pen just for the provisions on health care that were slipped into the stimulus bill. A $25.25.3 million check they have to write just to get themselves even with where they were the day before that bill came raining down from on high here with no amendments allowed. That is some of the things that are happening under the guise of stimulus.

Now, if you need to stimulate the economy, one would think one could be restrained from slipping in this entire wish-list that has been an accumulation of a generation of liberal wishes, without a model of success, I might add, and with nothing to point to in history except failure after failure after failure. The discouragement of human endeavor is what comes out of the socialist approach. And yet the group that spoke before your group came to the floor and was advocated the Progressive Caucus, they put up two blue posters up over here, the Progressive Caucus.

□ 2230

So I found myself in my office. I ought to take a look and see what the Progressive Caucus really is. Well, I know how to find them. You go to dsausa.org. That's the Democratic Socialists of America, dsausa.org. They are the socialists. And they used to maintain the Web site for the Progressive Caucus until there got to be a little bit too much publicity, then they severed that relationship and the Progressive Caucus now manages their own out of the House here. But the connection goes back a long time. And you can go to that Web site, Democratic Socialists of America, and read, and the first thing they tell you is, we are not Communists. There's a difference between us. Communists believe that the state should own everything, including your dog. They didn't put that in there. But we, as Democratic Socialists, believe that, no, there should be some private property, and small businesses need to be able to run so they can be flexible enough to take care of the immediate needs of people like, I suppose, selling Polish dogs out here on the streets of Washington, DC. But big business—this is on the Web site. Big business should be run for the benefit of the people affected by it, which means they should be run by the customers. So if you have, let me say, a franchise chain of bars, they would be run by the drinkers. And if you have a company that makes bread, then it would be run by the people that eat the bread, not by the people that need to make a profit. It totally changes the reasons that we are in business. And it goes back to the idea that there can be central planning, central command, and somebody can manage an economy, instead of the invisible hand that makes it happen magically if you just let the market make the selections for you. That's their view.

And on that Web site it says that they want to nationalize the oil industry in America, nationalize the refinery industry in America.

Mrs. BACHMANN. And the gentleman knows that if you look at the living laboratory of history and economics of the last 100 years, you can see example after example of the Progressive Caucus, where their ideas have been implemented, and you can see the ramifications and the results of those ideas. They've resulted in millions of people's deaths by government and untold misery for generations. Where Russia was, for instance, trying to come out of its Soviet and its socialist domination to now, what the gentleman had just stated is a reverting right back to it.

Tyranny, in human history, is the norm. Freedom is the exception. That's the oasis of America, the beauty of America, that throughout time, when tyranny has reigned supreme, the United States came out of the mist like a gem, like a midnight sun that came out of the darkness, and it has shone as a beautiful symbol of freedom for 230 years.

And that's the question. Here we are now, 2009, will we continue to forge the link on the chain of freedom, or will this be the last link of freedom, and will the next one be broken, and will we revert back to tyranny? That's the question before us tonight, because what we are seeing is so historical, so profound that the United States has no way of continuing to look like a free country 10 years from now if we continue to implement just the concepts that we have seen implemented in the last 7 weeks.

Mr. KING of Iowa. Reclaiming my time, I absolutely agree with the gentlelady from Minnesota (Mrs. BACHMANN). And I would add that there's this line down through the middle of the aisle. When you turn to the left and you shift these policies towards the socialist side of the ledger, it always diminishes freedom. And when you shift them over on the conservative side of the ledger, it enhances their freedom over to where you get to the point where it goes on to the other side.

Let me just say this, if you have no taxes and no regulation and laissez faire, then you have maximum opportunity for free enterprise. That's fine to do that if you have people who are a totally moral and ethical people. Now, that's the perfect model. But we have to have laws so we have to have restraint, and we have to have some taxation to enforce the law, and we have to have some taxation to fund our military and fund our security. And as Abe Lincoln said, the Federal Government's job should be to carry the mail, quasi private I will say, carry the mail, defend our shores, do for the people that which they cannot do for themselves, and leave us otherwise alone. That's freedom.

But the other said is servitude in the end, capitulating our freedom for the sense of security that doesn't give the Wall Street much security to speak of. I think it's pretty clear as you've watched this downward spiral go on now, for all of these days since the election, and almost twice as much

percentage drop of the market as you've ever seen in modern history.

The question of freedom vs. the question of dependency, with a socialist approach. And our urge needs to be this, our charge is this, our responsibility is this: We should be setting policies that maximize the average annual productivity of our citizens. If we do that, if 300 million people turn out a little bit more, produce a little bit more, give a little bit more, decide they have the inspiration to earn, save and invest and build, if 300 million people do that even a little bit, if they do it 1 hour a day or 1 hour a week or 1 day a week, it adds to the entire GDP. And when that happens then it adds to the industrial base. It adds to the capital base. It adds to our innovation, and it automatically improves the quality of life, on average, of everybody in this country.

Mrs. BACHMANN. And if the gentleman will yield, that's exactly what has happened in the United States for the last 10 to 15 years. We have seen dramatic increases in productivity that's added real wealth to the United States. Much of that can be attributed to the fact that we had tax cuts on capital gains and dividends. That may sound technical to talk about that, but the fact is, what are the real results that we have seen from that? We've seen real wealth creation enhancement, not just for those at the top of the economic spectrum, those at every level of the economic spectrum, and that's what we want. We want to see everyone succeed. We don't want to be about just punishing one aspect of American economic society. We want all people in the United States to succeed. We do that when we unleash American productivity. We don't do that when we punish the sector that will allow us to have growth and productivity.

Mr. KING of Iowa. And reclaiming my time, that is the other side of the equation. The positive side of the equation is, let people earn all they want to earn, keep all that they want to keep, obviously pay their taxes when they make their purchases. If we do that, we've raised the productivity on average of America. But the policies that are coming from this Congress are diminishing incrementally and sometimes in huge increments the aspirations and the inspirations of the American worker, producer and entrepreneurs. It will lower the average annual productivity of Americans. You'll see the GDP at least proportionally diminish. That means that the hope for our children and grandchildren is less, not more. And we have to be willing to take some risk. We have to be willing to let some people fail.

I've had to stare failure in the eye. I lived for 3½ years with a knot in my stomach that wouldn't go away because I didn't know whether I was going to be able to hold my business together or not during the farm crisis in the early 1980s. My bank closed April 26, Friday afternoon, 3:00, 1985. I'll never forget it. Red tag on the door. Highway Patrol guarding the door. It changed everybody's life that was in there, and it changed mine.

I know what failure looks like. I've watched some of my neighbors, their spirit be eroded because they had to fight the finances.

But the other side of that was, they had the opportunity of the, I don't want to say it's euphoric, but the good, strong, uplifting feeling of having built something that they can take pride in and having achieved and set an example for their children and their children's children, this example of a work ethic and integrity and giving your word and keeping your word and the value of contract, which I've made my living in the contracting business. And almost all of it on low-bid.

And I've worked for many of my neighbors throughout the years, going clear back into the early 1970s. Most of those were verbal contracts, most of those we didn't bother to shake hands. That's not quite our culture to do that. As a matter of fact, if you shake hands with somebody they say oh, I'll come do that work for 5,000 bucks. When will you be there? Next Friday. Okay. That's fine. If you shake hands, he'd be thinking, you must not trust me then; you're going to make me shake hands on it. Our word's our bond. The handshake is almost like a written contract. And I've only had one of those written contracts between my neighbors in all of those years.

But I know the value of a contract. And you've got to keep your word and not break your word.

Mrs. BACHMANN. If the gentleman would yield. Imagine what your business would have been like had a judge been able to come in and open up that contract that you had with a purchaser of your product and of your service, and let's say your margin, your profit was maybe 2 percent or 6 percent. And you have a judge come in and alter those terms, let's say, to 10 percent. What happens to your margin? It's gone. You're not only working for free, you're paying that person to work for them.

That's what we saw happen today on the floor of this body. We saw contracts opened so that any margin that people were making, it's gone. It's gone. And so, what we're doing is we're violating that pillar of American exceptionalism which is the sanctity of the contract, and the pillar of freedom that says that we will keep contracts inviolate, and we will observe the rule of law.

What do people trust in? Why would people make a contract in the future? What business would do that? Because now this Congress has set a standard that says, no longer will your word be your bond.

Mr. KING of Iowa. Reclaiming my time. I'd just give an illustration of how that works. And I've had to make that decision a number of times in my business life because there are some areas that are quasi-sovereign. And I won't describe them any beyond that. They're quasi-sovereign, which means that there's really not relief to go and make a collection in their jurisdiction. So I've had to go in there and bid work, and I would calculate the materials, expenses, a little margin for profit and the insurance and those things, build that all together, and then I'd have to put a factor in and there's no place for me to go to get relief here except to the very people I'm doing business with. And some of you will know the quasi-sovereign regions I'm talking about. So I had to, and all my competitors had to also factor in a risk factor for what happens if the deal gets changed afterwards. I've done that on Excel spread sheets with numerous bid items and put a multiplier on each one of them that just simply was the number that evaluated the risk factor on whether they would change the deal after the fact because, in that quasi-sovereign region I couldn't count on the sanctity of the contract.

It's real clear to me there's a risk factor that will be factored in to any future mortgages that we have under this cramdown legislation. There will be higher down payments required because that will minimize the risk to the lenders, and there will be higher interest required that will minimize, and that means everybody pays it. Everybody digs in for the down payment, especially for their first home. And also, the higher interest rate that everyone will have to pay.

And meanwhile, we're going to reward people that openly committed fraud or misrepresentation or false pretenses because this Congress refused to accept that language, even though the Judiciary Committee passed that language out 21–3, changed the deal after the fact.

I thought we had a contract in the Judiciary Committee. That contract has been torn asunder. The sanctity of that contract is gone. I guess I shouldn't be surprised if the members of the party and the committee would come to this floor and vote for a cramdown legislation that would tear the contract of the mortgage asunder just as well.

Mrs. BACHMANN. You know, it was just last week that the Wall Street Journal reported the estimate that the premium would be an additional 2 percent on a mortgage. That's what the cost would be if this cramdown legislation goes through. So if someone qualifies for a 6 percent mortgage, now they would be looking at an 8 percent mortgage. What that does is it takes scores of people out of being able to qualify for a mortgage, just adding to the cost. And for what?

Over 92 percent of all Americans are responsible. They're working. They're paying their mortgages on time. And when you look at the trillions and trillions and trillions of dollars that have been thrown at this housing problem,

and you have 92 percent of Americans paying their mortgages on time, when you look at these tens of trillions of dollars now that are being thrown at this, I think we could probably be paying those mortgages off, multiple times, of the people who were in trouble. It is so much money. It is so unfathomable. I think that's why you see the American people running scared right now, because they aren't getting certainty out of Washington, D.C. What they're getting is uncertainty. And we have a completely different message. We have a message meaning fairness. We have a message of hope, where we can turn the economy around. We've done it before. We can do it again. We cut people's capital gains tax, we cut the corporate business tax. We cut their marginal tax.

Why do we do all that? Because we want simplicity and we want fairness for people in the tax code. Everybody should have to pay something. But it needs to be fair.

The SPEAKER pro tempore (Mr. CHILDERS). The time of the gentleman has expired.

Mr. KING of Iowa. Reclaiming the balance of my time and yielding it back to the Speaker, I thank you for your indulgence.

□ 2245

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111–24) on the resolution (H. Res. 218) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today until 5 p.m.

SPECIAL ORDERS GRANTED

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

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. HEINRICH, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, March 12.

Mr. JONES, for 5 minutes, March 12.

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 520. An act to designate the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as the ''Stanley J. Roszkowski United States Courthouse''; to the Committee on Transportation and Infrastructure.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Friday, March 6, 2009, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

778. A letter from the House Democracy Assistance Commission, Chairman, transmitting the Commission's 2008 annual report in accordance with Section 3(c) of House Resolution 24, passed by the United States House of Representatives during the 110th Congress; to the Committee on Foreign Affairs.

779. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-21, ''Library Kiosk Services Temporary Act of 2009,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

780. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-20, ''Metropolitan Police Department Subpoena Limitation Temporary Amendment Act of 2009,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

781. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-19, ''Disclosure to the United States District Court Temporary Amendment Act of 2009,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

782. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-22, ''Vending Regulation Temporary Act of 2009,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

783. A letter from the Secretary, American Battle Monuments Commission, transmitting the Commission's competitive sourcing report for 2008, pursuant to Public Law 108-109; to the Committee on Oversight and Government Reform.

784. A letter from the Secretary, American Battle Monuments Commission, transmitting the Commission's annual report on the Federal Manager's Financial Integrity Act in accordance with Public Law 97-255 and Public Law 100-504; to the Committee on Oversight and Government Reform.

785. A letter from the Acting Special Counsel, Office of Special Counsel, transmitting the Counsel's fiscal year 2008 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

786. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation: ULHRA Hydroplane Races, Howard Amon Park, Richland, Washington [Docket No. USCG-2008-0376] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCGOVERN: Committee on Rules. House Resolution 218. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 111–24). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. BONO MACK (for herself, Mr. BARROW, and Mr. BARTON of Texas):

H.R. 1319. A bill to prevent the inadvertent disclosure of information on a computer through the use of certain ''peer-to-peer'' file sharing software without first providing notice and obtaining consent from the owner or authorized user of the computer; to the Committee on Energy and Commerce.

By Mr. CLAY (for himself and Mr. TOWNS):

H.R. 1320. A bill to amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. ESHOO (for herself, Ms. HARMAN, Ms. WASSERMAN SCHULTZ, Mr. COOPER, Mrs. EMERSON, Mr. CASTLE, and Mr. WELCH):

H.R. 1321. A bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIERNEY (for himself, Mr. GEORGE MILLER of California, and Mr. ANDREWS):

H.R. 1322. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide emergency protection for retiree health benefits; to the Committee on Education and Labor.

By Mr. DRIEHAUS (for himself and Mr. TOWNS):

H.R. 1323. A bill to require the Archivist of the United States to promulgate regulations regarding the use of information control designations, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. WOOLSEY (for herself, Mr. ELLISON, Mr. STARK, Mr. HINCHEY, Mr. RUSH, Mr. MCGOVERN, Mr. GRIJALVA, Mr. SIRES, Mr. PAYNE, Ms. HIRONO, Mr. LOEBSACK, Mr. BISHOP of Georgia, Mr. VAN HOLLEN, Ms. BERKLEY, Mr. FILNER, Mr. CHANDLER, Mr. CONNOLLY of Virginia, Mrs. CAPPS, Mr. COHEN, Ms. BALDWIN, Ms. ESHOO, Mr. DOYLE, Mr. ISRAEL, Ms. WASSERMAN SCHULTZ, Mr. GUTIERREZ, Mr. BISHOP of New York, Ms. MOORE of Wisconsin, Mr. MCDERMOTT, Ms. SLAUGHTER, Mr. BACA, Mrs. MALONEY, Mr. SARBANES, Mr. KENNEDY, Ms. MCCOLLUM, Mr. CUMMINGS, Mr. CARSON of Indiana, Mr. TIERNEY, Ms. JACKSON-LEE of Texas, Mr. ROTHMAN of New Jersey, Ms. BORDALLO, Mr. RYAN of Ohio, Mr. PALLONE, Mr. WU, Mr. WAXMAN, Mr. KAGEN, Mr. SESTAK, Mr. POLIS of Colorado, Ms. LEE of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COURTNEY, Mrs. LOWEY, Mr. HARE, Mr. BOSWELL, Mr. CONYERS, Mr. JOHNSON of Georgia, Mr. MOORE of Kansas, Mr. BRADY of Pennsylvania, Ms. SUTTON, Mr. HONDA, Ms. SHEA-PORTER, Mr. SMITH of Washington, Mr. FARR, Mr. KUCINICH, Mr. ANDREWS, Ms. CLARKE, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Mr. HINOJOSA, Mr. HOLT, Mr. JACKSON of Illinois, Ms. KAPTUR, Mr. KILDEE, Mr. LEWIS of Georgia, Mr. MORAN of Virginia, Mr. NADLER of New York, Mr. OLVER, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Mrs. TAUSCHER, Ms. WATSON, Mr. SCOTT of Virginia, Ms. WATERS, Mr. BLUMENAUER, Ms. KILPATRICK of Michigan, Mr. DEFAZIO, Mr. WEXLER, Mr. CARNEY, Mr. GORDON of Tennessee, Mr. YOUNG of Alaska, and Ms. DEGETTE):

H.R. 1324. A bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren and protect the Federal investment in the national school lunch and breakfast programs by updating the national school nutrition standards for foods and beverages sold outside of school meals to conform to current nutrition science; to the Committee on Education and Labor.

By Ms. JACKSON-LEE of Texas (for herself, Ms. WATSON, Ms. LEE of California, Ms. KOSMAS, Ms. FUDGE, Ms. CORRINE BROWN of Florida, Ms. KAPTUR, Mr. EDWARDS of Texas, Mr. PASCRELL, Mr. ELLISON, Mr. MEEKS of New York, and Mr. CLEAVER):

H.R. 1325. A bill to require financial literacy counseling for borrowers, and for other purposes; to the Committee on Education and Labor.

By Mr. TOWNS (for himself, Mr. REICHERT, Mr. LANGEVIN, Mr. BARTLETT, Mrs. BONO MACK, Mr. BRALEY of Iowa, Mr. BUTTERFIELD, Mr. CAMPBELL, Mrs. CAPPS, Mr. DOYLE, Mr. DEFAZIO, Mr. FARR, Mr. ISRAEL, Mr. LOBIONDO, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mrs. MALONEY, Mr. MASSA, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. SMITH of New Jersey, Mr. STARK, and Ms. WOOLSEY):

H.R. 1326. A bill to prohibit the conducting of invasive research on great apes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts (for himself, Mr. BERMAN, Mr. SHERMAN, and Mr. MEEKS of New York):

H.R. 1327. A bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes; to the Committee on Financial Services.

By Mr. BISHOP of New York (for himself, Mr. HINCHEY, and Mrs. MALONEY):

H.R. 1328. A bill to amend the Internal Revenue Code of 1986 to allow an unlimited exclusion from transfer taxes for certain farmland and land of conservation value, and for other purposes; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself, Mrs. TAUSCHER, and Mr. LATOURETTE):

H.R. 1329. A bill to amend title 49, United States Code, to support efforts by States and eligible local and regional entities to develop and implement plans to reduce greenhouse gas emissions from the transportation sector, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BOREN:

H.R. 1330. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and title 5, United States Code, to require that group and individual health insurance coverage and group health plans and Federal employees health benefit plans provide coverage of colorectal cancer screening; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPITO (for herself, Mr. BACHUS, Mrs. BIGGERT, and Mr. SESSIONS):

H.R. 1331. A bill to replace the HOPE for Homeowners Program with a new program developed and implemented by the Secretary of Housing and Urban Development; to the Committee on Financial Services.

By Mr. COSTA (for himself, Mr. PUTNAM, Mr. PETERSON, Mr. DEAL of Georgia, Mr. CARDOZA, Mr. BARTON of Texas, Mr. FARR, Mr. SHIMKUS, Mr. ENGEL, Mr. RADANOVICH, Mr. TERRY, Mr. SALAZAR, Mr. BOSWELL, Ms. HERSETH SANDLIN, Mr. WALDEN, Mr. CUELLAR, Mr. KAGEN, Ms. ROS-LEHTINEN, Mr. BURGESS, and Mr. BACA):

H.R. 1332. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 1333. A bill to amend chapter 40 of title 18, United States Code, to exempt the transportation, shipment, receipt, or importation of explosive materials for delivery to a federally recognized Indian tribe or an agency of such a tribe from various Federal criminal prohibitions relating to explosives; to the Committee on the Judiciary.

By Mr. GUTIERREZ (for himself, Ms. CORRINE BROWN of Florida, Ms. BALDWIN, and Mr. HINCHEY):

H.R. 1334. A bill to provide for livable wages for Federal Government workers and workers hired under Federal contracts; to the Committee on Oversight and Government Reform, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. HALVORSON (for herself, Mr. FILNER, Ms. BORDALLO, Mr. ROSS, Ms. KAPTUR, Mr. CHILDERS, Mr. LATOURETTE, Mr. WALZ, Mr. SABLAN, Mr. KISSELL, Mr. NYE, Mr. CONNOLLY of Virginia, Mr. LUJÁN, Mr. DELAHUNT, Mr. PIERLUISI, Mr. POLIS of Colorado, Mr. HEINRICH, and Ms. KILROY):

H.R. 1335. A bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled; to the Committee on Veterans' Affairs.

By Ms. HERSETH SANDLIN (for herself and Mr. BOOZMAN):

H.R. 1336. A bill to amend title 38, United States Code, to make certain improvements in the basic educational assistance program administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Mr. BLUMENAUER, Mr. HOLT, Mr. WU, and Mr. MORAN of Virginia):

H.R. 1337. A bill to amend the Internal Revenue Code of 1986 to reduce carbon dioxide emissions in the United States domestic energy supply; to the Committee on Ways and Means, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California:

H.R. 1338. A bill to amend the Elementary and Secondary Education Act of 1965 to direct the Secretary of Education to make grants to States for assistance in hiring additional school-based mental health and student service providers; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York (for herself, Mr. TIBERI, Mr. GORDON of Tennessee, Mr. MCDERMOTT, Mr. INSLEE, Mr. BARTLETT, Mr. BISHOP of Georgia, Mr. HINCHEY, Mr. ISRAEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY, Mr. LEWIS of Georgia, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. PASCRELL, Mr. SMITH of New Jersey, Mr. TIERNEY, Mr. VAN HOLLEN, Mr. FILNER, Mr. MCHUGH, Mr. CARSON of Indiana, Ms. SUTTON, Mr. CUMMINGS, Mr. WOLF, Mr. BISHOP of New York, Mr. GENE GREEN of Texas, Ms. HIRONO, Ms. SLAUGHTER, Mr. HOLT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. GRIJALVA, Mr. MCGOVERN, Ms. SCHAKOWSKY, Ms. KAPTUR, Mr. NADLER of New York, Mr. WEXLER, Ms. LEE of California, Mr. SCOTT of Virginia, Mr. PIERLUISI, Ms. BERKLEY, Mrs. EMERSON, Mr. TAYLOR, and Mrs. MALONEY):

H.R. 1339. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that

group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself and Mr. SENSENBRENNER):

H.R. 1340. A bill to provide for the admission to the United States of certain Tibetans; to the Committee on the Judiciary.

By Mr. MOORE of Kansas (for himself, Mrs. BIGGERT, Mr. DRIEHAUS, and Mr. PAULSEN):

H.R. 1341. A bill to amend the Emergency Economic Stabilization Act of 2008 to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Virginia:

H.R. 1342. A bill to amend the Solid Waste Disposal Act to provide for the reduction of greenhouse gases, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MYRICK:

H.R. 1343. A bill to provide immunity from civil liability to first responders engaged in lawful efforts to prevent acts of terrorism, and for other purposes; to the Committee on the Judiciary.

By Mrs. MYRICK:

H.R. 1344. A bill to amend the Internal Revenue Code of 1986 to extend and modify the homebuyer tax credit; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 1345. A bill to amend title 5, United States Code, to eliminate the discriminatory treatment of the District of Columbia under the provisions of law commonly referred to as the ''Hatch Act''; to the Committee on Oversight and Government Reform.

By Mr. PALLONE (for himself, Mr. WAXMAN, Mrs. CAPPS, Mr. STUPAK, Mr. BISHOP of Georgia, Mr. GRIJALVA, Mr. HINCHEY, Mr. DOYLE, Mr. HIGGINS, Mr. OLVER, Ms. SCHAKOWSKY, Mr. BRALEY of Iowa, Mr. DINGELL, Mr. WEINER, Mr. SARBANES, Ms. SUTTON, Mr. WEXLER, Mr. NADLER of New York, Mr. BACA, Mr. HINOJOSA, Mr. GENE GREEN of Texas, Mr. TERRY, Mr. KUCINICH, Mr. MARKEY of Massachusetts, Ms. ZOE LOFGREN of California, Mr. LIPINSKI, Mr. WU, Ms. DEGETTE, Ms. HIRONO, Mr. DELAHUNT, Mr. SCOTT of Virginia, Ms. WASSERMAN SCHULTZ, Mr. BLUMENAUER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BRADY of Pennsylvania, Mr. CONNOLLY of Virginia, Mr. MEEKS of New York, Mr. CONYERS, Mr. JOHNSON of Illinois, Mr. ROTHMAN of New Jersey, Ms. CASTOR of Florida, Ms. NORTON, Mr. LYNCH, Mr. BERMAN, Mr. BOSWELL, Mr. SCHIFF, Ms. DELAURO, Mr. LOEBSACK, Mr. STARK, Mr. FILNER, Mr. RUSH, Mrs. MCCARTHY of New York, Mrs. CHRISTENSEN, Mr. MCNERNEY, Ms. BALDWIN, Mr. BUTTERFIELD, Ms. SLAUGHTER, Ms. MATSUI, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE of Texas, Mr. HASTINGS of Florida, Mr. AL GREEN of Texas, Mr. WELCH, Mr. DAVIS of Alabama, Mr. JOHNSON of Georgia, and Mr. HODES):

H.R. 1346. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices; to the Committee on Energy and Commerce.

By Mr. PASCRELL (for himself, Mr. PLATTS, and Mr. MEEKS of New York):

H.R. 1347. A bill to amend title III of the Public Health Service Act to provide for the establishment and implementation of concussion management guidelines with respect to school-aged children, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 1348. A bill to require the Board of Governors of the Federal Reserve System to publish information on financial assistance provided to various entities, and for other purposes; to the Committee on Financial Services.

By Mr. PERLMUTTER (for himself and Mr. LUCAS):

H.R. 1349. A bill to establish the Federal Accounting Oversight Board to approve and oversee accounting principles and standards for the purposes of the Federal financial regulatory agencies, and for other purposes; to the Committee on Financial Services.

By Mr. PITTS (for himself, Mr. AKIN, Mr. PENCE, Mr. CANTOR, Mr. LAMBORN, Mr. BARTLETT, Mr. FORTENBERRY, Mr. FRANKS of Arizona, Mr. BURTON of Indiana, Mr. RYAN of Wisconsin, Mr. MANZULLO, Ms. FALLIN, Mr. BRADY of Texas, Mr. BISHOP of Utah, Mr. FLEMING, Mr. NEUGEBAUER, Mr. SHIMKUS, Mr. HENSARLING, Mr. CONAWAY, Mrs. BACHMANN, Mr. KINGSTON, Mr. MCHENRY, Mr. WAMP, Mr. BROWN of South Carolina, and Mr. SMITH of New Jersey):

H.R. 1350. A bill to provide for research on, and services for individuals with, post-abortion depression and psychosis; to the Committee on Energy and Commerce.

By Mr. POMEROY (for himself, Mr. TIBERI, Mr. MEEK of Florida, Mr. KIND, and Ms. JENKINS):

H.R. 1351. A bill to amend the Internal Revenue Code of 1986 to treat computer technology and equipment as eligible higher education expenses for 529 plans, to allow certain individuals a credit against income tax for contributions to 529 plans, and for other purposes; to the Committee on Ways and Means.

By Mr. POMEROY (for himself, Mr. WILSON of Ohio, Mr. TIM MURPHY of Pennsylvania, Mr. TIBERI, and Mr. GUTHRIE):

H.R. 1352. A bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program; to the Committee on Ways and Means.

By Mr. PUTNAM (for himself and Mr. MARKEY of Massachusetts):

H.R. 1353. A bill to extend the registration and reporting requirements of the Federal securities laws to certain housing-related Government-sponsored enterprises, and for other purposes; to the Committee on Financial Services.

By Mr. REHBERG:

H.R. 1354. A bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK:

H.R. 1355. A bill to amend the National Labor Relations Act to require employers to provide labor organizations with equal access to employees prior to an election regarding representation, to prevent delays in initial collective bargaining, and to strengthen enforcement against intimidation of employees by employers; to the Committee on Education and Labor.

By Mr. SESTAK:

H.R. 1356. A bill to reduce foreclosures of residential mortgages; to the Committee on Financial Services.

By Mr. STUPAK:

H.R. 1357. A bill to authorize the Secretary of the Navy to convey the former Navy Extremely Low Frequency communications project site in Republic, Michigan, to Humboldt Township in Marquette County, Michigan; to the Committee on Armed Services.

By Mr. STUPAK:

H.R. 1358. A bill to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe, and for other purposes; to the Committee on Natural Resources.

By Mr. STUPAK (for himself and Mr. SMITH of Texas):

H.R. 1359. A bill to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SUTTON:

H.R. 1360. A bill to require an annual report on contract oversight by Federal departments and agencies; to the Committee on Oversight and Government Reform.

By Mr. TOWNS (for himself, Ms. LINDA T. SÁNCHEZ of California, Mr. POLIS of Colorado, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. CHILDERS, Mr. CONYERS, Mr. HINCHEY, Ms. HIRONO, Mr. LOEBSACK, Mr. MCDERMOTT, Mr. MILLER of North Carolina, Mrs. NAPOLITANO, Mr. REYES, Ms. ROYBAL-ALLARD, Ms. SHEA-PORTER, Mr. GRIJALVA, and Mr. HONDA):

H.R. 1361. A bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies; to the Committee on Education and Labor.

By Mr. VAN HOLLEN (for himself, Mr. BURGESS, Mrs. MALONEY, Mr. UPTON, Mr. CARNAHAN, and Mr. KING of New York):

H.R. 1362. A bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.R. 1363. A bill to establish the GothamCorps program; to the Committee on Education and Labor.

By Mr. WEINER:

H.R. 1364. A bill to amend the Social Security Act and the Public Health Service Act to provide for sex education, substance abuse treatment and prevention, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.R. 1365. A bill to amend the Truth in Lending Act to require a store in which a consumer may apply to open a credit or charge card account to display a sign, at

each location where the application may be made, containing the same information required by such Act to be prominently placed in a tabular format on the application; to the Committee on Financial Services.

By Mr. WEINER:

H.R. 1366. A bill to protect innocent parties from certain fees imposed by depository institutions for dishonored checks, and for other purposes; to the Committee on Financial Services.

By Mr. WEINER:

H.R. 1367. A bill to strengthen the liability of parent companies for violations of sanctions by foreign entities, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WEINER:

H.R. 1368. A bill to amend the Internal Revenue Code of 1986 to require the Secretary of the Treasury to establish an Auto File Program which provides certain individuals with income tax forms containing pre-filled information; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 1369. A bill to amend the Internal Revenue Code of 1986 to expand and improve the dependent care tax credit; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 1370. A bill to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 1371. A bill to require the establishment of regional consumer price indices to compute cost-of-living increases under the programs for Social Security and Medicare and other medical benefits under titles II and XVIII of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. OBEY, Mr. SENSENBRENNER, Mr. PETRI, Ms. BALDWIN, Mr. RYAN of Wisconsin, Ms. MOORE of Wisconsin, and Mr. KAGEN):

H. Con. Res. 69. Concurrent resolution honoring the 100th anniversary of Fort McCoy in Sparta, Wisconsin; to the Committee on Armed Services.

By Ms. WOOLSEY (for herself, Ms. BALDWIN, Ms. BERKLEY, Mr. BLUMENAUER, Mr. BRALEY of Iowa, Mr. CAPUANO, Mr. CARDOZA, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLEAVER, Mr. CONYERS, Mr. CROWLEY, Mrs. DAHLKEMPER, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DAVIS of Tennessee, Ms. DEGETTE, Ms. DELAURO, Mr. ELLISON, Mr. ETHERIDGE, Mr. FOSTER, Mr. FRANK of Massachusetts, Ms. FUDGE, Ms. GIFFORDS, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Mr. KILDEE, Ms. KILROY, Ms. KILPATRICK of Michigan, Mr. KLEIN of Florida, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. MAFFEI, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MILLER of North Carolina, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Ms. NORTON, Mr. OLVER, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RANGEL, Ms. RICHARDSON, Mr. RODRIGUEZ, Ms. SCHAKOWSKY, Mr. SCOTT of Georgia, Ms. SHEA-PORTER, Mr. SIRES, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WILSON of Ohio, Mr. BAIRD, Ms. ROYBAL-ALLARD, Ms. GRANGER, Ms. BORDALLO, Ms. MOORE of Wisconsin, Mr. SHULER, Mr. ENGEL, Mr. BACA, and Ms. CORRINE BROWN of Florida):

H. Res. 211. A resolution supporting the goals and ideals of National Women's History Month; to the Committee on Oversight and Government Reform.

By Mr. FLAKE:

H. Res. 212. A resolution raising a question of the privileges of the House.

By Mr. BACA:

H. Res. 213. A resolution urging the establishment and observation of a legal public holiday in honor of Cesar E. Chavez; to the Committee on Oversight and Government Reform.

By Mr. GUTHRIE (for himself, Mr. ROGERS of Kentucky, Mr. WHITFIELD, Mr. CHANDLER, Mr. DAVIS of Kentucky, and Mr. YARMUTH):

H. Res. 214. A resolution recognizing the efforts of the countless volunteers who helped the Commonwealth of Kentucky recover from the ice storm of January 2009; to the Committee on Oversight and Government Reform.

By Mr. HONDA (for himself, Ms. VELÁZQUEZ, Ms. LEE of California, and Mr. KILDEE):

H. Res. 215. A resolution congratulating the Minority Business Development Agency on its 40th anniversary and commending its achievements in fostering the establishment and growth of minority businesses in the United States; to the Committee on Financial Services, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself, Mr. BARTLETT, Mr. BUCHANAN, Mr. BURTON of Indiana, and Mr. JONES):

H. Res. 216. A resolution amending the Rules of the House of Representatives to ensure that Members have a reasonable amount of time to read legislation that will be voted upon; to the Committee on Rules.

By Mr. YARMUTH (for himself and Mrs. BIGGERT):

H. Res. 217. A resolution recognizing the week of March 15 through March 21, 2009, as ''National Safe Place Week''; to the Committee on Education and Labor.

MEMORIALS

Under clause 3 of rule XII,

9. The SPEAKER presented a memorial of the Senate of the Northern Mariana Islands, relative to Senate Resolution No. 16-27 requesting the Honorable Governor Benigno R. Fitial to seek the assistance of the Pacific Council of Federal Agency Affiliates to conduct annual or semi-annual training and other professional development opportunities in key subject areas that will assist the Commonwealth of the Northern Mariana Islands to take full advantage of the many federal grants that are available; to the Committee on Natural Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GONZALEZ introduced A bill (H.R. 1372) for the relief of Vicente Beltran Luna; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. HOLT, Mr. FRELINGHUYSEN, Mr. WILSON of South Carolina, Mr. TIERNEY, Mr. LOBIONDO, Mr. JOHNSON of Georgia, Mr. LOEBSACK, Mr. THOMPSON of Pennsylvania, Mr. SCHAUER, Mr. KING of New York, and Mr. FARR.

H.R. 24: Mr. GORDON of Tennessee, Mr. FORBES, Mr. BAIRD, Mr. MORAN of Kansas, Mr. TAYLOR, Mr. DOYLE, Mrs. TAUSCHER, Ms. WOOLSEY, Mr. MOLLOHAN, Mr. DELAHUNT, Mr. PASCRELL, and Mr. BUTTERFIELD.

H.R. 31: Mr. SMITH. of Texas.

H.R. 74: Mr. MCCOTTER.

H.R. 82: Mr. MCCAUL, Mr. MURTHA, and Mr. BRADY of Pennsylvania.

H.R. 104: Ms. SUTTON, Mr. HOLT, and Mr. MCGOVERN.

H.R. 111: Mr. TONKO, Mr. LOBIONDO, and Mr. ANDREWS.

H.R. 154: Mr. LOEBSACK, Mr. JACKSON of Illinois, and Mr. CARSON of Indiana.

H.R. 209: Mr. CONYERS.

H.R. 211: Mrs. DAVIS of California, Ms. ZOE LOFGREN of California, Mr. CARNEY, Mr. TOWNS, Mr. MACK, Ms. HARMAN, Mr. COOPER, Mr. EHLERS, Mr. BOSWELL, Mr. MCCOTTER, Mr. HINCHEY, Mr. HONDA, Ms. BALDWIN, and Mr. GENE GREEN of Texas.

H.R. 213: Mr. DEAL of Georgia.

H.R. 226: Mr. POLIS of Colorado, Mr. CAO, Mr. PAULSEN, and Mr. LUETKEMEYER.

H.R. 231: Mr. EDWARDS of Texas.

H.R. 272: Mr. GRAVES, Mr. WHITFIELD, Mrs. MYRICK, and Mr. LATHAM.

H.R. 302: Mr. KIRK.

H.R. 305: Mr. LANCE, Mr. GRIJALVA, and Mr. GOODLATTE.

H.R. 327: Mr. WILSON of South Carolina.

H.R. 336: Mr. TONKO.

H.R. 406: Mrs. LOWEY, Mr. SCOTT of Virginia, Ms. KOSMAS, Mrs. TAUSCHER, Ms. WASSERMAN SCHULTZ, Ms. DEGETTE, Mr. LANGEVIN, Mr. CAO, and Mr. BUYER.

H.R. 430: Mr. ROONEY.

H.R. 482: Mr. ROONEY.

H.R. 483: Mr. MCCOTTER.

H.R. 484: Mr. BARROW, Mr. WAMP, Mr. LOEBSACK, and Mr. PAULSEN.

H.R. 500: Mr. KAGEN.

H.R. 503: Ms. LEE of California, Mr. MOORE of Kansas, Mr. MEEKS of New York, Mrs. TAUSCHER, Ms. KILPATRICK of Michigan, and Mr. BLUMENAUER.

H.R. 564: Mr. STARK, Mr. WU, and Mr. WEINER.

H.R. 569: Mr. BRADY of Pennsylvania, Mr. ORTIZ, Mr. MASSA, Mr. SESTAK, and Mrs. TAUSCHER.

H.R. 574: Mr. ROGERS of Alabama, Mr. MCGOVERN, Mr. DOYLE, Mr. AKIN, Mr. BISHOP of Georgia, Mr. PIERLUISI, Mr. MOORE of Kansas, Mr. RYAN of Ohio, Mr. BARTLETT, Mrs. EMERSON, Mr. BOSWELL, and Mr. SESTAK.

H.R. 577: Mr. REHBERG, Mr. LATHAM, Ms. DEGETTE, Mr. CAPUANO, and Mr. TIERNEY.

H.R. 591: Mr. COHEN.

H.R. 616: Ms. KILROY, Mr. BOOZMAN, Mr. MICHAUD, Mr. GOHMERT, Mr. WITTMAN, and Mr. DAVIS of Tennessee.

H.R. 618: Ms. DEGETTE.
H.R. 626: Mrs. MCCARTHY of New York and Mr. CONYERS.
H.R. 634: Mr. CANTOR.
H.R. 636: Mr. CALVERT.
H.R. 676: Mr. JACKSON of Illinois and Mr. RYAN of Ohio.
H.R. 684: Mr. WEXLER and Mr. CARNEY.
H.R. 745: Mr. TIBERI.
H.R. 758: Ms. KAPTUR.
H.R. 800: Mr. DINGELL.
H.R. 801: Mrs. MALONEY.
H.R. 804: Mr. GRIJALVA.
H.R. 815: Mr. GORDON of Tennessee and Mr. SERRANO.
H.R. 816: Mr. BARROW, Mr. LARSEN of Washington, Mr. BOUSTANY, Mr. HODES, and Ms. SUTTON.
H.R. 836: Mr. CLAY, Mr. ALTMIRE, Mr. WITTMAN, Mr. HASTINGS of Washington, Mr. LUETKEMEYER, Mr. SIMPSON, Mr. BARRETT of South Carolina, Mr. GORDON of Tennessee, Mr. LARSON of Connecticut, Mr. UPTON, Mr. BILBRAY, Mr. SENSENBRENNER, Mr. COURTNEY, Mr. CAPUANO, Mr. KILDEE, and Mr. HOLT.
H.R. 847: Mr. BISHOP of Georgia, Mr. DOYLE, and Mr. DENT.
H.R. 856: Mr. HUNTER.
H.R. 870: Ms. KAPTUR.
H.R. 872: Mr. DENT, Mr. PERLMUTTER, Mr. GENE GREEN of Texas, Mr. LANGEVIN, Mrs. CAPPS, Ms. BALDWIN, Mr. KIRK, Mr. CARNAHAN, Mrs. BONO MACK, and Mr. UPTON.
H.R. 873: Mr. DENT, Mr. PERLMUTTER, Mr. GENE GREEN of Texas, Mr. LANGEVIN, Mrs. CAPPS, Ms. BALDWIN, Mr. KIRK, Mr. CARNAHAN, Mrs. BONO MACK, and Mr. UPTON.
H.R. 877: Mr. BLUNT.
H.R. 878: Mr. BARTLETT and Mr. HOEKSTRA.
H.R. 884: Ms. FOXX.
H.R. 885: Mr. RYAN of Ohio, Mr. CAPUANO, Mr. BOCCIERI, Mr. STUPAK, Mr. WEXLER, and Mr. PASCRELL.
H.R. 897: Mrs. MCMORRIS RODGERS.
H.R. 904: Mr. PLATTS.
H.R. 909: Ms. ROS-LEHTINEN.
H.R. 913: Mr. WELCH and Mr. BISHOP of Georgia.
H.R. 916: Mr. PRICE of North Carolina.
H.R. 927: Mr. THOMPSON of California and Mr. THOMPSON of Mississippi.
H.R. 930: Mr. LINCOLN DIAZ-BALART of Florida and Mr. CAPUANO.
H.R. 933: Mr. CANTOR.
H.R. 936: Mr. CONNOLLY of Virginia, Ms. HARMAN, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. TAYLOR, Mrs. MALONEY, Mr. GORDON of Tennessee, Mr. WEXLER, Ms. KAPTUR, Mr. SESTAK, and Mr. SALAZAR.
H.R. 980: Mr. BOSWELL, Mr. FARR, Mr. MCDERMOTT, Mr. PALLONE, Mr. FALEOMAVAEGA, Ms. BALDWIN, and Mr. DELAHUNT.
H.R. 988: Mr. OBERSTAR, Mr. PASCRELL, Mr. HIGGINS, Ms. MCCOLLUM, Mr. MCHUGH, Mr. KLEIN of Florida, Ms. ROS-LEHTINEN, Ms. ZOE LOFGREN of California, and Mr. HINCHEY.
H.R. 997: Mr. MCINTYRE.
H.R. 1006: Mr. KLINE of Minnesota.
H.R. 1020: Mr. ARCURI, Mr. WEXLER, and Mr. HASTINGS of Florida.
H.R. 1021: Mr. SESSIONS.
H.R. 1023: Mrs. BACHMANN.
H.R. 1050: Mr. FRANKS of Arizona, Mr. BROWN of South Carolina, Mr. LAMBORN, Mr. INGLIS, Ms. FOXX, Mr. ROGERS of Alabama, Mr. DAVIS of Kentucky, Mr. CHILDERS, Mr. PITTS, Mr. SMITH of New Jersey, Mr. CAO, Ms. FALLIN, Mr. MANZULLO, Mr. MCHENRY, Mr. KINGSTON, Mr. OLSON, Mr. HUNTER, Mrs. BACHMANN, Mr. POSEY, Mr. HENSARLING, Mr. CONAWAY, Mr. SHADEGG, Mr. BURTON of Indiana, Mr. KLINE of Minnesota, Mr. GOHMERT, Mr. PENCE, Mr. JORDAN of Ohio, Mr. BISHOP of Utah, and Mr. NEUGEBAUER.
H.R. 1059: Mr. ROONEY.
H.R. 1066: Mr. MITCHELL, Mr. PLATTS, and Mr. GRIJALVA.
H.R. 1075: Mr. CAO, Mr. TAYLOR, and Ms. KOSMAS.
H.R. 1076: Mr. GALLEGLY and Mr. FRANKS of Arizona.
H.R. 1080: Mr. GRIJALVA.
H.R. 1081: Mr. ROSS and Mr. MCINTYRE.
H.R. 1132: Mr. WESTMORELAND, Mr. JONES, Mrs. MALONEY, Mr. HOEKSTRA, Mr. MICHAUD, Mr. FILNER, Mr. OLVER, Mr. BOOZMAN, Mr. LUCAS, Mr. LOBIONDO, Mr. BROWN of South Carolina, and Mr. WHITFIELD.
H.R. 1134: Mr. LOEBSACK.
H.R. 1136: Mr. PETERSON, Mr. HERGER, Mr. OLVER, Mr. SCHOCK, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. ROGERS of Michigan.
H.R. 1142: Ms. KAPTUR, Mr. MCGOVERN, Mr. TIERNEY, Mr. SMITH of New Jersey, Mr. WOLF, and Mr. BACHUS.
H.R. 1151: Mr. HONDA.
H.R. 1152: Mr. MORAN of Virginia and Mr. HONDA.
H.R. 1153: Mr. MORAN of Virginia, Mr. HONDA, and Mr. SESTAK.
H.R. 1154: Mr. MORAN of Virginia, Mr. HONDA, and Mr. SESTAK.
H.R. 1161: Mr. SPACE, Mr. SESTAK, and Ms. ROYBAL-ALLARD.
H.R. 1165: Mr. CRENSHAW.
H.R. 1166: Mr. SENSENBRENNER.
H.R. 1173: Mr. SENSENBRENNER.
H.R. 1189: Mr. WOLF.
H.R. 1194: Mr. WITTMAN, Mr. MOORE of Kansas, Mr. MILLER of North Carolina, Mr. ALTMIRE, Mr. OLVER, Mr. DAVIS of Alabama, Ms. ZOE LOFGREN of California, Mr. MCCOTTER, Mr. COHEN, Mr. COBLE, Mr. ADLER of New Jersey, and Mr. LARSON of Connecticut.
H.R. 1195: Mr. MCGOVERN, Mr. SKELTON, and Mr. MURPHY of Connecticut.
H.R. 1204: Mr. MCMAHON.
H.R. 1207: Mr. GARRETT of New Jersey.
H.R. 1209: Mr. CALVERT.
H.R. 1210: Mr. LATHAM, Ms. SHEA-PORTER, Mr. ACKERMAN, Mr. GRAVES, and Ms. KAPTUR.
H.R. 1240: Mr. WELCH.
H.R. 1254: Mr. TOWNS, Mr. DRIEHAUS, and Ms. NORTON.
H.R. 1255: Mr. CAPUANO and Mr. WOLF.
H.R. 1260: Mr. SIMPSON.
H.R. 1261: Mr. BISHOP of Georgia and Mr. STEARNS.
H.R. 1263: Ms. NORTON.
H.R. 1265: Mr. DELAHUNT, Ms. HIRONO, and Mr. AL GREEN of Texas.
H.R. 1276: Mr. MORAN of Virginia and Mr. TAYLOR.
H.R. 1277: Mr. CANTOR, Mr. PENCE, Mr. MILLER of Florida, Mr. MCCAUL, Mr. KING of Iowa, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. SESSIONS, Mrs. BACHMANN, Mr. HENSARLING, Mr. BROUN of Georgia, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, Mr. GOHMERT, Mr. CONAWAY, Mr. BURTON of Indiana, Mr. HUNTER, Mr. SHADEGG, Mr. KINGSTON, Mr. MCHENRY, Ms. FALLIN, Mr. BROWN of South Carolina, Mr. COFFMAN of Colorado, Mr. BISHOP of Utah, and Mr. LAMBORN.
H.R. 1283: Ms. KILPATRICK of Michigan and Ms. KILROY.
H.R. 1285: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 1295: Mr. BROWN of South Carolina, Mr. DREIER, Mr. WITTMAN, Mr. HELLER, Mr. KIRK, and Mr. LATHAM.
H.R. 1296: Mr. BACA, Mr. BECERRA, Mr. BISHOP of Georgia, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. CARDOZA, Mr. CARSON of Indiana, Mr. CONYERS, Mr. CUELLAR, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mrs. DAVIS of California, Ms. EDWARDS of Maryland, Mr. ETHERIDGE, Mr. FATTAH, Ms. FUDGE, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HIRONO, Mr. HODES, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Mr. LUJÁN, Mr. MEEKS of New York, Mr. MILLER of North Carolina, Mr. PIERLUISI, Mr. RANGEL, Mr. REYES, Ms. RICHARDSON, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Virginia, Mr. SPACE, Mr. THOMPSON of Mississippi, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. CAPUANO, and Mr. INSLEE.
H.R. 1317: Mr. KISSELL, Mr. MCHENRY, and Mr. PLATTS.
H.J. Res. 1: Ms. GINNY BROWN-WAITE of Florida, Mr. BUYER, Mr. COFFMAN of Colorado, Mrs. EMERSON, Mr. LOBIONDO, Mr. OLSON, and Mr. TURNER.
H.J. Res. 8: Mr. SIMPSON.
H.J. Res. 21: Ms. FOXX.
H.J. Res. 26: Mr. BISHOP of New York and Mr. WOLF.
H. Con. Res. 28: Mr. SCHIFF, Mr. SIRES, Ms. MCCOLLUM, Ms. WOOLSEY, Ms. SCHAKOWSKY, Mr. BARTLETT, Ms. LORETTA SANCHEZ of California, Mr. MASSA, Mr. MCDERMOTT, Mrs. MYRICK, Ms. DELAURO, Ms. JACKSON-LEE of Texas, Mr. STARK, and Mr. VAN HOLLEN.
H. Con. Res. 55: Mr. HALL of Texas, Mr. BONNER, Mr. CONAWAY, Mr. HONDA, Mr. MCGOVERN, Mr. SHUSTER, Mr. CAPUANO, Mrs. NAPOLITANO, and Mr. MARIO DIAZ-BALART of Florida.
H. Con. Res. 60: Mr. LINCOLN DIAZ-BALART of Florida, Mr. MCGOVERN, and Mr. WOLF.
H. Con. Res. 63: Ms. WOOLSEY.
H. Res. 64: Mr. SAM JOHNSON of Texas, Mr. SMITH of Texas, Mr. HENSARLING, Mr. MCCAUL, Mr. SESSIONS, Mr. CULBERSON, Mr. CARTER, and Mr. CONAWAY.
H. Res. 65: Mr. BISHOP of Georgia.
H. Res. 81: Mr. CHANDLER.
H. Res. 125: Mr. KENNEDY, Mr. BACHUS, and Ms. PINGREE of Maine.
H. Res. 130: Mr. TOWNS, Mr. PLATTS, and Mr. WELCH.
H. Res. 146: Mr. SESTAK.
H. Res. 152: Mr. MATHESON, Mr. MELANCON, Mr. CARDOZA, and Mr. CROWLEY.
H. Res. 156: Mr. PITTS.
H. Res. 166: Mr. MORAN of Kansas, Mr. WILSON of South Carolina, Mr. CONYERS, Mr. FRANKS of Arizona, Mr. BOREN, Mr. WESTMORELAND, Ms. BORDALLO, Mr. BOOZMAN, and Mr. BONNER.
H. Res. 170: Mr. LARSEN of Washington, Mr. BAIRD, Mr. HASTINGS of Washington, Mr. SMITH of Washington, Mr. SNYDER, Mr. THOMPSON of California, Mr. GEORGE MILLER of California, Mr. FILNER, Mr. CAPUANO, Mr. LIPINSKI, Ms. HIRONO, Mr. SHULER, Mr. ARCURI, Mr. CARNEY, Mr. TAYLOR, Mr. HALL of New York, Mr. ORTIZ, Mr. OBERSTAR, Mr. WELCH, Mr. BERRY, Mr. ROSS, and Mrs. NAPOLITANO.
H. Res. 173: Mr. MASSA.
H. Res. 175: Mr. PASCRELL, Mr. MCNERNEY, Mr. CAPUANO, and Ms. PINGREE of Maine.
H. Res. 178: Mrs. MALONEY and Mr. FRANK of Massachusetts.
H. Res. 182: Mr. MEEKS of New York.
H. Res. 194: Ms. CLARKE, Ms. DEGETTE, Mr. MCDERMOTT, Ms. SHEA-PORTER, Ms. SLAUGHTER, Ms. MOORE of Wisconsin, Ms. WOOLSEY, Mr. STARK, Mr. KENNEDY, Ms. VELÁZQUEZ, and Mrs. BIGGERT.
H. Res. 208: Mr. BUYER.
H. Res. 209: Mr. SPACE.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, MARCH 5, 2009 No. 39

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by guest Chaplain Rev. Father John McCormick, St. James Cathedral, Orlando, FL.

The guest Chaplain offered the following prayer:

Almighty God, our Father, as men and women called to honor the Nation that You have called us to live in by our generous and public life of service, strengthen our sense of gratitude for the many blessings with which we have been endowed. We stand in this Chamber, surrounded by the many monuments and burial sites that honor all the men and women who, throughout the passing of time, have made the ultimate sacrifice that has enabled our country to be a beacon of light and goodness for all peoples.

As we begin this day of work in Your kingdom, extend Your hand of blessing and protection over the Members of this body. Hold close those who serve with honor and sacrifice in the military services and their family members whose sacrifice mirrors that of their loved ones. Bless and protect us all. Make us ever grateful for what You have done in and through each one of us. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 5, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR 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 our remarks, there will be a period of 1 hour for Senators to speak in morning business. I have had numerous requests this week by Republicans and Democrats to speak on issues they want to address. I hope they now will come.

Following morning business, the Senate will be back on the appropriations bill we have worked on this week. I filed cloture on the bill last night and announced to the Senate that we will continue work on this until we finish it one way or the other. I hope we work out something to vote tonight. If we can't, we will do it in the morning. The filing deadline for first-degree amendments is 1 p.m. today. Rollcall votes in relation to pending amendments, of which we now have six, are expected to occur throughout the day. As those who were here last night will remember, I indicated that we had covered a wide universe of amendments. I had spoken to Senator KYL, the assistant Republican leader, and a number of other Senators—Mr. CRAPO and Mr. INHOFE—who wanted to offer amendments. We agreed to do those. We have six amendments pending. We will see how we do disposing of amendments today. I hope we can move through them fairly quickly. I look forward to doing what I can to finish as quickly as we can.

MEASURE PLACED ON THE CALENDAR—H.R. 146

Mr. REID. Mr. President, H.R. 146 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The bill clerk read as follows:

A bill (H.R. 146) to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

Mr. REID. I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

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

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, I see the Senator from Florida here. A constituent of his was here this morning to give the opening prayer.

I have a couple of consent agreements, I say to my friend the majority leader, that I believe are objected to on his side.

Mr. REID. I might surprise you.

Mr. MCCONNELL. I will withhold on propounding these requests because I

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

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know the Senator from Florida would like to offer observations about his guest.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

WELCOMING THE GUEST CHAPLAIN

Mr. MARTINEZ. Mr. President, I was so proud to have my pastor and very good friend deliver the opening prayer. Father McCormick and I have known each other since 1983, when he first came to our parish church of St. James in Orlando. He is a product of Dublin, Ireland, but he became a proud citizen in 1973, much as I did in 1971. He has not only been a tremendous source of faith and inspiration to me and my family and, more importantly, perhaps, my children, but he has also been a tremendous advocate for the poor and needy in our community. He does tremendous work overseas as well in a program called Food for the Poor where the Caribbean nations and Latin America have benefited greatly from his generosity and hard work.

There are a couple of things I must point out. He has also developed a love for American football since coming here. But not being perfect, he has chosen the Cowboys over the Redskins. And then in a further imperfection that may be less forgivable, he has chosen the Gators over the Seminoles in Florida. I frequently have been a patient listener as he, on Sunday mornings, regales about the Gators and beats up on the Seminoles. Today is my day for revenge. I am awfully proud to have him here. He is a wonderful friend. I know he has looked forward to this day.

I thank the Chair for the courtesy of allowing me to say a couple words about my dear friend and pastor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, we join the Senator from Florida in welcoming his pastor this morning. I am pleased to see that he will be forgiven for his sin of advocating the success of the Cowboys and the Gators.

UNANIMOUS-CONSENT REQUESTS—H.R. 1105

Mr. MCCONNELL. Mr. President, on behalf of Senator GRASSLEY, the ranking Republican on the Finance Committee, I ask unanimous consent that when the Senate resumes consideration of H.R. 1105, the omnibus bill, the pending amendments be set aside and, on behalf of Senator GRASSLEY, it be in order to call up amendment No. 628, which strikes section 102 related to IRS private debt collection.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, this is a topical issue. From news accounts this morning, I heard it mentioned a couple of times. I will be happy to work with Senator GRASSLEY, see how we work through these amendments. I think it is something we could do. I know he would agree to a reasonable time period. We will see what we can do to work that out. For this time, I object, but I hope we can work something out.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MCCONNELL. Mr. President, on behalf of Senator SESSIONS, I ask unanimous consent to take up amendment No. 604, which relates to a 5-year reauthorization of the E-Verify Program.

Mr. REID. Mr. President, I am not as familiar with that as Senator SESSIONS. I know he has talked about that on a number of occasions. I will be happy to have my staff look at this, and hopefully we can work our way through the amendments we have. I know Senator SESSIONS feels strongly about this. I hope we can work out something and have him come and present this amendment. But for this morning, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

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

The bill clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The Senator from North Dakota.

HEALTH CARE REFORM

Mr. DORGAN. Mr. President, last evening President Obama had invited the chairs and ranking members of committees in both the House and Senate to the White House for dinner. I wanted to mention that the opportunity for Republicans and Democrats, both chairs and ranking members of committees, to spend some time with the President was very important, a very important signal by the President to the Congress that he wants to work with everybody. He didn't give a speech. He and his wife, the First Lady, welcomed the Members of Congress. I was pleased to be there. My point is, this President is trying to reach out and change the culture, which is so important.

This afternoon, I have been invited by the President to join a number of my colleagues, Republicans and Democrats, to go to the White House for a health care summit. Once again, the President is reaching out to see if there are ways for Republicans and Democrats, who work for the same masters—that is, American interests and the American people—to come together and find ways to reach significant policy goals. Do we have a need to address our health care problems? Absolutely. We spend much more than any other group of people on the face of the Earth on health care. Our costs are much greater than anyone else's, yet the outcomes are not. We rank 41st in life expectancy despite the fact that we spend far more than anyone else in the world on health care. Health care costs are accelerating. They are injuring businesses paying for health care insurance for employees. Health care costs are strangling family budgets. Health care costs are hurting Government, which has to pay for Medicare and Medicaid.

We have to get a handle on it.

The President is saying: Let's try to find a sensible, thoughtful way to reform health care. A good start is to invite a group of Republicans and Democrats from the Congress, a group of people from the private sector, from the health care industry, from the consumer side, supporters and opponents of various kinds of reforms and changes, to a summit at the White House to say: Let's talk. Let's try to figure out how we address these issues.

I commend the President because we have to change the culture. This cannot possibly continue to be an ''us versus them'' Congress or a Congress and Presidency that is deeply divided.

This country faces very serious challenges. The fact is, we have to work together to solve them. The very serious financial challenge, the crisis we face, is going to require the best energies all of us have and the best ideas of all of us. Included in the financial crisis is what health care costs are doing to the economy. That is why the President has indicated that one of the first issues we have to tackle, even as we try to stabilize the economy, is to address the issue of the burgeoning cost of health care. So I commend the President, and I look forward to the meeting today at the White House. I think it will be a good start to at least begin discussing health care costs.

I want to talk about one piece of health care costs because yesterday Senator SNOWE from Maine, myself, Senator MCCAIN from Arizona, my colleague Senator STABENOW from Michigan—we announced, on behalf of 25 Senators, a piece of legislation we introduced yesterday dealing with prescription drug costs. One of the fastest rising items of health care costs is the cost of prescription drugs.

Now, we have introduced this legislation before, and it has successfully

been blocked. But things have changed in a very dramatic way. The makeup of the Senate has changed. One of the people who cosponsored our legislation in the last session of the Congress is now sitting in the White House—then Senator Barack Obama, now President Obama. He was a cosponsor. The Chief of Staff at the White House, Rahm Emanuel, was one of the key sponsors in the House. So the fact is, we think we have an opportunity to pass legislation that will put some downward pressure on prescription drug prices. This is bipartisan and nonpartisan. This stretches from JOHN MCCAIN to President Obama. Both Presidential candidates were cosponsors in the last session of Congress of this identical piece of legislation. Many other Republicans and Democrats have joined us, so that as we introduced it, there are 25 original cosponsors.

Now, let me describe the problem we face in this country. By consent, I wish to show two bottles that did contain medicine. These are bottles of Lipitor. Lipitor, by the way, is a drug that I think probably is the most prescribed drug in this country, or at least one of the top prescribed drugs in this country. It is a cholesterol-lowering drug. Lipitor is made in Ireland and then shipped around the world.

Here is the way Lipitor is shipped in these bottles: same size, same cap; the only difference is, one is blue, one is red; the same pill put in the same bottle, made by the same company, FDA inspected. This red one goes to the United States. This blue one goes to Canada. The difference? This red one costs twice as much.

The U.S. consumer is told: You pay more than twice as much for the same prescription drug. Why? By what justification should not just Lipitor but other medicines be priced in a manner that says to the American consumer: You pay much more than we are asking others around the world to pay for the identical prescription drug? There is no justification.

Zocor, here is an example of a cholesterol-lowering drug. The United States and Canada—$5.16 for a 20-milligram pill in the United States; $2.45 in Canada.

Let me describe where these drugs are coming from. We are told by the opponents of this: Well, if drugs were to come into this country from outside the country, there might be a counterfeiting problem. Well, do you know what. Most of these drugs are made outside of our country. Lipitor is made in Ireland. Nexium is made in France. Tricor is made in France. Vytorin is made in Singapore and Italy and the UK.

Now, my point is simple: We have a law in this country that says the drug companies can import drugs into our country, made in other regions of the world, but consumers cannot, registered or licensed pharmacists cannot, and wholesalers cannot. Our piece of legislation is very simple. It says, let's provide some competition here. If the prescription drug industry is selling their drugs in virtually every other country in the world for a fraction of the price they sell those drugs here, let's let licensed pharmacists in our country purchase them from Canada or another country and pass the savings along to the consumer. Let's let wholesalers who are licensed in this country access those lower cost prescription drugs. Let's allow American consumers to access those drugs from Canada.

Now, I sat on a hay bale out on a farm 1 day at a little town meeting where there were 40 or 50 farmers, and we sat and talked about life and about the farm program and about what was going on in their region of North Dakota.

There was one old codger there who was kind of lamenting what it was costing him to live. He said: We don't make much money. We don't have much spendable income. And he said: I'm over 80 years old, and my wife has been fighting breast cancer for the last 3, 3½ years. He said: She has to take a drug called Tamoxifen. He said: So we have been going to Canada to try to buy Tamoxifen because it costs 80 percent less in Canada. It is the same drug—exactly the same drug—prescribed for an elderly woman who is fighting cancer, but you can pay much, much, much more here in the United States or much, much, much less in other countries. He said: For us, we have to drive to Canada to try to access this drug.

Americans should not have to do that. This ought to be a fair pricing strategy for American consumers, and today it is not. So we have introduced legislation that has substantial safety requirements attached to it. We provide substantial additional funding for the Food and Drug Administration. We provide pedigree requirements for drug lots produced anywhere in the world. We provide much more inspection of plants that produce drugs the FDA is approving. By the way, we know that substantial amounts of ingredients come from China and elsewhere. We also know that despite the fact there are supposed to be inspections of many of these plants, the inspections are few and far between.

The legislation we have introduced will dramatically increase the margin of safety—not decrease it—increase the margin of safety. What it will do is allow the American public to have access to lower cost prescription drugs. If one part of driving up the costs of health care in this country, as rapidly as it has gone—if one part of that is the rapidly increasing price of prescription drugs, then we can remedy that. We can simply say to the pharmaceutical industry: Give us the opportunity to have the same kind of pricing the rest of the world has. We can make that happen, not by asking them to give it to us, but by requiring a circumstance where our pharmacists and our wholesalers can access those same lower cost drugs.

Now, what does it mean? Well, we could save with this legislation about $50 billion in the next 10 years for American consumers; and about $10 billion of that would be saved by the Federal Government for its programs, Medicare and Medicaid.

Here is a New York Times piece. It says: ''More Americans Are Skipping Necessary Prescriptions, the Survey Finds.'' That was from January of this year. It says: One in seven Americans under 65 went without prescribed medicines, as drug costs spiraled upward in the United States, a nonprofit research group said.

Well, we can fix this. We can pass this legislation. As I indicated earlier, finally I think we have a bit of a tailwind here. We have a President who wants this. He put it in his budget. So now we have put in the architecture of a complete piece of legislation. We have worked on it for many years. My colleague, Senator SNOWE, and I, and many others—from Senator KENNEDY, Senator MCCAIN, Senator GRASSLEY, Senator STABENOW—all of us have worked to make this happen: increase the margin of safety, reduce prescription drug prices, and give the American people the opportunity to have some sort of competitive prescription drug prices that others all around the world have as a result of the current scheme that—let me not use the term ''scheme''—as a result of the current pricing policies of the prescription drug industry.

Let me complete my statement by saying, we introduced this legislation yesterday. We will continue to try to access more and more cosponsors. Whether this is a part of a health care reform bill or passed on its own, I think it is going to be good news for American consumers.

Let me say one more time that the President's call today for a health care reform summit at the White House is one more example of bringing Republicans and Democrats together. This President is determined to do that. That is good news because there are a lot of good ideas that can come from every corner of this Chamber and every corner of the political system.

We ought to work together to give the American people the best of what both political parties have to offer rather than the worst of each, and nowhere is that more important than to do it in health care reform.

I thank the President for creating this summit this afternoon. One of the issues I will raise there will be the prescription drug importation bill, which I think could put some downward pressure on prescription drug prices, and that would be good for the people who live in this country and be good for this country's budgets and business budgets and so on.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

OMNIBUS APPROPRIATIONS

Mr. CARDIN. Mr. President, I take the floor in defense of one of our most successful environmental statutes. Since its nearly unanimous passage in 1973, the Endangered Species Act has protected nearly 2,000 species from extinction. That success has contributed significantly to the economic benefit of this Nation. According to a study by the Fish and Wildlife Service, wildlife-related recreation—meaning hunting and fishing and wildlife watching—generated more than $122 billion in revenue in 2006. So this statute has protected wildlife diversity and has protected our economy.

In my home State of Maryland, wildlife watching generated over $1 billion in revenue and sustained over 10,000 jobs.

In December of 2008, the Bush administration finalized two rules that undercut the success of the Endangered Species Act. Now, that was in December of 2008, after the elections, after Senator Obama was elected President of the United States. The Bush administration issued two regulations in an effort to undermine the Endangered Species Act.

One rule undermines important safeguards for all threatened and endangered species. The other withholds key protections from the polar bear.

I believe it is critical the safeguards that have worked to protect endangered species for decades be reinstated. Section 429 of the fiscal year 2009 Omnibus Appropriations Act would give the Secretaries of Interior and Commerce the authority they need to do that. It will allow the Secretaries to reverse the Bush administration's midnight regulations and reinstate the regulations previously in place.

To understand why this special authority is needed, I think it is helpful to understand how devastating the rule changes are. So let me say a little bit about the two rules President Bush put in place.

For decades, under section 7 of the Endangered Species Act, Federal agencies have consulted with scientists at the Fish and Wildlife Service or the National Marine Fisheries Service to make sure an agency's planned actions do not jeopardize a threatened or endangered species.

In line with a long record that expressed a low regard for science, in December, 2008, the Bush administration finalized a rule that effectively eliminated the critical role scientists play in the section 7 system of checks and balances. What the Bush administration regulation did was to allow a Federal agency to avoid consultation with the scientists in making its determination as to whether there was an impact on an endangered species.

Professional scientific organizations argued, came out and said, quite frankly, this is unacceptable. The agency does not have the capacity to make a determination as to whether a species is endangered by the action of the agency. They do not have the budget. They do not have the expertise. And, quite frankly, they have a different mission. So the impact of this regulation could have a devastating impact on the protection—legitimate protection—of wildlife.

Now, some of my colleagues argue that requiring consultation with independent scientists will slow infrastructure projects funded through the recently passed American Recovery and Reinvestment Act. But let me remind my colleagues that the projects that are ready to go have already gone through this environmental review. They are ready to go. They will not be delayed as a result of section 7 of the Endangered Species Act. We are ready to proceed. And as President Obama recently said:

> With smart, sustainable policies, we can grow our economy today and preserve the environment.

But, quite frankly, these changes to the consultation rule were not the only regulations the Bush administration issued. We had the one that would compromise consultation with scientists in issuing the appropriate safeguards under the Endangered Species Act. The other was specifically aimed toward the polar bear. The new rule granted no new protections to the polar bear. Now, the President's regulations said differently, but that is not the case. The special rule not only denied additional protections normally provided under the Endangered Species Act, but it set a bad precedent for weakening ESA safeguards.

The new rule does not require plans to monitor, minimize, or mitigate impacts that could harm the bears. And the rule does not allow scientists and agencies to even consider climate change as a factor that could injure polar bears.

Last year, I had the opportunity, along with members of the Environment and Public Works Committee, to visit Greenland. We saw firsthand what is happening in regard to the loss of the snow caps and the impact it is having on the polar bear population.

Global climate change is clearly affecting the future stability of the polar bears, and the regulation that was issued in December compromises that. It is quite clear why. Seven editorials from newspapers in 32 States oppose the Bush administration's efforts. Dozens of wildlife, scientific, and environmental organizations oppose the change. In addition, eight State attorneys general, including the attorney general of Maryland, have filed suit to have these regulations withdrawn.

So we have an amendment that has been offered. The amendment would take out of the omnibus bill the additional authority we want to give to the agencies so that they can reverse the midnight changes attempted by the Bush administration. I would urge my colleagues to reject that amendment. Let's not compromise the protections we have in the Endangered Species Act that allow Federal agencies to have the best information before they take action on their projects. It is what we should be doing. It does preserve the diversity of wildlife in this Nation. It maintains the leadership of the United States on these types of issues. It is the right policy. We should go through regular order when we change it. The Bush administration did not do that. They did this as a last-minute gesture of the Bush administration. Let's restore the status quo, and then let's look at the normal regulation process for modifications that may be needed.

I would urge my colleagues to reject the amendment offered that will undermine the Endangered Species Act.

With that, I yield the floor.

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

Mr. MARTINEZ. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes.

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

Mr. MARTINEZ. Mr. President, I rise this morning to speak once again about the pending bill before the Senate—the very large and significant omnibus spending bill—but more specifically about provisions in this bill that have very little to do with spending and have a lot to do with foreign policy, including provisions relating to U.S. and Cuban relations. I decided to inform the Senate of a few things that are in this morning's press and why what this bill will do makes so little sense for the United States at this moment in time and why it would be a mistake for us to approve the current bill.

The current bill is an attempt to, frankly, usurp from the Executive the prerogative to conduct foreign policy. In his campaign, the President indicated there were some things he wanted to change about U.S. policy toward Cuba relating to travel and remittances. I would hope that would be done in the order of Presidential prerogatives and not by a legislative fiat but that, as it is done, it is done in a way that is conducive to the best interests of our Nation and the best interests of our long-term foreign policy objectives. Unfortunately, it is being done in a haphazard way, without real clarity about the implications it will have relating to what is attempting to be done.

One of the issues relates, more importantly than all, perhaps, to agricultural business trade with Cuba. This is a $780 million-a-year business which is now done by the Cubans paying cash before they can receive the goods, before the goods leave our ports. This was done in the prior administration because, in fact, the Cuban Government was not exactly playing it as it was supposed to. The shipments would get to Cuba and then payment would not be there when the goods arrived, but maybe 30 days later, maybe 60 days

later, and it was all of a sudden creating a problem. So we fixed the problem, and American farmers are protected. They get to sell their goods to Cuba—and $780 million is not an insignificant amount of sales—they get paid in cash, and they get paid before the goods leave the port. That makes a lot of sense for America. It may not make a lot of sense for Cuba because it is an inconvenience. But I don't think we should be making policy to the convenience of a brutal, dictatorial regime so close to our shores and which is a hostile and avowed enemy of the United States.

But what happened today in the news that is of interest? Well, several things. Let's see, how do we begin. There has been great hope that there will be change in Cuba because Raul Castro is now in charge. I remember as a child always hearing that Raul Castro was the enforcer; that Fidel was the nice guy and Raul was the tough guy. Raul Castro is credited with over 500 deaths under his supervision in the first months of the revolution. In addition to that, he is the head of the armed forces—the armed forces where an Air Force plane was directed by him and authorized by him to shoot down civilian airplanes in the Florida straits, killing three Americans and an American resident. That was done to an unarmed civilian aircraft.

So there is great hope that this guy is going to be somehow an agent of change, is going to be an agent of pragmatism, and is going to be someone who is less ideological. I remember hearing all the time how the real ideologues were Raul Castro and Ernesto Guevara. Those were the two ideologues. They were the real Communists. It was Raul Castro who first went to the Soviet Union and made deals with them about beginning this arms buildup that led to the missile crisis that put the world in peril.

So now we are talking about the future of Cuba. So he has had a shakeup. He has really had a military coup. If it was anyone else other than a romantic revolutionary in Cuba, the U.S. press would be talking about this as, in fact, a military coup, which is really what has happened. He has tightened the circles.

There is an article today by the AP which talks about the closing of the ranks. The fact is that the only rays of hope, the only people under 75 years of age in any position of significant leadership—Carlos Lage and Felipe Perez Roque have both been ousted. Worse than that, now Fidel Castro has said they were undignified, or some other term such as that, which means they have now fallen into disgrace, never to be heard from again, and they are not going to be the future leaders. Many people thought Carlos Lage was the logical next successor. Nobody really knows who will be leading Cuba in the future. But much like the sclerotic Soviet Union leadership of the time before Gorbachev where they were passing around the titular head of government from one 80-year-old to another, the Cubans are doing the very same thing. It is the same old guard. Ramiro Valdes, an enforcer, a tough guy, a hard-liner, no-nonsense, ''kill them first, ask questions later''—that is who is really the effective No. 2 to Raul Castro today. So there is no real hope of change with this bunch in charge.

Here is the other thing that is of significance and importance to our U.S. interests. This is not about the interests of the Cuban Government: If we buy agricultural products from you, then you become a lobbyist for us and you advance our agenda, and at the top of that agenda is we don't want to have to pay cash when we pick up the goods. We want credit. We want the goods to be paid for when they get to Cuba, in our own sweet time, which is really nothing more than another way of eroding the trade sanctions we have with Cuba.

So there is another article today in the Miami Herald talking about Cuban influence in Venezuela spreading. Now, we know Hugo Chavez is not a friend of the United States. We also should remember that for almost 50 years now, Fidel and Raul Castro and their band of collaborators have not been friends of the United States. They, in fact, have been avowed enemies of the United States and continue to be at every international forum, at every place where they can be heard.

So this story today in the Miami Herald tells us that some 40,000 Cubans are now working in Venezuela, and of course Cuba receives 90,000 to 130,000 barrels of oil a day as a subsidy to continue their work and their repression of the Cuban people and the terrible living conditions they are in. So they are in public education, which is a way of controlling minds and hearts.

I remember how the first Ministry that went to an avowed Communist after Defense was Education. Armando Hart became the head of Cuba's Education Ministry back in the early 1960s. It is a way of controlling what people are reading, what people are studying, because education is subverted for political propaganda purposes to wash the minds of young people. Now, this sounds all Cold War-ish and it sounds like crazy stuff, but it is going on today.

So with Cuba's help, in addition to that, sources within the Venezuelan military say that Cuban military experts control several security circles that protect President Hugo Chavez. He doesn't trust his Venezuelans. He has to have his Cuban thugs there to keep him alive and protect him. They have penetrated strategic areas of the armed forces and the central government, including the situation room and Venezuela's Presidential palace. So they run his security, they run his situation room, the equivalent of our White House, and Cuban advisers play a critical role.

Now, why is that important? Well, it is important because it shows the linkage, the alliance, the partnership, the working together of Venezuela and Cuba to try to spread their brand of anti-Americanism and socialism throughout Latin America where they are having, frankly, significant success with Venezuela's oil wealth and with Cuba's know-how of the security apparatus and control.

That is all working very well for them because, see, here is the next news item in that same article in the Miami Herald. It also mentions that an additional area where the Cubans are providing their dark expertise is in that of policing. They are working as advisers to the police forces throughout the country, and Cuban advisers will play a critical role. It won't be long before we will be seeing the Committees for the Defense of the Revolution coming to a neighborhood near you in Venezuela. That is unfortunate, and that is bad for the Venezuelan people.

But here is now another thing not in the policy interests of the United States, another headline: This morning, Chavez orders expropriation of Cargill's rice plant. Another Miami Herald story. Well, the last I knew, Cargill is an American company. The last I knew, American investors invested their good money and have processing plants in a company based in Minneapolis, MN, and they operate in Venezuela. They invested in good faith. In good faith, they attempted to provide a service to the Venezuelan industry and commerce. So now we find out it is a purposeful, continuing attempt to expropriate, without appropriate compensation, American properties.

We go full circle. This is how the Cuban trade sanctions began under the Eisenhower administration—it almost sounds comical now. The fact is that it began because of Cuba's expropriations of American property in Cuba without proper compensation and in violation of every international law and rule in existence. So today we find that, in partnership, the Cubans and Venezuelans are once again continuing this advance of anti-Americanism, of expropriation of American properties, of taking out each and every one.

I believe this article details that Empresas Polar, another private enterprise, is no longer going to be private because the government is taking it over. Over the past year, Chavez has nationalized Venezuela's largest telephone, electric, and cement companies. His government is also negotiating compensation for a takeover of the country's biggest steelmaker, Sidor. So, as we can see, it is a pattern of government control. From the police forces that are being trained now by the Cubans—have been, really—to the security apparatus around President-for-life Hugo Chavez, to everything else that goes on around them, we find that the Cuban presence is there and is continuing and is ever-present.

So at a time when all of this is taking place, at a time when just today

these three articles are in our news media—this is just today, by the way. There are things such as this every day about what is going on in Latin America right under our noses. So on this very day, when these three news articles—we are probably going to take a vote tonight where we are going to pass a spending bill that contains provisions dealing with foreign policy issues that have not been through hearings, that have not had the consultation and input of the executive branch, and we will just go headlong into that. This is not to mention, by the way, the 9,000 earmarks—some of which are very questionable and some of which are by a company under Federal investigation as we speak—and a tremendous amount of spending that completely violates what the President said would be the change and the hope that the American people had, that there would be a new day, that we would be looking at every line in the budget and we would be looking at all the spending with a fine-tooth comb, and, by golly, there will not be earmarks because I will stop earmarks. I remember the President saying that. I wish today he would stand up and live up to those campaign promises.

It is a very lame excuse to say that this is last year's business. This is happening on a Democratic majority watch in both Houses of the Congress. This is happening on the watch of a President who promised differently during his campaign. So whether it be because of what is in this bill as it relates to spending or whether it is by the overreach of seeking to dictate foreign policy in a very misguided and mishandled way, where, frankly it isn't really clear where we are left if the provisions in this bill are passed as to how the U.S. Government will enforce its regulations that are now being disbanded.

It is making a real mess and mockery of the process. For a lot of those reasons, I hope my colleagues on both sides of the aisle will consider whether it is wise to support this bill, whether it is, in fact, a good idea or whether we should be looking at ways in which we can allow reason to prevail and put the best interests of the United States first, not the best interests of the agricultural import Cuban company that forces those whom they buy product from to sign a memorandum of understanding, where they agree to lobby on behalf of Cuba's agenda. One of the top items of that agenda is this issue of not having to pay cash as the goods leave the port.

I know the chair worries about the rice farmers in Arkansas. It is great they can sell rice in Cuba. Rice to Cubans is like potatoes to the Irish. We love to eat rice with every meal. It is great that Arkansas is selling rice to Cuba. Isn't it great also that those rice growers from Arkansas are getting paid for it? The last thing we need in these economic times is to provide credit to a country that is uncreditworthy. They have the worst credit in the world, save one other country. I would like to know what is that country. Out of every country in the world, only one country has worse credit than Cuba. So to the second worst credit country, we are going to give them credit as they purchase food rather than simply allow the current business to continue; $780 billion is not a bad piece of business.

It is going great. It ain't broke. Don't fix it. This bill seeks to fix that and more in a misguided and wrong way, which I know is not in the best interest of the United States.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise in support of the Fiscal Year 2009 Omnibus Appropriations Act.

Before I begin, I want to commend Chairman INOUYE for his leadership in bringing this bill forward. Over the course of this grueling week of debate, he has done his best to ensure that this process has been civil, open, and transparent. In doing so, he has protected the authority and responsibility of the Congress to shape the funding priorities of this country.

I would be remiss if 1 did not recognize the work of Senator BYRD, who laid the groundwork in the Appropriations Committee last year, winning bipartisan support for nearly all of the bills that comprise this legislation.

Finally, I wish to acknowledge the work of all of the subcommittee chairs, but in particular, Senator MIKULSKI, for her support in helping address the needs of New England's lobster and groundfish harvesters who continue to be severely impacted by Federal regulations and catch restrictions and face the prospect of losing not only their livelihoods but a way of life. Because she has been such an effective advocate for the watermen of Chesapeake Bay, she has recognized, perhaps more than anyone outside New England, the economic and cultural importance of our fishing communities, as well as the strain they are under.

Mr. President, setting aside the fact that we must pass a bill now in order to avoid a Government shutdown, the fact is this is the right bill for us to pass.

It will, as I indicate, avoid disruption of essential services to the Nation at a time when the American people demand and need the support of a functioning Government.

This legislation complements the American Recovery and Reinvestment Act by funding additional programs that will save and create thousands of jobs. It includes continued investments in transit, highway, and water infrastructure. These kinds of investments are sorely needed throughout the country. In Rhode Island, trucks and other large vehicles must be diverted from a key stretch of the interstate because of concerns about its structural integrity. This is a disruption in commerce that Rhode Island and the region can ill-afford. This package includes funding to help speed the repairs at this important stretch of highway.

The bill will also ensure we are investing in the institutions that are responsible for protecting the public interest, but have fallen down on the job. Indeed, over the course of this decade, we have witnessed the unraveling of essential regulatory agencies, from the Consumer Product Safety Commission to the Food and Drug Administration, often with alarming results. Certainly, the failure to provide adequate resources for these agencies has been a major contributor to their failures. With the supplemental appropriations bill passed last year and continuing with this legislation, we have begun to reverse the effects of years of chronic underfunding. Senator DURBIN, in response to the concerns that Senator DODD, and I raised with respect to funding for the Securities and Exchange Commission, SEC, worked to increase funding for the Commission in this bill. The additional $37 million provided here will give the SEC resources to aggressively investigate and prosecute fraud that cost taxpayers and investors billions of dollars. Coupled with systemic reform within the Commission, this funding will help restore investor confidence and integrity to our markets.

Thanks to the efforts of Senator HARKIN, this legislation also continues to invest in our most valuable national resource—our people. As the successor to the late Claiborne Pell, I am gratified that this omnibus bill substantially increases funding for the grant bears his name. This legislation, together with the funding provided in the economic recovery package, will help boost the maximum Pell grant by $619 to $5,350 in fiscal year 2009. It is worth noting how far we have come. Just 2 years ago, the maximum Pell grant was stuck at $4,050—the same level it had been funded at over the previous 4 years.

To supplement Pell grant and other higher education assistance, this legislation maintains funding for the Leveraging Educational Assistance Partnership, leveraging additional need-based grant aid and support services for our neediest students and families. It also boosts funding for the teacher quality enhancement grants by $17 million to improve college teacher preparation programs and ensure that every classroom in America has a high-quality teacher.

The bill increases funding for the state library program under the Library Services and Technology Act to $171.5 million. I have long advocated for this funding level because it is the amount necessary to reach a key goal included in the 2003 reauthorization of the Museum and Library Services Act that I authored to double the minimum State allotment. This additional funding will help libraries respond to the

demand for free access to all types of information and digital and online service. With the economic crisis we are suffering through, libraries have become critical centers for guidance and career services for unemployed workers as they search for jobs, and families as they search for the diversion that a public library can provide in very difficult economic times.

The bill increases funding for the National Institutes of Health by almost $1 billion, which will fund 10,600 new research grants. I strongly supported the historic doubling of NIH funding between 1998 and 2003. Regrettably, since 2003, our investment in science has eroded. As a result, only 24 percent of research projects are currently funded, compared to 32 percent in 1999. I am glad that with the economic recovery bill and this bill, we will reverse that trend and invest in lifesaving research that will result in cures and treatments for debilitating diseases.

The bill increases funding for community health centers by $125 million, which will provide access to an additional 470,000 uninsured Americans. In my State, this program just awarded a grant to a health clinic that was on the verge of shutting its doors. The funding is a lifeline that saved 25 jobs, and could create another 22 jobs within the next 18 months. More important, the center will provide primary health care, mental health counseling, and dental care to those who have lost their jobs, and with them their health insurance, during this economic crisis. This will keep people healthy and reduce health care costs in the future.

The bill increases support for health care workforce programs, which is critical to increase access to primary care and to address the nursing shortage that our country faces.

Lastly, the bill increases funding for immunizations by $30 million, which will provide vaccinations to an additional 15,000 children. Immunizations are one of the most cost-effective ways to improve health and an important component in transforming our health care system to prevent sickness, and not just treat it.

Mr. President, for all of these reasons and more this bill makes the right investments in our country and I urge its passage.

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

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I wish to discuss the DC voucher program, officially the DC Opportunity Scholarship Program. This is a program that was established in 2004 to provide low-income families with scholarships to attend private schools in the District of Columbia.

The legislation we are debating, unfortunately, makes it harder for that program to continue. The fiscal year 2009 omnibus legislation includes language that would end the scholarship program in September 2010, and it says we could not continue it by appropriation, which is unusual. It would also add the requirement that the DC City Council would have to approve whatever we did.

That is a very unwise situation, I believe. The U.S. Secretary of Education, Arne Duncan, said yesterday that poor children getting vouchers to attend private schools in the District of Columbia should be allowed to stay there. He said that to the Associated Press. I am reading from that article where it says that Secretary Duncan opposes vouchers. But he says essentially that Washington is a special case, and kids already in private schools on the public dime should be allowed to continue.

To quote him directly, he said that ''I don't think it makes sense to take kids out of a school where they're happy and safe and satisfied and learning. . . . I think those kids need to stay in their school.''

I think Secretary Duncan is right. I also think—and I said this at his hearing—that Secretary Duncan is the best of the distinguished appointments President Obama has made. He can be a real help to the children in this country. I look forward to working with him.

I am an original cosponsor of an amendment that Senators ENSIGN, LIEBERMAN, GREGG, VOINOVICH, KYL, DEMINT, BROWNBACK, and CORNYN have introduced that would solve this problem, that would remove the language from the omnibus bill that would make it harder for the DC Voucher Program to continue.

I think we should also take note that DC Mayor Adrian Fenty and Chancellor Michelle Rhee, both of whom are acting courageously to try to improve the schools in the District, favor keeping the program.

The Washington Post, the Chicago Tribune, the Wall Street Journal editorial pages have all voiced support of this program since this omnibus language was introduced in the House. The DC program is being singled out.

I understand this may cause some problem with some House Members who would rather see us not amend the bill that came to us, but that is our job. This is the Senate. That is the House of Representatives. If, in a great big bill that spends $410 billion, we see some things that need to be improved, we ought to have a chance to improve them. In this case, there is broad agreement with the President's Education Secretary and many others that the DC kids need this and deserve this. There are 1,700 children currently attending private schools in DC using these opportunity scholarships of up to $7,500 a year.

I make this point to call attention to the DC voucher program and the importance of making certain we have a chance to amend the omnibus bill—the bill before us—so we do not make it harder for the DC voucher program to continue. If that means we have to go on into next week in order to have a sufficient number of amendments, then we should do that.

I appreciate the fact that the majority leader has adopted this year, as he should, the practice that the Senate is a place that is distinguished primarily by virtually unlimited debate and virtually unlimited amendments and then we vote. So a premature conclusion to this bill before we have a chance to improve it, such as keeping the DC voucher program, I think would be unwise.

Madam President, I ask unanimous consent to have printed in the RECORD the Associated Press article, the Washington Post editorial, the Chicago Tribune editorial, and the Wall Street Journal editorial.

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

US SCHOOLS CHIEF WANTS DC KIDS TO KEEP VOUCHERS

(By Libby Quaid)

WASHINGTON.—Education Secretary Arne Duncan said Wednesday that poor children getting vouchers to attend private schools in the District of Columbia should be allowed to stay there even as congressional Democrats work to end the program.

His remarks, in an interview with The Associated Press, put the Obama administration at odds with Democrats who oppose the program because it spends public dollars on private schools.

Duncan opposes vouchers. But he said Washington is a special case, and kids already in private schools on the public dime should be allowed to continue.

''I don't think it makes sense to take kids out of a school where they're happy and safe and satisfied and learning,'' Duncan told said. ''I think those kids need to stay in their school.''

Democrats in Congress have written a spending bill that would effectively end the program after next year. The bill says Congress and the city council would have to OK more money, which is unlikely.

A vote is expected later this week.

Lawmakers, in a statement accompanying the bill, said no new children should be enrolled in the program. And they said D.C. schools chancellor Michelle Rhee should take steps to minimize any disruption for kids as they transition back into public schools.

The issue of vouchers exposes a deep fissure between Republicans, who support them, and Democrats, who oppose them.

Republicans insist that parents deserve a choice if their kids are in failing schools, saying vouchers create competition that puts pressure on public schools to do better.

Democrats say it is impossible to expect public schools to do better while precious public dollars are being siphoned away to private schools.

''I don't think vouchers ultimately are the answer,'' Duncan said. ''We need to be more ambitious. The goal shouldn't be to save a handful of children. The goal should be to dramatically change the opportunity structure for entire neighborhoods of kids.''

The voucher program in Washington has been an exception in the debate over vouchers. Because of the sorry state of public

schools in the nation's capitol, some Democrats were willing to allow it in 2003 when a Republican-led Congress created the voucher program.

And while big-city school superintendents generally oppose vouchers, Rhee, the schools chancellor, has said she is open to the District's voucher program.

''I don't think vouchers are going to solve all the ills of public education, but parents who are zoned to schools that are failing kids should have options to do better by their kids,'' Rhee told The New York Times recently.

The D.C. program gives scholarships to about 1,700 poor kids so they can attend private schools.

It is the only federal voucher program in the country. Other cities and states have similar programs—vouchers are available in Milwaukee, Cleveland, Florida, Utah, Arizona and Georgia—but they are paid for with local tax dollars.

Several states offer tax credits to help pay for private school, but those are also local and not federal programs.

Obama sent mixed messages on vouchers during his presidential campaign. He told the Milwaukee Journal Sentinel in February 2008 that he was open to vouchers if research showed they work. But his campaign swiftly backtracked, issuing a statement saying Obama had always been a critic of vouchers.

Supporters of the District's voucher program are quick to point out that Obama's daughters attend a private school in Washington, Sidwell Friends School, that also has students whose tuition is paid through the voucher program.

When asked about Duncan's remarks, Sen. Lamar Alexander, R–Tenn., said the education secretary was ''exactly right.''

''Senators should listen to him by voting this week to continue funding vouchers for DC schoolchildren,'' Alexander said.

[From The Washington Post, Mar. 2, 2009].

'POTENTIAL' DISRUPTION?

ENDING D.C. SCHOOL VOUCHERS WOULD DASH THE BEST HOPES OF HUNDREDS OF CHILDREN

Rep. David R. Obey (Wis.) and other congressional Democrats should spare us their phony concern about the children participating in the District's school voucher program. If they cared for the future of these students, they wouldn't be so quick as to try to kill the program that affords low-income, minority children a chance at a better education. Their refusal to even give the program a fair hearing makes it critical that D.C. Mayor Adrian M. Fenty (D) seek help from voucher supporters in the Senate and, if need be, President Obama.

Last week, the Democrat-controlled House passed a spending bill that spells the end, after the 2009–10 school year, of the federally funded program that enables poor students to attend private schools with scholarships of up to $7,500. A statement signed by Mr. Obey as Appropriations Committee chairman that accompanied the $410 billion spending package directs D.C. Schools Chancellor Michelle A. Rhee to ''promptly take steps to minimize potential disruption and ensure smooth transition'' for students forced back into the public schools.

We would like Mr. Obey and his colleagues to talk about possible ''disruption'' with Deborah Parker, mother of two children who attend Sidwell Friends School because of the D.C. Opportunity Scholarship Program. ''The mere thought of returning to public school frightens me,'' Ms. Parker told us as she related the opportunities—such as a trip to China for her son—made possible by the program. Tell her, as critics claim, that vouchers don't work, and she'll list her children's improved test scores, feeling of safety and improved motivation.

But the debate unfolding on Capitol Hill isn't about facts. It's about politics and the stranglehold the teachers unions have on the Democratic Party. Why else has so much time and effort gone into trying to kill off what, in the grand scheme of government spending, is a tiny program? Why wouldn't Congress want to get the results of a carefully calibrated scientific study before pulling the plug on a program that has proved to be enormously popular? Could the real fear be that school vouchers might actually be shown to be effective in leveling the academic playing field?

This week, the Senate takes up the omnibus spending bill, and we hope that, with the help of supporters such as Sen. Joseph I. Lieberman (I–Conn.), the program gets the reprieve it deserves. If it doesn't, someone needs to tell Ms. Parker why a bunch of elected officials who can send their children to any school they choose are taking that option from her.

[From the Chicago Tribune, Mar. 3, 2009]

A VOTE FOR IGNORANCE

''If there was any argument for vouchers, it was, 'Let's see if it works.' And if it does, whatever my preconception, you do what's best for kids.''—Barack Obama, Feb. 13, 2008.

There's a novel concept—approaching education policy with the paramount goal of helping students rather than, say, teachers unions or school bureaucracies. So novel, in fact, that within days of making that statement, Obama thought better of it. ''Senator Obama has always been a critic of vouchers,'' his campaign declared.

Now Democrats in Congress are lining up to oppose this alternative rather than waiting to see if it works. In the giant spending bill passed last week by the House, they cut off money for the only federally financed voucher program in the U.S.

It's in Washington, D.C., which has among the worst schools in America. A 2007 report found that fewer than half of the capital's grade-school pupils are proficient in reading or math—and results are worse in higher grades.

In 2004, Congress financed a pilot program to give some 1,900 children vouchers to attend private schools.

It's a modest undertaking, providing just $7,500 per child—less than a third of what the District of Columbia spends per pupil in public schools. It only begins to satisfy the demand for educational alternatives, since more than 7,000 kids applied for the vouchers. Ninety-nine percent of the recipients, by the way, are black or Hispanic, with an average family income of less than $23,000.

But vouchers are anathema to many in the Democratic Party because teachers unions feel threatened by the prospect of more children going to non-union private schools. So this bill says there will be no more money for the program after this year and directs the head of D.C.'s public schools to ''promptly take steps to minimize potential disruption and ensure smooth transition'' for kids who will be forced back into schools their parents found wanting.

Democrats to kids: Tough luck.

What's the hurry here? This experiment has yet to run its course, with only two years' worth of data assessed so far. Patrick Wolf, a University of Arkansas professor who is leading the assessment, found that children who got vouchers have performed no better than those who were turned down. But he says there have been ''large positive effects'' on their parents'' satisfaction.

And there are reasons for hope. Of the 10 studies of existing voucher systems, says Wolf, nine found significant academic improvements.

President Obama doesn't need to be told about the deficiencies of Washington's public schools: He rejected them in favor of a private school for his daughters.

Ask how many members of Congress send their children to public schools in D.C.

They are pushing through legislation that is grossly unfair fashion toward 1,900 children and their parents who don't have the luxury of paying for private schools.

We need more information about the effects of school vouchers. Should Democrats in Congress have their way, we won't get it.

If they want to end the experiment at such an early stage, it's not because they think it's failing, but because they fear it's working.

[From the Wall Street Journal, Mar. 3, 2009]

WILL OBAMA STAND UP FOR THESE KIDS?

Dick Durbin has a nasty surprise for two of Sasha and Malia Obama's new schoolmates. And it puts the president in an awkward position.

The children are Sarah and James Parker. Like the Obama girls, Sarah and James attend the Sidwell Friends School in our nation's capital. Unlike the Obama girls, they could not afford the school without the $7,500 voucher they receive from the D.C. Opportunity Scholarship program. Unfortunately, a spending bill the Senate takes up this week includes a poison pill that would kill this program—and with it perhaps the Parker children's hopes for a Sidwell diploma.

Known as the ''Durbin language'' after the Illinois Democrat who came up with it last year, the provision mandates that the scholarship program ends after the next school year unless Congress reauthorizes it and the District of Columbia approves. The beauty of this language is that it allows opponents to kill the program simply by doing nothing. Just the sort of sneaky maneuver that's so handy when you don't want inner-city moms and dads to catch on that you are cutting one of their lifelines.

Deborah Parker says such a move would be devastating for her kids. ''I once took Sarah to Roosevelt High School to see its metal detectors and security guards,'' she says. ''I wanted to scare her into appreciation for what she has at Sidwell.'' It's not just safety, either. According to the latest test scores, fewer than half of Roosevelt's students are proficient in reading or math.

That's the reality that the Parkers and 1,700 other low-income students face if Sen. Durbin and his allies get their way. And it points to perhaps the most odious of double standards in American life today: the way some of our loudest champions of public education vote to keep other people's children—mostly inner-city blacks and Latinos—trapped in schools where they'd never let their own kids set foot.

This double standard is largely unchallenged by either the teachers' unions or the press corps. For the teachers' unions, it's a fairly cold-blooded calculation. They're willing to look the other way at lawmakers who chose private or parochial schools for their own kids—so long as these lawmakers vote in ways that keep the union grip on the public schools intact and an escape hatch like vouchers bolted.

As for the press, complaints tend to be limited to the odd column or editorial. That's one reason it was so startling back in 2000 when Time magazine's Tamala Edwards, during a live televised debate at Harlem's Apollo Theater, asked Al Gore about the propriety of sending his own son to private school while opposing any effort to extend the same choice to African-Americans without his financial wherewithal. As CNN's Jeff

Greenfield would note later in the same debate, Mr. Gore ''bristled'' when Ms. Edward's put the question to him.

Virginia Walden-Ford, executive director of D.C. Parents for School Choice, wouldn't mind making a few more politicians bristle. ''I'd like to see a reporter stand up at one of those nationally televised press conferences and ask President Obama what he thinks about what his own party is doing to keep two innocent kids from attending the same school where he sends his?''

As for Sidwell, the school has welcomed the Opportunity Scholarship program. Though headmaster Bruce Stewart declines to get into either politics or the Obamas, he says that a program that gives parents more educational options for their children is not only good for their kids, it's good for the community. Plainly he's not doing it for the money: Even the full D.C. voucher covers only a small fraction of Sidwell's actual costs.

All of which leaves the First Parent with a decision to make: Will he stand up for those like his own children's schoolmates—or stand in front of the Sidwell door with Mr. Durbin? It's hard to imagine white congressional Democrats going up against him if he called them out on an issue where they have put him in this embarrassing position. This, after all, is a man who has written of the ''anger'' he felt as a community organizer, when his attempts to improve things for Chicago school kids ran up against an ''uncomfortable fact.''

''The biggest source of resistance [to reform],'' he said, ''was rarely talked about ... namely, the uncomfortable fact that every one of our churches was filled with teachers, principals, and district superintendents. Few of these educators sent their own children to public schools; they knew too much for that. But they would defend the status quo with the same skill and vigor as their white counterparts of two decades before.''

Let's just say that Sarah and James Parker—and thousands just like them—could use some of that same Obama anger right about now.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, the Senator from Tennessee is a friend of mine. He has served as Secretary of Education, we talk about education issues, and we share a common admiration for the new Secretary of Education. But I would like to correct, while he is still on the floor, a few of the things he said.

Five years ago, the Bush administration said, for the first time in the history of America, we will create a federally funded voucher program. Here is what it says: Federal taxpayers' dollars will be given to parents of students in the District of Columbia—Washington, DC—who want to put their kids in private schools. The Federal Government will pay a certain amount of money in tuition vouchers to those schools on behalf of the students and their parents.

It was a 5-year experiment, and there was a lot of controversy associated with it. Some of us were skeptical. I offered three amendments to this DC voucher program. The first amendment I offered in the Appropriations Committee said that all the teachers in the voucher schools—the private voucher schools—have to have a college degree. The amendment was defeated. It was defeated because those pushing for voucher schools said that is going to stop creativity, it is going to confine these schools, and we should let them do what they are going to do.

I didn't buy that because, frankly, we impose those standards on public schools across America, but my amendment was defeated.

Now, the second amendment I offered said the DC voucher schools—the buildings themselves—had to pass the fire safety code of the District of Columbia for teaching children. All right? The amendment was defeated. Those pushing the voucher program said: You know, you don't get it. This is about a creative approach to education. It may not be the traditional classroom setting. We defeat your amendment.

The third amendment said: Well, in fairness, if the argument is that voucher schools are better than DC public schools, there ought to be a common standard to judge them. So my amendment said they shall take the same achievement test—the voucher school students and the public school students—so we can then compare apples to apples. My amendment was defeated, and the argument was voucher schools have to be allowed this creativity to think anew and to try different things. I don't buy it.

So I started with real skepticism and I voted against this program. Now, in the ensuing time—the 4 or 5 years—1,700 students have received Federal subsidies to go to private schools. It is the only place in America I know where that is happening. The idea, of course, was that at the end of this experimental authorization period, we would try to step back and ask: Was this a good idea? Was it good for the kids, good for the families, good for the District of Columbia, and our Nation?

That was the idea behind it. This law creating these DC voucher schools was to expire this year in June. Now, my committee funds the District of Columbia, the Federal funds that go into it, and so we said: You know, that may be too abrupt. It may not be fair. So what we will do is we will extend through the 2009–2010 school year the DC voucher schools, but somebody has to step back and take a look at this and ask: Is it working?

When the Government Accountability Office went to take a look at it, they said that some of these schools are world class—these voucher schools—and some of them end up being classes taught in the basement of a private church in the District of Columbia by people who don't have the competence to teach.

Now, the Senator from Tennessee doesn't want that to happen in his State, and I don't want it to happen in my State, and I certainly don't think it should happen here on our watch. So I extended this program 1 year, and it is in the hands of Senator JOE LIEBERMAN. Senator LIEBERMAN is the chairman of the Committee on Homeland Security and Governmental Affairs. He gave his personal assurance to the Members of the Senate that there will be a hearing and an attempt to markup reauthorization of this program. That is the orderly process, it is the sensible process, and at the end of the day we are going to learn a lot about the voucher schools and how they are doing.

Now, in the meantime—and I know the Senator from Tennessee knows this—I would say we have a new school chancellor in the District of Columbia who is trying her very best to bring reform to public education. I know some of her proposals are controversial, but I think she is on the right track to bring in quality teachers and a quality learning environment in the public schools. So let us look at this thing in the perspective of an experiment for 5 years, that was extended 1 year by this bill, that we can take an honest look at and ask: Did it work?

Put aside for a moment whether you agree the Federal Government ought to put money into the hands of families to send kids to private schools and ask the basic question: Did it work? Are the students better off? Are they learning more? That is a legitimate question, and I want to know the answer, and I will bet the Senator does too. In the meantime, we should provide an environment for the public schools in the District of Columbia to have real reform, and that involves some money, I am sure, but it ought to be money we invest wisely as we invest in the voucher schools. There have been a few articles that have been inaccurate about the DC voucher program, and I wished to present my point of view on that program while the Senator from Tennessee is still here. I wish to move to another topic, unless he wants to address a question, which I would be happy to entertain.

Mr. ALEXANDER. I thank the Senator from Illinois, and I look forward to working with him on helping the District of Columbia, including the mayor and the superintendent in the District who would like for this to continue.

The question I have is: Why is it necessary for this legislation to insist that the program end in September of 2010 and that we add the provision the city council would have to approve it if it is continued by the Congress?

Usually, when we have education programs whose authorization runs out, we continue them for a while as we go through the analysis the Senator talked about, such as the Higher Education Act which took us 6 years or the Head Start Act which took us 3 or 4 years or No Child Left Behind or so many others. Why is it necessary that we even address the ending of this program in this legislation?

Mr. DURBIN. I might say, in response to the Senator from Tennessee, that is a legitimate question. When the law was written, that is what it said: This program will expire. The authorization will end. I have extended it in

this bill an additional year so we can take the time not to push the kids out of the classrooms and take the time to make the judgment whether it is working.

One of your colleagues, whom you vote with frequently and who sits behind you, from Oklahoma, who has this passion about authorizations, he says: You know, you do an authorization bill, and you are talking about spending money. I don't happen to agree with him. I think it takes an appropriation in addition to an authorization. But if an authorization has any meaning, particularly when dealing with a new venture, in terms of Federal taxpayer dollars going to private schools, I think we owe it to everybody—the taxpayers as well as the parents, teachers, and kids—to ask the hard questions.

If the GAO comes in and tells us someone somewhere in the District of Columbia has created what they call a voucher school so that their wife can declare herself principal and their daughter can declare herself a teacher and the kids can sit in a building which doesn't have a fire exit, I am a little worried about that. I don't think we ought to go on with business as usual in that situation, and I would like to at least have an honest appraisal.

I would say to the Senator from Tennessee, it is my impression Senator LIEBERMAN of Connecticut is leaning toward the voucher school program, so he doesn't come to this with prejudice against it. I would not presume that is his ultimate position, but I think he will be an honest broker. He will bring all the facts out. I think that is why we are here, and I think it is a legitimate exercise of our responsibilities.

Mr. ALEXANDER. I thank the Senator from Illinois, and would only note that Senator LIEBERMAN is a cosponsor of the amendment we would like to have a chance to vote on.

AMENDMENT NO. 607

Mr. DURBIN. Madam President, there is an amendment pending—and it is an amendment offered by Senator WICKER of Mississippi—which is one of those red-hot amendments that gets people riled up around here because it deals with a controversial issue, and that is the issue of abortion.

Of course, many of us have stated our positions on the record time and again, but this comes down to a specific element here. What Senator WICKER does is to strike the language in the bill that permits funding of the U.N. Population Fund for six limited purposes. He has stated that his reason for doing so is to make certain we don't put money into China, where there is evidence of coercive abortion and involuntary sterilization; and he certainly says he doesn't want Federal funds to be spent for the promotion of abortion anywhere in the world.

I would say there are two elements of the bill which I would recommend to all Members before they vote on the Wicker amendment, which I hope they will oppose. Page 763 of the bill—it is a big one, but I will point you to the specific page, 763—says:

> . . . none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization:

A flatout prohibition. It is already there. Then when it comes to the issue of China, which has been the centerpiece of this debate about coercive abortions and involuntary sterilization, there is a long section—page 929—which I will refer my colleagues to. The net result is this. It says in the first paragraph:

> Not later than 60 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

So we ask the Secretary of State to go to New York and find out how much money is going to China, where we suspect coercive abortion and involuntary sterilization. The second paragraph says we will then deduct that amount of funds from any money that goes to the United Nations for family planning.

So it is specific, and we are specific in terms of these practices. We can't spend any money for these practices; and, secondly, no money to the People's Republic of China which is not set off by a reduction in the Federal investment.

Now, let me tell you why this amendment not only ignores the clear language of the bill but should not be passed. There are six limited purposes for which we are trying to use the U.N. Population Fund, and they are, among other things, to reduce genital mutilation and obstetric fistula and to provide voluntary family planning and basic health care to women and girls.

It has been my opportunity and honor to visit Africa. In one of those visits, with Senator BROWNBACK of Kansas, we went to the Democratic Republic of Congo, which doesn't get the publicity of many places in Africa, but it has been one of the killing fields. There have been thousands—maybe hundreds of thousands—of people killed in this region. It has been torn back and forth since the Rwandan genocide, with the exploitation of minerals. The net result has been the poorest people on Earth, smack dab in the center of Africa, have been pushed out of their villages and into refugee camps, and they have been victimized by guerilla soldiers.

Well, I went to a hospital in Goma, which is in the Democratic Republic of Congo. It is one of those places where you think if God has a bad day, the first thing he does is look at Goma because they have had it all—poverty, disease, all the strife of guerrillas and all the war that revolves around them and, to put the icing on the cake, a volcano which erupts with regularity. These poor folks get it in every direction. But there in Goma was a hospital called DOCS hospital. DOCS hospital is sustained and financed by protestant churches in the United States. It has a modern surgical suite, paid for by the United Nations.

When you go to this hospital, you see women lined up in a row, hanging onto their meager belongings, waiting for the chance to be admitted to the hospital. Why? Because this is the only place within hundreds of miles where they can go for surgical treatment of what is known as obstetric fistula. Obstetric fistula—I will try to describe it; not being a doctor—is the result of early pregnancies, long labors of young girls, rape, terrible mutilation that occurs and causes serious problems for these women. They become incontinent, they are unable to join their families, they are shunned by their villages. This is their only hope. They come to this hospital and they wait. They sit in the dust in the road hoping—and it is sometimes weeks later—to be seen by a doctor. They cook outside and help one another, and then they may go through a surgery. At the end of the surgery, they end up two to a bed trying to recuperate. Some of them, because they are so badly mutilated, have to go through multiple surgeries and wait month after weary month while a handful of surgeons and nurses do heroic jobs in trying to put their lives back together.

Is that worth putting some money into? Is it? Is it worth saying to the U.N. Population Fund: Can you help these people? Can you bring in some doctors, some surgeons to treat them? They are victims, helpless victims, who are trying to put their lives back together. I think it is money well spent.

I have a friend of mine named Molly Melching. Molly Melching is in Senegal. She was in the Peace Corps there, and after her service in the Peace Corps she decided to stay on. She has created an organization called Tostan. Tostan is trying to stop the ritualistic genital mutilation of girls. It is horrible, and it is dangerous. Village by village, tribe by tribe, Molly is making progress, and I think that is the right thing to do, for the dignity of these young girls and for the role of women in these African societies. Is it worth money from the United Nations Population Fund? I think it is.

And voluntary family planning, we have ascribed to that particular goal in America, that women should have a choice to plan their families with their spouse and with their conscience. I think the same thing, short of abortion, should be available through the United Nations Population Fund. Unfortunately, the Wicker amendment strikes the language which permits funding for those purposes. It is not right.

We know you cannot spend the money here for coercive abortion, we

know you cannot spend the money here for involuntary sterilization, we know if you spend the money in China we are going to take it away from the United Nations.

This amendment goes too far. I urge my colleagues, particularly those who are of a persuasion that opposes abortion and believe they should oppose it in every circumstance, give women in the poorest countries on Earth the option of voluntary family planning. Do something for these poor women who have been victimized by rape and war, and these young pregnancies that unfortunately cause so much damage to their bodies. Give them a chance to put their lives back together. Also, when it comes to genital mutilation, the United Nations should be in the forefront of promoting modern treatment of women and not leave ourselves in the distant dark past of these tribal customs. I am sure Senator WICKER does not intend for this to happen, but I am afraid that is the result of it.

I urge my colleagues to oppose the Wicker amendment.

ORDER OF PROCEDURE

Mr. DURBIN. Madam President, I ask unanimous consent that a vote with respect to amendment No. 607, as modified, occur at 12:10—that is the Wicker amendment; that there be 45 minutes of debate with respect to the amendment prior to the vote, equally divided and controlled between the leaders or their designees, that no amendment be in order on the amendment prior to a vote in relation thereto.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

OMNIBUS APPROPRIATIONS ACT, 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1105, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

Wicker modified amendment No. 607, to require that amounts appropriated for the United Nations Population Fund are not used by organizations which support coercive abortion or involuntary sterilization.

Thune modified amendment No. 635, to provide funding for the Emergency Fund for Indian Safety and Health, with an offset.

Murkowski amendment No. 599, to modify a provision relating to the repromulgation of final rules by the Secretary of the Interior and the Secretary of Commerce.

Cochran (for Kyl) amendment No. 634, to prohibit the expenditure of amounts made available under this Act in a contract with any company that has a business presence in Iran's energy sector.

Cochran (for Inhofe) amendment No. 613, to provide that no funds may be made available to make any assessed contribution or voluntary payment of the United States to the United Nations if the United Nations implements or imposes any taxation on any United States persons.

Cochran (for Crapo (and others) amendment No. 638, to strike a provision relating to Federal Trade Commission authority over home mortgages.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, I ask unanimous consent I may speak for 10 minutes as in morning business.

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

Mr. SPECTER. I have sought recognition to comment about the pending bill. As I reflect on it, I am speaking on the bill and do not need to put it in morning business. It is on the bill itself.

I note the majority leader has filed a motion for cloture and it is scheduled for 9:30 tomorrow. We may vote on it today. But whenever we vote on it, there are some observations I have. I want to give my thinking on the issue. My current inclination is to vote against cloture because there has been insufficient time to offer amendments.

This omnibus bill contains most of the budget process and there are a great many amendments pending. I compliment the majority leader for moving from the position of blocking all amendments. We have had considerable discussion last year, and even before that, about a practice of majority leaders taking procedural steps known as—there is an arcane procedure, inside-the-beltway talk—filling the tree, stopping amendments being offered and then moving to cloture. I have opposed cloture and have urged that regular order be followed in allowing amendments to be offered.

The unique feature about the Senate is that any Senator can offer virtually any amendment at virtually any time on virtually any bill. That, plus unlimited debate, makes this a very extraordinary body where we can focus public attention on important matters of public policy and acquaint the public with what is going on and seek to improve our governance.

The majority leader has objected to quite a number of amendments coming up. Looking over the list, there are quite a number of amendments which I believe merit consideration. Senator GRASSLEY has tried to advance amendment No. 628. He did again this morning. There was an objection raised to it.

Senator SESSIONS has sought to offer amendment No. 604 and he has been blocked on four occasions from offering this amendment on the economic stimulus.

Senator VITTER has a number of amendments, one of which is amendment No. 636, involving drug reimportation from Canada.

Senator ENSIGN has amendment No. 615, cosponsored by Senator VOINOVICH, Senator KYL, Senator DEMINT, Senator BROWNBACK, and Senator CORNYN, which would deal with a subject where they are seeking to have a vote.

I do not necessarily agree with all of these amendments. In fact, as I review them, there are some I disagree with. But I believe Senators ought to have an opportunity to offer amendments.

Yesterday the Senate voted on an issue involving Emmett Till, and many Senators voted against that amendment, as I understand it, to avoid having an amendment agreed to on the omnibus which would require a conference with the House of Representatives. I think it is something we ought to decide on the merits, as to the amendment, without respect to having a conference.

Regular order under our legislative process is to exercise our judgment on amendments. Then, if the Senate bill is different from the House bill, if an amendment is agreed to, then you have a conference. That is the way we do business. That is regular order. To determine how you are going to vote on an amendment in order to avoid a conference seems to me to be beside the point.

If there were some emergency, some reason to avoid a conference, perhaps so. But there is time to have a Senate bill which disagrees with the House bill and to have a conference and iron it out on regular order. Whenever we depart from regular order, it seems to me, we run into potential problems. The institutions of the Senate have been crafted over centuries. The Senate is smarter than I am, certainly, and perhaps smarter than other Senators. But I think we ought to follow the regular order. That is why I am disinclined to vote for cloture.

I know the majority leader wants to move this bill, but we have time to take up these amendments. If we move on into additional sessions of the Senate later this week, later tonight, later next week, then I think that is what ought to be done and Senators ought to have an opportunity to offer these amendments.

In the absence of any other Senator seeking recognition, 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. LEAHY. 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. LEAHY. What is the parliamentary situation?

The PRESIDING OFFICER. At 11:25 the Senate will begin 45 minutes of debate on amendment No. 607, and the time will be equally divided.

Mr. LEAHY. Are we still in morning business?

The PRESIDING OFFICER. No, the Senate is on the bill.

Mr. LEAHY. Madam 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. LEAHY. Madam 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. 607

Mr. LEAHY. Madam President, I understand that we are on the Wicker amendment. I have listened to the statements made about it. It is hard to understand what the real purpose of the amendment is, although the junior Senator from Mississippi says the purpose is as follows: To require that amounts appropriated for the United Nations Population Fund are not used by organizations which support coercive abortion or involuntary sterilization.

I do not know anybody who would disagree with that. But apparently he believes that his amendment is necessary to prevent funds from being used for coercive abortion or involuntary sterilization. Let me state what is in the bill, because it is the same as current law. It already prohibits funds for abortions of any kind, whether coercive or otherwise. No funds in this bill can be used for abortion. So the amendment is unnecessary for that purpose.

His amendment prohibits funds for involuntary sterilization. Well, none of us is going to permit the use of Federal funds for involuntary sterilization. I urge him to read the bill. We already prohibit that. So the amendment is unnecessary for that purpose.

Actually, if he is on the floor, I would urge him to declare victory and withdraw his amendment. Long before he was in the Senate, we were already prohibiting the things he wants to prohibit.

His amendment also prohibits funds for the U.N. Population Fund for a program in China. Well, again, our bill already does that. We already prohibit explicitly any funds being used in China by the U.N. Population Fund.

His amendment says we should put funds for the U.N. Population Fund in a separate account and not commingle them with other sums. We already do that. Again, there is no need for it.

His amendment prohibits funds to the U.N. Population Fund unless it does not fund abortion. Well, the bill already says that. For the RECORD, the U.N. Population Fund has always had a policy of not supporting abortion. In fact, there is not a shred of evidence that it ever did. It supports the same voluntary family planning and health programs the United States Agency for International Development does, but it does it in about 97 more countries than the United States Agency for International Development does.

The amendment by the Senator from Mississippi would deduct, dollar for dollar, from the U.N. Population Fund for a program it spends in China. The bill already does that. So for all practical purposes, the amendment of the junior Senator from Mississippi does nothing that the bill already does not do, with one exception.

His amendment would also strike the six limited purposes that are specified in the bill for which funds are made available to the U.N. Population Fund. For example, he would strike the funds that are provided ''to promote the abandonment of female genital mutilation and child marriage.'' Why would we want to cut programs to help encourage an end to child marriage? Is there anybody in the Senate in favor of child marriage? Is there anyone in the Senate in favor of female genital mutilation? I find it amazing I have to even come to the floor to talk about this. Yet his amendment would remove the funds we provide to try to stop child marriage and female genital mutilation. Why should we vote for something like that?

Why should we prohibit funding to reduce the incidence of child marriage in countries where girls as young as 9 years old are forced to marry men they have never met, sometimes five times their age, who then abuse them?

The bill also provides funds to prevent and treat obstetric fistula. For those who are not familiar with this, it is a terrible, debilitating condition that can destroy the life of any woman who suffers from it. But it can be treated with surgery.

I ask unanimous consent that a February 24 article in the New York Times on obstetric fistula be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. LEAHY. Why we would want to prohibit funds to save the lives of women who otherwise could die or be painfully debilitated for the rest of their lives, I cannot understand. None of us would hesitate for a moment to provide funds to help someone in our family who might be in this condition. I see the Senator from Mississippi on the floor. His amendment prohibits funds to the U.N. Population Fund for that.

The bill provides funds to reestablish maternal health care in areas where medical facilities and services have been destroyed or limited by natural disasters, armed conflict or other factors, such as in Pakistan after the earthquake that destroyed whole villages. Why would we not want to support maternal health care? Any one of us, be it our sisters and daughters, our wives, we would want them to access to these medical services. Or in Congo, where armed conflict has destroyed what limited health services existed and where thousands of women and girls have been raped, some barely old enough to walk. This bill provides funds for programs to help them. The amendment of the Senator from Mississippi would prohibit funding for the U.N. Population Fund for that.

Funds are provided to promote access to clean water, sanitation, food and health care for poor women and girls. His amendment would prohibit that. I have traveled to different parts of the world. I have seen the differences in the lives of women and young girls that are made with these programs. The Senator prohibits that.

The U.S. Agency for International Development has these types of programs in 53 countries, but the U.N. Population Fund works in about 150 countries. If you live in the Republic of the Congo or the Central African Republic, two of the poorest countries in Africa, and you are a 16-year-old girl with obstetric fistula, you are out of luck because USAID does not have programs there. That is why we fund the U.N. program. If you have a 7-year-old daughter who has been raped there, we don't have a program to help her. But we give funds to the U.N. to help her. The amendment of the Senator from Mississippi would stop that.

If you live in Niger or Mauritania, where genital mutilation is common, or in Sri Lanka where child marriage is common, we don't have funds there, but we give funds to the U.N. to help.

The Senator's amendment creates a problem where there is none. It denies funding to address the basic needs of poor women and girls who are subjected to practices that would be crimes in this country.

Our law already prohibits funds for abortion of any kind, whether coercive or voluntary. We already prohibit funds for involuntary sterilization. We prohibit funds for the U.N. Population Fund's program in China. We have already done all these things. But we do provide funds to help girls who are being forced into marriages at the age of 9. We do support care for women who suffer from these debilitating conditions. We do have funds for maternal care, clean water, and voluntary family planning. But if the amendment of the junior Senator from Mississippi is agreed to, we would prohibit those funds in many parts of the world.

I yield the floor and reserve the remainder of my time.

EXHIBIT 1

[From the New York Times, Feb. 24, 2009]

AFTER A DEVASTATING BIRTH INJURY, HOPE

(By Denise Grady)

DODOMA, TANZANIA.—Lying side by side on a narrow bed, talking and giggling and poking each other with skinny elbows, they looked like any pair of teenage girls trading jokes and secrets.

But the bed was in a crowded hospital ward, and between the moments of laughter, Sarah Jonas, 18, and Mwanaidi Swalehe, 17, had an inescapable air of sadness. Pregnant at 16, both had given birth in 2007 after labor that lasted for days. Their babies had died, and the prolonged labor had inflicted a dreadful injury on the mothers: an internal wound called a fistula, which left them incontinent and soaked in urine.

Last month at the regional hospital in Dodoma, they awaited expert surgeons who

would try to repair the damage. For each, two previous, painful operations by other doctors had failed.

''It will be great if the doctors succeed,'' Ms. Jonas said softly in Swahili, through an interpreter.

Along with about 20 other girls and women ranging in age from teens to 50s, Ms. Jonas and Ms. Swalehe had taken long bus rides from their villages to this hot, dusty city for operations paid for by a charitable group, Amref, the African Medical and Research Foundation.

The foundation had brought in two surgeons who would operate and teach doctors and nurses from different parts of Tanzania how to repair fistulas and care for patients afterward.

''This is a vulnerable population,'' said one of the experts, Dr. Gileard Masenga, from the Kilimanjaro Christian Medical Center in Moshi, Tanzania. ''These women are suffering.''

The mission—to do 20 operations in four days—illustrates the challenges of providing medical care in one of the world's poorest countries, with a shortage of doctors and nurses, sweltering heat, limited equipment, unreliable electricity, a scant blood supply and two patients at a time in one operating room—patients with an array of injuries, from easily fixable to dauntingly complex.

The women filled most of Ward 2, a long, one-story building with a cement floor and two rows of closely spaced beds against opposite walls. All had suffered from obstructed labor, meaning that their babies were too big or in the wrong position to pass through the birth canal. If prolonged, obstructed labor often kills the baby, which may then soften enough to fit through the pelvis, so that the mother delivers a corpse.

Obstructed labor can kill the mother, too, or crush her bladder, uterus and vagina between her pelvic bones and the baby's skull. The injured tissue dies, leaving a fistula: a hole that lets urine stream out constantly through the vagina. In some cases, the rectum is damaged and stool leaks out. Some women also have nerve damage in the legs.

One of the most striking things about the women in Ward 2 was how small they were. Many stood barely five feet tall, with slight frames and narrow hips, which may have contributed to their problems. Girls not fully grown, or women stunted by *malnutrition*, often have small pelvises that make them prone to obstructed labor.

The women wore kangas, bolts of cloth wrapped into skirts, in bright prints that stood out against the ward's drab, chipping paint. Under the skirts, some had kangas bunched between their legs to absorb urine.

Not even a curtain separated the beds. An occasional hot breeze blew in through the screened windows. Flies buzzed, and a cat with one kitten loitered in the doorway. Outside, kangas that had been washed by patients or their families were draped over bushes and clotheslines and patches of grass, drying in the sun.

Speaking to doctors and nurses in a classroom at the hospital, Dr. Jeffrey P. Wilkinson, an expert on fistula repair from Duke University, noted that women with fistulas frequently became outcasts because of the odor. Since July, Dr. Wilkinson has been working at the Kilimanjaro Christian Medical Center, which is collaborating with Duke on a women's health project.

''I've met countless fistula patients who have been thrown off the bus,'' he said. ''Or their family tells them to leave, or builds a separate hut.''

For the women in Ward 2, the visiting doctors held out the best hope of regaining a normal life.

Fistulas are a scourge of the poor, affecting two million women and girls, mostly in sub-Saharan Africa and Asia—those who cannot get a *Caesarean section* or other medical help in time. Long neglected, fistulas have gained increasing attention in recent years, and nonprofit groups, *hospitals* and governments have created programs, like the one in Dodoma, to provide the surgery.

Cure rates of 90 percent or more are widely cited, but, Dr. Wilkinson said, ''That's not a realistic number.''

It may be true that the holes are closed in 90 percent of patients, but even so, women with extensive damage and scarring do not always regain the nerve and muscle control needed to stay dry, Dr. Wilkinson said.

Ideally, fistulas should be prevented, but prevention—which requires education, more hospitals, doctors and *midwives*, and better transportation—lags far behind treatment. Worldwide, there are still 100,000 new cases a year, and most experts think it will take decades to eliminate fistulas in Africa, even though they were wiped out in developed countries a century ago. Their continuing presence is a sign that medical care for pregnant women is desperately inadequate.

''Fistula is the thing to follow,'' Dr. Wilkinson said. ''If you find patients with fistula, you'll also find that mothers and babies are dying right and left.''

The day before her surgery, Ms. Jonas sat on her bed, anxiously eyeing the other women as they were wheeled back from the operating room. Some vomited from the anesthesia, and she found it a distressing sight.

Ms. Jonas said that when she was 16, she became intimate with a 19-year-old boyfriend, without realizing that sex could make her pregnant. It quickly did. Her labor went on for three days. By the time a Caesarean was performed, it was too late. Her son survived for only an hour, and she developed a fistula, as well as nerve damage in one leg that left her with an awkward gait.

Her boyfriend denied paternity and married someone else, and some friends abandoned her because she was wet and smelled. She was living in a rural village in a two-room mud hut with her parents, two sisters and a brother. She had one year of education and could not read or write, but said that she hoped to go to school again someday.

The operating room in Dodoma had just enough room for two operating tables, separated by a green cloth screen. Two at a time, the patients, wearing bedsheets they had draped as gracefully as their kangas, walked in. Some were so short that they needed a set of portable steps to climb up onto the table.

The women had an anesthetic injected into their spines to numb them below the waist, and then their legs were lifted into stirrups. Awake, they lay in silence while the doctors worked, Dr. Masenga at one table and Dr. Wilkinson at the other, each surrounded by other doctors who had come to learn.

An air-conditioner put out more noise than air. Flies circled, sometimes lighting on the patients. A mouse scurried alongside the wall. There were none of the beeping monitors that dominate operating rooms in the United States. Periodically, a nurse would take a blood pressure reading.

Midway through the first operation the power failed, and the lights went out. Dr. Wilkinson put on a battery-powered headlamp and kept working, but Dr. Masenga had to depend on daylight. Their scrubs and gowns grew dark with sweat.

Most fistula surgery is performed through the vagina, and can take anywhere from 30 minutes to several hours. It involves more than simply sewing a hole shut: delicate dissection is needed to loosen nearby tissue so that there will not be too much tension on the stitches, and sometimes flaps of tissue must be cut and sculpted to patch or replace a missing or damaged area. It can take several weeks to tell how well the operation worked.

At the end of the week in Dodoma, the surgeons said that of the 20 operations, some were straightforward and easy, and a few seemed likely to fail. Three patients needed such complicated repairs that they were referred to the Kilimanjaro medical center.

At first, it seemed as if Ms. Jonas's operation had worked, while Ms. Swalehe's outlook was uncertain. Shortly after their surgeries, the two young women were violently ill. Ms. Swalehe wept from pain when the surgeons came in to check on her. But both women were smiling the next day, hoping for the best. (Ultimately, Ms. Jonas's surgery failed, and Ms. Swalehe's succeeded.)

One day after the last operation, the fistula surgeons moved on, already thinking about the countless new cases that awaited them.

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will be charged equally to both sides.

The Senator from Mississippi.

Mr. WICKER. Madam President, if I could understand the order, do I understand that the time is equally divided between the proponents and opponents of the amendment and that we are to vote at approximately 10 after noon; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WICKER. If I may, let me begin the debate. I understand Senator BROWNBACK and others may be coming also. I had, frankly, understood the debate would begin later so I rushed over from a hearing.

The Senator from Vermont has questioned the necessity of this amendment. Actually, I will point out to my colleagues that what the Wicker amendment does is restore the Kemp-Kasten provision that has been a part of the foreign policy of this Nation for almost a quarter century. It has worked well under Republican and Democratic administrations. I submit it would be wrong to change that policy at this point.

What does Kemp-Kasten say? Kemp-Kasten says Federal funds, American taxpayer dollars, should not go to fund coercive abortion practices or involuntary sterilization practices. It prohibits the appropriation of American dollars to organizations involved in such activities. But it has always made provision that the President of the United States has the right to investigate and certify whether these organizations have been engaged in practices involving coercive family planning activities.

Should my amendment pass, President Obama would have the same authority President Reagan, President Bush 1, President Bush 2, and President Clinton had to make this certification. In other words, the Wicker amendment keeps the Federal policy as it has been, and the underlying bill would amount to a dramatic shift in foreign policy.

Why do we need the amendment to begin with? I quote from a letter, dated June 26, 2008, from John D. Negroponte,

the Deputy Secretary of State, to Representative ILEANA ROS-LEHTINEN on this question, wherein he writes:

As reflected in the law and as a matter of longstanding policy, the United States opposes coercive abortion and involuntary sterilization.

Let me interject at this point. Certainly, that should still be the policy of the United States. That should always be the policy of this Federal Government, that we oppose coercive abortion and involuntary sterilization.

The letter goes on:

I have determined that by providing financial and technical resources through its sixth cycle China Country Program to the National Population and Family Planning Commission and related entities, UNFPA provides support for and participates in management of the Chinese government's program of coercive abortion and involuntary sterilization. If that is true, this Senate, this Congress has no business taking hard-earned tax dollars from taxpayers and sending them to UNFPA, if it, indeed, is true that they participate in the management of this coercive Chinese program.

If it is not true, the President will be able to make a determination. But if he investigates the question and finds that such coercion is still being practiced in China and if American dollars, through UNFPA, are being used to assist the program, then I would hope he would truthfully make the determination and, once again, it would not be a matter of the U.S. taxpayer funding such awful practices.

Now, let me read, then, from the Analysis of Determination that Kemp-Kasten Amendment Precludes Funding to UNFPA, which was attached to Secretary Negroponte's letter.

The analysis says:

China's birth limitation program retains harshly coercive elements in law and practice, including coercive abortion and involuntary sterilization.

That is what this debate is about. Do we want tax dollars of American workers to go for coercive abortion and involuntary sterilization?

The analysis goes on to say:

These measures include the implementation of birth limitation regulations, the provision of obligatory contraception services, and the use of incentives and penalties to induce compliance.

Further quoting:

[I]t is the provinces that establish detailed birth limitation policies by regulation, enforce their compliance and punish noncompliance.

Quoting from the second page of this analysis:

China's birth limitation program relies on harshly coercive measures, such as so-called ''social maintenance'' fees . . . the threat of job loss or demotion, loss of access to education—

If Chinese citizens do not comply with these harsh measures—

extreme social pressure, and economic incentives.

In families that already have two children, one parent is often pressured to undergo sterilization.

On the third page:

Since fiscal year 2002, the Administration has reviewed annually UNFPA's program in China and determined that the U.S. cannot fund UNFPA in light of its support or participation in the management of China's program of coercive abortion or involuntary sterilization.

Let's be careful. I would say to my colleagues, let's be careful with American tax dollars. Let's keep the provision that allows the President of the United States to make this determination. If there is evidence to prove that American tax dollars would be used by the United Nations to fund these coercive practices, then, for God's sake, let's not allow the U.S. taxpayers to be a party to these abhorrent and coercive practices.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I rise to speak in favor of the Wicker amendment. I am very appreciative Senator WICKER has brought up this amendment. This is an issue we have debated for some time, the Kemp-Kasten language, although it has been in since 1985. Our colleagues have put it in there. One of the prime authors of that language, then-Congressman Kemp, is struggling with illnesses himself right now, and I certainly wish him and his family well. They have been in my prayers.

I want to put a personal feel and touch on this issue. This is a story about a young couple in China.

Yang Zhongchen was a small-town businessman, and he wined and dined three Government officials for permission to become a father. It is a story for which I am paraphrasing some pieces and others I am taking directly out of an AP story that was filed in 2007, to give you a texture of what we are talking about.

Here is a young, small-town businessman. He goes to Government officials, and he says: Look, I want to be a dad. I want to be a father. He wines and dines the local officials. ''But,'' as the AP writer writes, ''the Peking duck and liquor weren't enough. One night, a couple of weeks before [his wife's] date for giving birth, Yang's wife was dragged from her bed in a north China town and taken to a clinic, where, she says, her baby was killed by injection while still inside her.''

Quoting from her:

''Several people held me down, they ripped my clothes aside and the doctor pushed a large syringe into my stomach,'' says Jin Yani, a shy, petite woman with a long ponytail. ''It was very painful. . . . It was all very rough.''

Some 30 years after China decreed a general limit of one child per family, resentment still brews over the state's regular and sometimes brutal intrusion into intimate family matters. Not only are many second pregnancies aborted, but even to have one's first child requires a license.

Seven years after the dead baby was pulled from her body with forceps, Jin remains traumatized and, the couple and a doctor say, unable to bear children. Yang and Jin have made the rounds of government offices pleading for restitution—[all] to no avail.

This is a 2007 Associated Press story which I ask unanimous consent be printed at the end of my statement.

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

(See exhibit 1.)

Mr. BROWNBACK. Madam President, there is no reason to change this Kemp-Kasten language we have had since 1985. There is every reason to keep it, to provide this Presidential discretion. I have held hearings in the Senate where we have had people come in who have gone undercover in investigating forced abortions and sterilizations in China who have come back with traumatic and dramatic stories about this continuing to take place. It should not continue to take place, and it certainly should not happen with any sort of support—tacit, implicit, or actual, or financial—from the U.S. Government.

Clearly, the U.S. citizenry would be completely opposed to doing anything like this, and in tough budgetary times, this certainly does not help our economy grow. It is a policy people broadly oppose of any sort of support for forced abortions or sterilizations. It is something for which there would probably be 90 percent agreement in this country that we should not fund or support forced sterilizations or abortions anywhere—probably 95 percent. Maybe it is 98 percent.

So this policy that has stood since 1985 has broad bipartisan support. Why would we change it at this point in time, with the financial difficulties we have, the broad bipartisan support that it is not the right way to go, and the continued evidence that this continues to be the case today in places such as China and other countries around the world?

I do not see the reason why we would want to go a different way. It does not make any sense to me we would want to go a different way. I think this is not a good foreign policy for the United States to be engaged in. I do not think it is a policy the American taxpayers support.

I think if we would actually do some thorough digging throughout China—where many of these decisions are made and the actions are actually happening at the provincial level—we would find a lot more of this going on than we would care to know about because a number of these quota numbers are given to local officials who do not have much oversight on a national basis, and so they act on their own accord, and then a lot of bad things happen. We would not want to be anywhere near any of that. The American people do not want us anywhere near any of that.

For those reasons, I would urge my colleagues to look at this. This is a time-honored policy that has served us well. Support Senator WICKER's language that reinstates Kemp-Kasten, language that has stood us well in the test of time, and let's not go down a

different road that is going to be harmful to a lot of people and is disagreed to by the American public.

I yield the floor.

EXHIBIT 1

[From the Associated Press, Aug. 30, 2007]

CHINESE VICTIMS OF FORCED LATE-TERM ABORTION FIGHT BACK

(By Alexa Olesen)

QIAN'AN, CHINA.—Yang Zhongchen, a small-town businessman, wined and dined three government officials for permission to become a father.

But the Peking duck and liquor weren't enough. One night, a couple of weeks before her date for giving birth, Yang's wife was dragged from her bed in a north China town and taken to a clinic, where, she says, her baby was killed by injection while still inside her.

''Several people held me down, they ripped my clothes aside and the doctor pushed a large syringe into my stomach,'' says Jin Yani, a shy, petite woman with a long ponytail. ''It was very painful. . . . It was all very rough.''

Some 30 years after China decreed a general limit of one child per family, resentment still brews over the state's regular and sometimes brutal intrusion into intimate family matters. Not only are many second pregnancies aborted, but even to have one's first child requires a license.

Seven years after the dead baby was pulled from her body with forceps, Jin remains traumatized and, the couple and a doctor say, unable to bear children. Yang and Jin have made the rounds of government offices pleading for restitution—to no avail.

This year, they took the unusual step of suing the family planning agency. The judges ruled against them, saying Yang and Jin conceived out of wedlock. Local family planning officials said Jin consented to the abortion. The couple's appeal to a higher court is pending.

The one-child policy applies to most families in this nation of 1.3 billion people, and communist officials, often under pressure to meet birth quotas set by the government, can be coldly intolerant of violators.

But in the new China, economically powerful and more open to outside influences, ordinary citizens such as Yang and Jin increasingly are speaking out. Aiding them are social campaigners and lawyers who have documented cases of forced abortions in the seventh, eighth or ninth month.

Chen Guangcheng, a self-taught lawyer, prepared a lawsuit cataloguing 20 cases of forced abortions and sterilizations in rural parts of Shandong province in 2005, allegedly carried out because local officials had failed to reach population control targets.

Chen, who is blind, is serving a prison sentence of three years and four months which his supporters say was meted out in retaliation for his activism.

Many countries ban abortion after 12 or sometimes 24 weeks of pregnancy unless the mother's life is at risk. While China outlaws forced abortions, its laws do not expressly prohibit or even define late-term termination.

A FAMILY UNPLANNED

Jin, an 18-year-old high school dropout from a broken home, met 30-year-old Yang, a building materials supplier, in September 1998. They moved in together. A year and a half later, in January or February 2000, they discovered Jin was pregnant but couldn't get married right away because she had not reached 20, the marriage age.

After her birthday in April, Jin bought porcelain cups for the wedding and posed for studio photos. On May 5, they were married.

Now all that was missing was the piece of paper allowing them to have a child. So about a month before Jin's due date, her husband Yang set out to curry favor with Di Wenjun, head of the neighborhood family planning office in Anshan, the couple's home town about 190 miles east of Beijing.

He faced a fine of $660 to $1,330 for not having gotten a family planning permit in advance, so he treated Di to the Peking duck lunch on Aug. 15, 2000, hoping to escape with a lower fine since this was his first child.

The next day he paid for another meal with Di and the village's Communist Party secretary and accountant.

He said the mood was cordial and that the officials toasted him for finding a young wife and starting a family.

''They told me 'We'll talk to our superiors. We'll do our best. Wait for our news.' So I was put at ease,'' Yang said.

But three weeks later, on Sept. 7, when Yang was away opening a new building supplies store, Jin was taken from her mother-in-law's home and forced into having the abortion.

Why had the officials failed to make good on their assurances? One of Yang's two lawyers, Wang Chen, says he believes it was because no bribe was paid.

''Dinner is not enough,'' Wang said. ''Nothing gets done without a bribe. This is the situation in China. Yang was too naive.''

Di, who has since been promoted to head of family planning for all of Anshan township, could not be reached. Officials who answered his office phone refused to take a message and gave a cell phone number for him that was out of service.

LATE-TERM PROCEDURES DECLINE

Zhai Zhenwu, a sociology professor at the People's University Institute of Demographic Studies in Beijing, said that while forced, late-term abortions do still occur sporadically, they have fallen sharply.

In the late '80s and early '90s, he said, some family planning officials ''were really radical and would do very inappropriate things like take your house, levy huge fines, force you into procedures.''

Things have improved since a propaganda campaign in 1993 to make enforcement more humane and the enactment of the family planning law in 2001, he said. Controls have been relaxed, allowing couples in many rural areas to have two children under certain conditions.

Still, Radio Free Asia reported this year that dozens of women in Baise, a small city in the southern province of Guangxi, were forced to have abortions because local officials failed to meet their population targets.

In the province's Bobai county, thousands of farmers rioted in May after family planners levied huge fines against people with too many children. Those who didn't pay were told their homes would be demolished and their belongings seized.

Yang and Jin are suing the Family Planning Bureau in their county of Changli for $38,000 in medical expenses and $130,000 for psychological distress.

But it's not about the money, said Yang, a fast-talking chain-smoker. No longer able to afford to run his business, he now works as a day laborer in Qian'an, an iron mining town east of Beijing.

''What I want is my child and I want the court to acknowledge our suffering,'' he said.

A family planning official in Changli justified Jin's abortion on the grounds she lacked a birth permit. The woman, who would only give her surname, Fu, said no one in the clinic was punished for performing the procedure.

CONTRADICTORY EVIDENCE

The National Population and Family Planning Commission, the agency overseeing the one-child policy, says it is looking into Jin and Yang's case. Meanwhile, the evidence appears contradictory.

Jin's medical records include a doctor's certificate from 2001, the year after the abortion, confirming she could not have children. Doctors in Changli county say they examined her in 2001 and 2002 and found nothing wrong with her.

The court ruling says Jin agreed to have the operation. Jin says the signature on the consent form is not hers but that of Di, the official her husband courted.

Sun Maohang, another of the Yangs' lawyers, doubts the court will rule for the couple lest it encourage further lawsuits. But he hopes the case will stir debate and lead to clearer guidelines on abortion.

As she waits for the next round in court, Jin says she is too weak to work and has been celibate for years because sex is too painful.

Her husband prods her to tell her story, but during an interview she sits silent for a long time and finally says she doesn't want to talk about the past because it's too sad.

Then she quietly insists the lawsuit is something she has to do for Yang Ying, the baby girl she carried but never got to see or hold.

Mr. BROWNBACK. 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. WICKER. 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. WICKER. Madam President, may I inquire of the Chair as to how the remainder of time will be divided?

The PRESIDING OFFICER. The Senator from Mississippi has 2½ minutes, and the Senator from Vermont has 10 minutes.

Mr. WICKER. I thank the Chair.

I would inquire of the Senator from Vermont if he has further speakers?

Mr. LEAHY. Madam President, responding on the time of the Senator from Mississippi, I believe there may be some, and we are trying to ascertain that right now. I know I am going to speak some more.

Mr. WICKER. Reclaiming my time, I await their remarks, and I yield the floor at this time.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Madam President, how much time is left on both sides?

The PRESIDING OFFICER. There remains 1 minute 45 seconds for the Senator from Mississippi, and 10 minutes for the Senator from Vermont.

Mr. LEAHY. Madam President, it is hard to respond to all the things that have been misstated about the amendment before us.

For one thing, the bill before us does not change the Kemp-Kasten amendment. You can find it on page 763 of the bill. It is in the bill. In fact, let me read what it says:

Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the

President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization.

So there is no need to pass the amendment of the Senator from Mississippi to put that language in—I suppose we could just print it twice—it is already in there.

Mr. WICKER. Madam President, I wonder if the Senator from Vermont will yield on that point?

Mr. LEAHY. Madam President, I will yield on the time of the Senator from Mississippi.

Mr. WICKER. Well, I do not ask for that, Madam President. Now, I asked if the Senator will yield on his time. I yielded to him on my time just a moment ago.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. LEAHY. Madam President, I have heard it said several times that we should not spend U.S. taxpayer dollars on coercive abortion. I agree with the Senator from Mississippi. We should not. I have taken that position. I have been chairman or ranking member of the Foreign Operations Subcommittee several times. I have always taken that position. We should not, we don't, we never have. It is prohibited in the bill—Republicans and Democrats have always agreed about that. I don't know how many times we have to say it.

I am reminded of Senator Mark Hatfield, a revered member of the Republican Party and a former chairman of the Appropriations Committee. I know of no stronger pro-life opponent of abortion, but there is also no stronger pro-life proponent of family planning. He knows that if there are voluntary family planning services, you are most apt to avoid unwanted pregnancies and thus avoid abortion.

Now, we have heard Senators say: Well, we don't want to use taxpayer money for coerced abortions. You can't. There is no money in here with which it can be done. We specifically prohibit that.

But let me repeat for my colleagues what this amendment does do. The Wicker amendment removes funds we have in here for UNFPA to promote the abandonment of female genital mutilation and child marriage. The funds can be used in countries where we don't have USAID programs, to help prevent child marriage. The Senator from Mississippi would remove those funds. I have listened to some of the harrowing stories: 7, 8 or 9 year-old girls forced into marriage. We ought to all unite to try to stop that, but the Senator from Mississippi takes out the funds that can be used to try to stop that.

Obstetric fistula—anybody who is familiar with that knows how terrible it is, a debilitating condition that can destroy the life of any woman who suffers from it, but it can be cured by surgery. If any member of our family was faced with that, of course they would have the surgery to fix it. The funds are not there, not available in many countries. But there are funds in the bill so UNFPA can help women with that terrible condition. The amendment of the Senator from Mississippi takes that money out. I can't support something like that.

We have funds in the bill to reestablish maternal health care in areas where medical facilities and services have been destroyed or limited by natural disasters. We put in funds to rebuild those health services, but the amendment of the Senator from Mississippi takes that money out.

We are talking about countries where the average person doesn't earn even $100 a year. We ought to think about it, as the wealthiest, most powerful Nation on Earth, where there is a certain God-given moral duty to help people less privileged, but the amendment of the Senator from Mississippi takes that money out.

Are we concerned with coercion and forced abortion in China, as the Senator from Mississippi and the Senator from Kansas said? Of course. I have no doubt that they find that morally repugnant. I totally agree with the Senator from Mississippi. I totally agree with him that forced abortions are wrong. I totally agree with the Senator from Kansas about that. That is why, when Senator GREGG and I brought this bill to the Appropriations Committee, we prohibited any funds going to China. We prohibit any funds for abortion. We prohibit those things. It is not correct to suggest otherwise.

I don't know what kind of political points are made by bringing up this kind of an amendment, but explain those political points to the mother of a 5-year-old who has been raped in the Congo. Explain those political points to a mother, herself a child, who is giving birth and now has the problem of obstetric fistula, and we can't do anything to help her. Explain it to those families in war-ravaged countries where the U.S. does not have programs. Explain to them when they ask: Why can't you help us—a wealthy nation like America—why can't you help us? And the answer is because we are making a political point.

I don't accept that. I oppose this amendment with every fiber of my body.

How much time is remaining?

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Vermont has 1 minute remaining.

Mr. LEAHY. How much time on the other side?

The PRESIDING OFFICER. There is 1 minute 45 seconds remaining.

The Senator from Mississippi is recognized.

Mr. WICKER. Madam President, I am prepared to close, and I assume the Senator from Vermont will do so also.

The Senator from Vermont says the money in this bill will go to sanitization, to protect against child marriage, to protect against female genital mutilation, to promote maternal health care. No one objects to that. If the President of the United States, under the Wicker amendment and under the 25-year-old Kemp-Kasten provision, can certify that such organizations do not promote coercion in the name of family planning, then the money will go to these worthy causes. The question is, Why does the Senator from Vermont and the people who agree with him on this issue not trust the President of their own political party to make a determination?

Now, the Senator says that the Kemp-Kasten language is still in the bill. I would submit that, in fact, is not true. The bill purports to retain Kemp-Kasten, but it goes on to say that funds will be directed to the United Nations Population Fund ''notwithstanding any other provision of law.'' I say to my friend from Vermont, that is the change in the law that guts Kemp-Kasten, that changes 23 years to 25 years of Federal policy and allows U.S. taxpayer dollars to be spent for coercive sterilization, for forced abortion, and that is the issue. Yes, Kemp-Kasten is purported to be in the bill, and then it is gutted in the next paragraph.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I believe women around the world should have access to safe health care that will help them plan their families and stay free of diseases.

These are basic rights. That is why I rise in opposition to the amendment being offered by Senator WICKER to block funding to the United Nations Population Fund.

In the developing world, ''complications from pregnancy'' is still one of the leading causes of death for women.

More than half a million women die each year—one every minute—from preventable complications of pregnancy and childbirth.

Madam President, 201 million women can not get access to safe, modern contraception even w en they want it, and 6,800 new cases of HIV occur every day.

With its mission ''to ensure that every pregnancy is wanted, every birth is safe, every young person is free of HIV/AIDS, and every girl and woman is treated with dignity and respect,'' the United Nations Population Fund is working every day to make things better.

For nearly 40 years, UNFPA has provided more than $6 billion in aid to about 150 countries for voluntary family planning and maternal and child health care.

They are helping more women survive childbirth.

They are providing contraceptives to help women plan their families and stay free of HIV/AIDS.

They are promoting access to basic services, including clean water, sanitation facilities, food, and health care for poor women and girls.

Yet Senator WICKER and other supporters of this amendment would deny

women around the world this basic care because they believe misinformation that has been spread by antichoice lobbyists who say this fund would pay for coerced abortions.

The reality is that our government already prohibits any money from being used to fund coerced abortions. And, no U.S. money goes to China.

This bill actually continues that policy.

So all Senator WICKER'S amendment would do is prevent women around the world from getting access to basic health care services—services that we take for granted here in the United States.

All of us would agree that we want to see fewer abortions in the world. I certainly do not condone funding coercive abortion practices in China or anywhere else.

And I cannot accept that we would deny women life-saving care because of a dishonest lobbying campaign.

Not only is contributing to UNFPA the right thing to do—it is in our best interest.

By helping to lift families out of poverty, and slow the spread of disease, we can reduce conflicts and bring stability and hope to some of the most troubled regions in the world.

I am proud that President Obama is pledging to refund UNFPA after the previous administration consistently canceled funding for the agency.

I urge my colleagues to vote down the Wicker amendment.

So let me simply say that I believe that women around the world should have access to safe health care that will help them plan their families and stay free of diseases. These are basic rights, and that is why I oppose the amendment that is being offered by Senator WICKER to block funding to the United Nations Population Fund.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

Mr. LEAHY. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNS) and the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 39, nays 55, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—39

Alexander	Bayh	Bond
Barrasso	Bennett	Brownback
Bunning	Enzi	McCain
Burr	Graham	McConnell
Casey	Grassley	Murkowski
Chambliss	Gregg	Nelson (NE)
Coburn	Hatch	Risch
Cochran	Hutchison	Roberts
Corker	Inhofe	Shelby
Cornyn	Isakson	Thune
Crapo	Kyl	Vitter
DeMint	Lugar	Voinovich
Ensign	Martinez	Wicker

NAYS—55

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

NOT VOTING—5

Conrad	Kennedy	Sessions
Johanns	Landrieu	

The amendment (No. 607), as modified, was rejected.

Mr. LIEBERMAN. 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.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, at 1 o'clock today, Democrats and Republicans have been invited to the White House to work on health care. That is going to take 4 hours. There are Senators here who are going to be working. We have a number of Senators on our side who wish to speak on the five remaining amendments that have been offered. So we will continue to work on those.

What we are trying to work out with the minority staff is to have a series of votes starting at 5:30 this afternoon and then continue working through these amendments. I had a conversation with the Republican leader today, who suggested Senators SESSIONS and GRASSLEY had amendments. I have spoken with Senator GRASSLEY. Senator SESSIONS was not available. Senator GRASSLEY is trying to make a determination if he wants to offer the amendment. I had a conversation with him. So that is where we are.

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. Madam President, if I might add, if we could vote on all amendments that are now pending at 5:30 p.m., I think that would give us a better chance to figure out the way forward.

Mr. REID. Madam President, I say to my friend, if I didn't say that, that is what I wanted to say. I have had a number of people on my side—for example, I just spoke with Chairman KERRY. He is going to come and speak on the Kyl amendment. He will finish lunch and do that. Anyone who has speeches they want to give on these five amendments must come before 5:30 p.m. because we are going to enter into that agreement as soon as we can, which will be very quickly. We will have all those votes at 5:30 p.m. and decide anything else we have to do. We understand that. A number of people contacted me about amendments on my side and on the Republican side.

Mr. MCCONNELL. Madam President, let me add, I think at that point, we will be able to determine what additional amendments Members on my side wish to offer and figure out where we go from there.

The PRESIDING OFFICER. The Senator from Illinois.

(The remarks of Mr. BURRIS are printed in today's RECORD under ''Morning Business.'')

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

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

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

Mr. MCCAIN. Mr. President, I return to the floor to talk about this bill before us which includes 9,000 earmarks and a 1,844-page statement of managers that accompanies this 1,122 page bill. When the Congress establishes its funding priorities, it should do so decisively without cause for subjective interpretation or reference to material outside the bill passed by Congress and signed by the President. These funding priorities should have the binding force of law, subject only to the President's veto power.

Yet here we are with a statement of managers that totals 1,844 pages, including 775 pages identifying over 9,000 Members' earmark requests that are expected to be funded, although most of them are not contained in the bill text. Because they are conveniently not listed in the bill text, Members who question the merits of specific earmarks are unable to offer an amendment to specifically strike them.

They are wasteful. They should not be funded. I ask unanimous consent that the list be printed in the RECORD.

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

$1.7 million for pig odor research in Iowa; $2 million for the promotion of astronomy in Hawaii; $6.6 million for termite research in New Orleans; $2.1 million for the Center for Grape Genetics in New York; $650,000 for beaver management in North Carolina and Mississippi; $1 million for mormon cricket control in Utah; $332,000 for the design and construction of a school sidewalk in Franklin, Texas; $870,000 for wolf breeding facilities in North Carolina and Washington; $300,000 for the Montana World Trade Center; $1.7M ''for a honey bee factory'' in Weslaco, TX; $951,500 for Sustainable Las Vegas; $143,000 for Nevada Humanities to develop and expand an

online encyclopedia; $475,000 to build a parking garage in Provo City, Utah; $200,000 for a tattoo removal violence outreach program in the LA area; $238,000 for the Polynesian Voyaging Society in Honolulu, Hawaii; $100,000 for the regional robotics training center in Union, SC; $1,427,250 for genetic improvements of switchgrass; $167,000 for the Autry National Center for the American West in Los Angeles, CA; $143,000 to teach art energy; $100,000 for the Central Nebraska World Trade Center; $951,500 for the Oregon Solar Highway; $819,000 for catfish genetics research in Alabama; $190,000 for the Buffalo Bill Historical Center in Cody, WY; $209,000 to improve blueberry production and efficiency in GA; and $400,000 for copper wire theft prevention efforts.

$250,000 to enhance research on Ice Seal populations; $238,000 for the Alaska PTA; $150,000 for a rodeo museum in South Dakota; $47,500 to remodel and expand a playground in Ottawa, IL; $285,000 for the Discovery Center of Idaho in Boise, ID; $632,000 for the Hungry Horse Project; $380,000 for a recreation and fairground area in Kotzebue, AK; $118,750 for a building to house an aircraft display in Rantoul, IL; $380,000 to revitalize downtown Aliceville, AL; $380,000 for lighthouses in Maine; $190,000 to build a Living Science Museum in New Orleans, LA; $7,100,000 for the conservation and recovery of endangered Hawaiian sea turtle populations; $900,000 for fish management; $150,000 for lobster research; $381,000 for Jazz at Lincoln Center, New York; $1.9 million for the Pleasure Beach Water Taxi Service Project, CT; $238,000 for Pittsburgh Symphony Orchestra for curriculum development; $95,000 for Hawaii Public Radio; $95,000 for the state of New Mexico to find a dental school location; $143,000 for the Dayton Society of Natural History in Dayton, OH; $190,000 for the Guam Public Library; $143,000 for the Historic Jazz Foundation in Kansas City, MO; $3,806,000 for a Sun Grant Initiative in SD; and $950,000 for a Convention Center in Myrtle Beach, SC.

The Army Corps of Engineers has the distinction of having the largest number of individual earmarks imposed among all of the federal agencies funding in this legislation, with an amazing 1,849 individually identified earmarked projects as identified by the Appropriations Committee. Examples include:

$670,000 for Abandoned Mine Restoration in California; $59,000 for Dismal Swamp and Dismal Swamp Canal in Virginia; $2 million for Chesapeake Bay Oyster Recovery in Maryland and Virginia; $3 million for Joseph G. Minish Waterfront in New Jersey; $18 million for Middle Rio Grande Restoration in New Mexico; $10 million for North Dakota Environmental Infrastructure; $5.56 million for Northern Wisconsin Environmental Assistance; $546,000 for Surfside-Sunset-Newport Beach in California; $3.8 million for Mississippi River Levees; and $41.180 million for Yazoo Basin in Mississippi (this is a total for all of the Yazoo Basin projects listed under MRT—Construction).

We're giving billions of dollars to 1,849 projects—some which are authorized—but with no clear understanding of what our nation's water infrastructure priorities actually are or should be. We witnessed how lives literally depend on these projects and yet we're just throwing money at them without the benefit of any realistic or transparent set of criteria. It is long overdue for Congress to take a hard look at how our Army Corps dollars are being spent and whether or not they're actually going to the most necessary projects.

While the Corps gets the distinction for the largest number of earmarks, every agency is chock full of earmarks:

Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies (52 pages of earmarks)

Total: 506 earmarks.
Agriculture Research Service, 94 earmarks.
Animal and Plant Health Inspection Service, 46 earmarks.
Cooperative State Research and Extension Service, 265 earmarks.
FDA, 8 earmarks.
Earmarks in General Provisions, 6 earmarks.
Natural Resource Conservation Service, 86 earmarks.
Rural Business Cooperative Service, 1 earmark.

Division C—Energy and Water Development and Related Agencies Appropriations (164 pages of earmarks)

Total: 2,402 earmarks.
Corps of Engineers, 1,849 earmarks.
Bureau of Reclamation, 186 earmarks.
Dept of Energy, 367 earmarks.

Division D—Financial Services and General Government (16 pages of earmarks)

Total: 277 earmarks.
Small Business Administration, 245 earmarks.
District of Columbia, 13 earmarks.
General Services Administration, 14 earmarks.
National Archives Records Administration, 3 earmarks.
Office of National Drug Control Policy, 2 earmarks.

Division E—Department of Interior, Environment, and Related Agencies (47 pages of earmarks)

Total: 531 earmarks.
Bureau of Land Management, 13 earmarks.
Fish and Wildlife Service, 40 earmarks.
National Park Service, 111 earmarks.
USGS, 12 earmarks.
Minerals Management Service, 1 earmark.
Bureau of Indian Affairs, 6 earmarks.
Environmental Protection Agency, 288 earmarks.
US Forest Service, 60 earmarks.

Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies (211 pages of earmarks)

Total: 2125 earmarks.
Department of Education:
Elementary and Secondary Education Act, 357 earmarks.
Higher Education, 331 earmarks.
Rehabilitation Services and Disability Research, 12 earmarks.
Total: 700 earmarks.
Department of Health and Human Services:
Administration for Children and Families, 95 earmarks.
Administration on Aging, 26 earmarks.
Centers for Disease Control and Prevention, 83 earmarks.
Mine Safety and Health Administration, 1 earmark.
Centers for Medicare and Medicaid Services, 18 earmarks.
Health Resources and Services Administration, 924 earmarks.
HHS Office of the Secretary, 10 earmarks.
Substance Abuse and Mental Health Services Admin, 66 earmarks.
Total: 1223 earmarks.
Department of Labor:
Employment and Training Administration, 141 earmarks.
General provisions:
Museums & Libraries, 61 earmarks.

Division G—Legislative Branch Appropriations—1 page of earmarks (division G)

Total: 3 earmarks.
Architect of the Capitol, 1 earmark.
Library of Congress, 2 earmarks.

Division I—Transportation, Housing and Urban Development, and Related Agencies—114 pages of earmarks

Total: 1,858 earmarks.
Transportation:
Total: 1,321 earmarks.
Airport Improvement Program, 78 earmarks.
Alternatives Analysis, 26 earmarks.
Appalachian Highway Development System, 1 earmark ($9.5 million).
Bus and Bus Facilities, 302 earmarks.
Capital Investment Grants, 64 earmarks.
Delta Regional Transportation Development Program, 9 earmarks.
Denali Commission, 1 earmark ($5.7 million).
FAA Facilities and Equipment, 9 earmarks.
Federal Lands Highways, 68 earmarks.
Ferry Boats and Terminal Facilities, 30 earmarks.
Grade Crossings on Designated High Speed Rail Corridors, 8 earmarks.
Interstate Maintenance Discretionary, 93 earmarks.
Maritime Administration, 1 earmark.
FAA Operations, 2 earmarks.
NHTSA Operations and Research, 1 earmark.
Rail Line Relocations and Improvement Program, 23 earmarks.
FTA Research, 7 earmarks.
FRA Research and Development, 4 earmarks.
FAA Research Engineering and Development, 3 earmarks.
Surface Transportation Priorities, 194 earmarks.
Terminal Air Traffic Facilities, 18 earmarks.
Transportation, Community, and System Preservation, 343 earmarks.
FTA Priority Consideration, 20 earmarks.
Technical Corrections, 16 earmarks.
Housing and Urban Development:
Total: 537 earmarks.

Mr. McCAIN. Mr. President, examples of earmarks on this list include $870,000 for wolf-breeding facilities in North Carolina and Washington—not anyplace else but North Carolina and Washington State; $1,427,250 for genetic improvements of switchgrass; $100,000 for the central Nebraska World Trade Center; $819,000 for catfish genetics research in Alabama; $250,000 to enhance research on ice seal populations; $47,500 to remodel and expand a playground in Ottawa, IL; $285,000 for the Discovery Center of Idaho in Boise; $632,000 for the Hungry Horse Project; $380,000 for a recreation and fairground area in Alaska; $190,000 to build a living science museum in New Orleans, LA; $7,100,000 for the conservation and recovery of endangered Hawaiian sea turtle populations; $900,000 for fish management; $381,000 for jazz at Lincoln Center, New York; $238,000 for the Pittsburgh Symphony Orchestra for curriculum development; $95,000 for Hawaii Public Radio; $143,000 for the Dayton Society of Natural History in Dayton, OH; $193,000 for the Guam Public Library; $143,000 for the Historic Jazz Foundation in Kansas City, MO; and $950,000 for a convention center in Myrtle Beach, SC.

The list goes on and on.

The fact is, this has been stated by members of the administration, including, incredibly, the President's Budget

Director as ''last year's business.'' This is this year's business. This is funding that will be provided this year. This is 1,122 pages of a bill accompanied by 1,844 pages of porkbarrel earmark projects. It is not last year's business; it is this year's business. If it is last year's business, then if it is passed by the Senate and the House, send it down to Crawford, TX, and have it signed by last year's President. It won't be. It will be signed by this year's President, when it should be vetoed by this year's President.

I wish to remind my colleagues, again, that over the course of the last campaign I talked about earmarks. I have been fighting against them for years, and I was severely critical of Republicans who were in charge and frittered away our responsibilities as fiscal conservatives and paid a very heavy price for it. The then candidate and now President of the United States also stated repeatedly his opposition to earmarks, and he had stopped asking for earmarks, even though his first 2 years he had many millions of dollars in earmarks.

The President should veto this bill and send it back to Congress and tell them to clean it up.

Last week, President Obama commented on the fiscal 2010 budget blueprint after the Democratic-controlled Congress passed a $1.2 trillion stimulus bill. He said he had inherited a $1 trillion budget deficit from the prior administration. Again, I say, the Republican Party lost its way in recent years because we gave in to higher Government spending and porkbarrel spending and it bred corruption. We have former Members of Congress residing in Federal prison. As a result, the Republican Party paid a price for it at the polls.

That said, I think we have to be honest about the bill that is before us. It is a massive bill, here for our consideration because the House Democratic leadership—specifically, the Speaker and House Appropriations Committee chairman—made a calculated decision last year. They were faced with a threat from President Bush to veto each of these combined appropriations bills that exceeded his budget request. As a result, they decided to put the Federal Government under a continuing resolution and wait for the outcome of the election in hopes that a new administration would be more willing to go along with the pork-laden projects that have been inserted into every aspect of this swollen, wasteful, egregious example of out-of-control spending. Their wish came true. Elections have consequences and this bill is one of them.

As I said earlier, a mere 6 months ago, Candidate Obama vowed he would not support earmarking business as usual when he said during the debate in Oxford, MS: ''We need earmark reform and when I am President, I will go line by line to make sure that we are not spending money unwisely.''

Let's start going line by line on this 1,122 pages. Let's start going line by line with this 1,844 pages. It is loaded with billions of dollars of unnecessary and wasteful spending. Sadly, based on recent comments by some of his top advisers, including the Chief of Staff and the Director of OMB, it doesn't sound as if he is willing to put his veto pen to use to back up his vow.

The majority party has presented us and the new President with an outrageous example of a massive spending bill of more than $410 billion that, I repeat, includes over 9,000 wasteful earmarks. This bill is one of the first examples, among what will be many, of whether this Congress and this new President are serious about fiscal responsibility. I am not encouraged by this bill, to say the least.

If we can't reform earmarking, the best thing to do is to provide the President with a line-item veto authority. Yesterday, Senator FEINGOLD and I, along with Congressman PAUL RYAN, introduced legislation to grant the President specific authority to rescind or cancel congressional earmarks, including earmark spending, tax breaks, and tariff benefits. Granting the President the authority to propose rescissions which then must be approved by the Congress could go a long way toward restoring credibility to a system ravaged by congressional waste and special interest pork.

Yesterday, there were comments made by some of the leaders of Congress who basically said that if the President tries to eliminate wasteful and porkbarrel spending, that they can't do it. We hear the majority leader of the Senate who said:

> Since we have been a country we have had the obligation as a Congress to direct spending . . .

Defending a new spending bill that is bursting with congressional earmarks.

> We cannot let spending be done by a bunch of nameless, faceless bureaucrats buried in this town someplace.

I am asking that we authorize these programs the way this Congress did business for many, many, many, many years—many years. We authorized programs. Then we appropriated. That is why we have the authorization committees we have today. Unfortunately, bills such as this completely bypass the authorizing committees and are put in quite often without any consideration, without any authorization, and are directly related to the influence of the Member of Congress. Somebody pays for all this. Somebody pays for all of it, and it is our kids and our grandkids. That is what is going on. The President of the United States should veto it.

I agree with the Senator from Indiana, EVAN BAYH, who had an op-ed piece in the Wall Street Journal saying:

> The Senate should reject this bill. If we do not, President Obama should veto it.

I understand that Senator EVAN BAYH's op-ed in the Wall Street Journal of March 4 was printed in the RECORD yesterday.

So what has happened here? What has happened here, as I have watched over the years, is the system got more and more out of control. Yes, we have made a little progress. Now it is easier to identify who put the earmark in and who the lobbying group was, but if there is any testimonial to the fact that we have made no progress in the effort to reform, it was the vote yesterday on an amendment offered by Senator TOM COBURN that said we would eliminate 13 earmarks, worth about $9 million, which were put in by a lobbying organization that is now shut down and under FBI investigation. Remarkable. Remarkable. We couldn't even take out porkbarrel projects that were inserted through the influence of a lobbying organization that has been raided and shut down by the Federal Bureau of Investigation. Remarkable. Remarkable.

So it is a fight worth having, my friends. I would imagine the Senate will vote and probably this legislation will pass, but it is a very bad signal to send to the American people, and it is a very bad precedent for this administration to begin its first 100 days with the President of the United States signing a bill that has 1,844 pages of pork on the one hand and 1,122 pages of pork on the other.

One of my colleagues from the other side of the aisle came to the floor yesterday and said Republicans were guilty as well as Democrats. I agree. I agree. I have always said there are three kinds of Members of Congress: The Democratic members, Republican members, and appropriators.

A number of my colleagues on this side of the aisle have voted consistently against eliminating these porkbarrel earmarks. So my prediction is, the American people will not stand for this much longer. The American people are beginning to figure out we are mortgaging their children's and their grandchildren's future. The American people are fed up with this kind of a system that breeds corruption. The American people, I don't think, will stand for it, and I think sooner rather than later, you are going to see a rejection of this kind of practice, which does such damage to our credibility, to our ability to serve, and the ability of us to take care of future generations of Americans, as well as this one.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from New Mexico.

(The remarks of Mr. UDALL of New Mexico are printed in today's RECORD under ''Morning Business.'')

Mr. UDALL of New Mexico. 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. UDALL of New Mexico.) Without objection, it is so ordered.

AMENDMENT NO. 635, AS MODIFIED

Mr. THUNE. Mr. President, I have made no secret of the fact that the appropriations bill we have in front of us today is one that I think is way too large relative to what we should be doing in light of the fact that 2 weeks ago we passed a $1 trillion stimulus bill which will fund many of the same programs that are funded under this appropriations bill.

This appropriations bill creates an increase of 8.3 percent in funding over last year's appropriated level, which is the largest increased appropriation, year over year, that we have seen since the Carter administration. In fact, an 8.3-percent increase represents more than twice the rate of inflation.

Most Americans and families today are trying to survive and live at a time when they are dealing with diminishing revenue coming into their households and certainly are not getting an increase that is the same as the rate of inflation. We have an appropriations bill in front of us today that is more than twice the rate of inflation. So I would daresay the Federal Government is certainly not leading by example when it comes to tightening our belts. I think when American families are struggling to make ends meet and tightening their belts, it is important that we also do the same thing, and this appropriations bill is anything but that. The 8.3-percent increase, as I said, is more than twice the rate of inflation and represents the largest year-over-year increase in appropriations since the Carter administration.

Having said that, I expect at the end of the day it is probably going to pass in the Senate. What we have tried to do as we have debated it is make improvements in it and address different priorities all of us bring to this debate.

I have one in particular that I think needs to be adopted, an amendment that needs to be adopted. It is filed, it is pending at the desk, and hopefully we will have a vote on it later today. What it does is reduce discretionary spending throughout the bill by $400 million, which equals the fiscal year 2009 authorized amount from PEPFAR.

Now, PEPFAR was an emergency—well, the PEPFAR itself was the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act, which passed last year. But the Emergency Fund for Indian Safety and Health was established as part of that legislation. It was an authorization. And of the $50 billion that was authorized in the so-called PEPFAR bill, $2 billion of that was set aside to address what are very urgent needs on America's Indian reservations, the argument being that there are needs that are great abroad, other places around the world, but we have some very urgent and pressing needs right here at home. So the $2 billion authorization was a 5-year authorization, which would represent $400 million each year, and what my amendment would do is simply fund at $400 million that first-year level of authorization that was created by the PEPFAR legislation we passed last fall.

In order to do that, because there wasn't any funding for the emergency fund for Indian safety and health in the underlying bill, we have to find the money somewhere else. What my amendment does, very simply, is reduce by one-tenth of 1 percent each program funded in the bill. So bear in mind, you have an 8.3-percent increase over last year's appropriated level in the base bill. With my amendment, what you would do is reduce the 8.3-percent increase each of these programs would receive in this bill to 8.2 percent and take that one-tenth of 1 percent and distribute it into this emergency fund for Indian safety and health, which was created as part of the PEPFAR legislation that we passed last fall. It is done in a very straightforward way. It distributes money where it is needed most.

Keep in mind it doesn't do anything to the significant funding that was included for many of these same programs that received a portion of the stimulus bill funding we passed a couple of weeks ago.

Why is this important to people in Indian Country? There are a number of reasons because what that authorization did is, it allowed money, money that would come through appropriated funds later after it was authorized, to be used for three purposes: One is law enforcement, public safety; one is Indian Health Service and health care on reservations; the third one was water development. We separated those out in the bill and allocated a certain amount of funding to each of those particular categories.

The reason that is so important is because in many places, particularly on Indian reservations, these very basic needs many of us take for granted are not being met. Nationwide, 1 percent of the U.S. population doesn't have access to safe and adequate drinking water and sanitation needs. On Indian reservations, if you can believe this—I said 1 percent is the average across America. On the Nation's Indian reservations that number climbs to 11 percent, and in some parts of Indian Country, the worst parts in terms of not having access to some of these necessities that most people expect—water and sanitation services—that number climbs to 35 percent. Lack of reliable safe drinking water leads to high incidences of disease and infection. The Indian Health Service estimates for each $1 it spends on safe drinking water and sewage systems, it receives a twentyfold return in the form of health benefits.

The Indian Health Service estimates in order to provide all Native Americans with safe drinking water and sewage systems, they would need—this is the backlog—over $2.3 billion. What we are talking about represents a small amount of what the need is that exists out there, but that being said, we could go a long way, by enacting this amendment, toward meeting that need.

With respect to health care, nationally Native Americans are three times as likely to die from diabetes as compared to the rest of the population. An individual who is served by the Indian Health Service is 50 percent more likely to commit suicide than the general population. An individual who is served by the Indian Health Service is 6.5 times more likely to suffer an alcohol-related death than the general population.

On the Oglala Sioux Reservation in my State of South Dakota, the average life expectancy for males is 56 years old. I want you to compare that with some other countries around the world. In Iraq, the average life expectancy for a male is 58. In Haiti, it is 59 years. In Ghana, the average life expectancy for a male is 60 years old—all higher than right here in America. On the Oglala Sioux Reservation in my home State of South Dakota, the average life expectancy for males is 56.

In South Dakota, between 2000 and 2005, Native American infants were more than twice as likely to die as nonnative infants. In South Dakota, a recent survey found that 13 percent of Native Americans suffer from diabetes. This is twice the rate of the general population, where only about 6 percent suffer from the same disease.

With respect to public safety, one out of every three Native American women will be raped in their lifetimes. According to a recent Department of Interior report, tribal jails are so grossly insufficient when it comes to cell space that only half of the offenders who should be incarcerated are being put in jail. That same report found that constructing or rehabilitating only those detention centers that are the most in need would cost $8.4 billion. Again, it is way more than what we are talking about here. But, certainly, what we could do today, in the form of this amendment, would be to put a down-payment on and begin to address what is a very serious need of adequate space for people who have committed crimes.

The South Dakota attorney general released a study at the end of last year on tribal criminal justice statistics. That study found that homicide rates on South Dakota reservations are almost 10 times higher than those found in the rest of South Dakota. Forcible rapes on South Dakota reservations

are seven times higher than those found in the rest of South Dakota. These are all things that statistically point to the very serious public safety needs that exist on America's Indian reservations today and point to the importance of us adopting the amendment I will put before the Senate and have a vote on later today.

These critical, unmet needs have consequences in the day-to-day operations for tribal courts and law enforcement. I talked about public safety, how that translates. You see all the statistics and data. That is stunning enough. But then you talk about how that actually impacts a lot of our reservations. I will give a couple examples.

At the Rosebud Sioux Tribal Court, a tribe that is a supporter of the amendment, on June 19, 2008, the tribal prosecutor scheduled to attend court proceedings that day did not appear at court. Alarmed, the tribal judge sent a court employee to the police department to ensure the prosecutor was not hurt in an accident. Once it was clear the prosecutor was not injured but instead did not show, all cases scheduled that day had to be dismissed because no replacement prosecutor was available. Cases that were dismissed that day included sexual assault, domestic violence, child abuse, and DUIs.

At Standing Rock Reservation, another example, another reservation that borders or crosses the line in South Dakota and North Dakota—in early 2008, the Standing Rock Sioux Reservation had six police officers to patrol a reservation that is geographically the size of Connecticut.

This meant during any given shift there was only one officer on duty to cover that entire area. One day the only dispatcher on the reservation was out sick. This left only one police officer to act both as a first responder and also as the dispatcher. Not only did this directly impact the officer's ability to patrol and respond to emergencies, it also prevented him from appearing in tribal court to testify at a criminal trial.

Later in the year I was able to work with my Senate colleagues in the Bureau of Indian Affairs to bring additional police officers to the Standing Rock Sioux Reservation through Operation Dakota Peacekeeper. That operation, which was a success, was only possible because of the Bureau of Indian Affairs being able to dramatically increase the number of law enforcement officials on the reservation during what we referred to as the surge. This dramatic increase in officers was only possible because the Bureau had been given additional public safety and justice funds in 2008, something I would like to continue with my amendment.

The way these dollars would be used, if my amendment is accepted, also is spelled out in the amendment. It is actually spelled out in the statute, the authorization bill. But the $400 million would be distributed as follows: $200 million will go to congressionally approved water settlements; $150 million will go to public safety and justice; $74 million for detention facility construction, rehabilitation, and placement through the Department of Justice; $62 million for the Bureau of Indian Affairs public safety and justice account which funds tribal police and tribal courts; $6 million for investigations and prosecution of crimes in Indian Country by the FBI and the U.S. attorneys; $6 million would go to the Department of Justice Office of Justice Program for Indian and Alaska Native Programs; $2 million for cross-deputization or other cooperative agreements between State, local, and tribal governments; $50 million to health care which would be divided as the Director of Indian Health Services determines between contract health services, construction and rehabilitation of Indian health facilities, and domestic and community sanitation facilities serving Indian tribes.

Passage of the original amendment to PEPFAR, which occurred last year, showed a commitment by the Senate on a bipartisan basis to address these domestic priorities that are faced by Native Americans in Indian Country. That was a bill that had, and the amendment I offered to that bill had, bipartisan cosponsorship. There were a number of people on both sides of the aisle who supported it. Vice President BIDEN was a supporter. Secretary of State Clinton was a cosponsor of the amendment. A number of colleagues have supported the effort we made to demonstrate a commitment to addressing these very serious needs, which I have alluded to that exist today in Indian Country.

What my amendment to the Omnibus appropriations bill before us does is ensures the underlying bill, the bill that we authorized, actually gets funded, and the dollars we committed are actually appropriated for the purpose of addressing these very serious needs.

I ask that when this comes to a vote, amendment No. 635, my colleagues support it in the same sort of bipartisan way we were able to support the underlying authorization that was approved last year. There is no greater need. The statistics in Indian Country, both in South Dakota and other reservations in other States, are dire. We, as the Senate, have a responsibility to address those needs, particularly at a time when we are already funding or going to pass a bill which increases spending in this appropriations bill by as much as it does.

One-tenth of 1 percent is all we are saying would be necessary to provide the $400 million that is necessary to fund this amendment and the important priorities it would serve.

I hope my colleagues will be able to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I understand Senator THUNE has modified his amendment to correct an earlier drafting error.

The original amendment proposed a $400 million across-the-board cut against the programs funded in the interior division of the bill, as an offset to increase funding for various Indian health and safety programs in the interior division by $400 million.

As it stands, the modified amendment proposes that the $400 million across-the-board cut now applies to the entire omnibus appropriations bill, not just the interior subcommittee's division.

Nevertheless, I still oppose the Senator's amendment.

This amendment now makes cuts to all programs in the omnibus.

This means there will be cuts in job training, law enforcement, cancer research, highway funding, food inspection, energy research, and on, and on, and on.

I know that no single cut will be that great, but if we are going to go down this road, where will it end?

Who brings the next amendment, claiming that it only cuts 0.1 percent?

How many more of these will we have to accept before we say we have cut enough out of law enforcement or enough out of health care?

Mr. President, just to make the record clear, the interior division of this bill contains $2.376 billion for the Bureau of Indian Affairs and $3.581 billion for the Indian health service.

Many of the programs run by those agencies and by the tribes themselves deal directly with health and safety issues.

We cannot start chipping away in this fashion and have any hope of ever finishing this bill.

Furthermore, the amendment, as modified, causes the interior bill to exceed its 302(b) allocation for budget authority. This makes it very troublesome.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, if I might respond to the remarks of the distinguished chairman, and I understand what I am doing here may create some technicality with regard to the budget rules, but we do this all the time, and we routinely waive the budget. The only reason it does is because it does take that one-tenth of 1 percent from across the entire nine appropriations bills as opposed to taking it out of one particular appropriations bill. What that does is attempts to distribute that reduction across the board so no one area is hurt in a significant way relative to the others.

But, again, I would simply point out—and I appreciate what the chairman said about these other areas in the budget, these programs being cut—bear in mind, this is an 8.3-percent increase, year over year, over last year's appropriated level in all these accounts. There is not any account in this appropriations bill that is receiving a cut. They are all receiving an increase.

The question is, Will it be an 8.3-percent increase or an 8.2-percent increase? What I am simply saying is,

you make it an 8.2-percent increase and use that one-tenth of 1 percent to fund a program this Congress, this Senate voted to authorize last year, specifically, for Indian health care, for water development, and for public safety on our reservations. Of course, there is funding in the underlying bill for some of these things, but none of which is adequate to address the need, which is precisely why so many of the reservations in my State have the high incidents of crime, the data they have in terms of the many areas I mentioned. When it comes to prosecutions, when it comes to detention facilities, when it comes to law enforcement personnel and officers, we are deficient in the responsibility we have.

So, again, it is not a question of whether all the programs that are funded in the bill are going to get an increase. They are all going to get an increase, a substantial increase. Under my amendment, it is simply an 8.2-percent increase as opposed to an 8.3-percent increase.

It seems to me, at least, the least we can do to honor the commitment we made by passing the emergency fund for Indian safety and health we passed last year is to provide funding for it.

So I appreciate the chairman's observations. I would simply ask my colleagues to look beyond whatever technicality may be raised with regard to where the one-tenth of 1 percent is coming from. It is coming from all nine appropriations bills across the board as opposed to from one particular area or account. But that, to me, seems to be the fair way in which to do this in a way that distributes that one-tenth of 1 percent reduction evenly. So I hope my colleagues will support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 635, AS MODIFIED

Mrs. FEINSTEIN. Mr. President, I come to the floor to, first of all, oppose the Thune amendment, and then to speak in opposition to the Murkowski amendment.

I rise as chairman of the Interior Appropriations Subcommittee. In its current form, the Interior portion of the omnibus is funded at $27 billion. This section includes a substantial increase for the Bureau of Indian Affairs and the Indian Health Service. For fiscal year 2009, the bill provides $5.957 billion. This is an increase of $320 million over the fiscal year 2008 bill. It is a 5.7-percent increase. That is a great deal of money.

The Thune measure—well, let me make one other point first. In addition, the Recovery Act, which we enacted last month, contained $1 billion for these two agencies. So taken together, the omnibus bill and the recovery act will provide $6.957 billion. That is an increase over the 2008 level of $1.320 billion, or 23 percent. Now, that is what the underlying bill and the recovery act, the stimulus bill, does—a 23-percent increase. That is a great deal of money.

Senator THUNE has proposed an across-the-board cut of 0.1 percent to the entire omnibus to pay for an increase of $400 million for these two agencies in addition. That means every account in the entire omnibus bill must take a cut.

Now, if the Thune amendment were successful, it would increase my bill, the Interior bill, by $372 million, which would put us over our allocation, which would make germane a point of order against our bill. I think that is wrong. I think when we do a substantial increase, I do not understand the need for this. I do not understand why a 23-percent increase, to the tune of $6.957 billion—that is a huge increase, probably one of the greatest increases in any part of this omnibus, and that is the underlying omnibus bill.

So I am concerned. I would urge a ''no'' vote on the Thune amendment.

Mr. President, I would like to raise a point of order against the amendment under section 302 of the Congressional Budget Act. The pending amendment would increase spending in the Interior Subcommittee by $400 million, primarily by cutting spending in the jurisdiction of the eight other subcommittees funded in this act. The amendment, therefore, would result in spending exceeding the budget allocation of the Interior Subcommittee.

I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the Interior Subcommittee's 302(b) allocation under the fiscal year 2009 concurrent resolution on the budget.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I move to waive the point of order the Senator raised under the Budget Act.

The PRESIDING OFFICER. The motion to waive has been entered.

Mr. THUNE. Mr. President, I ask unanimous consent that when the Senator concludes her remarks on the other amendment, I have a couple minutes to respond.

The PRESIDING OFFICER. Is there objection to recognizing the Senator from South Dakota after the Senator from California yields?

Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. FEINSTEIN. Thank you very much.

AMENDMENT NO. 599

Mr. President, I would now like to speak against amendment No. 599, offered by Senator MURKOWSKI, which would limit the Endangered Species Act protections for the polar bear and other fragile species.

The Interior portion of the omnibus bill as currently written allows the Obama administration to quickly undo two last-minute rules imposed by the Bush administration.

The first Bush administration rule, issued in December 2008, denies the protections of the Endangered Species Act to the polar bear, despite its threatened status. The omnibus bill language would allow the Obama administration to immediately lift this ruling. This is an important first step toward fully protecting the polar bear under the Endangered Species Act.

As I said, the amendment would undo the Obama administration's ability to quickly move to change two last-minute rules imposed by the Bush administration.

The first Bush administration rule, issued in December 2008, denies the protections of the Endangered Species Act to the polar bear, despite its threatened status.

The omnibus bill language would allow the Obama administration to immediately lift this ruling. This is an important first step toward fully protecting the polar bear under the Endangered Species Act.

The second Bush regulation, also issued in December of 2008, excludes independent wildlife experts from the decisionmaking process of the Endangered Species Act. This is major. I think it is wrongheaded because it would leave the decisionmaking up to the Department that handled whatever the project was without any input from scientists or biologists on the subject. So whichever Federal agency has proposed a project is given the full jurisdiction to determine whether there is an impact to an endangered or threatened species, and independent scientists are excluded from the consultation process.

The omnibus bill, as currently written, allows the Obama administration to quickly undo the Bush rule and return independent wildlife experts to this consultation process.

The amendment offered by Senator MURKOWSKI would further prolong these two Bush administration rules and require a public comment period of 60 days before the Bush rules can be lifted. I cannot support that.

In my view, right now the polar bear is not sufficiently protected. Here is why. Under the rule issued by the Bush administration, the polar bear is only protected under the Marine Mammal Protection Act. This Federal statute only protects polar bears from direct harm. It does not address the problem of the arctic habitat of the bears, which is literally melting away.

I read books. I have watched PBS nature shows, which have shadowed polar bears, which have shown the deteriorating ice pack.

Let me quote something Secretary Dirk Kempthorne, the former Secretary of the Interior, said in May of last year. Here is what he said. This is a Republican Secretary of the Interior:

> Because polar bears are vulnerable to this loss of [sea ice] habitat, they are, in my judgment, likely to become endangered in the foreseeable future.

So we know the polar bear is being jeopardized by the deterioration of ice. Now, some people, perhaps, do not believe the ice is really deteriorating.

But if you look here, this is the Arctic Sea ice loss. This whole thing, as shown on this chart—both the ochre color, the yellowish color, and the white—is the way it was in 2005. In 2005, this was the Arctic. In 2007, the Arctic ice mask is 39 percent below the long-term average from 1979 to 2000, and you can clearly see its deterioration in a 2-year period.

So what is happening in the Arctic is actually very dramatic. It is actually destroying polar bear habitat, and absent that habitat, the polar bear cannot feed himself or herself. The polar bear starves. The nature show on PBS actually tracked a female polar bear. It showed her starving. It showed her having two cubs. It showed one of the cubs dying of starvation. It showed her struggling to find food floating out on individual pieces of ice.

In my view, there is no question that Secretary Kempthorne was correct, that the polar bear will very shortly meet the criteria of the Endangered Species Act and, therefore, I strongly believe if that is, in fact, the case, we should have the proper opportunity to assess it and move in that direction.

So I am fully supportive of what President Obama has done to move rapidly to set up the situation for that kind of consideration. The statute that is in the underlying bill would ensure that melting habitat of the Arctic is taken into consideration. So the omnibus bill will give the Obama administration strengthened authority to quickly undo the Bush rule on polar bears and open the door to the process of applying the Endangered Species Act to the threatened polar bear.

Anyone who looks at the beauty of these animals recognizes their significance not only to nature but to man and woman as well. This is an extraordinary animal. It deserves to be protected. So I am very proud we have language in the bill that is supportive of what the President of the United States is attempting to do. So I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, if I might briefly respond to the Senator from California regarding my amendment that deals with Indian health, public safety, and water development.

I think it is important to remind everybody, first of all, that this bill we have in front of us and the appropriations bills that have been passed so far—three of them passed last year—nine of them are bundled into this bill—this bill was written behind closed doors. There wasn't any participation by Members, at least that I know of, on our side when it came to putting this together and offering amendments at the committee level. The only opportunity we have to offer amendments is when a bill comes to the floor of the Senate.

Now, it shouldn't come as any surprise to anybody here in the Chamber or anybody who is tuning in to what is going on here that that is what we do. We offer amendments. We determine priorities. We move money around within appropriations bills. To suggest for a minute that we shouldn't be offering amendments to move money from one part of this bill to another part of the bill, the fact is that nine appropriations bills have been bundled together and we are being asked to vote on $410 billion in spending at one time, and then we are being told we can't come down here and offer amendments. That is what we do. We have 100 Senators. All of them come to this Chamber with different priorities. I came down here and said I wanted to offer an amendment that took a one-tenth of 1 percent haircut across all nine appropriations bills, evenly distributed, to take $400 million and put it into a program that Congress authorized last fall but has not funded that would address the needs of Indian health care, public safety, and water development—critical needs on Indian reservations.

I urge any of my colleagues who haven't visited a reservation to come to South Dakota and see what I am talking about. I mentioned it earlier. The average life expectancy for males on the Oglala Sioux Reservation in my home State of South Dakota is 56 years. It is 58 in Iraq, 59 in Haiti, and 60 in Ghana, all higher than right here in America. Between 2000 and 2005, Native American infants were more than twice as likely to die as non-native infants. I already mentioned the public safety statistics and the crime data that exist on our reservations because we don't have adequate law enforcement personnel, we don't have cops, we don't have prosecutors, we don't have jails, we don't have all the things that are necessary to keep our people safe on our reservations in South Dakota.

Here may be a budget technicality, a point of order that can be raised against my amendment which will require that we have to have 60 votes for my amendment, but all that means is instead of getting 51, we need 60. I can't imagine that we would not have an opportunity—nine appropriations bills being bundled together, brought to the floor of the Senate, $410 billion in spending—to come down here and offer amendments that move money around. That is what Senators do. That is what we do in the Senate.

I hope my colleagues will look past the point of order that is going to be raised and say: One-tenth of 1 percent in a bill that is being increased by 8.3 percent year over year; go for this important priority on Indian reservations across our country.

I hope my colleagues will vote for this amendment or vote to waive the point of order.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I would like the opportunity to simply say to the Senator from South Dakota that it is not correct there was no Republican input into this bill. This bill was put together last year. Senator Allard was the ranking member. Senator Allard and his staff participated in the committee deliberation of this bill. There is no question about it. I think we have to remember this is not a 2010 appropriations bill; it is a 2009 appropriations bill.

I wish to state that the reason we have a 23-percent increase in the bill for Indian services and Indian health care is that we recognize there is a need. This is a substantial addition. So my objection to the amendment should not be construed that I do not want to support Indian health services or Indian health care. The amendment causes a point of order against the bill. We exceed our allocation. It forces every one of the nine bills to take a cut and then adds to my bill an additional $372 million which forces us up over the limit.

This is a bill that has been discussed. It has been discussed with the Republican side. We had agreement on it last year. I believe the commitment should be kept and the bill should be passed. I believe there is an ample increase both for Indian health care and Indian services. So I wanted the opportunity to respond to the Senator from South Dakota in that regard.

Thank you. I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Nevada is recognized.

Mr. ENSIGN. Madam President, in a moment I am going to ask unanimous consent that the pending amendment be set aside so I can offer an amendment dealing with the DC scholarship program for low-income children. I wish to talk about it first and give the other side fair warning, because I understand that the other side is going to object, which is very unfortunate.

We have had a wonderful program that recognized DC public schools are failing children of the District of Columbia. Most of those children are low income, minority children. A few years ago, under a Republican Congress and President Bush, we put together a program that initiated a little experiment. In DC schools, the dropout rates are high, kids aren't learning to read at the appropriate levels, they aren't learning math at the appropriate levels; across the board the crime levels are too high in the schools. Since the vast majority of the schools in the District of Columbia are failing the kids, Congress decided to experiment here and see if something works. So we selected 1,700 kids and we gave their parents a $7,500 scholarship to be able to go to the school of their choosing in the area. The response by the parents was overwhelming. A lot more people wanted to sign up for this program than there were scholarships available, but we at least allowed 1,700 children to participate for the last five years, this being the sixth year now.

In this underlying bill, there is language that effectively kills this program, because it says that unless the

bill is reauthorized and the DC City Council approves the program, no funding shall be allowed to go toward this DC scholarship fund.

Now, we know Head Start and the Higher Education Act both continued, even though they weren't reauthorized, for many years until we were able to come together to reauthorize. That is not uncommon in this building because it is difficult to get legislation reauthorized. So we continued funding Head Start. We continued funding Higher Education. But the No. 1 issue for the National Education Association is to kill the DC scholarship program for poor children. I ask: What are they afraid of? Well, as was stated today in the Chicago Tribune, they are not afraid of this program because it is failing; they are afraid of this program because it is actually working. Let's ask a commonsense question: If this program weren't working, would the children who have received this scholarship continue in this program? The obvious answer is of course they wouldn't. They would go back into their other schools.

We had a press conference earlier today with some of the parents and teachers who are involved in this program. Three wonderful young men came together with us today. We had Fransoir, Richard, and Ronald. Two of them had written statements, and then there was little Richard who got up and spoke off the cuff. All three of them were incredibly articulate. They were talking about how important this scholarship program was to them and how they didn't want to go back to the other schools because in the schools they are in today, they are actually learning.

So do we put the interests of the National Education Association first, or do we put the interests of our children first? It isn't just these 1,700 kids whose future is at stake. We are trying to look for programs in education, reforms that actually work, because the No. 1 priority for our children should be about their education into the future. If they are going to compete in the 21st century, they have to have a good education. It is the new civil right of our day. It is not a civil right to stick them in failing schools that are unsafe, that are gang ridden, that are drug ridden, that have teachers who are not teaching our children in a constructive manner. It is not a civil right to say to them: I know other people have more money than you. They can go to a good school and can learn, but we are going to trap you in this poor performing school simply because you don't have enough money. Civil rights is supposed to be about giving people opportunities, not based on income, not based on race, not based on religion, but simply because they are Americans who can actually have a chance.

So this program is going to show, I believe, as the studies come out on it, that these kids did better because they had an opportunity. I think this is what the National Education Association is afraid of. They are afraid this program is going to work and it will then be tried in other areas. What are we afraid of? Are we afraid we are actually going to improve education in the United States through an innovative program?

Even yesterday, the Secretary of Education under President Obama made this comment about the DC scholarship program. He said:

> I don't think it makes sense to take kids out of a school where they're happy and safe and satisfied and learning. I think those kids need to stay in their school.

He was talking about those 1,700 kids who are in the DC schools under this scholarship program today. Two of those children actually go to school with President Obama's children. Unfortunately, the majority party in Congress has written into this bill that we are going to take those kids out of these schools. We are going to effectively eliminate the scholarship that allows them to stay in their schools. One young man, Ronald, who was here today is a junior in high school. Ronald is also the Deputy Youth Mayor for Washington DC and has made education his number one priority. Next year Ronald will be a senior. They are going to take him out of a school he has attended the last 5 or 6 years and make him go to a different high school for his senior year. At this other high school, it's likely over half the kids aren't learning at the grade level they should be learning at and where about half of them drop out of that school. Instead, Ronald should remain at the school that gave him a future, hope, and opportunity. I wish all Americans could have heard him speaking today, and then I would like to see the other side of the aisle vote against this amendment and vote against allowing this amendment to even come to a vote.

It is very unfortunate that the other side is not allowing us to do but just a few amendments, amendments that they deem worthy to be voted on. That is not the way the Senate has worked the last several weeks. It has actually been working. As the minority, we realize we have fewer votes on this side. We understand that. We understand we are going to lose most of these votes. Occasionally, as last week, we did win one, but most of the time we are losing these votes. That is the way this body is at least supposed to work, you debate amendments and you have votes on the amendments.

Unfortunately, with regards to the bill before us, that is not the case. Normally, we vote on appropriations bills one at a time and somewhere around 15 amendments per bill are offered and voted on. We have eight or nine bills combined together and, so far, I think we have had six or seven amendments voted on. We will have a few more voted on tonight. That seems to be the total that the majority wants us to vote on. By the way, the Democrats have come to an agreement that they are going to defeat them, whether they are meritorious or not, because they set a false deadline of tomorrow to finish the bill. They said tomorrow the funding runs out for our Government. In reality, all you have to do is pass a continuing resolution that will fund the Government for another week. We could do it on a voice vote, and then the House can do it on a voice vote. Then we can come back next week and debate amendments and have votes on them.

This is one of the amendments that needs to be voted on. If you want to throw 1,700 kids out of good schools and put them into nonperforming schools, I want you recorded on this vote. Some have said this isn't just going to poor children. The limit is 185 percent of poverty and below. That is the limit of the income to qualify for this scholarship program. The average income for families qualifying for this scholarship is $23,000 a year.

The National Education Association said this is a threat to public education. Oh, really? First of all, $7,500 is what we give as a scholarship. The average spent per student in Washington, DC, public schools is around $15,000. So we are spending half that. We didn't give them the full $15,000, just half that. This was in addition to the Washington, DC, School District money. But the benefit is, every child you take out of Washington, DC schools, allows money to be spent on other students.

I have a couple stories to tell you about. Sherine Robinson, the parent of an opportunity scholarship recipient, believes parents should not have to worry about violence in their schools. That is one of the reasons some of the parents are taking their children out. It is not just the educational opportunities, it is the violence they may have to experience while they are in school. She believes the parents should not have to fight for their kids to learn. She believes all parents should have a choice and ''the DC Opportunity Scholarship Program gives us a chance to find the best school possible.'' Those are the words of a parent. She now feels her child is in a safe school and is doing well. Why do we want to deprive her of that opportunity?

Obviously, I believe strongly in this scholarship program. I believe this program is working. I believe we can prove it is working statically and spread this program across the country. Let's put our children first; let's not put special interests before our children and their education. That is what this argument comes down to.

Let's use common sense and put compassion back into this bill. Let's allow amendments so we can take care of our kids and educate them in the way they deserve to be educated.

I ask unanimous consent that the pending amendment be set aside and that I be allowed to call up the Ensign amendment No. 615, which provides an

opportunity scholarship for 1,700 poor children in the District of Columbia.

The PRESIDING OFFICER. Is there objection?

Mr. INOUYE. Madam President, on behalf of the leadership, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ENSIGN. Madam President, this is most unfortunate. It is what I thought would happen. There was a rumor going around today that this would happen. I plead with the other side to give these 1,700 children a chance to learn, a chance to continue in the program that is working for them. I would love to expand the program, but I know that is not doable in this Congress. But let's at least keep these 1,700 schoolchildren in school with the ability to learn, in safe schools that are actually giving them hope and opportunity for the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

AMENDMENT NO. 599

Ms. MURKOWSKI. Madam President, I rise to speak this afternoon in favor of an amendment I laid down yesterday, No. 599. I wish to respond to some comments that have been made on the floor by several colleagues.

The amendment I have introduced would modify section 429 of the Omnibus appropriations bill that allows the Secretary of the Interior and the Secretary of Commerce to withdraw the final rule relating to the ''Interagency Cooperation under the Endangered Species Act,'' and the final rule that relates to the ''Endangered and Threatened Wildlife and Plants: Special Rule for the Polar Bear.'' This is a special rule for the polar bear.

These provisions allow the Secretaries of Commerce and Interior, or both, to withdraw the two Endangered Species Act rules inserted under section 7 of the ESA within 60 days of adoption of the omnibus bill and then reissue the ESA rule without having to go through any notice or any public comment period, and without being subject to any judicial review as to whether their actions were responsible.

Neither of the ESA rules that are part of this amendment were promulgated in the dark of night. Nothing happened in the back room. The existing rules were the result of a public process that fully complied with all applicable laws. In fact, one of the rules is under judicial review now, as the Administrative Procedures Act allowed.

The polar bear 4(d) interim final rule was certainly not a ''midnight rule.'' Look at the process it went through. It was announced and made available as a final special rule on May 15 of 2008, concurrent with the announcement of the decision to list the polar bear as threatened under the ESA. That announcement then triggered or opened a 60-day public comment period to all interested parties to submit comments that might contribute to the development of a final rule. Then those comments come in throughout that period. After the comments are received, the U.S. Fish and Wildlife Service made several appropriate revisions to the final rule.

Nothing in this special rule changed the recovery planning provisions and the consultation requirements that exist under section 7 of the ESA. The 4(d) rules that are contained are not exclusions, and they are not exemptions. Under the ESA itself, section 4(d) says that for threatened species, the Secretary may promulgate such regulations as he deems necessary or advisable. So what happened was Secretary Kempthorne used this very strict authority to develop a rule that states if an activity is permissible under the stricter standards of the Marine Mammal Protection Act, it is also permissible under the Endangered Species Act with respect to the polar bear.

I wish to repeat a comment the Senator from California made yesterday. It is one I absolutely agreed with. I agree we must follow the process; we must follow the law. The problem is, the House rider circumvents the public process because it completely eliminates the law. Section 429 doesn't require public notice and doesn't allow public comment or judicial review, as is required by the law.

What my amendment does is maintain the public process. It not only requires that any withdrawal or repromulgation of either of these two rules follows the Administrative Procedures Act, with at least a 60-day comment period to allow for that adequate public comment. This is the same amount of time the public had to comment on the polar bear 4(d) interim final rule last year.

Without this amendment, this provision allows the Secretaries to make dramatic changes in rules and regulations, without having to comply with multiple, longstanding Federal laws that require public notice and comment by the American public and knowledgeable scientists. These challenges have the potential for far-reaching and truly unintended consequences in our country.

The House rider we are dealing with in this omnibus bill shortchanges the public process. It is certainly not my amendment that shortchanges anything or tries to go outside the process. What we are providing in this amendment is ensuring we follow that public process.

I ask Members of this body to vote in favor of my amendment to maintain this public process. That is what this amendment does. We owe it to ourselves to keep the integrity of the process intact. It is a dangerous precedent for this body to set. I ask Members to look very carefully at this amendment and truly attempt to understand the full implications if we are not successful in removing this rider from the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Madam President, I ask unanimous consent that at 5:30 p.m. the Senate proceed to vote in relation to the following amendments in the order listed; that prior to each vote, except as noted below, there be 2 minutes of debate equally divided and controlled in the usual form; that no amendments be in order to any of the amendments in this agreement; that after the first vote in the sequence, the remaining votes be limited to 10 minutes each; that prior to the vote in relation to the Kyl amendment No. 634, there be 10 minutes of debate, with 5 minutes each for Senators KYL and LAUTENBERG; Murkowski, No. 599; Inhofe, No. 613; Thune, No. 635, as modified; Kyl, No. 634; and Crapo, No. 638.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I will speak briefly about one of the amendments pending, but first I wish to express my support for the fiscal year 2009 Omnibus Appropriations Act. With all the debate here, we sometimes lose sight of the fact that this is a product of months of bipartisan negotiation and hard work. I serve on the Appropriations Committee and I watch the various subcommittees come together and meet. We had both the Republican leader and the Democratic leader of the committees join together and pass most of the bills that make up the omnibus. It is bipartisan. They passed almost unanimously.

Now, we find we are getting into debate on amendments and it is somewhat troubling.

We completed a budget process begun more than a year ago to fund the Federal Government and also to fund hundreds of critical programs in the Federal Government.

It is unfortunate we are now halfway through the fiscal year. I wish it could have been completed through regular order. But enacting this legislation means funding increases for programs that serve as a lifeline to many Americans.

I appreciate what Chairman INOUYE has done, what President pro tempore BYRD has done, and what ranking member THAD COCHRAN has done. These are people with whom I have served for decades on the Appropriations Committee. They put together a piece of legislation that is going to take our country forward by investing in health care, law enforcement, the environment, and public schools.

Some have argued that because we passed the American Recovery and Reinvestment Act that this legislation is not needed. That is not correct. The economic recovery plan was crafted specifically to create and save millions of jobs through investments, infrastructure, education funding, and so forth. But the recovery plan was not intended to replace the regular order of

the Federal budget. This is a comprehensive bill, not a targeted piece of legislation.

I have listened to the debate on this legislation throughout the week and heard the arguments that this bill is too expensive, it is unnecessary and we would save money by level funding the government for the rest of the year. Those making these arguments seem to ignore the fact that flat funding the government would mean no additional assistance through child nutrition programs for hungry children whose families struggle to put food on their tables. It would mean less funding is available to help rebuild our crumbling bridges and roads, fewer funds for ensuring Americans have clean and safe water to drink and reductions in critical health prevention programs. In short, not passing this bill would mean turning a blind eye to the millions of Americans who need their Government to extend a helping hand to pull them up off the ground.

Some members of this body have argued that because we passed the American Recovery and Reinvestment Act this legislation is not needed. That could not be further from the truth. The economic recovery plan was crafted specifically to create or save millions of jobs through significant investments in infrastructure, education funding, and public safety net programs. I voted for this plan and have confidence that it is a necessary step to protect and strengthen our economy and invest in America's future. But the recovery plan was not intended to replace the regular order for the Federal Budget.

While the recovery plan includes numerous important priorities, it was structured to be timely and targeted, not a comprehensive bill to fund the entire Government. Using the rationale of some on the other side of the aisle and passing a yearlong continuing resolution would mean we are less able to ensure our security both at home and abroad. Not passing this legislation means the FBI will not be able to hire new agents, intelligence analysts, and others who protect us from crime and terrorism. It would mean the FDA will not be able to protect us from unsafe food and medicine. Finally, it would mean fewer funds for critical activities such as nuclear nonproliferation, military assistance and peacekeeping operations and security operations for our embassies abroad.

Again, I thank my colleagues on the Appropriations Committee for their hard work in crafting this bill. It is not an easy job to weigh the thousands of competing priorities of our country and produce a comprehensive bill that addresses these needs. I applaud Chairman INOUYE for his work and offer my strong support for this legislation.

Madam President, the fiscal year 2009 Omnibus appropriations bill contains $36.6 billion in discretionary budget authority for the Department of State and Foreign Operations, which is the same amount approved by the Appropriations Committee in July 2008.

This represents a $1.6 billion decrease from former President Bush's budget request of $38.2 billion. I repeat—this bill is $1.6 billion below what former President Bush recommended in his budget.

It is a $3.8 billion increase from the Fiscal Year 2008 enacted level, not counting supplemental funds, and $968 million above the Fiscal Year 2008 level including Fiscal Year 2008 supplemental and Fiscal Year 2009 bridge funds.

The State and Foreign Operations portion of this omnibus bill does not contain any congressional earmarks. It does, as is customary and appropriate, specify funding levels for authorized programs, certain countries, and international organizations such as the United Nations and the World Bank.

I thank Chairman INOUYE, President pro tempore BYRD, and Ranking Member COCHRAN for their support throughout this protracted process. And I thank Senator GREGG, who, as ranking member of the State and Foreign Operations Subcommittee, worked with me to produce this bipartisan legislation that was reported by the Appropriations Committee with only one dissenting vote.

It is imperative that we enact this bill. The alternative of a full year continuing resolution would be devastating to the operations of the State Department and our embassies, consulates, and missions around the world, and to programs that support a myriad of United States foreign policy interests and that protect the security of the American people. Many Senators on both sides of the aisle were encouraged that Senator Clinton was nominated for and confirmed to be Secretary of State. If we want her to succeed we must provide the tools to do so. This bill supports her highest priority of rebuilding the civilian capabilities of our Government.

The bill provides $7.8 billion for Department of State operations, a decrease of $274 million below former President's Bush's request and $1.2 billion above the Fiscal Year 2008 enacted level, not including supplemental funds. Counting emergency funds provided in Fiscal Year 2008 for personnel, operations and security costs in Iraq and Afghanistan, the bill provides a 5.6 percent increase.

These increases are attributed to a major investment in personnel, primarily to replace worldwide positions that were redirected to Iraq and invest particularly in countries of growing importance in South Asia. The bill supports the request of 500 additional positions, much of which will help posts left depleted, some by 25 percent, due to positions shifting to Iraq during the last 5 years. In addition, the bill recommends $75 million for a new initiative to train and deploy personnel in post-conflict stabilization. These critical investments would be lost if we do not pass this bill.

The bill provides $1.7 billion for construction of new secure embassies and to provide security upgrades to existing facilities, which is $178 million below former President Bush's request. He had proposed a 41-percent increase which we did not have the funds to support. But an increase of $99.5 million, or 13 percent, above the Fiscal Year 2008 enacted level is provided considering the significant threats our embassies faced last year alone, from Yemen to Belgrade. Even this lesser increase for embassy construction and security upgrades would be lost under a year-long continuing resolution.

Specifically, the bill provides $4.24 billion for Diplomatic and Consular Programs, which funds State Department personnel. This is an increase of $464 million, or 12 percent, above the Fiscal Year 2008 enacted level and $42 million above the President's request. This funds a major investment in personnel to increase language training and expand the number of personnel in regions of growing importance. Senators on both sides of the aisle have strongly endorsed this investment, but it would not be funded under a continuing resolution.

In fact, under a continuing resolution, the State Department would not have the resources to fund the staff currently serving at 267 posts overseas, due to exchange rate losses and the increased cost of security overseas. That means the United States would have even less representation than we do now, which none of us here would find acceptable.

The bill provides $1.1 billion for Worldwide Security Protection for noncapital security upgrades, an increase of $355 million above the Fiscal Year 2008 enacted level and $46 million below the request. This account funds all the Diplomatic Security agents at every post worldwide, armored vehicles, and training—all investments which, again, have bipartisan support. The increases would fund additional personnel for protection at high-threat embassies and oversight of security contractors in Iraq, Afghanistan and Israel-West Bank. This would not be possible under a continuing resolution.

Senators of both parties have expressed strong support for expanding international exchange programs, particularly in predominantly Muslim countries. The bill provides $538 million for education and cultural exchanges, which is $15.5 million above the President's request and an increase of $36.6 million above the Fiscal Year 2008 enacted level. Those additional funds would be lost under a continuing resolution at the moment when the United States has the greatest opportunity to reintroduce our country, our people, and our values to the rest of the world.

The same is true of public diplomacy. The bill provides $394.8 million for the State Department's public diplomacy activities, including outreach, media, and programs in embassies to develop

relationships with people in host countries. This is $33.9 million above the fiscal year 2008 level, which would not be available under a continuing resolution.

The bill provides $1.7 billion for construction of new secure embassies and maintenance of existing facilities, a $280 million increase above the fiscal year 2008 enacted level and $83 million below the President's request. Of this amount, $801 million is for embassy maintenance, $40 million less than the request and $46 million above the fiscal year 2008 enacted level.

The bill provides $770 million for planning, design, and construction of new embassies and office buildings worldwide, $178 million below the request and $99 million above the fiscal year 2008 enacted level. Any Senator who has traveled abroad has seen the need to replace insecure and old embassies. There is already a long waiting list, and it would be even longer under a continuing resolution.

Former President Bush's budget underfunded the U.S. assessed contribution to UN peacekeeping in fiscal year 2009 by assuming a reduction in every mission except Sudan. That was pie in the sky. The cost of most of these missions is increasing, not decreasing. The bill provides $1.5 billion for UN peacekeeping, an increase of $295 million above the fiscal year 2008 enacted level and $20 million above the President's request. However, compared to the total amount enacted in fiscal year 2008, the bill is $173 million below the operating level in fiscal year 2008 including supplemental funds. These are costs we are obligated to pay by treaty. They support the troops of other nations in Darfur, the Congo, Lebanon, Haiti, and a dozen other countries.

The bill provides $1.5 billion for contributions to international organizations, the same as the President's request and $186 million above the fiscal year 2008 enacted level. The account funds the U.S. assessed dues to 47 international organizations, including NATO, IAEA, OECD, the UN, and others for which, as a member of the organization, the United States is obligated by treaty to contribute. We either pay now or we pay later.

The bill provides $709.5 million for the Broadcasting Board of Governors, an increase of $39.5 million above the fiscal year 2008 enacted level and $10 million above former President Bush's budget request. This includes funding for languages which the former administration proposed to eliminate in fiscal year 2009, such as Russian, Georgian, Kazak, Uzbek, Tibetan and the Balkans, where freedom of speech remains restricted and broadcasting programs are still necessary to provide unbiased news.

For USAID, the bill provides $808.6 million for operating expenses, $41.4 million above former President Bush's request and $179 million above the fiscal year 2008 enacted level. This continues efforts begun last year to address the serious staff shortage at USAID, but under a continuing resolution USAID's staff problems would continue to worsen. It would not be able to hire additional staff for Afghanistan and Pakistan, or for other posts where there is not sufficient oversight of contracting and procurement. It is a crisis situation that I and Senator GREGG are determined to fix.

For bilateral economic assistance, the bill provides a total of $17.1 billion, $1.3 billion below former President Bush's request and $623.3 million above the fiscal year 2008 level. We received requests from most Senators—Democrats and Republicans—for funding from within this account, totaling far more than we could afford. A continuing resolution would make it impossible to fund many, if not most, of those requests.

A good example is global health. The bill provides $7.1 billion for global health and child survival, an increase of $757 million above the request and $737 million above the fiscal year 2008 enacted level. A continuing resolution would be devastating for these lifesaving programs.

A total of $495 million is provided for child survival and maternal health, an increase of $125 million above former President Bush's request and $49 million above the fiscal year 2008 enacted level. These funds are for programs that directly decrease child and maternal mortality from preventable diseases, such as malaria, polio and pneumonia. Under a continuing resolution, USAID would not be able to expand its malaria control programs to other countries in Africa with a high incidence of malaria, which kills a million people, mostly African children, every year.

The bill provides $300 million for safe water programs, including increasing access to safe drinking water and sanitation, which is a key factor in improving public health.

Former President Bush proposed a steep cut in funding for family planning and reproductive health programs, even though they are the most effective means of reducing unwanted pregnancies and abortions. The bill, instead, provides a total of $545 million from all accounts for family planning and reproductive health including $50 million for the UN Population Fund, which is $82 million above the fiscal year 2008 level. A continuing resolution would eliminate those additional funds, and the number of unintended pregnancies and abortions would increase.

The bill provides a total of $5.5 billion for programs to combat HIV/AIDS, $388 million above former President Bush's request and $459 million above the fiscal year 2008 level. Of this amount, $600 million is provided for the Global Fund to Fight HIV/AIDS, which is $400 million above the request. Additionally within the total, $350 million is provided for USAID programs to combat HIV/AIDS, which is $8 million above the request.

These additional funds, which pay for life-sustaining antiretroviral drugs, prevention and care programs, would be lost under a continuing resolution, to the detriment of 1 million people who would receive lifesaving treatment this year. With this funding 2 million additional HIV infections would be prevented this year. Instead of 10 million lives we are saving today, we have the opportunity to save 12 million people. We have the opportunity with this bill to save 1 million more orphans or vulnerable children who are either infected with HIV or have been orphaned because a parent died from HIV/AIDS. Why would we not make this investment this year?

The development assistance account funds energy and environment programs, microcredit programs, private enterprise, rule of law, trade capacity, and many other activities that Senators on both sides of the aisle support. The bill provides $1.8 billion for development assistance which is $161 million above former President Bush's request and $176 million above the fiscal year 2008 enacted level.

The bill provides $350 million for international disaster assistance, $52 million above the request and $30 million above the fiscal year 2008 enacted level, excluding supplemental funds. These funds enable the United States to put its best face forward when disaster strikes, as it did with the tsunami, the earthquake in Pakistan, floods in Central America, and famine in Africa.

The bill provides $875 million for the Millennium Challenge Corporation. This is $1.3 billion below the request and $669 million below the fiscal year 2008 enacted level. This reflects the view of the House and Senate that the Congress supports the MCC but wants to see a slowdown in new compacts, while $7 billion in previously appropriated funds are disbursed, and while the new administration decides how it wants to fund the MCC in the future. The agreement provides sufficient funds to continue current operations and to commence two new compacts of $350 million each.

For the Peace Corps, the bill provides $340 million, which is $9 million above the fiscal year 2008 level. Those additional funds would be lost under a continuing resolution.

The bill provides $875 million for international narcotics control and law enforcement, which is $327 million below the request and $321 million above the fiscal year 2008 enacted level. Those additional funds for programs in Latin America, Pakistan, Afghanistan, and many other countries would be lost under a continuing resolution.

There is a total of $405 million for continued support of the Merida Initiative, including $300 million for Mexico and $105 million for the countries of Central America. The fiscal year 2008 supplemental included $400 million and $65 million, respectively. We are all increasingly alarmed by the spread of

drug-related violence and criminal gangs in Mexico, but under a continuing resolution there would be nothing for the Merida Initiative.

Migration and refugee assistance is funded at $931 million, which is $167 million above former President Bush's request and $108 million above the fiscal year 2008 enacted level. That $108 million would be lost under a continuing resolution. This amount is already $557 million below what was provided in fiscal year 2008 including supplemental and fiscal year 2009 bridge funds. These funds are used for basic care and protection of refugees and internally displaced persons, whose numbers are not expected to decrease this year.

The bill provides $4.9 billion for military assistance and peacekeeping operations, $173 million below former President Bush's request but $212.6 million above the fiscal year 2008 enacted level. The bill assumes $170 million provided in the fiscal year 2008 supplemental as fiscal year 2009 bridge funds for military assistance to Israel, making the total amount for Israel equal to the President's request, $2.55 billion. The additional $212.6 million for other important bilateral relationships would be lost under a continuing resolution.

For contributions to the multilateral development institutions, which we owe by treaty, the bill provides $1.8 billion. That is $503 million below the former President's request and $251 million above the fiscal year 2008 enacted level. A continuing resolution would put us another $251 million in arrears, in addition to the arrears we already owe.

The bill provides the amounts requested by the former president for the Export-Import Bank, an increase of $26.5 million above fiscal year 2008. By not passing this bill, these additional resources would not be available to make U.S. businesses competitive in the global marketplace. At this time of economic downturn at home we should be doing everything we can to support U.S. trade.

These are the highlights of the fiscal year 2009 State and Foreign Operations portion of the omnibus bill before us. It contains funding to meet critical operational costs and programmatic needs which support U.S. interests and protect U.S. security around the world.

A handful of our friends in the minority have criticized this omnibus because it contains earmarks. Apparently they would prefer that unnamed, unelected bureaucrats make all the decisions about the use of taxpayer dollars. In fact, the total amount of this bill that Members of Congress—Democrats and Republicans—have earmarked for schools, fire and police departments, roads, bridges, hospitals, scientific research, universities and other organizations and programs in their states and districts which would not otherwise receive funding is less than 1 percent. That is what the aggrieved speeches are about. A whopping 1 percent.

Some here complain that this omnibus—all but a small fraction of which would fund the budget requests of former President Bush—is more than we can afford. Those are the same Senators who, year after year, rubberstamped billions and billions of borrowed dollars to fund an unnecessary war and reconstruction programs in Iraq that were fraught with waste and abuse.

Some say that the intervention of the Economic Recovery and Reinvestment Act is the reason they oppose this omnibus bill. Regarding the Department of State and foreign operations, 99.6 percent of the omnibus has no correlation whatsoever to what was funded by the Recovery Act. This portion of the omnibus funds all of the United States' activities overseas. All of the key new investments I have described will not occur if this bill is not passed.

The funding for State and foreign operations in this omnibus bill amounts to about 1 percent of the total budget of this country. However one views the Economic Recovery Act, it would be the height of irresponsibility to oppose this bill. The damage that a continuing resolution would cause to the functions of our embassies, consulates and missions, and to the foreign service officers who serve the American people around the world, would be devastating. The damage to programs would be measured in lives.

We have seen the image of our country battered beyond recognition. The values our country was founded on were ignored, ridiculed, and diminished. Democrats and Republicans alike recognize that the United States needs to reinvigorate its engagement in the world, particularly through rebuilding alliances and using diplomacy more effectively. This bill puts our money where our mouths are. The alternative is to retract and to invite others to fill the vacuum. That might save money in the short term, but it will cost us dearly in the future.

AMENDMENT NO. 613

Madam President, I will speak briefly in opposition to an amendment offered by Senator INHOFE. Before I do, I might note that I have served here for 35 years. Seeing the distinguished Presiding Officer, when I first came to the Senate, there were two Senators from Minnesota—Senator Hubert Humphrey, Senator Walter Mondale. Senator Humphrey had been Vice President of the United States; Senator Mondale was to become Vice President of the United States. I was helped immeasurably by the mentoring and the friendship of those two Senators.

The distinguished Presiding Officer and I had the opportunity to be present when the distinguished former Senator from Minnesota, Mr. Mondale, or Ambassador Mondale or Vice President Mondale—he had all those titles—was given one of the highest awards that the Japanese Government could give.

I mention this only because I still serve with the whole delegation from Minnesota, which is now presiding over the Senate.

The PRESIDING OFFICER. That would be correct.

Mr. LEAHY. Madam President, to go back to the subject at hand, I do wish to speak briefly in opposition to an amendment offered by Senator INHOFE. It is amendment No. 613. According to the unanimous consent agreement entered into by my dear friend, the senior Senator from Mississippi, we are going to vote on that amendment later today.

His amendment prohibits any United States funding to the United Nations if the United Nations imposes a tax on any United States person. It's like: My gosh, how did we ever overlook this situation? But this amendment is a textbook case of legislating when there is absolutely no rhyme or reason and shooting ourselves in the foot at the same time.

It is not a response to anything that has happened in the entire history of the United Nations. It is something that apparently the author of the amendment imagines maybe, some time, somehow, somewhere this could happen.

The United Nations has never levied a tax on anyone. It is not a taxing organization. This provision was originally put in many years ago when anti-United Nations sentiment was high. It was a feel-good, chest-thumping response to a totally imagined, non-existent problem.

I call it the Godzilla amendment. Let's pass a law that says if Godzilla comes tromping down the National Mall, he is prohibited from coming within 100 yards of the Nation's Capitol Building.

The fact is, of course, there is no Godzilla and there never will be. The U.N. has no taxing authority. It does not impose taxes. There has never been a U.N. tax on Americans. There is no realistic possibility that there ever will be.

This would be like saying if the United Nations ever passes a law to rename the United States of America, we will cut off funding. It is not going to happen.

Every year each appropriations subcommittee receives requests from Senators for what they want included in the bill. Both the ranking Republican member and the Democratic chairman look at all these requests. No Senator requested the language proposed by the Senator from Oklahoma. The Bush administration never requested this language. Both I and Senator GREGG saw absolutely no reason to continue to include it. It has no practical effect.

The Senator from Oklahoma has had since last July, over half a year, to ask for its inclusion if he wanted. He never did. President Bush, Vice President Cheney, Secretary of State Rice—none of them saw any reason for it.

This sort of falls into the ''we need to prohibit black helicopters from coming in the middle of the night from the

United Nations.'' It is fantasy. But if we did adopt it, what an embarrassment for this country, the only country in the world to adopt such an amendment.

At a time when we are trying to reestablish the reputation and leadership of the United States, why would we put Congress on record threatening the United Nations not to do something that it is never going to do? We are not some two-bit country that wants to stand up and wave a flag and show how tough it is. We are not the mouse that roared. We are the United States of America. And doing something like this, the rest of the world is going to look at us and say: Why are you doing such silly things?

The Senator's amendment would cut off funding for U.N. peacekeeping, for the operations of the U.N. Security Council, for UNICEF, for all the things we are asking the United Nations to do in Iraq, Afghanistan, Darfur, the Middle East, and around the world. That is what the amendment says. It is an anachronism. It has no basis in fact.

Does anyone think that even if they wanted to the other members of the U.N. Security Council could do that over a United States veto? It's impossible.

We already pay our assessed dues to the United Nations. Is that a tax? We have to pay it. It comes out of the Federal budget, and the Federal budget is taxpayer money. Should we stop paying that?

Let's stop treating the United Nations as the enemy. Let's start showing maturity and leadership. The amendment was an unnecessary piece of legislation years ago when it was first offered by Senator Jesse Helms, and it is no less so today.

No President, even if the U.N. had the ability to, which it does not—even if it tried, whoever was President would simply instruct our Representative to the United Nations: Veto it.

It is a solution looking for a problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 635

Mr. DORGAN. Madam President, I rise briefly to oppose the amendment offered by my colleague, Senator THUNE from South Dakota. I supported and worked with Senator THUNE and Senator KYL on Indian law enforcement issues and health care issues with respect to a very sizable authorization bill that was passed last year. It was actually an amendment to another bill. It was enacted into law. We now have an authorization for an Emergency Fund for Indian Safety and Health that is very important, and it needs to get funded.

I had not been aware of this amendment proposed by Senator THUNE. I don't know with whom Senator THUNE talked about it. He did not visit with me.

In any event, his amendment would provide funding for a range of Indian issues, which I think are very important issues, with an across-the-board reduction in other areas. His original amendment was drafted in a way that would have cut $90 million out of current Indian programs to pay for this Emergency Fund. He has since modified that amendment so that it is now an across-the-board cut on a much broader array of programs.

He makes the point that it is not a significant cut. I do not disagree with that. It is, however, a cut in Indian health care programs, a cut in Indian housing programs, a cut in programs that are so desperately in need of funding. I would be anxious to work with my colleague. I think those of us who have worked so hard together, including Senator THUNE and others, need to collaborate on these issues and determine how we can come up with some additional funding for the authorization we worked together to complete last Congress.

As I indicated, I was surprised by this amendment, as I am sure the Senator from California, Mrs. FEINSTEIN, was as well. We have so many problems. For example, contract health care on Indian reservations. You know the word on reservations: Don't get sick after June because they are out of contract health care funds and you are not going to get admitted to a hospital.

We have people with bone-on-bone health conditions, and bad knees so painful they cannot walk. But, it is not considered life or limb, which means they will not get funding for it.

In the past, I held up on the floor of the Senate a photograph of a woman who showed up lying on a gurney at a hospital having a heart attack with an 8-by-10 piece of paper Scotch taped to her leg that said to the hospital: If you admit this person, understand you may not be paid for it because we are out of contract health care funds.

We are so desperately short of funds in these areas, I don't think we ought to be cutting an account like that, even for something of great merit such as adding law enforcement funding to this Emergency Fund.

I support law enforcement funding initiatives. We need to find funding for them. We have reservations where the level of violence is 5 times, 10 times, 12 times the rate of violent crimes in the rest of the country. I have held hearings on it in Washington and on an Indian reservation. I fully believe we need to fund these initiatives. But should we do that by taking funding out of contract health care funds? I don't think so. Contract health care where people cannot show up at the hospital door after June, when they have run out of funds, in very serious trouble with something taped to their leg that says: By the way, you ought not admit this person because you are not going to get paid.

Full scale health care rationing is going on. Forty percent of the health care needs of American Indians are not getting met. Little kids are dying and elders are dying. We are desperately short of money in these accounts. To cut any of these health care accounts in any amount, in my judgment, is wrong.

I am sorry I am not able to support that amendment. It is the wrong amendment. I am anxious to work with my colleague from South Dakota. My colleague has a record of working with us on the Indian Affairs Committee, and he has a record of working on Indian reservations on important issues. I am anxious to work with him and my other colleagues, including Senator BARRASSO from Wyoming, who take a big interest in this issue.

I hope as we move forward that we will be able to provide the funding for the crisis that exists in health care, housing, and education on Indian reservations in this country. At the same time, we need to provide the funding for adequate law enforcement, which we have signed treaties to do and which we have a trust responsibility to do, but which we have systematically over a long period of time failed to do.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 634

Mr. KERRY. Madam President, I wish to talk about the amendment of the Senator from Arizona, Senator KYL, amendment No. 634, which is a well-intentioned amendment fundamentally but I think a misdirected amendment. The purpose of the amendment is to prohibit the expenditure of amounts of money made available under this act in a contract with any company that has a business presence in Iran's energy sector.

Effectively, what Senator KYL is seeking to do on this appropriations bill—on the fly, without hearings within the appropriate committees of jurisdiction, and without any appropriate input by the administration—a new administration, 1 month into office, and an administration that already has announced it has a new policy with respect to Iran—is to walk in here and apply a unilateral sanction by the United States.

Now, all of us share a very deep and real concern about the course Iran is on. We have just concluded 3 days of hearings in the Foreign Relations Committee on this very subject in order to get a better understanding of exactly what is happening in Iran, exactly what the possibilities may be, how we might avoid making the mistakes that were made in the last administration by rushing to judgment, and how we can proceed in a deliberative, thoughtful way. To simply attach to this appropriations bill this amendment in this way would be to contradict every single one of those legitimate interests of trying to approach a policy with regard to Iran in a thoughtful way.

First, let us make it very clear. We all know the effect of adopting this amendment, because of the procedural situation we are in, is very simple. It

keeps us from enacting this bill before the current continuing resolution expires. And given what we have heard from the House of Representatives, that means a vote for this amendment is effectively a vote against the Omnibus appropriations bill and it is a vote for a year-long continuing resolution at last year's funding levels. Given the state of our economy, given all of the initiatives contained in bills we should have passed last year and that we are only now getting to, it would be irresponsible in the context of the current economic situation of this country to deny some of these funds to flow and to put people back to work and to help create the future jobs for this country that we need.

On another level—and this is important—this amendment, if it passed, would actually have a very negative impact on the very office the Treasury Department—the Office of Terrorism and Financial Intelligence—would require to enforce the amendment. Why is that? Because in this omnibus bill that we want to pass is over $5 million, or about 10 percent over last year's budget, to help them be able to do the very job this amendment seeks to have them do. So the result of passing the amendment would be to take away the needed resources from the very people at the Treasury Department who right now are trying to track down and root out the Iranian banking and financial transactions that contribute directly to Iran's nuclear missile programs.

I think for the first reason alone you should not vote for this amendment, but the second reason not to vote for it is that it doesn't make sense to take money away from the people who are already doing the job we want them to do. That doesn't make sense. But more broadly—and I hope colleagues will think about this—this is not the time for this kind of an amendment.

We had a secret briefing yesterday afternoon with all of the DNI and CIA and other folks who are doing a lot of hard work with respect to Iran, and we spent a number of hours analyzing this. We are trying to come up with a multilateral approach that reaches out to the Europeans, to the Russians, to the Chinese and others, and we are trying to put together an Iran policy that makes sense. Developing a more effective Iran strategy is one of President Obama's top priorities, and getting it right is challenging. That is why the administration is undertaking the comprehensive review of its policy options even as it works to get its team in place. It doesn't make sense to come careening in here in the course of an afternoon, without hearings, without melding it into that larger strategy, to think about putting in place something that not only works against your interests but actually may wind up making it more difficult for our allies to be able to work with us, and without understanding how it fits into a broader strategy.

The President is right to open the door to direct engagement with Iran. And a lot of us are hoping—all of us hope, I think—that a more productive relationship is going to emerge, whereby we can explore areas of mutual interest. Believe it or not—a lot of people don't realize it at first blush—when you begin to look at the region and understand the dynamics of what is happening in Afghanistan and Pakistan and even Iraq, the fact is that Iran has the potential to be a constructive partner with respect to a number of different mutual interests. They do not like the Taliban, they have an interest in not having drugs come from Afghanistan across the border, they have other interests with respect to the stability of Afghanistan and other parts of that world.

The fact is they helped us—a lot of people don't realize this—recently, in 2001 and 2002, when the Senate made almost a unanimous decision that we needed to respond to the 9/11 attacks by dealing with Afghanistan and a safe haven. Iran was enormously helpful to us in that effort. And in fact much of what we were able to accomplish with the northern alliance, with the placement of our personnel on the ground, and other things through other components of that relationship wound up being very constructive in helping us to achieve what we did. So there are possibilities of a different relationship.

Nobody is believing that mere talking is going to produce them, but you don't know until you talk what the possibilities are. And you certainly, if you ultimately are going to wind up going down a much tougher road, want to build your bona fides with other countries to show that you have made every effort to be able to find out whether there are alternatives. So I have long advocated that we take a different approach with respect to Iran, and I think this kind of measure gets flat bang immediately plunked down right in the way of being able to take those kinds of additional new initiatives.

The challenge for the Obama administration now is going to be to choose a series of red lines with respect to Iran's potential nuclear program. And to do that, everybody has learned we need to build coalitions with the Europeans, the Russians, the Chinese, and nations within the Middle East in order to be able to pull the full weight of the international community against Iran, should they defy common sense and the requirements of the nonproliferation treaty and the United Nations and the IAEA. So I think for diplomacy to proceed, we don't want to engage in unthought out, ad hoc efforts such as this particular amendment, which can get in the way of our ability to put together a strong multilateral coalition.

Here is another reality. This amendment would wind up actually making it more difficult to achieve that coalition, because it would indirectly sanction companies in some of the very countries we hope to enlist. That is going to be made more difficult if this amendment were to pass. So again, it is unwise to target unilateral sanctions at allies and other influential countries we need in order to help appropriately build a coalition to deal with Iran.

I mentioned earlier that the Foreign Relations Committee has been doing 3 days of hearings on this very topic. Today, we heard from two of the most distinguished and thoughtful individuals in America with respect to national security issues. They have both served as national security advisers to Presidents of the United States—Democratic and Republican. I am talking about Dr. Zbigniew Brzezinski and GEN Brent Scowcroft. Both of them made perfectly clear that this kind of approach—the kind of approach in this amendment—is counterproductive to our overall strategy of bringing tough pressure to bear on Iran in order to change its direction.

So I say to my colleagues, going it alone on Iran may make you feel good, but it ain't smart, it is not playing to our strengths, and it is not permitting the current President of the United States, as Commander in Chief and as the initiator of our foreign policy, to be able to take the initiatives he wants. What is more, it is not even clear how the Treasury Department's Office of Foreign Asset Control would even be able to implement this amendment, and we haven't had any hearings to determine how they would implement this amendment.

This amendment would bar any funds provided by the bill for any new Federal contract with any company that has a ''business practice'' in Iran's energy sector. Well, nobody here even knows fully what the definition of a business practice is. Does that mean CIA? What does that mean in terms of anybody's understanding of what in fact is going to be banned? Moreover, the Office of Foreign Asset Control doesn't even catalogue those kinds of companies right now. So all of a sudden you pass the money and you are going to ask them to start tracking, no matter how small that company. It is going to distract them, frankly, from the serious work they are doing now to root out and shut down Iran's nuclear missile-related procurement transactions around the world. That is more important than diverting to this subeffort.

The bottom line is our challenges with Iran are plain too serious to be making foreign policy on the fly in an amendment to an appropriations bill without hearing and without even adequately understanding fully the terms within it. The committees of jurisdiction have not debated this approach. They haven't had any votes on this approach. There may well be a time and place for this kind of a provision. Maybe this provision will fit into a series of escalating sanctions which we have already been talking about within the Foreign Relations Committee. But we ought to do that not in this ad hoc way but in a thoughtful and disciplined

way, and I think we will have a much stronger policy if we do that.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MENENDEZ. Mr. President, what brings me to the floor is the Kyl amendment that is presently before us. I have listened to some of my colleagues say how this is the wrong amendment at the wrong time. I would simply say that, in fact, this is. I happen to agree. I happen to agree that it is at the wrong time.

I might very well agree with Senator KYL on the underpinnings of the amendment. I think we need to do what we must in order to ensure that Iran does not achieve the possibility of a nuclear weapon, and whatever we need to do in pursuing a two-track parallel as we engage them, at the same time have them understand that if engagement is not going to achieve them stopping obtaining a nuclear weapon, that there are consequences. But this is the wrong way to do foreign policy—in an omnibus bill—just as it is the wrong way to do foreign policy on the Cuba provisions in this bill.

I am compelled to come to the floor because I will oppose the Kyl amendment particularly because I think it is wrong to include it in an omnibus bill without going through the process—the Senate Foreign Relations Committee and others—to consider in fact whether this is the best policy, to have an open and free debate about it, to be able to vote on it either way after such rigorous debate. But we are being asked to vote for an omnibus bill that has provisions that change a significant foreign policy as it relates to the United States and Cuba. So there is a duality.

Finally, I have been reading a lot from our friends in the blogosphere and others, who talk about this issue on Cuba, and the press. What is incredible to me is that they still cannot cite one human rights activist in Cuba, one democracy activist in Cuba, they do not have the name of one prisoner of conscience inside of Cuba. They lose track. They talk about policy, but if it were any other part of the world—if we were talking about Burma, if we were talking about what happens in the Sudan—if we were talking about any other part of the world, we would see the same attention being given to the human rights activists, the democracy activists, the political prisoners inside of Cuba who languish each and every day, and their crime is simply to try to create a civil society with the benefits of the freedoms we enjoy here in the United States—to be able to come to a body like this and be able to debate; to be able to choose our elected representatives; to worship at the altar at which we choose to worship; to be able to enjoy the benefits of the sweat of our labor, whether by brawn or by brain. But there is silence.

I am a little tired that we keep reading about those who will spend hours listening to Castro's soliloquies but not spend 1 minute with human rights activists, with political dissidents, with independent journalists. There was a time when we used to help human rights activists and democracy activists in the world; when we put an international spotlight on people such as Lech Walesa in Poland; when we did it with Vaclav Havel in the Czech Republic; when we did it with Aleksandr Solzhenitsyn in the former Soviet Union. By creating that spotlight on those individuals, we gave them the opportunity not to be harassed on a daily basis, as Cuba's democracy activists are, in jail and in prison and sentenced, sometimes for a quarter of a century for some minor act that, in fact, we would enjoy here as one of our fundamental freedoms, such as wearing a simple white bracelet that says ''cambio''—change. Change in the last election in the United States would get you elected President.

Say ''change'' in Cuba, it sends you to jail. Yet there is silence. There is silence. It is deafening. It is deafening. So I will vote against the Kyl amendment because I think it is the wrong process in an omnibus bill. But, by the same token, you cannot have it one way and say it is wrong to have major foreign policy changes in an omnibus bill and then be silent about the other.

It is wrong to say our policies should be changed but not have one word about democracy, human rights, political prisoners. It is amazing to me that people do not know who Oscar Elias Biscetis is, an Afro-Cuban doctor who ultimately was sent to jail for 25 years simply because he refused to perform the abortions the regime called upon him to do. He protested it and he was sent to jail for 25 years; or Marta Beatrice Roque, who, in fact, languishes with health issues, and every time she goes out, most recently to visit a U.S. diplomat, gets beaten along the way; or Antunes, who is on a hunger strike trying to create limited openings in a civil society and protesting the beating and incarceration of another human rights activist.

I hope people will get to know their names, such as they did Vaclav Havel and Lech Walesa and Aleksandr Solzhenitsyn and others in the world whose voices we hear from our colleagues who come here and talk about them. I am proud of them for doing that. They need to start speaking out about the voices of those who languish in Castro's jails and stop losing the romanticism of the regime and start talking about those human rights activists, democracy activists, those who are suffering simply to create an opening in civil society within their country. Then there will be some balance. Then there would be some equity. Then we would have an opportunity to move on broader in the context of policy.

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.

Mrs. BOXER. 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. 599

Mrs. BOXER. Mr. President, we have a series of votes. I believe the first one will be the Murkowski amendment. I rise to speak against it. I think if you vote for the Murkowski amendment, what you are endorsing is a process that is something that should not be encouraged, which is a President in the waning hours doing a midnight regulation to overturn a law.

Let me repeat that. What Senator MURKOWSKI is doing is she is removing language in this bill that reversed two midnight regulations the Bush administration put into place, without proper hearing, without going through the comment period the way they should, ignoring the public, ignoring the science, and, in essence, doing a backdoor repeal of the Endangered Species Act.

Now, that is not right. It happens to be that one of these dealt with the polar bear, which, as you probably know, was listed as a threatened species by the Bush administration. But then people looked at the Endangered Species Act and said: My goodness, we do not know what can happen if we now declare that the polar bear is not only threatened but endangered. We better take away the protection of the Endangered Species Act from the polar bear.

Whether you care about the survival of the polar bear, as do I, or whether you do not, it seems to me what the Murkowski amendment does is to say that we approve of the President of any party, acting in a capricious way, overturning a law that was passed by Republicans and Democrats.

She not only deals with the polar bear, but she also deals with another very important rule that says, before there is a major development, Federal agencies have to check with the Fish and Wildlife Service to make sure we are not destroying God's creation.

I do not understand the thinking behind it. We have laws in place to protect endangered species. If we do not like the Endangered Species Act, if we have decided we do not care about polar bears or we do not care about bald eagles or we do not care about any of this, we want to do away with it, let LISA MURKOWSKI and any of my colleagues come and move to overturn and

overrule and abolish the Endangered Species Act.

But let's not send a signal tonight that Presidents of either party can, at the waning hours of their Presidency—and I do not care if it is a Democrat or Republican—can willy-nilly, with the stroke of a pen, decide to do away with the protections of an act that was a landmark environmental law.

If you do not like the law, come here, tell me why, let's talk. Maybe we can fix parts of it, maybe we cannot. Maybe we can rework parts of it, maybe we cannot. But let's not allow Presidents to simply do away with these laws when they may prove to be inconvenient.

I hope we will vote against the Murkowski amendment, whether we want to protect the polar bear or we do not, whether we care about the bald eagle or we do not. That is up to us to decide. But let's not say tonight in this vote that we approve of an Executive doing away with the protections of Federal law with the stroke of a pen without a hearing, without the comments, without the scientists, without working with Members of Congress on both sides of the aisle.

I hope we will have a strong vote against the Murkowski amendment.

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.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. BOXER. I am sorry to take back the time so quickly, but I want to place in the RECORD a number of editorials from around the country that have come out against the Murkowski amendment. One is from the Miami Herald entitled ''Who needs those pesky scientists?'' Another is entitled ''Endangered Process, Proposed rule changes to the Endangered Species Act could do lasting harm in the natural world.'' ''Unnecessary ESA Rewrite,'' that is from the Bangor Daily News. ''Gutting the law'' is from St. Louis Today. ''Endangered law: Bush rule change ignores science—again.'' That is from the Salt Lake Tribune. Here is one from the Seattle Post-Intelligencer: ''Endangered species: A 9-second rewrite.'' ''A complete sham, Public comments given curt review in rush to dilute the Endangered Species Act.'' That is from the Las Vegas Sun. ''Shredder is overheating in Bush's final months.'' That is from the Virginian Pilot. These editorials were written when George Bush issued the executive orders.

Senator MURKOWSKI's amendment would say: Fine, let it stand. The underlying bill reverses these midnight regulations and goes back to the status quo ante and back to the regular order.

I ask unanimous consent the editorials be printed in the RECORD.

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

[From the Miami Herald, Aug. 13, 2008]

WHO NEEDS THOSE PESKY SCIENTISTS?

The Bush administration continued its assault on the Endangered Species Act this week with a last-minute proposal that would speed up approval of construction projects that could cause harm to endangered plants and animals. Maybe it comes out of desperation, but whatever the motivation for the change, the administration misses the mark and should reconsider. If it doesn't and the change is approved, whoever is in the White House next year should immediately rescind the new rule.

COMPLETE PROJECTS FIRST

Interior Secretary Dirk Kempthorne said the change is necessary to keep the Act from being used as a ''back door'' means of regulating greenhouse gases that are believed to cause global warming. The change would allow federal agencies that are responsible for building highways, bridges, dams and other projects to decide if their projects create a risk to endangered species. This would drastically limit the requirement for mandatory, independent reviews by the Fish and Wildlife Service and other agencies that employ scientists and experts to conduct the studies. It would be like letting the proverbial fox guard the henhouse. Those agencies' first priority is to get projects completed, not protect at-risk species.

If the problem truly were about the time involved in the review process, the solution would be to streamline the process—not change the reviewer. But the administration has used this gambit before. In 2003, it adopted rules to let agencies approve new pesticides without hearing from government scientists about the impact on endangered species. The rule was overturned in court.

The administration's antipathy to the idea that human activities contribute to global warming has been well documented. In announcing the proposed change, Secretary Kempthorne said, ''It is not possible to draw a link between greenhouse gas emissions and distant observations of the impacts on species.''

PUBLIC'S INPUT

If approved, the administration would accomplish with a change in the rules what it has not been able to achieve in Congress. The House passed a bill in 2005 that would have made similar changes to the Endangered Species Act, but the measure failed in the Senate. The proposed change is subject to a 30-day public comment period after which it can be finalized by the Interior Department.

Thus, it is possible that the change could take effect before the next president is sworn into office, and could be in place for months before a decision on rescinding is made. The Bush administration showed its animus toward scientific data by rejecting stem-cell research that could help people with chronic diseases. Now it eschews research that protects the bald eagle, grizzly bear and Florida panther.

[From the Washington Post, Aug. 19, 2008]

ENDANGERED PROCESS

In May, the Bush administration reluctantly listed the polar bear as ''threatened'' under the Endangered Species Act. The facts left it with little choice: the bear's Arctic Sea ice habitat is melting because of global warming. But the administration wasn't happy, because the Endangered Species Act was never intended to be an instrument for coping with climate change. Our sympathy was limited, since President Bush spent his entire time in office resisting the adoption of laws that would have been better suited to combating greenhouse gas emissions. But we agreed that the Endangered Species Act was the wrong tool for the problem.

Now, however, in what is ostensibly an attempt to deal with this polar bear mismatch, Interior Secretary Dirk Kempthorne has proposed a rules change that would undermine the law's fundamental work. Mr. Kempthorne suggests far-reaching changes to the consultation process between the Fish and Wildlife Service or the National Marine Fisheries Service and other agencies. The changes would render the process meaningless and put all protected species at risk. Currently, an agency building a highway has to consult with the Fish and Wildlife Service to determine whether the project is ''likely to adversely affect'' a listed species. If a determination is made that such harm is likely, the service conducts a more rigorous review of the project and issues a detailed opinion on its effects. It is in this give-and-take between the various agencies and services that modifications are made that allow projects to go forward while minimizing the harm to animals and to trees and other plants.

Under Mr. Kempthorne's plan, agencies would be able to decide for themselves whether a project is likely to harm a species, and not just polar bears. If an agency decided to consult on the possible impact, the Fish and Wildlife Service would have 60 days (with the possibility of a 60-day extension) to issue an opinion. If it didn't meet that deadline, the other agency could end the consultation and proceed. The Fish and Wildlife Service already can't meet the deadlines established in the Endangered Species Act and is practically being run by judges and lawyers because of litigation stemming from blown deadlines. So we don't hold out much hope that Mr. Kempthorne's new deadlines would be met, either. The impact could be devastating.

The department contends that other government agencies have had years of experience with the law and know as much as the Fish and Wildlife Service and the National Marine Fisheries Service about how to protect listed species. This is doubtful. The services are there for a reason—to safeguard threatened and endangered species and to act as a check against the ambitions of agencies that want to complete projects. The rigor that the current consultation process fosters would be lost.

A 30-day comment period on the new rules has begun. So, here's our comment: Reissue the proposed regulations with a specific, targeted policy on how greenhouse gas emissions should be taken into account on federal projects under the Endangered Species Act. Gutting the consultation process, with all the unintended consequences of such an action, could be avoided.

[From the Bangor Daily News, Aug. 21, 2008]

UNNECESSARY ESA REWRITE

The Endangered Species Act has rightly been criticized for being slow and cumbersome. Eliminating a key provision of the act—which requires agencies that promote development, such as the Department of Transportation and the Bureau of Reclamation, to consult with agencies charged with protecting wildlife is not the solution.

The Bush administration, through the Departments of Commerce and Interior, proposed such a change last week under the guises of ''narrow'' updates to the act. Far from narrow, this is a fundamental shift of responsibility. ''The fox guarding the henhouse,'' was the favorite cliched description from environmental groups. Cliche or not, they are right.

The Office of Surface Mining has more interest in allowing ore to be mined than in protecting animals. The Army Corps of Engineers is more concerned with seeing dredging projects completed than ensuring fish habitat isn't destroyed. That's why consultation with the U.S. Fish and Wildlife Service, for projects on land, and the National Marine Fisheries Service, for marine projects, has long been required for work on federal land, paid for with federal funds or requiring federal permits.

Proposed new rules, published last Monday, would eliminate all formal consultation, instead allowing the federal agencies to decide whether proposed projects pose a threat to species protected by the ESA. Informal consultations would still be allowed if the federal agencies overseeing the projects wanted advice or review by the wildlife or fisheries service.

A major shortcoming of this proposal is that it aims to correct a problem that is more perception than reality.

Between 1987 and 1996, the U.S. Fish and Wildlife Service reviewed approximately 186,000 projects for possible impact on listed species. In only 5046 cases—less than 3 percent—were the projects deemed to adversely affect those species, requiring formal consultation. Of these, 607 concluded that a listed species would be jeopardized, but most could go forward if modified. During this time, only 100—0.0005 percent of the total reviewed by the service—were blocked due to endangered species concerns.

In Maine, between 1990 and 2005, the service reviewed more than 1,100 projects. In only eight was a formal consultation warranted. In each of these cases, the service found that the work could be done without harming the species in question, most often bald eagles, and the projects were allowed to proceed.

In another major overreach, the proposed rules eliminate climate change as a consideration when reviewing projects and their potential to harm threatened and endangered species. This follows last year's Supreme Court ruling that the Environmental Protection Agency had the authority to regulate the emission of carbon dioxide and other greenhouse gases from cars. The agency had argued that carbon dioxide was not a pollutant so the federal government could not regulate it.

Just as the EPA has refused to follow the court's ruling, now the wildlife and fisheries services are saying greenhouse gas emissions are beyond their reach. The proposed rule basically says that because the consequences of global warming are difficult to quantify and pinpoint, they shouldn't be considered at all. By this rationale, no agency in the U.S. is responsible for reducing America's contribution to a growing global problem.

These changes will likely go into effect unless Congress stops them, or a court does later. Congress must step in now.

[From St. Louis Today, Aug. 19, 2008]

GUTTING THE LAW

Let's face it, the Endangered Species Act can create quite a burden. If your goal is to build dams or open federal land to mining, logging and oil drilling, all those threatened animals and plants just get in the way.

Congress gets in the way, too, stubbornly insisting that the Endangered Species Act be obeyed. In part, that means that independent experts have to review any project proposed for federal lands for its impact on endangered species.

So now comes the Bush administration with a parting gift to its many friends in the timber, development and extraction industries: An end-run around Congress.

In what Interior Secretary Dirk Kempthorne described last week as a ''narrow regulatory change,'' the administration has proposed changing that picky requirement that independent botanists and biologists get involved in reviewing new projects.

Instead, the projects will be reviewed by the very people proposing them: Federal agencies like the U.S. Army Corps of Engineers or the Office of Surface Mining, whose expertise lies elsewhere.

In May, White House Chief of Staff Joshua Bolten wrote a memo to federal agencies outlining what he called a ''principled approach to regulation as we sprint to the finish'' of Mr. Bush's final term. Except under ''extraordinary circumstances,'' any new regulations had to be proposed—issued in draft form by publication in the Federal Register—by June 1.

Apparently, new rules gutting an important protection in the Endangered Species Act qualify as an ''extraordinary circumstance.'' But Mr. Kempthorne said the new rules he proposed last week are very limited in scope.

His new rules will ''provide clarity and certainty'' to the Endangered Species Act. In fact, the law's purpose and process already are clear. The administration's changes would weaken it significantly.

This is hardly the first time the administration, having failed to convince Congress to change environmental laws it dislikes, has tried to recast the law by issuing new regulations.

It took that route in 2005 to weaken parts of the Clean Air Act. With a chilling Orwellian flourish, the administration dubbed its new plan the ''Clear Skies Initiative.'' In 2006, federal courts struck down a similar effort that would have given the Environmental Protection Agency authority to approve pesticides without input from Fish and Wildlife Service scientists.

The Endangered Species Act has helped rescue the bald eagle, other animals and plants from the brink of extinction over the past three decades. This latest assault is certain to face the same legal challenges that derailed the pesticide regulations. It should suffer the same fate, too.

Regulations written in haste by an administration headed for the exits—no matter which administration makes them—make lovely parting gifts for special interests. But they make for terrible government.

[From the Salt Lake Tribune, Aug. 12, 2008]

ENDANGERED LAW: BUSH RULE CHANGE IGNORES SCIENCE—AGAIN

It should come as no surprise.

The Bush administration has single-mindedly worked for years to undo this country's landmark environmental conservation measures. So a rule change to emasculate the 35-year-old Endangered Species Act probably was to be expected. After all, efforts by conservative members of Congress have been thwarted for years by thoughtful senators and representatives with more concern for the environment than for developers, private contractors and the oil industry.

As his presidency grinds to a close, Bush and his appointees are working overtime on roadblocks to prevent the United States from taking any steps to reduce the use of fossil fuels that might shrink Big Oil's bottom line. The changes they're proposing would block regulation of the greenhouse-gas emissions that are endangering plant and animal species by eliminating science as a consideration.

Under the new rules, for example, the Bureau of Reclamation could decide for itself whether a new dam posed a threat to fish, and the Transportation Department alone could determine whether a major highway threatened wildlife habitat. No longer would those agencies have to consult with scientists at the Fish and Wildlife Service or the National Marine Fisheries Service who have expertise in this complex area of biology.

Bush has never let science get in the way of cronyism. On the critical issues of global warming, in particular, Bush's cohorts have soft-pedaled, ignored or simply edited out scientists' conclusions.

When the polar bear became the first species threatened by the effects of human-caused climate change, Interior Secretary Dirk Kempthorne took the unprecedented step of declaring the bear threatened, but also forbidding any requirements to reduce greenhouse-gas emissions, the primary cause of climate change, in order to protect the animal.

Besides eliminating all basic scientific recommendations, the rule change would extend the polar bear ruling to all species, barring federal agencies from even considering how CO_2 emissions and their contribution to global warming impact species and habitat.

These execrable rule changes threaten the ESA, but they don't have to make it extinct. If the changes are approved by the agencies before Bush leaves office, a new president and Congress should act immediately to reverse them.

[From the Seattle Post-Intelligencer]

ENDANGERED SPECIES: A 9-SECOND REWRITE

It's a time of maximum danger for the environment. The clock is winding down on the Bush administration, leaving little time to fulfill its long-cherished dreams of weakening endangered species protections.

Not known for worrying about manipulating the rules, facts or common sense, the administration appears ready to go to absurd lengths to rush through damaging changes. Consider how the Department of the Interior is hurrying to cement into federal policy the administration's highhanded disdain for scientific advice, with a proposed rule that would exclude greenhouse gases and the advice of federal biologists from decisions about whether dams, power plants and other federal projects could harm endangered species. According to an Associated Press report, agency officials will review—so to speak—the 200,000 comments on the policy at a pace of one every nine seconds.

Somewhat similarly, the National Marine Fisheries Service is working on a rule to expedite all environmental reviews of fisheries decisions. After scheduling only three public hearings around the country, the agency then cut short a July hearing in Seattle, the only West Coast opportunity to comment. U.S. Rep. Jim McDermott last month requested an extension of the comment period.

The National Resources Defense Council questions whether Interior's policy will even meet legal requirements. It's particularly disappointing to see blatant politicization in Interior, where we have admired Secretary Dirk Kempthorne and thought of him as someone who could serve well in a McCain administration.

Kempthorne's aim apparently is to finish work early enough so the devastation of environmental protections can't be undone by the next administration without a years long formal review. There is an alternative that doesn't require waiting for a new administration. If Congress returns to work for an economic fix, it also should put an immediate stop to this nonsense.

[From the Las Vegas Sun, Oct. 23, 2008]

A COMPLETE SHAM

The Bush administration is making a mockery of a long-standing practice in the

federal government—to set aside substantial time for reviewing public comments about major rule changes.

Since midsummer the Interior Department has been rushing to implement a high priority of President Bush's regarding the Endangered Species Act. The White House is seeking rule changes that would significantly dilute the act's effectiveness.

The administration tried to get the rule changes through Congress in 2005, but failed. Now it wants to make the changes administratively, which it claims it has the power to do once public comments have been received and reviewed.

A 60-day comment period expired last week. Online responses and letters numbered at least 200,000 (not counting 100,000 form letters).

Normally, it would take months to review that many comments. But the Associated Press reported that a team of 15 was ordered to have the reviews completed this week. They were given 32 hours, from Tuesday through Friday.

An analysis by the House Natural Resources Committee, led by Rep. Nick Rahall, D–W.Va., concluded that each member of the team would have to review seven comments each minute. Many of the comments are long and technical, including one submitted by a University of California law professor that numbers 70 pages.

The rule changes would give federal agencies the power to decide for themselves whether any project they were planning to build, fund or authorize, including highways, dams and mines, would harm endangered species. Since the Endangered Species Act was passed in 1973, such projects have undergone independent review by government scientists.

The new rules would also prohibit federal agencies from assessing whether emissions from a project would intensify global warming, thus harming endangered species or their habitats.

Obviously, the administration is so hell-bent on getting these developer-friendly changes made that it is turning the comment review process into a total sham. If the rules indeed get changed, the next president should immediately work to reverse them—this time after giving appropriate thought to public comments.

[From the Virginian-Pilot, Aug. 18, 2008]

SHREDDER IS OVERHEATING IN BUSH'S FINAL MONTHS

Generally speaking, it is a very bad idea to enlist hungry foxes to guard the chickens, since they rarely have the birds' best interests at heart. In the waning days of this White House, doing so is called ''streamlining,'' presumably because it gets food into the foxes faster.

The administration is hard at work in its last months gutting decades of environmental and wildlife regulation. That the moves defy both the legislative and judicial branches of the government is just a bonus.

According to the draft regulations, obtained by the Associated Press, the White House intends to allow federal agencies to skip an independent review designed to determine whether a project threatens animals or wildlife. Instead, the agencies would do the assessments themselves.

The whole reason that agencies were required to submit to such tests was because they weren't able to see beyond their own narrow interests—in building a dam, in locating a military base, in expanding a highway—to the larger public interest in protecting species.

The regulations, which don't require congressional approval, would amount to the biggest changes in endangered species law in decades.

The new rules would also forbid the federal government from considering the greenhouse gas emissions of a project in determining the effects on threatened species. That's nothing more than a backdoor attempt to circumvent the administration's own conclusion that global warming is killing polar bears.

The Endangered Species Act isn't the only environmental regulation the administration seems determined to leave in tatters.

According to Pilot writer Catherine Kozak, the National Marine Fisheries Service has proposed replacing environmental impact analyses and shortening public comment periods when developing or changing rules for fisheries management. The goal is to shut citizens out, or at least to mute their voices.

''They're throwing out 40 years of case law,'' said Sera Harold Drevenak, South Atlantic representative with the Marine Fish Conservation Network. ''I don't see how it's making anything any simpler. To start over from scratch is ridiculous.''

Or sublime, depending on your perspective.

Nobody advocates unnecessary regulation that masks a political agenda. But the administration seems bent on doing away with environmental regulation simply because it doesn't like the result, or the interpretation by regulators, Congress or the courts.

For eight years now, there have been plenty of hints that the Bush administration had no qualms about entrusting foxes with keys to the White House, as when the vice president encouraged oil companies to craft the nation's energy policy, or when politicians were encouraged to use the Justice Department to settle scores.

The effect of the White House push on the environment is likely to be measured largely by the time opponents will waste fighting them.

The resulting uncertainty will also paralyze precisely the projects the revisions were designed to speed, because whoever is elected next to guard the nation's henhouse will almost certainly change the rules yet again.

Mr. LEVIN. Mr. President, Congress has a right to override a regulation, and in fact Congress should use this authority more often. Exercising the right of legislative review of regulations is a key responsibility of Congress. Should Congress deem a regulation deficient, members should exercise their legislative authority to change or override that rule. The Omnibus appropriations bill for fiscal year 2009 includes a provision in section 429 effectively doing that by giving the Secretary of the Interior the authority to withdraw or reissue two rules of the Bush administration related to the Endangered Species Act.

One rule, relating to Interagency Cooperation under the Endangered Species Act, weakens the requirement that Federal agencies consult with either the Fish and Wildlife Service or the National Marine Fisheries Service, the agencies that have expertise in matters related to endangered and threatened species. Giving Federal agencies the permission to bypass the consultation with these expert agencies harms the purpose of the Endangered Species Act.

The other rule includes a special provision that would prohibit the use of the Endangered Species Act from activities that occur outside of the current range of the species. I agree that it is better that greenhouse gas emissions should be controlled through a national economy-wide scheme rather than through the Endangered Species Act. However, the language isn't mandatory and I also understand that even if the Secretary of the Interior rescinds this rule, an interim final rule protecting the polar bear would still be in effect and would also include the reasonable limitations provided in section 4(d) of this rule.

Finally, we are in a unique procedural situation where the passage of any amendment will push us to a year-long continuing resolution instead of appropriations. That outcome needs to be avoided.

Mrs. BOXER. 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. COCHRAN. 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. COCHRAN. I understood that under the order previously entered today, the Senate was to begin voting at 5:30 on amendments to the pending legislation.

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the Murkowski amendment No. 599.

Mr. COCHRAN. 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 assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNS) and the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 42, nays 52, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—42

Alexander	Crapo	Martinez
Barrasso	DeMint	McCain
Begich	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Specter
Cochran	Isakson	Thune
Collins	Kyl	Vitter
Corker	Lincoln	Voinovich
Cornyn	Lugar	Wicker

NAYS—52

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

NOT VOTING—5

Conrad	Kennedy	Sessions
Johanns	Landrieu	

The amendment (No. 599) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 613

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 613, offered by the Senator from Oklahoma, Mr. INHOFE.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, since 1996, we have had a provision in law that was put in and passed with a very strong majority and signed into law by President Clinton. It is a provision that states the United Nations is attempting to have a global funding, so we would not have anything to do with what they do with this funding. If they consider this, it would allow them to do something contrary to the—

The PRESIDING OFFICER. The Senator will suspend.

The Senate is not in order. Senators please take their conversations out of the Senate.

Mr. INHOFE. Mr. President, it might be easier to read the two sentences in the law that were there before:

> None of the funds appropriated or otherwise made available under any title of this Act may be made available to make any assessed contribution or voluntary payment of the United States to the United Nations if the United Nations implements or imposes any taxation on any United States persons.

It has been there since 1996. It had broad support. Nobody knows why it was taken out, but in this law that language was taken out that has been there for 13 years. So I encourage us to support this amendment to put that language back.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, this is an unnecessary amendment. The Senator from Oklahoma asked an obvious question: Why is this language not in there? Nobody wanted it. No Republican asked for it. No Democrat asked for it. The Bush administration didn't ask for it. We constantly remove outdated, unnecessary language from these bills to clean them up.

The United Nations has no power to tax the United States or any person in the United States. It would be like saying we want to pass a law that says that if the U.N. were to launch several divisions of soldiers against us, we will cut off their funding. They can't do that any more than they can impose a tax against us. They are not a taxing organization.

So we deleted provisions like this that serve no purpose, and which no senator requested. It has no practical effect. The Bush administration didn't want it. No Republican asked for it. No Democrat asked for it. Let's focus on the real problems such as Darfur, the Middle East, and Afghanistan where we are asking United Nations peacekeepers and aid workers to risk their lives to support our goals.

I oppose this amendment.

Mr. INHOFE. Mr. President, I think I have 30 seconds left.

The PRESIDING OFFICER. There is no time remaining.

The question is on agreeing to the amendment.

Mr. INHOFE. 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 clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNS) and the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 43, nays 51, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—43

Alexander	DeMint	McCain
Barrasso	Dorgan	McConnell
Bayh	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Feingold	Risch
Brownback	Graham	Roberts
Bunning	Grassley	Shelby
Burr	Gregg	Snowe
Chambliss	Hatch	Specter
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Collins	Isakson	Voinovich
Corker	Kyl	Wicker
Cornyn	Lugar	
Crapo	Martinez	

NAYS—51

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

NOT VOTING—5

Conrad	Kennedy	Sessions
Johanns	Landrieu	

The amendment (No. 613) was rejected.

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

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 635

The PRESIDING OFFICER. There is now 2 minutes of debate, equally divided, prior to a vote on the motion to waive the point of order relating to amendment No. 635, as modified, offered by Senator THUNE.

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, lest there be any confusion, I filed this amendment on Monday and made it pending on Tuesday, and I spoke to it then. It is simple. Last July, the Senate, in the debate on the PEPFAR bill, voice voted an amendment to that bill that created a $2 billion, 5-year authorization for an emergency fund for Indian health and safety. All my amendment does is fund it, $400 million. It wasn't funded in the bill. I paid for it by taking a one-tenth of 1 percent across-the-board reduction in the entire bill to put the $400 million into this fund, which is necessary to fund this important program for Indian health and safety. That means the increase in the bill won't be 8.3 percent, it will be 8.2 percent. Contrary to what was stated, it increases Indian health care by $23 million. It was stated that it would reduce the health care account by a little over a million dollars. Congress authorized it last summer.

I hope my colleagues will vote to waive the budget.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I oppose the Thune amendment and ask this body to vote against it.

Last year's Interior appropriations bill provided $5.6 billion for Native American programs. This year, the regular appropriations bill and the recently enacted Recovery Act will provide $6.9 billion for Indian health. That is an increase of 23 percent over the 2008 level. The Thune amendment would increase the funding an additional 6 percent, or $400 million, paid for by an across-the-board cut in every account in this omnibus bill. That would cause the Interior bill to exceed its allocation; consequently, a point of order would rest against the entire Interior bill and it would be dead.

I urge a ''no'' vote.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNS) and the Senator from Alabama (Mr. SESSIONS).

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

The yeas and nays resulted—yeas 26, nays 68, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—26

Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Graham	Murkowski
Brownback	Grassley	Risch
Burr	Hatch	Roberts
Chambliss	Inhofe	Shelby
Coburn	Isakson	Thune
Cornyn	Johnson	Wicker
Crapo	Kyl	

NAYS—68

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

NOT VOTING—5

Conrad	Kennedy	Sessions
Johanns	Landrieu	

The PRESIDING OFFICER. On this vote, the yeas are 26, the nays are 68. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

Mr. COCHRAN. 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.

AMENDMENT NO. 634

The PRESIDING OFFICER. There will now be 10 minutes of debate equally divided prior to a vote in relation to amendment No. 634 offered by the Senator from Arizona, Mr. KYL.

The Senator from Arizona.

Mr. KYL. Mr. President, if my colleagues on the other side are willing, I am willing to cut this time in half.

My amendment is actually very simple. If my colleagues would give me a moment to explain, all this amendment says is that none of the money that is spent in this bill can go to companies that are helping Iran; that is to say, they are doing business with Iran in the export or import business.

In the campaign, the President noted that the kind of sanction we need to impose is on the companies, for example, that are providing refined gasoline to Iran. One of the first reports to the President by nonproliferation expert, David Albright, said:

> At a first step, the Obama administration should ask all of Iran's gasoline suppliers to stop their sales to Iran, followed by an initiative to seek agreement among supplier nations not to provide Iran gasoline.

The President has all of the authorities he needs to engage in this. The one thing that Congress can do that we have not done yet is with the power of the purse; that is, to make sure none of the money in the omnibus bill would go to any of the companies that are doing business with Iran.

One quick example of why it is necessary: Senator LIEBERMAN and I sent a letter to the Eximbank. Eximbank gets money. That money can go to companies. Once they got the letter, those companies stopped sending refined gas to Iran. I don't know if that is because of our letter. That is the kind of stuff we need to stop with this amendment.

I hope my colleagues agree we do not need to send this money to companies that do business with Iran.

The PRESIDING OFFICER. Who yields time?

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise to express my strenuous objection to the amendment that is being offered by the Senator from Arizona. The amendment has a purpose, no doubt, but it is particularly and solely political.

Let there be no doubt, we have to stop companies from doing business with Iran. Iran's nuclear technology program grows stronger every day, and it represents a serious threat to our country, to Israel, and to mankind. It is known that Iran also funds terrorist organizations, such as Hamas and Hezbollah. That is why we have to deal with this threat seriously whenever we can do so.

Over the last few years, I have offered three amendments to block American companies from helping Iran to develop its nuclear technology and promote terrorist actions. But when the chips were down, my Republican colleagues voted against three amendments.

My amendment would have closed the loophole in our laws that allows American-owned companies to use sham offshore subsidiaries to do business with Iran. Three times I brought amendments for a vote on the Senate floor to shut down this loophole. But each and every time, the Republican Members of the Senate voted against commonsense legislation. They voted to keep Iran open for business. They voted to allow American companies to help the regime in Tehran, as the Senator said, to produce oil, to produce revenues they sent to Iraq to help those guys kill our troops.

So I ask, why now are these Members so interested in stopping companies from doing business with Iran? We know why. Raw political showmanship. But we have to stop Iran's serious nuclear threat from continuing to try to wipe Israel off the map and to attack the United States and other democratic nations. Our national security is at stake, and we should have a serious debate on how to block Iran's nuclear program. That is why we have to object to Senator KYL's amendment.

There is another problem with his amendment. My legislation would have closed the ''business with terrorists'' loophole, and this amendment does not. I checked with the Congressional Research Service. CRS says this amendment will not have any effect on present sanctions. It will have little or no influence on the mad stream of threats and the ugly hatred that comes from Iran.

If the Senator wants us to work together to get a decent approach to get at this problem, I would be happy to work with him on it in the days ahead. But this amendment before us does nothing to stop their mad dash to build a nuclear threat to humankind. I hope we can work together to come up with a strong piece of legislation to end this practice once and for all.

The amendment simply is a gimmick to attack the omnibus bill, and I urge my colleagues to vote no on this amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has a little over a minute.

Mr. LAUTENBERG. I yield a minute to my friend from Connecticut, Senator DODD.

Mr. DODD. Mr. President, very briefly—and I say this because I happen to agree with, and I think most of our colleagues agree with, the intent of the Senator from Arizona—this has been a matter before the Banking Committee. In fact, in the last session of Congress, by a vote of 19 to 2, the Banking Committee—with Senator SHELBY as ranking member—approved Comprehensive Iran sanctions legislation, that went far beyond the scope of the amendment proposed by the Senator from Arizona. But when the legislation was sent to the Senate floor, it was blocked by the Senate minority. I thank my colleagues on the committee who supported it.

Right now, however, the administration is conducting a policy review on Iran at the very time we are gathering here to engage in this debate. I think before considering new legislation, it would be wise to have some hearings, after the administration completes its review and decide the appropriate course of action, in consultation with the appropriate federal agencies.

Clearly, sanctions dealing with Iran's energy sector, as Senator KYL pointed out, have great merit, as Congress has determined in years past. But I think there is a time and a place for deciding major changes in our sanctions policy—probably not this evening at 7 o'clock, at the end of a long debate on this omnibus bill, when so much is at stake. Such changes should not be added to this underlying bill. Speaker PELOSI has made clear she would pursue a year-long Continuing Resolution if this bill is changed in any way the day before funds for the government expire. If that happens, the amendment would essentially kill or potentially delay critical funding, including an additional $5 million slated for the Department of the Treasury's Terrorism and Financial Intelligence unit to enforce our sanctions against Iran.

I say respectfully, while there is no disagreement that something must be done to stop Iran's efforts to promote terrorism and proliferate weapons of mass destruction, we must do so in close coordination with the new Administration, much as we worked with the Bush administration in fashioning our sanctions bill last year. Let the Obama Administration's Iran review be completed. Once we have an opportunity to examine it, we may then consider a new approach to our Iran policy. At that time, I look forward to working with my colleagues, on both sides of the aisle to address these critical matters. I therefore, urge my colleagues to vote against this amendment.

Ms. MIKULSKI. Mr. President, I support the aim and intent of the Kyl amendment that prohibits any omnibus funding being spent on new contracts with companies that do business with Iran's energy sector. Iran's energy resources provide massive amounts of petro-dollars to this regime.

In 2008 alone, Iran made over $65 billion in profits from exporting oil. Make no mistake where these dollars are spent—these profits directly contribute to Iran's ability to arm, train, and fund Hezbollah, Hamas, and other terrorist groups that seek to do Israel, the United States, and our allies harm.

Although I support the intent of the Kyl amendment, I oppose it today because it is legislating in an appropriations bill and it would further delay the delivery of $2.48 billion in urgently needed security assistance to Israel which is contained in the bill.

Tough, targeted, and enforceable sanctions against Iran must be implemented. I look forward to working on a comprehensive Iran sanctions policy with the Obama administration this Congress.

The PRESIDING OFFICER. The time has expired.

Mr. KYL. Mr. President, actually, I am not proposing a new regime of sanctions or anything that needs to be studied. My amendment simply goes to this Omnibus appropriations bill and says what I think all of us intend, which is none of the money shall be spent or shall go to companies that are doing this kind of business with Iran, the kind of business that is already subject to sanctions. That is already the law.

All we are saying is, nothing in this bill can get money to those companies. It is the kind of thing we had to do with the Eximbank because as they, in their letter back to us said, we do not allow political considerations to determine whether we make a loan to a country. That is why they were able to make the loan to Iran and why we could do nothing to stop that. Once we wrote the letter, however, and pointed out this was a violation of our sanctions, then mysteriously, the effort of the company ceased.

All we want to make sure is that nothing in this bill, none of the money in this particular bill goes to those companies. So it is not a new sanctions regime or anything new that I think has to be studied.

With all due respect, this is not for political showmanship. Had this bill gone through a little different process, we could have worked this out. But under the circumstances, that wasn't possible. As a result, I thought it was important to make sure none of the money in this bill is spent on these companies.

Mr. KERRY. Does the Senator have time left?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. KERRY. Will the Senator yield for a question?

Mr. KYL. I would be happy to yield.

The PRESIDING OFFICER. The Senator from Massachusetts.

The majority leader.

Mr. REID. Mr. President, I think there is time here, if there is more time needed for everybody on this amendment. If there is more time needed, why don't we extend the time for a little bit.

Mr. KYL. I am happy to yield to my colleague from Massachusetts for a question.

Mr. KERRY. I appreciate the Senator doing that.

I wish to point out a couple things to the audience. First of all, we have had 3 days of hearings in the Foreign Relations Committee on Iran. Today, GEN Brent Scowcroft and Dr. Zbigniew Brzezinski made it clear this is the not an advisable way to approach the current situation in Iran; that we need to think carefully about the overall record of the type of sanctions we develop or that will be interpreted, as a result, as taking an effort unilaterally by the Senate outside the administration's review process and outside its foreign policy.

Moreover, the Foreign Assets Control Office, which is responsible now for rooting out Iran's program, actually loses money under this amendment and would, therefore, not be able to do the job it is doing today with respect to it.

Thirdly, there is no definition here of what a business presence is. The fact is, the administration right now is working with a bunch of moderate Arab countries, as well as some of our allies in Europe, in order to put together a sanctions regime that has bite, if we need it. This, in fact, could prevent some of those countries from feeling good about joining in that effort or ultimately joining in it.

I would ask my colleague if he would be willing to come together with us. There isn't anybody in this body who doesn't understand the seriousness of what Iran is doing. We had classified briefings on it yesterday. But we owe the administration the opportunity to decide what it believes is the proper regime for sanctions, and so I ask my colleague if he would consider that it might be better, rather than even having a vote, to give us the opportunity to do that, and we will work together and see if we can't come up with a sensible, unified bipartisan approach to Iran.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Given the fact that I think my remaining 2 minutes have expired, I ask unanimous consent for an additional minute of time to respond to my colleague's question.

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

Mr. KYL. Mr. President, if I were proposing some new sanctions regime, that would be an entirely appropriate request, and of course I would accede to it. I am not asking for any new sanctions or any new law. All this amendment does is to say that the money in this appropriations bill doesn't go to a country that is doing these kinds of exports or imports to Iran. That is all. We have the power of the purse, and surely we can restrict our own expenditure of money to countries that are cooperating with us in dealing with Iran, rather than dealing with Iran.

I urge my colleagues to support this. It is a very limited amendment. It is not a new policy.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The majority leader.

Mr. REID. I ask unanimous consent that the Republican leader and I be allowed to offer a unanimous consent request.

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

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of the pending amendments, no further amendments be in order this evening; that the vote on the motion to invoke cloture occur at 8:15 p.m. tonight, and that the time until then be equally divided and controlled between the leaders or their designees; that if cloture is invoked, then all postcloture time be

considered yielded back, the bill be read a third time, and the Senate then proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNS) and the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 41, nays 53, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—41

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bayh	Enzi	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Specter
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Kyl	Voinovich
Cornyn	Lieberman	Wicker
Crapo	Martinez	

NAYS—53

Akaka	Gillibrand	Murkowski
Baucus	Hagan	Murray
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burris	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lincoln	Udall (NM)
Corker	Lugar	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	

NOT VOTING—5

Conrad	Kennedy	Sessions
Johanns	Landrieu	

The amendment (No. 634) was rejected.

Mr. LAUTENBERG. 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.

AMENDMENT NO. 638, WITHDRAWN

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided, prior to a vote in relation to amendment No. 638, offered by the Senator from Idaho, Mr. CRAPO.

The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, this amendment would strike section 626 from the bill. This is a section that gives the Federal Trade Commission authority to expedite rulemaking over mortgage loans that are now overseen by not only the FTC but Federal banking and credit union regulators. This grant of increased authority to the FTC is not appropriate because we already have Federal regulators over both the banking and credit union industries. I think everyone agrees we do not want to see this extended regulatory authority changed. I have been working with our Banking Committee chairman, Senator DODD, and with Senator DORGAN and Senator INOUYE, to see if we can address this.

It is my understanding we have an agreement and Senator DODD will discuss that agreement and enter into a colloquy for the RECORD that will establish that we do not want to change the regulatory authority and the jurisdictional structures we now have for our Federal regulators over our depository institutions, and that we will, in a very expedited manner in the next available option for a legislative vehicle, make statutory changes to correct that. In the meantime we will make it clear the intent of this legislation is not to have the FTC engage in rulemaking that would seek to assert jurisdiction over any of the institutions over which it does not now have authority.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I seek time of my own time. My colleague is exactly right and I thank him immensely for his involvement. We thank Senator INOUYE as well as others who were part of this exchange, a colloquy which we will submit for the RECORD, which explains exactly what the Senator from Idaho has described. He has it exactly right. This is an expanded removal of jurisdiction from one area to another. There are a lot of very serious questions raised by it.

Our intent is at the earliest possible time we will have legislation to correct what is in this bill and change that. I thank him for his cooperation on this. I thank Senator INOUYE and the staff and other people who could have objected to this. Senator DORGAN and others have had some strong views on this and I am very grateful to him as well, understanding our concerns on this matter. We will have a chance to come back to it. I again thank my colleague who helped us craft this colloquy which allowed us to move beyond this particular point. There may be others who want to object to what we want to do, but we feel strongly about the language of the amendment that Senator CRAPO has crafted here and we will hopefully get to that quickly.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, let me thank my colleague from Idaho and my colleague from Connecticut. The Federal Trade Commission does not have jurisdiction over FDIC-insured banks. There was no intention in any legislation drafted here to give them that jurisdiction and I think this colloquy clarifies that. If there is any lack of clarity going forward, I certainly want to work with my colleagues from Idaho and Connecticut to make certain there is no confusion at all about what this applies to. This does not apply to FDIC-insured banks.

Mr. DODD. Mr. President, I seek clarification from the Senator from North Dakota and the Chairman of the Appropriations Committee about the intent and effect of section 626 of Division D of the bill. Will the Senators confirm that section 626 was designed to enhance the FTC's ability to impose new standards only on those mortgage industry participants that are currently subject to the FTC's rulemaking jurisdiction?

Mr. DORGAN. Yes, that is correct. Section 626 is not intended to alter the allocation of responsibility for the Federal oversight of lenders under current law. The FTC is currently authorized, under the Federal Trade Commission Act, to issue regulations defining unfair and deceptive acts and practices by mortgage industry participants that are regulated at the Federal level by the FTC, such as nonbank mortgage brokers. Section 626 directs the FTC to initiate such a rulemaking within 90 days, using procedures widely used by all agencies under the Administrative Procedure Act, instead of more protracted procedures specified for FTC unfair and deceptive practices rulemaking under section 18 of the FTC Act. Section 626 is not intended to apply to institutions including banks, thrifts and credit unions that are outside the FTC's jurisdiction.

Mr. INOUYE. I concur with Senator DORGAN.

Mr. DODD. With respect to the provisions granting the states authority to take enforcement action, is it your intent the states limit their enforcement actions under the new mortgage standards promulgated by the FTC, or under TILA, only to those mortgage industry participants that are not currently supervised by the federal banking agencies or are not Federal credit unions?

Mr. DORGAN. Yes, the Senator from Connecticut is correct. Our intention was to permit state attorneys general to bring civil actions only against mortgage industry participants that are not supervised by the Federal banking agencies or are not Federal credit unions.

Mr. INOUYE. Yes, I concur with Senator DODD and Senator DORGAN.

Mr. DODD. I ask the Senators to work with me to add an amendment to the next appropriate legislative vehicle that clarifies the scope of this provision to reflect the gentlemen's intent and that provides appropriate participation by state attorneys general in enforcement of federal mortgage standards.

Mr. DORGAN. I agree, and commit to work with the Senator from Connecticut to clarify this provision as expeditiously as possible on the next appropriate vehicle.

Mr. INOUYE. I, too, will work with the Senator to clarify this provision.

Mr. CRAPO. Mr. President, I appreciate the fact that there is consensus that section 626 goes too far and that it is not the intention of the chairman of the Banking Committee and the chairman of the Appropriations Committee to provide the Federal Trade Commission authority in its rulemaking over mortgage loans overseen by the Federal banking and credit union regulators. However, if the intention is merely to expedite the FTC rulemaking process over nonbanks then the language should be clear on that account. Unfortunately, that is not the case.

It is important to remember that once this legislation is signed into law, the FTC is directed to initiate rulemaking within 90 days. Rather than agreeing to clarify this issue at a later point, it is my strong preference that the Senate would have deleted this section and agreed to working out compromise language at a later point. That is what my amendment would have accomplished by striking the section.

Per the colloquy of Senators DODD, INOUYE, and DORGAN, I will follow up with the FTC that it is the clear intent of the Senate that the provision does not expand the FTC's regulatory jurisdiction and that the required FTC rulemaking will not attempt to include insured depository institutions. I will also note that there is a bi-partisan agreement that the Senate will shortly take up legislation to clarify the scope of the legislation to that effect. Additionally, in light of the focus by the Federal Reserve Board on mortgage lending, the FTC should be required to consult with the Federal Reserve Board in developing their rule. I would encourage my colleagues to send similar letters to the FTC.

If the initial FTC proposed rule attempts to go beyond this scope, it is my understanding that there is agreement that the Senate would immediately take up legislation and stop that from occurring. It would be a terrible mistake to add another patchwork of conflicting authorities and interpretations of Federal laws for insured depository institutions as it relates to home loans and other types of consumer finance transactions. This type of regulatory uncertainty and complexity will only further complicate the resurrection of our mortgage market, harming consumers who are having a difficult enough time obtaining appropriate mortgage loans.

I intend to closely monitor how the FTC proceeds and work with my colleagues to craft a narrow legislative clarification. If we cannot shortly come to agreement on this front, then I will push for a vote to eliminate this authority in the next appropriate vehicle before the Senate.

With that clarification and explanation, the FTC rulemaking that will be able to proceed under this legislation will not seek to extend to the FDIC depository institutions and credit union regulated institutions, then I—and our agreement that we would on an expeditious basis statutorily seek to correct that and make that clear in the CONGRESSIONAL RECORD, I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

RESTORING NOMINAL DRUG PRICES

Ms. STABENOW. I would like to engage in a colloquy with the chairman of the Committee on Finance, Senator MAX BAUCUS. Senator BAUCUS, I am very pleased to see that the fiscal year 2009 Omnibus appropriations bill corrects an unintended consequence of a provision in the Deficit Reduction Act of 2005, DRA. Section 6001(d) of the DRA, which is Public Law 109–171, caused family planning clinics that do not receive Federal funding and university-based clinics to sustain increases in the price of oral contraceptives as much as tenfold over the past 2 years. This is because drug manufacturers stopped offering discounts to these clinics in response to changes to the Medicaid drug rebate program made by the DRA. While discounts remained perfectly legal, drug companies were concerned about the impact of their Medicaid rebate liability for the continued offering of discounts to certain family planning and college- or university-based clinics. The price increases have put a terrible strain on our country's first line of defense against unintended pregnancies. We have the highest unintended pregnancy rate of any advanced industrial country.

With enactment of this critical legislation, these clinics will once again have access to nominally priced drugs, should private sector manufacturers choose to provide these discounts. This access should begin immediately upon enactment, and manufacturers should feel confident that they can extend discounts to family planning clinics such as Planned Parenthood and college and university clinics without it affecting the rebates they must provide under Federal law to State Medicaid programs.

Mr. BAUCUS. I thank the Senator. I share the Senator's views on this matter. It has taken too long to correct what all parties agree was an unintended outcome of the DRA. I had asked the previous administration to use the discretion provided in the DRA to designate additional health providers as entities to whom the sale of nominally priced drugs is appropriate. The Bush administration chose not to make these designations when it promulgated final regulations on July 17, 2007, and so Congress is acting now to correct this error. The Senate included this provision in last year's Iraq supplemental appropriations bill, but the administration objected to its inclusion so it did not become law.

It is my understanding that, once this provision is enacted into law, drug manufacturers will immediately be able to restore the nominal drug prices they provided to these types of clinics—family planning clinics and college and university health centers—for decades.

This provision simply restores the original policy in place since the enactment of the Medicaid rebate program in the Omnibus Reconciliation Act of 1990. Then, as now, no administrative action is necessary for manufacturers to commence offering deep discounts to the entities described in this provision.

Ms. STABENOW. I thank the Senator. I hope that the manufacturers will do this and that women will have access to affordable birth control and other critical health services.

TRANSPORTATION FUNDING

Mr. KOHL. Mr. President, I wish today to engage in a colloquy with my colleague, the Senator from Washington and the chairman of the Transportation Appropriations Subcommittee. As the chairman is aware, language was included in the explanatory statement accompanying the bill before us to help address an issue that has plagued the Milwaukee area for several years.

Due to a longstanding dispute between city and county officials, unobligated transportation dollars have lost value with each passing year. In an effort to spend down those funds on much needed transit projects, the report resolves this dispute by dividing the funding. I have spoken with Congressman OBEY, the chairman of the House Appropriations Committee, to confirm the intent of the language included in the explanatory statement. I would ask the Senator from Washington, is it your understanding that it is the expectation of both the House and Senate committees that 60 percent of the funding in question should be made available to the city of Milwaukee for a downtown fixed-rail corridor while 40 percent of the funding should be made available to the county of Milwaukee for energy efficient buses?

Mrs. MURRAY. To the Senator from Wisconsin I would say, yes, that is our expectation.

Mr. KOHL. I thank the chairman of the Transportation Appropriations Subcommittee for her help and for engaging in this colloquy.

Mrs. MURRAY. Mr. President, as chairman of the Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, I rise to clarify an error that we have found in the explanatory materials accompanying H.R. 1105, the Omnibus Appropriations Act. Included within the Transportation-Housing Division of the bill is an appropriation of $570,000 within the TCSP program for transportation improvement in the Antelope Valley in Lincoln, NE. The attribution table that accompanies the explanatory statement to the bill inadvertently omits the name of the Senate sponsor of that appropriation. Mr. President, the Senate sponsor of the project is my colleague, Senator BEN NELSON.

Mrs. BOXER. Mr. President, the fiscal year 2009 Omnibus appropriations bill would provide $5 million for design and real estate activities and pump supply elements for the Yazoo Basin, Yazoo Backwater Pumping Plant and for activities associated with the Theodore Roosevelt National Wildlife Refuge. I want to clarify that nothing in the language is intended to: (1) override or otherwise affect the final determination that was effective August 31, 2008, and published in the Federal Register on September 19, 2008, of the U.S. Environmental Protection Agency under section 404(c) of the Clean Water Act that prohibits the use of wetlands and other waters of the United States in Issaquena County, MS, as a disposal site for the discharge of dredged or fill material for the construction of the proposed Yazoo Backwater Area Pumps Project, (2) create or imply any exception with respect to the project to the requirements of the Clean Water Act, including any exceptions from the prohibitions and regulatory requirements of the Clean Water Act under section 404(r); or (3) affect the application of any other environmental laws with respect to the project.

As chairman of the committee with jurisdiction over the Clean Water Act and authorizations for the civil works program of the Corps of Engineers, I believe it is critical that our environmental laws be adhered to in the planning, construction, and operation and maintenance of all Corps of Engineers' projects.

Mr. ENZI. Mr. President, I wish briefly to discuss an amendment that I filed related to the royalty collection of coal and other leasable minerals. I want to be clear that I am in favor of having coal companies and other mining companies pay the royalties they are required to pay. I believe that they should pay them on time and I believe that they should face the consequences if they do not pay them on time.

The provision in the omnibus bill is arbitrary. It attempts to apply the penalty sections of the Federal Oil and Gas Royalty Management Act to coal leases. The provision comes out of nowhere and, to my knowledge, has not been studied by the Senate Energy Committee nor the House Natural Resources Committee. This is a policy change, not a funding matter, and therefore, it should be considered in the normal legislative process—not slipped into an omnibus appropriations bill.

I have put forth this amendment to take a more considerate approach. My amendment would strike this provision and replace it with a study by the Minerals Management Service, MMS, the Government's royalty collection agency. The MMS would examine the current royalty system and provide a report back to Congress within 180 days that includes any recommendations with ways that royalty collection process can be improved. Doing so would then give the Senate the appropriate amount of background to consider making these changes and would ensure that we do not make a change that has unintended consequences.

Again, I want to reiterate that I fully support companies making royalty payments on time and if they don't, I support them being punished. I do not, however, support the process by which the majority has stuck this legislative provision in an appropriations bill. Rather than shooting from the hip, the Senate should give it proper consideration.

Ms. MIKULSKI. Mr. President, as chairwoman of the Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies, I rise today to clarify for the Senate the sponsorship of three congressionally designated projects, recipient name of one congressionally directed project, and locations of three congressionally designated projects included in the Joint Explanatory Statement to accompany H.R. 1105, the fiscal year 2009 Omnibus Appropriations Act. Specifically:

Senator BILL NELSON should be listed as having requested funding for the Rape, Abuse and Incest National Network, RAINN, Washington, DC, for national anti-sexual assault programs funded through the Department of Justice;

Senator BEN NELSON should not be listed as having requested funding for the Rape, Abuse and Incest National Network, RAINN, Washington, DC, for national anti-sexual assault programs funded through the Department of Justice;

Senators BEN NELSON and CRAPO should not be listed as having requested funding for the National Police Athletic League, Jupiter, FL, for National Police Athletic League Programs funded through the Department of Justice;

''Union Springs YMCA'' should be listed as ''Union Springs Recreation Program'', Union Springs, AL, for youth mentoring and juvenile justice programs funded through the Department of Justice;

Location of the Citizenship Trust at American Village should be listed as Montevallo, AL, for youth mentoring and juvenile justice programs funded through the Department of Justice;

Location of the Scottsboro Police Department should be listed as Florence, AL, for the Scottsboro Police Department funded through the Department of Justice; and

Location of the Alabama 4–H Foundation should be listed as Columbiana, AL, for juvenile justice prevention programs funded through the Department of Justice.

Mr. LEAHY. Mr. President, as a longtime advocate of greater transparency in our government, I am pleased that the Omnibus appropriations bill includes several key provisions to strengthen the Freedom of Information Act—FOIA—and to protect Americans' privacy and civil liberties.

The Omnibus appropriations bill provides $1 million in funding to establish the new Office of Government Information Services—OGIS—in the National Archives and Records Administration. When Congress enacted the Leahy-Cornyn OPEN Government Act of 2007, which made the first major reforms to FOIA in more than a decade, a key component of that bill was the creation of the OGIS to mediate FOIA disputes, review agency compliance with FOIA, and house a newly created FOIA ombudsman. Establishing this new FOIA office within the National Archives is essential to reversing the troubling trend of lax FOIA compliance and excessive government secrecy during the past 8 years. The OGIS will also play a critical role in meeting the goals of President Obama's new directive on FOIA. I thank Senators CORNYN, INOUYE and COCHRAN for their support of funding for this critical new office. I also thank the many FOIA and open government groups, including OpenTheGovernment.org, the Sunshine in Government Initiative and the National Security Archive, who have advocated tirelessly for a fully operational OGIS.

The bill also includes much-needed funding to reconstitute the Privacy and Civil Liberties Oversight Board. When Congress enacted the Intelligence Reform and Terrorism Prevention Act in 2004, it implemented a 9/11 Commission recommendation to establish an independent board to help protect Americans' privacy and civil liberties. Since then, I have worked hard to make sure that the Privacy and Civil Liberties Oversight Board has the resources and personnel to fulfill this important mission.

During the last Congress, I worked with Senators LIEBERMAN and DURBIN to further strengthen this Board in the 9/11 reform bill. Unfortunately, the last administration left the Privacy and Civil Liberties Oversight Board with no members or staff. The Board is too important for us to let it fall by the wayside. The funding in the omnibus bill will help to reconstitute the Board so it can get back to work. Now that this initial funding is in place, I hope the President will promptly name qualified nominees so that the Board can carry out its important work.

Both of these provisions will help to make our government more open and accountable to the American people. That is something that Democrats, Republicans and Independents alike can—and should—celebrate. Again, I commend the bill's lead sponsors and the President for their demonstrated commitment to open and transparent government.

Ms. SNOWE. Mr. President, today I filed an amendment that would help millions of small businesses that receive valuable technical assistance and support through the Small Business

Administration's, SBA's, technical assistance and business development programs. The challenges facing America's small businesses are real. In today's economic climate, small businesses are fighting for survival. A December 2008 CNN survey found that 49 percent of small business owners expressed serious concerns about going out of business.

To that end, I humbly request my colleagues on both sides of the aisle to support the measure I am offering to provide essential resources to the Small Business Administration's crucial technical assistance and business development programs. This effort will help ensure that small businesses—our Nation's true job generators—will not be shortchanged at a time when the economy is struggling to grow and create jobs.

My amendment would direct that a small fraction, $16.8 million of the existing funding provided in the omnibus appropriations bill for the SBA, be used to increase funding levels for vital SBA programs, including Veterans Business Outreach Centers, VBOCs, Small Business Development Centers, SBDCs, Women Business Centers, WBCs, SCORE, the Historically Underutilized Business Zone, HUBZone, program, and the Agency's international trade programs. These programs are some of the most successful job creators within the Federal Government, but they were woefully underfunded under the previous administration. Now is the time to reverse that trend, by ensuring that SBA devotes sufficient resources to support small business technical assistance and business development.

The SBA's programs are proven job creators—just look at the statistics! In 2006, clients of the SBDC program generated a total of approximately $7.2 billion in sales and 73,377 new full time jobs as a result of the assistance received. The average cost of generating each job was a paltry $2,658. Moreover, based on SBDC client assessments, an additional $8.8 billion in sales and 93,449 jobs were saved due to SBDC counseling in that same year. My amendment would direct that $6.5 million in SBA funding be used to fund SBDC veterans and energy grants, in addition to the $110 million for core funding provided in the bill to support SBDCs nationwide.

Furthermore, the SCORE program has proven time and again to be one of the most cost-effective programs within the Federal Government. In fiscal year 2008 SCORE received $4.95 million from the Federal Government and provided 357,637 clients with free technical assistance. Entrepreneurs assisted by SCORE created 25,000 new jobs in 2006, and one in seven new clients created a job. SCORE also provides American taxpayers with a great buy, as it is operated by volunteers—all of which are retired business experts. In fact, in fiscal year 2008 these volunteers donated 1.3 million hours valued at $195 million when using a standard hourly consulting fee of $150. My amendment would direct that an additional $2 million be directed to the SCORE program for a total of $7 million.

Additionally, my amendment would direct an additional $1.1 million to SBA's Veterans Business Outreach Centers, a modest increase to account for additional responsibilities taken on from the Vets Corps Centers, which no longer receive Federal funding. An additional $3.35 million would be directed to the WBC program, one of SBA's most diverse, far-reaching entrepreneurial development efforts. In 2007, WBCs trained and counseled 148,123 clients who reported 8,751 new jobs and 3,304 new businesses.

My amendment also would direct additional funds to two programs, which I consider to be important business development programs, the SBA's International Trade programs and the HUBZone Program. With exports being one of the few bright spots in our economy last year, exporting by small firms has considerable room for growth. The amendment would direct that $8 million in SBA funds be used for these export assistance programs, an increase of $2 million over the current omnibus level. For the HUBZone program, which provides contracting preferences to small firms in economically disadvantaged areas, the amendment provides an additional $1.85 million for urban and rural development under this program.

To reiterate, under my amendment, the increased funding for these programs comes from amounts already provided in the omnibus appropriations bill for the SBA. No additional funding is required; it simply directs the SBA to allocate adequate resources to these programs. For more than 50 years, the SBA has been a vital resource to small businesses, helping millions of Americans start, grow, and expand their businesses. I respectfully ask my colleagues to support this amendment to provide the SBA's technical assistance and business development programs with the resources to expand their proven success and economic value during this economic crisis.

Mr. FEINGOLD. Mr. President, I will vote against this Omnibus appropriations bill, which contains thousands and thousands of unjustified, unexamined earmarked spending provisions, and which is being rushed through the Senate. By one estimate, the total cost of those items is nearly $8 billion. Even under ordinary circumstances it would be hard to defend those earmarks but there is certainly no defense for them at a time when the Nation is contending with this deep recession and millions of families are struggling to make ends meet.

The hundreds of pages of tables in the report accompanying the bill, each listing multiple earmarks, is probably the best rationale I have seen for earmark reform. I have been pleased to work with a number of my colleagues on a proposal to establish a new point of order against unauthorized earmarks, and on another proposal to provide the President with authority similar to a line item veto to cancel earmark spending. We certainly need to enact something like those reforms because we cannot afford to continue this abusive process. After all the talk of reform last year, and after the promising beginning made by keeping the stimulus legislation free of earmarks, we have quickly slid back to business as usual. We are considering a bill that has nearly $8 billion in earmarks. And that is just one bill. We haven't even begun the appropriations process for fiscal year 2010.

The President deserves great credit for keeping the stimulus bill free of earmarks. He should build on that achievement by insisting this omnibus appropriations bill be stripped of the earmarks currently in it. If that means vetoing the bill and sending it back to Congress for further work, then that is exactly what he should do.

I strongly prefer that Congress address this issue and clean up its own earmark mess. But right now there is little indication that Congress act without some tough leadership from the President.

Mr. President, I was pleased to support amendments offered by the Senator from Oklahoma, Mr. COBURN, that sought to eliminate some of the earmarks in the bill. I did not, however, support other efforts to cut overall funding levels in the bill. While I believe that Congress needs to be extra vigilant in ensuring that taxpayer dollars are well-spent, those efforts failed to specify where the funding would be cut. We should be making those tough decisions ourselves, and ensuring that any cuts are targeted and appropriate.

Mr. REID. Mr. President, I know everyone is anxiously awaiting the 8:15 time to arrive. I have had a number of conversations with Senator MCCONNELL, Senator KYL, and Senators on my side of the aisle. It appears at this time that we are going to have to continue to work on this bill. I have had calls from a number of my friends on the other side of the aisle, including conversations with my colleague from Nevada, and there are a number of amendments they feel strongly about, that they want the opportunity to offer. I wish that were not the case. We have had a significant number of amendments. But ''enough'' is in the eye of the beholder. As a result of that, we would probably be a vote short of being able to invoke cloture on this bill. My being a vote counter for a long time, discretion is the better part of valor.

I have not only heard from my friend from Nevada but other Senators. They have certain amendments they want to offer, and others have no amendments to offer but they want to be part of the team on the other side of the aisle, and if some of their colleagues want certain things done, they are going to go along with that. I don't criticize that.

I am not happy about it, but that is the way things work.

I have worked with Senators KYL and MCCONNELL, and by 11 o'clock tomorrow we will have a finite list of amendments, hopefully 10. There could be as many as 12. I doubt if we will need votes on all those. Senator KYL, who is the mechanic working through this process, is going to try to squeeze that down as much as he can.

With that brief statement, it would be wasted time to have a cloture vote tonight. We are not going to have a cloture vote tonight. We would just go back into a quorum and spend the rest of the night looking at each other.

We have had pleasant conversations with each other. No one is trying to game the system. I wish we could finish this bill. The House is going to send us a CR that will take us to midnight Tuesday, as I understand it.

If we get that finite list of amendments, the Senate certainly could be open tomorrow for people to offer amendments. We could have votes on some of these Monday night when we come back. I could schedule votes on Monday, but that would really make for an unhappy group of people. So I think we would be better off starting the votes at 5 or 5:30 Monday night if, in fact, people lay these amendments down.

Mr. MCCONNELL. Will the majority leader yield for an observation.

Mr. REID. Of course.

Mr. MCCONNELL. Let me underscore what the majority leader has indicated. The votes would not have been there tonight. We would be more than happy to have the vote, but since the majority leader and I concur that 60 votes are not there tonight, I think the way forward as he outlines is going to be widely acceptable on our side because we want amendments. There are additional amendments, probably, as he indicated, 10 or 12, which, as he indicates, I think would make sense to vote on on Monday.

I want to say to my Republican colleagues, we appreciate their accommodation, their requests of others of our Members to have a reasonable number of amendments on a bill of this magnitude. This is a huge appropriations bill. At the end of the day, we will not have had an unusual number of amendments voted on on a bill of this magnitude.

Mr. REID. Mr. President, I say in response to my friend, at quarter to 8 tonight, we had 59½ votes. If we can have consent, I could round that off—I don't think I could get that.

I ask unanimous consent to vitiate the cloture vote now pending.

Mr. VITTER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, if I could simply inquire of the majority leader through the Chair, I would be happy to offer consent if I had assurance that my amendment that I have been trying to call up, that I have been trying to get a vote on all week, which heretofore has been blocked, if I can have absolute assurance that will be on the list of amendments offered and voted on.

Mr. REID. Mr. President, I think he should direct that to his assistant leader, Senator KYL.

Is his amendment going to be on the list?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, it seems to me if the Senator from Louisiana has indicated he will object to the unanimous consent unless his amendment—No. 621, I gather?

Mr. VITTER. Yes.

Mr. KYL. Is on the list, that is a question, then, for the leader to address.

I wanted to indicate that we have a number of Members who have amendments they want to offer, and we are going to work hard to make sure all our Members who want to offer amendments can do so. At the same time, we are going to do our best to ensure that is not an unreasonable list of amendments. Obviously, Members who insist on having an amendment as a condition to the unanimous consent request can make that point clear.

Mr. REID. Mr. President, I think it is clear from my friend—the conversations, plural, that we have had—that the list we are talking about is a list of 10 or 12 amendments; is that right?

Mr. KYL. Mr. President, I would say to the leader that I think that is correct. That is going to require a lot of effort on this side to reduce the number of amendments that are pending, as the leader is well aware.

Mr. REID. You think you are going to have to work hard, think how hard I am going to have to work to defeat those amendments. I have more work than you have.

Mr. KYL. In response to my friend, the leader, he has worked very hard, and he has been very successful. But I do, in all seriousness, want to note that in order to try to limit the number of amendments—because there is a list of 36—it is going to require a lot of work on our side. We are going to, in good faith, do the best we can, but I just want to reiterate as far as I am concerned the Senator from Louisiana will have to be on the list because otherwise he will object to the vitiation of the cloture vote. As far as I am concerned, his amendment is on the list, but at some point the majority leader will have to agree to the list that we offer.

Mr. REID. Mr. President, I think it is fair that we have a finite list. We are now up to 35 amendments?

Mr. KYL. Mr. President, as I told the leader, we had a list of 36 amendments filed. I told the majority leader that I thought we could get that list down to 10 or 12, and that is still my intention.

Mr. REID. What I think would be fair, Mr. President—I know the Senator from Arizona is going to act in good faith to cut the number down to as small a number as he can, but we can still come back with another cloture vote if there is a lot of unnecessary amendments in that number, if you can't get people to work reasonably with you.

So I ask unanimous consent to vitiate the cloture vote, and that a subsequent cloture vote occur——

Mr. VITTER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. I didn't mean to cut off the majority leader, if he wants to finish. I just wanted to reiterate—having spent the week trying to get this one amendment up—that my top priority is my amendment will be recognized, and I get a vote on that. And having heard speeches on the floor that the floor was open to amendments, yet having been blocked consistently in my attempts to get this amendment up, I have not yet heard any guarantee that will happen.

So given that, I regretfully will object to the unanimous consent request.

Mr. REID. We are familiar with his amendment. Basically, as I understand the amendment, Members would never get a COLA again. So we are willing to debate that. That basically is what it is; is that right?

Mr. VITTER. That is not correct. If I could advise the Chair, the amendment would be to require votes for any future pay raises or COLAs. It would require Member votes to not have that be on autopilot and to happen automatically, particularly given the state of the economy and the income losses and the job losses that are being suffered around the country.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I say to my friend from Louisiana, we will make sure that Senator MCCONNELL has a vote in relation to the amendment.

Mr. VITTER. With that assurance, Mr. President, I lift my objection.

Mr. REID. I renew my unanimous consent request to vitiate the pending cloture vote; that we not have the vote tonight.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. REID. Mr. President, for the benefit of all Members, we apologize for having Senators from all sides leave. I hope those Senators who are working with Senator KYL and want to offer these amendments will do so tomorrow or, if not, on Monday. We want to have some of these votes Monday night. We can have a series of votes Monday

night and work toward completing this stuff.

So I think that is about all I have to say, except that I appreciate everyone's cooperation.

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. ENSIGN. 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. 615

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that I be allowed to call up amendment No. 615.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. VOINOVICH, Mr. KYL, Mr. DEMINT, Mr. BROWNBACK, and Mr. CORNYN, proposes an amendment numbered 615.

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

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

The amendment is as follows:

(Purpose: To strike the restrictions on the District of Columbia Opportunity Scholarship Program)

On page 308, line 2, strike beginning with ": Provided" through line 8 and insert a period.

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

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

The Chair clarifies that the cloture motion on H.R. 1105 has been withdrawn.

MORNING BUSINESS

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

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

PRESIDENT OBAMA'S 2010 BUDGET

Mr. BURRIS. Madam President, as we contemplate this 2009 Omnibus Appropriations Act before us this week, I wish to look ahead to President Obama's proposed 2010 budget.

As a proud member of the Veterans' Affairs Committee, I am particularly pleased by the significant increase in funding that the administration is seeking for the Department of Veterans Affairs, led by its Secretary, GEN Eric Shinseki.

In the proposed 2010 budget, the Department of Veterans Affairs will see a $25 billion increase over the next 5 years. This additional funding will be directed toward a major expansion of benefits for those who serve our Nation in uniform.

The 2010 budget will directly assist veterans by expanding access to high-quality care for approximately 5½ million veteran patients and ensuring that care is delivered in a timely manner. More remarkable, this funding establishes VA Centers of Excellence to provide veteran-oriented care in specialized areas, such as prosthetics, vision, spinal cord injury, aging, and women's health.

The President's budget also reaches out to veterans with moderate incomes, bringing an additional half million veterans into the VA system by 2013, while maintaining or expanding existing care for low-income and disabled veterans.

At the same time, the new budget enhances services related to mental health care and broadens access and treatment areas throughout rural America. America's veterans have earned through their service the very best care we can offer, and the 2010 VA budget is a promising start.

During a recent tour through Illinois, I had the remarkable opportunity to visit with both veterans of past service, as well as meeting the young recruits training to wear the American uniform in the years ahead.

During that trip, I visited the 1082nd Airlift Wing of the Illinois Air National Guard located in Peoria, IL, and spoke with many fine airmen from this wing, including MSG Warren McCray. Master Sergeant McCray is an air guardsman who trained as a joint terminal attack controller. He deploys with Army troops on the ground ensuring that airpower can be employed against enemy positions when needed.

This courageous young man has recently returned from a tour of duty in Afghanistan and was awarded a Bronze Star with Valor. While speaking with Master Sergeant McCray, he told me of the multiple tours he had served as an air guardsman mobilized in support of Operation Enduring Freedom in Afghanistan. I was deeply impressed by his professionalism and dedicated service to this country. Even more so by his dedication to his fellow service men and women of the 1082nd Airlift Wing.

As we consider our mission abroad and weigh the cost in terms of troops and treasure, it is our duty to also consider the capacity at which these young men and women are serving us.

It doesn't matter whether they are a soldier, sailor, airman, marine or Coast Guard, or whether they are Active Duty, Guard, or Reserve. We must never forget the personal toll and sacrifice of these brave Americans and the effects made on their lives, their future, their spouses, and their children.

We must ensure that our veterans receive superior accessible care in return for their service and sacrifice, and we have an obligation to honor our veterans by serving them in the same way they have served us so selflessly.

The administration's 2010 budget for the Department of Veterans Affairs recognizes this. And in addition to expanding health benefits and high quality of care, the budget provides for comprehensive educational benefits, particularly the post-9/11 GI bill so that following their service, veterans can have access to unprecedented levels of educational support to complete their schooling.

In the same week, I visited the Naval Station Great Lakes and the North Chicago VA Medical Center. During my visit to these sites, I learned about plans for the Naval Health Clinic Great Lakes, the North Chicago VA Medical Center to merge and expand over the next couple of years. This merger will be extensive and costly, but also essential for sailors and veterans of Illinois, many of whom spend much of their lives at these facilities.

At the North Chicago VA Medical Center, I met with veterans of all ages and backgrounds. I heard their stories, their hopes, and their needs. At the Recruiting Training Command, I met with both naval officers and naval recruits and was given a tour of the barracks by LT Ellen McElligott.

I was particularly impressed with Lieutenant McElligott, a Chicago native, who serves as the ship's officer for the USS Arizona. Her professionalism, discipline, and enthusiasm for her work are qualities she shares with countless young service men and women across this great country of ours.

While touring the facility with Lieutenant McElligott, I saw the faces of hundreds of young sailors training so that they may one day serve this country.

It is so very important that LT Ellen McElligott and the young men and women like her receive adequate care and compensation while on Active Duty, Guard, or Reserve, and, most importantly, that they receive the care and resources they deserve when they return from serving their country.

As a nation, we have a moral obligation to serve and care for those brave individuals as they work so hard to serve us.

HONORING OUR ARMED FORCES

SERGEANT DANIEL TALLOUZI

Mr. UDALL of New Mexico. Mr. President, today I rise to honor two American heroes. The first is Army SGT Daniel Tallouzi. Sergeant Tallouzi was the kind of soldier who hated getting injured—not because of the pain, but because it stopped him from doing his job. A fellow soldier describes meeting Dan when Dan was recovering from an injury at Fort Hood. The soldier recalls:

Another person might have been seriously injured, but Big Dan Tallouzi shook it off,

refused any pain meds, and only wanted to get back to his crew and back to the job that he loved.

On September 25, 2006, Dan Tallouzi had just gotten off duty at Camp Taji in Baghdad when a mortar exploded nearby. A single piece of shrapnel—roughly the size of a quarter—reached the spot where he stood. It hit him behind his right ear and entered his brain.

Big Dan Tallouzi would never be the same. He returned to the United States in an ''eyes open'' coma, unable to speak, walk, or even eat on his own. Last week, he died in Albuquerque, NM, the town where he was raised.

The other hero I want to honor today is Mary Tallouzi, Dan's mother. When our soldiers serve in harm's way, the burden is borne by families, not just individuals. Dan Tallouzi understood this as well as anyone. He adored his family, and they adored him. Mary remembers Dan coming home on leave with flowers for his sister and hugs for the whole family. Home videos show him clowning for his cousins, infecting those around him with his warmth and his joy.

When Dan returned from Iraq after his injury, his mom quit her job to follow him through his treatment. First, she left New Mexico for a hospital in Germany. When Dan was transferred to Walter Reed, Mary followed. Then in search of a miracle, she had Dan transferred to the Kessler Institute in New Jersey.

At Kessler, Mary spent 12-hour days by her son's bed. In the morning, she would shave Dan's face, brush his teeth, and put on his favorite cologne. Nurses knew that Mary was watching her son's care like a hawk.

When I met Mary last May, she was back in New Mexico with Dan. After traveling for more than a year, Mary had lost her home and was struggling to find a place that could accommodate her son's needs.

What struck me about Mary was the satisfaction she felt in Dan's achievements. After all she had experienced, all she had suffered, Mary Tallouzi would still light up when she talked about her son. You could see her picturing the old Dan, and you could feel how proud she was.

Mary should be proud of Dan, and she should be proud of herself. She raised a good soldier, a good son, a good man. She bore the sacrifice that war brings, and she bore it well.

Please join me in recognizing the sacrifice of Dan, Mary, and the entire Tallouzi family.

Mr. President, I yield the floor.

APPROPRIATIONS COMMITTEE SUBCOMMITTEE MEMBERSHIPS

Mr. INOUYE. Mr. President, I ask unanimous consent to have the attached subcommittee memberships for the 111th Congress printed in the CONGRESSIONAL RECORD.

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

SUBCOMMITTEES

Senator INOUYE, as chairman of the Committee, and Senator COCHRAN, as ranking minority member of the Committee, are ex officio members of all subcommittees of which they are not regular members.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

Senators Kohl, Harkin, Dorgan, Feinstein, Durbin, Johnson, Nelson, Reed, Pryor, Brownback, Bennett, Cochran, Specter, Bond, McConnell, Collins. (9–7)

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

Senators Mikulski, Inouye, Leahy, Kohl, Dorgan, Feinstein, Reed, Lautenberg, Nelson, Pryor, Shelby, Gregg, McConnell, Hutchison, Brownback, Alexander, Voinovich, Murkowski. (10–8)

DEPARTMENT OF DEFENSE

Senators Inouye, Byrd, Leahy, Harkin, Dorgan, Durbin, Feinstein, Mikulski, Kohl, Murray, Cochran, Specter, Bond, McConnell, Shelby, Gregg, Hutchison, Bennett. (10–8)

ENERGY AND WATER DEVELOPMENT

Senators Dorgan, Byrd, Murray, Feinstein, Johnson, Landrieu, Reed, Lautenberg, Harkin, Tester, Bennett, Cochran, McConnell, Bond, Hutchison, Shelby, Alexander, Voinovich. (10–8)

FINANCIAL SERVICES AND GENERAL GOVERNMENT

Senators Durbin, Landrieu, Lautenberg, Nelson, Tester, Collins, Bond, Murkowski. (5–3)

DEPARTMENT OF HOMELAND SECURITY

Senators Byrd, Inouye, Leahy, Mikulski, Murray, Landrieu, Lautenberg, Tester, Voinovich, Cochran, Gregg, Specter, Shelby, Brownback. (8–6)

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

Senators Feinstein, Byrd, Leahy, Dorgan, Mikulski, Kohl, Johnson, Reed, Nelson, Tester, Alexander, Cochran, Bennett, Gregg, Murkowski, Collins, Voinovich. (10–7)

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

Senators Harkin, Inouye, Kohl, Murray, Landrieu, Durbin, Reed, Pryor, Specter, Cochran, Gregg, Hutchison, Shelby, Alexander. (8–6)

LEGISLATIVE BRANCH

Senators Nelson, Pryor, Tester, Murkowski. (3–1)

MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES

Senators Johnson, Inouye, Landrieu, Byrd, Murray, Reed, Nelson, Pryor, Hutchison, Brownback, McConnell, Collins, Alexander, Murkowski. (8–6)

STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

Senators Leahy, Inouye, Harkin, Mikulski, Durbin, Johnson, Landrieu, Lautenberg, Gregg, McConnell, Specter, Bennett, Bond, Brownback. (8–6)

TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

Senators Murray, Byrd, Mikulski, Kohl, Durbin, Dorgan, Leahy, Harkin, Feinstein, Johnson, Lautenberg, Bond, Shelby, Specter, Bennett, Hutchison, Brownback, Alexander, Collins, Voinovich. (11–9)

PROTECTING INDONESIA'S FORESTS

Mr. LEAHY. Mr. President, at a time when the world seems to finally be speaking in one voice about the need for dramatic action to stop global warming, an article in the Jakarta Post on February 13 reminds us that many difficult obstacles lie ahead.

It is well known that Indonesia's forests, and particularly its peat swamps, store huge amounts of carbon. When the trees from these areas are cut and burned, which is happening due to illegal logging and to make way for the cultivation of oil palm, they emit even larger amounts of carbon into the atmosphere.

These forests are also home to one of the world's four species of endangered great apes, the orangutan, whose survival in the wild is far from certain.

President Yudhoyono has spoken of the importance of protecting the habitat of the orangutan. The U.S. Agency for International Development has been supporting this effort for years, and it is finally beginning to show results. It is focused on improving law enforcement and addressing the economic needs of the people living in areas of Borneo and Sumatra where the orangutans live, so they do not cut down the forests.

While illegal logging remains a problem in Indonesia, it is less of one than it was not long ago thanks to President Yudhoyono's government. What looms as potentially an even greater threat to the orangutan, and to climate change, is the expansion of oil palm plantations.

The Jakarta Post article says Indonesia's Minister of Agriculture plans to permit the cultivation of oil palm in millions of hectares of peat swamps. The article indicates that the Minister appears to believe that this would not contribute to global warming because while cutting the peat forests would result in emissions of greenhouse gases, oil palm trees would absorb carbon.

As convenient as that might sound, it defies both logic and science. Indonesia is already among the largest emitters of carbon in the world and the peat swamps are the primary cause. Any significant expansion of cutting and burning of peat forests would contribute to climate change. It would put Indonesia on the wrong side of an issue of critical, global importance at a time when it should be setting an example for responsible forest management. It would put Indonesia on the wrong side of history.

The United States deserves its share of criticism for consuming, and wasting, vast amounts of fossil fuels and being a major contributor to global warming. Many years have been squandered debating whether human development is a significant cause of climate change, even though the overwhelming view of scientists is that it is.

Fortunately, we are past that point. Today there is almost universal recognition that we must act together, and urgently, to stop the destruction of forests and the wasteful use of energy that contribute to climate change.

President Obama has made clear that he intends to make this issue a priority and invest in alternative energy technologies that do not emit greenhouse gases.

Indonesia, like Brazil and Central Africa, is fortunate to possess among the last significant expanses of tropical forests on Earth. The example set by President Yudhoyono and his government will profoundly affect the lives of people everywhere, as well as future generations. I join those in the environmental and scientific communities in urging the Minister of Agriculture to reconsider his position.

Finally, it is important to note that American companies are among those that import Indonesian palm oil. China and Singapore are other major importers. They should consider the consequences of using a product that is produced in a manner that causes serious harm to the environment. It is time for corporate America to review its manufacturing and marketing practices to ensure they are consistent with our collective responsibility to stop global warming.

I ask unanimous consent to have the Jakarta Post article printed in the RECORD.

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

[From the Jakarta Post, Feb. 13, 2009]

GOVT TO ALLOW PEATLAND PLANTATIONS

(By Adianto P. Simamora)

The Agriculture Ministry will issue a decree to allow businesses to dig up the country's millions of hectares of peatland for oil palm plantations.

Gatot Irianto, the ministry's head of research and development, said his office was currently drafting a ministerial decree that would explain in detail the mechanism to turn the peatland areas into oil palm plantations, a move that many say will further damage the country's environment.

''We still need land for oil palm plantations. We must be honest: the sector has been the main driver for the people's economy,'' he said Thursday on the sidelines of a discussion about adaptation in agriculture, organized by the National Commission on Climate Change.

The draft decree is expected to go into force this year.

''We've discussed the draft with stakeholders, including hard-line activists, to convince them that converting peatland is safe,'' he said.

''We promise to promote eco-friendly management to ward off complaints from overseas buyers and international communities.''

Indonesia is currently the world's largest crude palm oil (CPO) producer, and is expected to produce about 19.5 million tons this year.

Overseas buyers, however, have complained about Indonesia's CPO products, saying they are produced at the expense of the environment.

Activists point to the massive expansions of plantations, including in peatlands, for the deaths of large numbers of orangutans in Kalimantan and Sumatra and for releasing huge amounts of carbon emissions into the atmosphere.

Indonesia has about 20 million hectares of dense, black tropical peat swamps—formed when vegetation rots—that are natural carbon storage sinks.

A hectare of peatland can store between 3,400 and 4,000 tons of carbon dioxide (CO_2), but emits a much larger amount when burned.

Asked about the contribution to global warming, Gatot said trees planted in peatlands would absorb greenhouse gas emissions.

''The peatland will produce emissions only in the opening of the land, but this will be reabsorbed after new trees are planted,'' he said.

However, a World Bank report from 2007 showed Indonesia was the world's third biggest carbon emitter after the US and China, thanks mainly to the burning of peatlands.

A Wetlands International report from 2006 said Indonesia's peatlands emitted around 2 billion tons of CO2 a year, far higher than the country's emissions from energy, agriculture and waste, which together amount to only 451 million tons.

The country would have ranked 20th in the global carbon emitter list if emissions from peatlands were not counted.

The ministerial decree is being drafted at a time when President Susilo Bambang Yudhoyono is still preparing a decree on peatland management in an effort to help combat global warming.

The draft of the presidential decree, drawn up in 2007, calls for tightened supervision on the use of peatlands across the country.

COLOMBIA

Mr. LEAHY. Mr. President, the abuses perpetrated against civilians by the Revolutionary Armed Forces of Colombia, popularly known as the FARC, are too numerous to list. From kidnappings to bombings, torture and summary executions, the FARC have lost whatever credibility and popular support they may once have had. They are a criminal enterprise, despised by the vast majority of Colombians, funded with proceeds from the production and sale of cocaine, who show no respect for the laws of armed conflict.

The FARC have kidnapped hundreds of people, many of whom remain in their custody, their health and welfare unknown. From what we have learned from the few who have escaped or been released, they suffer severe hardship and deprivation.

The FARC have also targeted Colombia's vulnerable indigenous people, whose traditional lands are often located in conflict zones. They have also been victimized by other armed groups, including the Colombian army.

Two recent incidents illustrate the dangers these people face. According to the National Indigenous Organization of Colombia, on February 11, 2009, the FARC killed 10 members of the Awá tribe in Nariño department. This followed the killing of 17 Awá on February 4, also in Nariño, and also reportedly carried out by the FARC. There are reports that an unknown number of Awá have been abducted.

The killing of defenseless indigenous civilians can best be described as a crime against humanity. It is utterly without justification, and those who engage in such atrocities should pay for their crimes.

For years I have worked to help improve respect for human rights in Colombia and to strengthen Colombia's judicial system. I have also supported efforts to protect the rights of Colombia's indigenous people. When we get reports of the FARC attacking and summarily executing members of the Awá, including women and children, we are reminded how much remains to be done to protect these vulnerable groups and before real justice and peace can come to Colombia.

In recent years there have been notable improvements in security in some parts of Colombia, particularly Bogota, Medellin, and other cities. There has also been progress in expanding the presence of the state into areas which previously had been ungoverned. We are seeing some promising results from projects that provide coca farmers with titles to land, technical assistance to grow licit crops like coffee and cacao, and access to markets, in return for voluntarily stopping growing coca. These projects deserve our continued support.

But many rural areas remain conflicted or controlled by the FARC or other armed groups, some of whose members are demobilized paramilitaries. After more than $7 billion in U.S. aid and 8 years since the beginning of Plan Colombia, the amount of coca under cultivation is close to what it was before. It is now grown in smaller, more isolated plots, in many more parts of the country. More than 200,000 rural Colombians were displaced from their homes as a result of drug-related violence last year alone.

Another issue that requires the attention of the Colombian Government is reparations for victims of the conflict. There are tens of thousands of people who had members of their families killed or injured by paramilitaries, the FARC, or the army. Many had land or other property stolen by paramilitaries who often had the active or tacit support of the army. The Colombian Government established mechanisms for returning stolen assets, but for the most part it has not yet happened. Very little of the land has been returned to its previous occupants. This process needs to be urgently invigorated if reconciliation is to succeed in Colombia.

Whether a family member was killed or their property stolen by the FARC, paramilitaries, or members of the army, the loss is the same. The judicial process in Colombia is wholly incapable of adjudicating the large number of cases or claims. It is critical that, as was finally done in the United States when Congress appropriated funds to compensate victims of the Japanese internment camps during World War II, the Colombian Government take the necessary steps to provide reparations for the victims so they can rebuild their lives.

The issue of extra judicial killings, or ''false positives'' as they have been called, is another major concern.

Human rights groups warned repeatedly that Colombian soldiers were luring poor young men with the promise of jobs, summarily executing them, and then dressing the bodies to appear as FARC combatants in order to obtain higher pay, time off, promotions, or other benefits. I also expressed concern about this. Instead of investigating, top Colombian officials, including the President, responded by accusing the human rights groups of being FARC sympathizers. After the U.N. High Commissioner for Human Rights confirmed these crimes and it was revealed that they were the result of official army policy, the government acknowledged the problem, but the verbal attacks against human rights defenders and journalists who wrote articles about the issue have continued.

To his credit, the Minister of Defense has taken some steps to address it, including issuing decrees disavowing the policy of rewarding body counts and dismissing army officers who were implicated in some cases. But few if any have been prosecuted and punished, and there are reportedly hundreds of these cases.

Throughout this period, despite report after report that these atrocities were occurring, former Secretary of State Rice continued to certify that the Colombian army was meeting the human rights conditions in U.S. law. That was as shameful as the Colombian Government blaming human rights defenders. The Congress had no responsible alternative to withholding a portion of the military aid for Colombia. Whether or when those funds are released will depend, in part, on how thoroughly the government addresses the problem of false positives, whether the officers involved are held accountable, and whether those who had the courage to report these crimes continue to be the target of government attacks.

I also want to mention the recently appointed Army Chief of Staff, GEN González Peña, who replaced General Montoya. General Montoya resigned under pressure due to the false positives scandal and was ''punished,'' as too often occurs in Colombia, by being appointed an ambassador. Not long ago, General González Peña commanded the 4th Brigade in Antioquia which has one of the worst rates of reported extra judicial killings. It is difficult to believe that he was unaware of what his troops were reportedly doing, and it raises a concern about his qualifications for such an important position.

This year, the Appropriations Committee will again review our aid programs in Colombia. We want to continue helping Colombia because we share many interests—in addition to stopping the traffic in illegal drugs to the United States which has not succeeded to the extent some had predicted. We need to determine what has worked and deserves continued U.S. support, whether the Colombian Government is meeting the conditions in U.S. law and what costs should be shifted to the Colombian Government as U.S. aid is ratcheted down in the coming years.

CENTENNIAL OF THE RUSSELL SENATE OFFICE BUILDING

Mr. SCHUMER. Mr. President, I wish today to pay tribute not to a person, or an agency, or an institution, but to a building. That building, the Russell Senate Office Building, turns 100 years old today.

The Russell Building has graced Capitol Hill for a century. Some of us have been fortunate to have our Senate office located in Russell. But all of us have had an occasion to attend a hearing, a meeting, or gathering in one of the building's rooms. If we take the time to stop and consider what is before us, we are struck by the beauty of an earlier era in American history. Step into the Russell Rotunda, the Caucus Room, the Rules Committee hearing room, or any of other committee hearing rooms or special function rooms in the building. You can't help but feel that you are stepping back in time when you gaze at the high ceilings, the columns, the marble, the crystal chandeliers, and the mahogany and walnut furniture.

Architects refer to its style as beaux arts, a design popular in America in the early 20th century. Many Government buildings constructed during the late 1800s through the 1920s were of this design, and the Russell Building stands today as an excellent example of this style of architecture.

To commemorate this centennial, the curatorial staff of the Secretary of the Senate's office has created an outstanding exhibit in the Russell Building and a booklet about its history. I urge you to visit the display of original Russell furniture in the Russell rotunda basement or stop by the information kiosks in the rotunda basement, the second floor of the Rotunda area outside the Caucus Room, SR–318, the Rules Committee hearing room, SR–301, the Veterans Affairs' Committee hearing room, SR–418, the basement visitors entrance on Delaware Avenue, and the 2nd floor visitors entrance on Constitution Avenue. Along the way, you'll learn about the naming of the building, the old subway, and the hearings held in the committee rooms.

As a New Yorker, I am especially pleased that there are so many connections between the Russell Building and my home State. New York architects, Carrere & Hastings, designed the building; New York cabinetmaker Thomas Wadelton manufactured full-scale models of ''very American'' furniture in his studio located in Tuckahoe, NY; New Yorker George W. Cobb, Jr., was awarded the furniture contract for the building; and much of the original mahogany furniture was manufactured by the Standard Furniture Company of Herkimer, NY. The New York association continued when in 1933 the last wing of the building opened, equipped with walnut furniture manufactured by three New York firms—the W.H. Gunlocke Chair Company, the Company of Master Craftsmen, Inc., and the Sikes-Cutler Desk Corporation.

New York is not alone in being represented in the design, construction, and furnishing of the building. From the Vermont marble to the Indiana limestone, to the Pennsylvania steelwork, to the Kansas cement, and to the elevators manufactured in Ohio, many states contributed their natural resources and the industry of their people to this historic place. It's a testament to the skills of these early 20th century architects and craftsmen that the building and its furniture and furnishings are still in use today.

The Russell Building was constructed because of the growing challenge in the early 1900s to find suitable office space to accommodate the needs of Senators. Prior to the opening of the Russell Building in 1909, Senators and their staffs conducted the business of the Nation in whatever space was available—the aisles of the Senate Chamber, the Capitol's marble hallways, nearby hotel lobbies, and local boarding houses. Constituents waited in the corridors of the Capitol when they came to meet their Senators and Congressman. As more States joined the Union, the number of lawmakers working in Washington grew. By the turn of the century, the Capitol was literally overflowing with people. The need for space to house Senators and their growing staffs was finally recognized in 1903, when the sites for the first congressional office buildings were acquired and construction of the buildings were authorized. One of these building so authorized would later become the Russell Senate Office Building. Once construction was complete, it was considered to be one of the grandest and most impressive buildings in all of Washington. It would later be named in honor of a former colleague from Georgia, the Honorable Richard Russell, who served in the Senate for 38 years.

There is an old saying there is nothing new under the Sun. And when it comes to the Senate and space, how true the saying is. As one of its areas of jurisdiction, the Rules Committee, on which I have the honor of serving as chairman, continues to search for space to meet the needs of Senators, committees, and support offices to this day—an administrative task not unlike the struggle to find space for the Senate in 1909.

During the past century, much has happened to us as a country. We added four States to the United States of America. We have experienced world wars, international conflicts, and tough economic times again and again. We have landed a man on the Moon and saw the beginning of the information age. Through all this time, the American people have persevered and thrived.

Like its occupants and visitors over the past century, the building has adapted itself for the 21st century. The Russell Senate Office Building on its 100th birthday is a working building, alive with Senators and staff doing the business of our Nation, well equipped and ready to face the challenges of the future.

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:

Thank you for soliciting our opinions regarding the energy crisis. I truly value this opportunity to communicate my concerns to you.

Gas prices have certainly been on the rise and like most Idahoans, I have been affected by this increase. I also remember the words of President Bush when he stated that we as a nation are ''addicted'' to oil. I am a psychologist and I know that when an addict is feeling the pain of their addiction (as we are with gas prices), it is not helpful to find them a cheaper way to get a drink.

What I am saying by that analogy is that I do not think increasing exploration for oil in Alaska or off the coast of Florida will help us in the long term. Fossil fuels are a limited resource and we'll feel the pain of those limitations sooner or later. I do not support further exploration to temporarily fix this problem. I do support the idea that we invest heavily in renewable, environmentally sustainable, energies.

For example, rather than giving huge tax breaks to oil companies to promote more gas production, let us give those tax cuts to the car manufacturers to produce cars that run on less gas or better yet, run on non-fossil based fuels. American companies are way too far behind Japanese companies in this effort and to remain competitive, I think we'll have to invest in the technologies of the future rather than scraping the bottom of the barrel for what oil remains.

Thank you.

RICK, *Pocatello*.

Why are we saving the oil in the United States? The oil fields in the lower 48 could alone make us self-sufficient; that is without the biggest oil field in the world which is in Alaska. Why are we being so dependent on foreign oil when there is no need to be? Our economy is going the wrong way and can be fixed by getting the price of gas back down where it should be. My wife and I are retired and live in the country outside of Midvale, Idaho. It is a long ways to the grocery store and department stores. I hope you can get something started in the Senate that will open some eyes. Most of the members of the Congress and Senate are financially set so the price of gas does not affect them. However, they have a lot of constituents that are hurting. Thanks for your time.

God Bless America.

BRENT and PEGGY, *Midvale*.

I have a very sincere feeling that the Congress has been waffling on the oil and gasoline price rise. It is my hope that they will soon begin to realize they are hurting the complete economy. We are all hurting because of the higher gasoline price but it trickles down to everything we buy. It burns me up to hear people complain about President Bush and how he has started the whole thing. Just yesterday he explained to the public that the Congress has not given him a bill to sign.

I certainly wish Congress could stick its neck out and demand that all new electricity generation plants be nuclear plants. We are wasting our natural gas on firing electricity generation and coal is causing emissions which I believe are not good for the world. Nuclear plants are so efficient and I wish we had not allowed France and Germany to outdo us with the technology to make safe atomic plants.

Next, I would wish that Congress would mandate a term of time that would allow us to get weaned from oil and give us a good alternative engine for automobiles, for example. We are a wide ranging country and traveling from one area to another is necessary. We do not have anything but busses to move us in most areas. I do not like the fact that corn is getting so high priced because of the ethanol push. I know that I cannot use ethanol because it will ruin all the components in my autos I presently own. I do not think enough thought has gone into ethanol use and I feel it is going to ruin our food product prices. I have been associated with agriculture all my life and I cannot believe the prices some the these crops were bringing last year.

Right now we need to be drilling off shore and ANWR for oil. I believe an oil company or two needs to build a new refinery or two to help out in the meantime. I think the oil companies have held us hostage all my life and they still are!

God Bless you and your good work.

GORDON, *Twin Falls*.

Thank you for the opportunity to let you know how energy prices are affecting me. I was forwarded your email from a friend who is on your mailing list.

I am a 56-year-old widow. My husband has been gone for 6 years. We lived a middle-class lifestyle, but now that he is gone, I am struggling to make ends meet and be able to remain in the home that my husband built for our family. Even though all my children are gone from home, I still have one child in college that I need to help. I live 7 miles west of Rigby, and 10 miles north of Idaho Falls, so I have to do a lot of driving just to get anywhere. I have drastically reduced my driving, and I still pay way more than I used to for gas.

One of the biggest areas I have been affected is with my heating costs. Natural gas is not available where my home is, so 10 years ago we put in a propane furnace, thinking it would be fairly inexpensive to operate. At the time propane was 65 cents a gallon. Last fall I filled my tank for $1.69 a gallon. When I went to refill it in February, the price had jumped to $2.40 a gallon in just a few months. I cannot afford that price to heat my home. I decided to turn my heat down to 62 degrees on my thermostat, and just wear a sweater. If I want to work in one room I run a small electric heater to stay warm. I never thought I would have to be cold in my own house because I cannot afford to run my furnace.

I think it is time to drastically increase our own production of oil. We need to drill in Alaska, and wherever else it is feasible. Is the environment more important than people's well being? I do not think so. It is time we told the environmentalists to be quiet. I think the oil companies need to be putting their huge profits into finding more sources of oil. And let us get busy and find alternatives to oil. It is about time.

Thanks for letting me express my views.

PHYLLIS, *Rigby*.

First of all, I am glad to see that your head is screwed on correctly. I am sick and tired of our Congress saying that oil companies must pay ''wind-fall profit'' taxes. As if this will fix the problem. Why are so many of our lawmakers ignorant of how economy really works? Why is supply and demand so hard to grasp for some?

Now, how is the current price of gas hitting me and my family. Rather hard, I must say. Now, I grew up in a rural area and, for that reason, I live outside of Boise. I do not care for crowds and I like to have space (though, honestly, where I live still does not have enough space). For this reason, I spend a good deal on gas. This is not the fault of the government, nor am I looking for the government to solve my problems. (They have not solved any yet, and now they're talking about universal health care, HA! do not make laugh. But I digress.)

In an effort to curb the fuel pain, last year I purchased a gas-sipping 4-banger that gets 45 mpg (I bought that when I anticipated gas @ $3/gal.). However, my wife and I have a large family and a large vehicle is a must. We have a Suburban to cary our family of 7 (including my wife and I). A large vehicle is simply a must, and given where we live, a vehicle with 4wd capability is a must too. This Suburban gets 17 mpg, and with a 42 gallon tank, it is getting rather painful to fill this beast. Assuming an empty tank, it would take $168 to fill that behemoth, but I need it and we keep the driving on that to a minimum.

Some of our circumstances are due to where we live and we chose to live there. I do not seek empathy for this. However, compassion for our people would be good. Congress could make significant strides forward if they would stop catering to special interest groups and drill in our oil reserves. There is no reason not to. Drilling in ANWR is not going to make extinct the animals that live there.

Also, there is no reason we cannot make more refineries. We cannot refine the oil we import fast enough, to say nothing about the oil that we could be drilling from our own soil and water. We should make more nuclear power, or cut our thirst for energy. It is one or the other, and since we are not cutting energy, we have got to produce more.

ANDY.

I am the Service Coordinator at Community Action Partnership in Clearwater County. We are the agency that distributes the Energy Assistance Funds (LIHEAP) for North Central Idaho. I must tell you that I am extremely concerned about our low income people this coming winter, especially

the ones on fixed incomes, such as the elderly. If congress does not increase the benefit amount of LIHEAP considerably, I am seriously afraid that some people will literally freeze to death.

Of the 500 or so LIHEAP applications I do, about 300 of them are elderly (60+). Of that 300, probably more than half heat with oil or propane. Many of them were talked into converting to an oil stove (such as TOYO) several years ago, because they were considered very energy efficient, however no one could have predicted that the price of oil would quadruple in a few years time. To make matters worse, many oil and propane company's require a minimum delivery of 100 gallons, that is over $400, and in many cases that could be half or more of their monthly income!

I intend to work with Clearwater County Social Services, and our local churches to see what can be done at the local level. I am hoping to be raise funds to purchase the most efficient electric heaters I can find to give out to our most vulnerable citizens. It certainly does not solve the overall energy problem facing this country, but at least it might keep a few people from freezing this winter.

Thank you for your interest and concern in this matter, and good luck!

BARBARA.

The American public is lazy! We should be holding all our elected officials responsible for OPEC and Big Oil's price gouging of the country through its outrageous fuel prices. We all should be continuously writing, emailing, and faxing our city councilpersons, county supervisors, state legislators, congressmen, and presidential candidates to make them support a comprehensive, alternative energy program.

It is OPEC and the Big Oil companies that are preventing the development of ethanol. And they will continue to not allow the development of ethanol unless they can monopolize that, too. It is common knowledge that they contribute thousands of dollars to congressmen so that our elected officials will drag their feet and not push through a comprehensive plan.

Brazil became energy self-sufficient within five years by converting sugar cane into ethanol. Sweden is also developing plants to turn grass and hay into ethanol. There should be laws enacted here, too, requiring every gas station to offer at least one pump for ethanol. The construction of ethanol plants should be subsidized by the government, and job tax credits should be given to those plants for hiring new workers. Our country should be ambitiously working to wean itself off gasoline so we can tell OPEC where to stick its oil.

Auto manufacturers should be mandated to sell an increasing percentage of flex fuel cars each year. Of course, it will not do you any good to buy a flex fuel car if you cannot find a station in your town that sells ethanol (I am told that there is only one station in all of San Diego that sells ethanol). And, forget it if you are traveling anywhere out of town!

You would think that with the internet, everyone would come together, pool their ideas and resources, and actually get something done. Instead, we just sit back and take whatever is dished out to us. The American public has clout it does not even realize! If this nation's work force banded together and refused to go to work until the price of gasoline went down, you can bet we would bring this country to its knees in a week or less! I am tired of working for nothing! I am tired of seeing my children not be able to make ends meet.

When the working public goes bankrupt from channeling its hard-earned money into fuel, we will be ripe for another country to come in and take us over.

Legislate ambitiously for off-shore drilling! Stop the export of oil from Alaska. Enough is enough! Do something about it!

JOSIE, *Nampa.*

I do not have much of a different story than many other Idahoans. I work hard each day 11 to 12 hrs. I live in a rural area of Canyon County so ride sharing or car pooling is not a viable option for me. I have to drive 18 miles to work so riding a bike is not an option especially after putting in a 12 hr day. I drive a small pick up Chevy S–10 to help reduce my gas usage (as I mow lawns and do small pruning jobs on the weekends to make a few extra dollars), my wife in I traded in our ford tarsus for a KIA Spectra last November to help save money and protect our budget of the current (Nov 07) high gas prices.

What I can say is that the only way out of our current situation is for our congress needs to show OPEC, that we are willing to take back control of our oil dependence.

1. Congress must do something positive about drilling oil in the U.S., no arguing, no debating, no pork added to the bills, just action.

2. We need to open up oil drilling anywhere that will have minimal environmental impact, there is no place to drill that will have no environmental impact, but we have the technology to reduce any impact to the environment that will not cause permanent damage. It is off the east coast, west coast, Gulf of Mexico or Alaska we need to start drilling.

3. We need to build refineries through the country, but especially on the west coast. The west coast refineries need to be able to process the high sulfur oil from Alaska. These actions should put a halt to the escalating oil prices from OPEC, but they are only the first steps.

4. Big Oil Tax breaks for exploration and research, I do not believe that these tax cuts are ever going to go away, but I heard a news report over the weekend the Exxon Mobil was exploring off the coast of the Philippines. This is totally insane they are spending our money in tax cuts outside the U.S.? If we are going to allow large profits and tax breaks for exploration and research then they can do in the U.S.

5. One of the biggest projects big oil could be spending our money on is research for liquefying oil shale to minimize any environmental effects of this process, but again there is no way not to have some impact on the environment, but as a country we must give a little to survive in this world situation.

6. To reduce using our oil, coal and natural gas reserves to generate electricity, we need to build Nuclear Power Plants where the need is and where is will cause minimal impact on the environment.

7. Long term measures would be to develop wind, water and solar and other alternative power satrapies, it is too late right now to impact the strategies hold OPEC has on our country, and in the long term these straggles could play an important role in our overall energy policy.

8. Please relay to your fellow Congressmen that if #1 and #2 are not acted on immediately there will be a lot on incumbents who will lose their seats in November. As the American public and trucking industry can afford the daily gas price increases. If the trucking industry falters then our whole economy will collapse. This is not a idle threat by one voter but a culmination of our elected officials doing nothing about our energy policy for the last 30 years, and within the last 6 years ignoring all the signs that OPEC now has us by the neck in a strangle hold. The big oil companies really do not care as they make money either way.

ROBERT.

Thanks for the opportunity to respond to your newsletter on energy costs. My view, as expressed even before 9/11, was that we were subconsciously willing to sacrifice our children due to our selfishness, NIMBY mentality, and uncompromising positions regarding siting of energy facilities and development of energy resources. Our inability to develop a unified, effective energy policy is reflected in our addiction to oil, and just like a drug addict, we are selling out our country to those who least care about the future and security of our children. Like street drugs, the demand driven by our oil addiction is pushing up the price that further enhances the wealth of many rouge nations that support terrorism against us and would like nothing more than to see our demise. I attribute the deaths of our beloved service members on the battlefields in the Middle East to this issue. The cost to me in terms of high gas prices lowering my standard of living is nothing compared to the sacrifice of their lives caused by our ineptness to come together as a nation with a program for energy independence with an urgency akin to President Kennedy's national commitment to put a man on the moon in a decade. Anything short of that is treating a symptom and not the disease.

There are no quick fixes. It took several decades of selfishness to get us into this predicament, and it will take at least a decade of committed effort to fix it. We, as a nation, have the intellect and the resources to achieve energy independence if we unleash our federal and private institutions from excessive regulation. Decisions of such national importance must be based on sound technical and economic evaluation, not on how we can siphon more tax dollars to benefit our constituents and enrich our political standing or how we can enhance our personal wealth. The future of our nation and our children is in our hands.

NOEL, *Idaho Falls.*

ADDITIONAL STATEMENTS

TRIBUTE TO MILLARD FULLER

• Mr. SHELBY. Mr. President, today I pay tribute to Millard Fuller, a great American entrepreneur who dedicated his life to sheltering the poor. Millard passed away on February 3, 2009. He leaves behind a great legacy of leadership and of service to the world's most vulnerable residents.

Millard was born in 1935 in Lanett, AL. It was in this town that Millard, at only 6 years old, earned his first profit by selling pigs and chickens. His entrepreneurial spirit would certainly carry him far. After some time working as a door-to-door salesman selling silk hosiery and underwear, Millard attended Auburn University to study economics. Following his graduation, Millard attended my alma mater, the University of Alabama School of Law, and it was there that he married his wife Linda.

While a law student at the University of Alabama, Millard expanded his entrepreneurial horizons and began selling Christmas trees and mistletoe with

our fellow student, Morris Dees. Together, they would go on to form a lucrative direct marketing business selling cookbooks and other items. This business would make Millard a millionaire by the time he reached the young age of 29. When his work and devotion to monetary success began to threaten his personal relationships, however, Millard and Linda made the decision to simplify their lives by selling their possessions and dedicating their lives to their Christian values.

In 1965, Millard and Linda moved to Koinonia Farm in south Georgia. It was there that Millard and Linda met and became close friends with the farm's founder, Clarence Jordan. Clarence and Millard had much in common and together they developed the concept of a housing program that would provide no-interest loans to people to build modest homes. This idea eventually grew into Habitat for Humanity.

In 1976, from a tiny house in Americus, GA, Millard and Linda established Habitat for Humanity. Today, the organization has built more than 300,000 houses around the world, providing more than 1.5 million people in more than 3,000 communities with safe, decent, affordable shelter. In April 2009, Habitat for Humanity's Alabama State Support Organization will celebrate the completion of its 1,500th house.

Millard is loved and will be missed by his wife Linda and their four children. He will also be missed by the thousands of volunteers who found inspiration through his dedication. It is because of Millard that thousands of people across the world have a place to call home. I ask this entire Senate to join me in recognizing and honoring the life of Millard Fuller.●

HONORING MAINE OXY

● Ms. SNOWE. Mr. President, at a time when our Nation is involved in a global war on terrorism, thousands of lives are disrupted as members of our armed services head off to war. One aspect that is often overlooked is the profound impact a deployment can have on a servicemember's civilian career. I wish today to commend a small business from my home State of Maine that has made a veritable commitment to ensuring that those serving our country are seamlessly reintegrated into the workforce upon their return from Active Duty, and their families taken care of while they are gone.

Maine Oxy is an Auburn-based company that specializes in welding, as well as industrial and specialty gases. A third generation family managed firm, Maine Oxy was founded in 1929 by Joseph W. Albiston as Maine Gas Service, which at that time provided sales and service to home propane customers. Six years later, Maine Oxy began providing welding supplies and industrial gases for customers throughout Androscoggin County, in central Maine. Since that time, Maine Oxy has expanded to serve three States in eight locations, including a state-of-the-art acetylene production facility. It has also established a cutting-edge Spec Air gas manufacturing laboratory, as well as the New England School of Metalwork, with programs in welding and blacksmithing, as part of its sustained growth.

As a company that truly looks after its own, Maine Oxy has excelled in assisting its employees who serve in the military. Three such members from Maine Oxy's Auburn facility—Robert Smith, Kirby Touchette, and Scott St. Pierre—were all recently called up to Active Duty as combat engineers. During their deployment, Maine Oxy assisted the servicemembers by sending them care packages, and also aided their families by helping them with various chores, including chopping firewood for one the families that needed it. Even now, Maine Oxy continues to send dozens of care packages to troops in Iraq.

Upon their return, the three deployed employees were encouraged to make use of their maximum allocated 90-day entitlement of time off before returning to work. Moreover, the company was flexible in allowing for follow-up medical appointments. Finally, the firm rehired the employees and promoted them to new positions, thereby allowing their replacement workers to maintain employment as well.

Maine has one of the highest percentages of veterans in the country at roughly 16 percent of the State's population. Our State is seeing hundreds of new veterans each year returning from combat in Iraq and Afghanistan. As such, it is heartening to see companies like Maine Oxy standing ready to assist its veteran employees in such a broad and altruistic manner. Thank you to Bruce Albiston, Maine Oxy's Chief Executive Officer, and everyone at Maine Oxy for their selfless support of their colleagues, and best wishes for their future success.●

MESSAGE FROM THE HOUSE

At 10:30 a.m., a message from the House of Representatives, delivered by Mrs. Cole, 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. 1127. An act to extend certain immigration programs.

MEASURES DISCHARGED

The following measure was discharged from the Committee on Energy and Natural Resources by unanimous consent, and referred as indicated:

H.R. 44. An act to implement the recommendations of the Guam War Claims Review Commission; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 146. An act to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

David S. Kris, of Maryland, to be an Assistant Attorney General.

Elena Kagan, of Massachusetts, to be Solicitor General of the United States.

Thomas John Perrelli, of Virginia, to be Associate Attorney General.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 386. A bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THUNE (for himself and Mr. SCHUMER):

S. 527. A bill to amend the Clean Air Act to prohibit the issuance of permits under title V of that Act for certain emissions from agricultural production; to the Committee on Environment and Public Works.

By Mr. WHITEHOUSE (for himself, Mr. LEAHY, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. NELSON of Florida, Mr. KERRY, Mr. SCHUMER, Mr. HARKIN, Mr. DODD, Mr. BROWN, and Ms. KLOBUCHAR):

S. 528. A bill to prevent voter caging; to the Committee on Rules and Administration.

By Mr. LIEBERMAN (for himself, Mr. BROWNBACK, Mr. UDALL of New Mexico, Mr. WHITEHOUSE, Mr. CARDIN, Mr. SANDERS, Mr. KERRY, and Ms. SNOWE):

S. 529. A bill to assist in the conservation of rare fields and rare canids by supporting and providing financial resources for the conservation programs of countries within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations; to the Committee on Environment and Public Works.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 530. A bill to extend Federal recognition to the Muscogee Nation of Florida; to the Committee on Indian Affairs.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 531. A bill to provide for the conduct of an in-depth analysis of the impact of energy

development and production on the water resources of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. COLLINS (for herself and Mr. KENNEDY):

S. 532. A bill to amend the Internal Revenue Code of 1986 to provide a business credit against income for the purchase of fishing safety equipment; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. KENNEDY, and Ms. SNOWE):

S. 533. A bill to amend the Coastal Zone Management Act of 1972 to establish a grant program to ensure waterfront access for commercial fisherman, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Ms. COLLINS, and Mr. BINGAMAN):

S. 534. A bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mr. SESSIONS, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. KERRY, Mrs. LINCOLN, Ms. MIKULSKI, Ms. SNOWE, Mr. VITTER, and Mr. INHOFE):

S. 535. A bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes; to the Committee on Armed Services.

By Mr. WYDEN:

S. 536. A bill to amend the Clean Air Act to modify the definition of the term ''renewable biomass''; to the Committee on Environment and Public Works.

By Mr. KOHL (for himself and Mr. GRAHAM):

S. 537. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mrs. LINCOLN (for herself, Mr. COCHRAN, Mr. LEAHY, Mr. MENENDEZ, and Mr. PRYOR):

S. 538. A bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID:

S. 539. A bill to amend the Federal Power Act to require the President to designate certain geographical areas as national renewable energy zones, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. LEAHY, Mr. DURBIN, Mr. DODD, Mr. HARKIN, Mr. BINGAMAN, Mr. REED, Mr. SANDERS, Mr. BROWN, Mr. CASEY, Mrs. HAGAN, Mr. MERKLEY, Mr. WHITEHOUSE, Mrs. MCCASKILL, Mr. JOHNSON, Mr. SCHUMER, Mr. UDALL of New Mexico, and Mrs. BOXER):

S. 540. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself, Mr. CRAPO, Mr. AKAKA, Mr. BROWN, Mr. CORKER, Mr. BOND, and Mr. ISAKSON):

S. 541. A bill to increase the borrowing authority of the Federal Deposit Insurance Corporation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KOHL:

S. Res. 65. A resolution honoring the 100th anniversary of Fort McCoy in Sparta, Wisconsin; to the Committee on Armed Services.

By Mr. BOND:

S. Res. 66. A resolution designating 2009 as the ''Year of the Noncommissioned Officer Corps of the United States Army''; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. KOHL, Mr. SANDERS, Mr. DURBIN, Mr. CASEY, Mr. BURRIS, Mrs. GILLIBRAND, Mr. CHAMBLISS, Mr. KERRY, Mr. BENNET, Mr. BEGICH, Mr. BAYH, and Mr. DODD):

S. Res. 67. A resolution expressing the sense of the Senate that providing breakfast in schools through the national school breakfast program has a positive impact on the lives and classroom performance of low-income children; considered and agreed to.

ADDITIONAL COSPONSORS

S. 133

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 133, a bill to prohibit any recipient of emergency Federal economic assistance from using such funds for lobbying expenditures or political contributions, to improve transparency, enhance accountability, encourage responsible corporate governance, and for other purposes.

S. 182

At the request of Mr. CASEY, 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. 378

At the request of Mr. BAYH, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 378, a bill to correct the interpretation of the term proceeds under RICO.

S. 386

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 386, a bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

S. 456

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 491

At the request of Mr. WEBB, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 513

At the request of Mr. SANDERS, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 513, a bill to require the Board of Governors of the Federal Reserve System to publish information on financial assistance provided to various entities, and for other purposes.

S. 524

At the request of Mr. FEINGOLD, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 524, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

S. CON. RES. 4

At the request of Mr. NELSON of Florida, the names of the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Illinois (Mr. DURBIN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Con. Res. 4, a concurrent resolution calling on the President and the allies of the United States to raise the case of Robert Levinson with officials of the Government of Iran at every level and opportunity, and urging officials of the Government of Iran to fulfill their promises of assistance to the family of Robert Levinson and to share information on the investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation.

S. CON. RES. 6

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 6, a concurrent resolution expressing the sense of Congress that national health care reform should ensure

that the health care needs of women and of all individuals in the United States are met.

S. RES. 20

At the request of Mr. VOINOVICH, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 20, a resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

S. RES. 60

At the request of Mrs. SHAHEEN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 60, a resolution commemorating the 10-year anniversary of the accession of the Czech Republic, the Republic of Hungary, and the Republic of Poland as members of the North Atlantic Treaty Organization.

AMENDMENT NO. 615

At the request of Mr. ENSIGN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of amendment No. 615 proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WHITEHOUSE (for himself, Mr. LEAHY, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. NELSON, of Florida, Mr. KERRY, Mr. SCHUMER, Mr. HARKIN, Mr. DODD, Mr. BROWN, and Ms. KLOBUCHAR):

S. 528. A bill to prevent voter caging; to the Committee on Rules and Administration.

Mr. LEAHY. Mr. President, this week, the Nation commemorates the 49th anniversary of ''Bloody Sunday,'' a day which marked a crucial turning point in securing the right to vote for all Americans. On March 7, 1965, in Selma, Alabama, JOHN LEWIS and his fellow civil rights activists marched for their right to vote but were brutally attacked by state troopers on the Edmund Pettus Bridge. We remember the acts of courageous Americans who fought through the years for equality. We honor their legacy by reaffirming our commitment to protect the right to vote for all Americans.

On the week of this important anniversary, I am pleased to join Sen. WHITEHOUSE in introducing the Caging Prohibition Act of 2009. This legislation contains commonsense reforms to strengthen the Nation's ability to combat organized efforts to suppress the right to vote and better protect the voting rights of countless Americans.

Senator WHITEHOUSE and I introduced a similar bill two years ago in an effort to bring urgent election reform to protect voters during the 2008 presidential election. Although the Rules Committee held a hearing on the measure, the bill was not reported out of Committee before the Senate adjourned last year. I hope the Senate will do its part to prevent shenanigans from disenfranchising voters during the next Federal election, by promptly passing this bill.

During my three decades in the Senate, I have devoted a considerable portion of my work to improving democratic participation and make our government more accessible to all Americans. For the past two years, I have been delighted to have Senator WHITEHOUSE as a partner on this important issue. I thank him for his leadership on preserving and strengthening our voting rights.

In recent years, we have seen a surge in a particularly alarming form of voter suppression known as voter caging. In voter caging, a political organization sends mail to addresses on voter rolls, compiles a list of returned mail, and uses that list as grounds for partisan and unjustified purges or challenges of voters' eligibility. During the last two presidential election cycles, we have seen evidence of voter caging efforts emerge in numerous States, including Ohio, Florida, Michigan, and Pennsylvania.

Chief among the problems with voter caging is that it threatens to disenfranchise voters in an unreliable manner. Rather than preventing votes cast by ineligible voters, far too often the practice prevents legitimate voters from casting their ballots. According to a recent report from the nonpartisan Brennan Center for Justice, ''[V]oter caging lists are highly likely to include the names of many voters who are in fact eligible to vote.'' Of course, since government databases are often riddled with typos and clerical errors, these findings are hardly surprising.

Even more troubling, voter caging often aims to disenfranchise minority voters. I recall during a Senate race in Louisiana, in 1986, a memorandum from the Republican National Committee concluded that hiring a consultant to distribute 350,000 mailings marked ''do not forward'' to mostly African-American districts would ''eliminate at least 60–80,000 folks from the rolls . . . [and] could keep the black vote down considerably.'' That is unacceptable. That is wrong. No one's right to vote should be abridged, suppressed, or denied in the United States of America.

The practice of voter caging chips away at core protections in our democracy. The right to vote, and have your vote count, is a foundational right because it secures the effectiveness of all other protections. Indeed, the very legitimacy of our government is dependent on the access all Americans have to the political process. That is why voting is the cornerstone of our democracy. Any infringement on this right harms the fabric of America.

All too often, voter caging efforts have partisan goals. For example, the Judiciary Committee's investigation last Congress into the mass firings of U.S. Attorneys for political reasons shed light on how Tim Griffin, a former Bush White House aide, participated in a voter caging scheme aimed at disenfranchising African-American voters in Florida. He was later appointed interim U.S. Attorney for the Eastern District of Arkansas.

Rooting out partisan voter caging tactics requires us to give Federal officials the tools and resources they need to investigate and prosecute organized efforts to suppress the right to vote. This bill will do exactly that.

This legislation would prohibit challenging a person's eligibility to vote—or register to vote—based on a voter caging list, an unverified match list, or foreclosure status. A challenged voter may feel intimidated or discouraged, and may leave a polling site and not vote. In America, a person should not lose their fundamental right to vote, nor have that vote challenged, on the sole basis of a mistake, error, or because their mail failed to reach them. Similarly, as the current economic crisis reminds us, Americans should not have their fundamental right to vote jeopardized simply because they lose their jobs to layoffs or their homes to foreclosure.

The bill would also require any private party who challenges the right of another citizen to vote—or register to vote—to set forth in writing, under penalty of perjury, the specific grounds for the alleged ineligibility. This provision deters illegitimate challenges to voters by requiring, at a minimum, a showing of good cause. It properly balances legitimate efforts to clean voting rolls with forbidding unreliable voter purges.

I am pleased that this bill has the support of civil rights and voting rights organizations such as the Leadership Conference on Civil Rights, the Lawyers Community for Civil Rights under Law, the Brennan Center for Justice, and the People for the American Way. They understand that voter caging is a modern-day barrier to the ballot box that has created unique problems for legitimate voters for many years, and that a Federal ban on these undemocratic practices is necessary.

I hope that this year all Senators will support this important legislation and take firm action to stamp out this intolerable voter suppression tactic.

By Mr. LIEBERMAN (for himself, Mr. BROWNBACK, Mr. UDALL, of New Mexico, Mr. WHITEHOUSE, Mr. CARDIN, Mr. SANDERS, Mr. KERRY, and Ms. SNOWE):

S. 529. A bill to assist in the Conservation of rare fields and rare canids by supporting and providing financial resources for the conservation programs of countries within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr President, I rise to speak about the Great Cats and Rare Canids Act, which I am introducing today along with my friends

Senators SAM BROWNBACK and TOM UDALL. This bipartisan legislation continues our tradition of protecting threatened and endangered species around the world and comes at a critical time in the survival of these animals.

Of the 37 wild felid species worldwide, all are currently recognized as species in need of protection under the World Conservation Union, IUCN, Red List, the lists of species in CITES appendices I, II, and III, or the Endangered Species Act of 1973. Of the 35 wild canid species worldwide, nearly 50 percent are recognized as in need of such protection in one of these categories.

This legislation would create the Great Cats and Rare Canids Conservation Fund and builds on the success of the Multinational Species Conservation Fund, NSCF, which presently provides funding to protect tigers, rhinoceroses, elephants, great apes, and marine turtles. The Great Cats and Rare Canids Conservation Fund would support the conservation of wild felid and canid populations outside the United States by providing financial resources to conserve 15 such species that are vital for their ecological value and are listed as endangered or threatened on the IUCN Red List of Endangered Species. The great cats and rare canids included in this bill are umbrella species that, if conserved appropriately, protect their corresponding landscapes and other species dependent on those ecosystems.

Among the species protected under this act are the majestic jaguar of South and Central America, the elusive snow leopard, the cheetah, the African wild dog, and other rare carnivore species. These species are threatened by habitat loss, poaching, disease, and pollution.

The struggle of the African wild dog is one example of the plight these large carnivores face. The less than 2,500 adults that remain not only have to combat the widespread misconception that they are livestock killers, but are extremely susceptible to diseases common in domesticated animals. They have lost 89 percent their habitat and are now found in only 14 of the 39 countries that comprise their historic range.

The snow leopard is another example. Like all great cats, the snow leopard needs a large tract of uninterrupted land in which to live, but the snow leopard's habitat in China has been fragmented due to human encroachment. The cats are also under extreme poaching pressures as their fur is sold on the black market.

In addition to protecting the species already listed in the Act, the U.S. Fish and Wildlife Service has been mandated to complete a study within two years of the bill's enactment to determine what other critically endangered species could become eligible for conservation assistance. The findings of this study will enable the United States to provide conservation assistance to protect additional great cat and rare canid species that are determined to need conservation assistance in the future.

Our bill would authorize $5 million in annual spending for the conservation of more than a dozen species of great cats and rare canines. The Great Cats and Rare Canids Conservation Fund would leverage private conservation dollars from corporate and non-government sources in order to address the critical need to conserve these threatened large carnivores. Historically, for every $1 invested by the Federal Government in the programs that are part of the Multinational Species Conservation Fund, there is at least a $3 match by private donations.

These funds enable the U.S. Fish and Wildlife Service to partner with nonprofit groups and foreign entities to undertake a range of conservation programs where threatened and endangered species live. Typical activities to protect the different species in the Multinational Species Conservation Fund include new educational programs for local populations to increase awareness of these species and prevent interactions that could be harmful to people and animals, as well as increased monitoring and law enforcement activities to prevent poaching and illegal animal trafficking. Great cats are particularly at risk from hunting for trade purposes while rare canids are susceptible to disease, and this bill will allow the establishment of programs to address these species-specific threats.

The genesis of the Great Cats and Rare Canids program is nearly a decade old, and the bill under consideration today was also introduced in the past two Congresses. In that time, these species have continued to decline in numbers. I do not think our children and grandchildren will forgive us if we stand by and let these magnificent animals drift into extinction. With a relatively small investment, we can invigorate ongoing conservation efforts around the world.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 531. A bill to provide for the conduct of an in-depth analysis of the impact of energy development and production on the water resources of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am introducing a bill, with Senator MURKOWSKI's support, that will improve our understanding of the interdependence of energy and water and begin integrating decision-making for both resources. The relationship between energy and water is an often overlooked but serious issue that is growing in importance.

Energy and water are crucial components of modern life. Production of energy and freshwater are inextricably linked. Each is required for the production of the other, and neither resource is routinely considered in developing management policies for the other. As population density continues to increase in already water-stressed regions, it is crucial that the United States develop new policies that integrate energy and water solutions so that one resource does not undermine the use of the other.

Thermal power generation, coal, natural gas, oil, and nuclear, accounts for 39 percent of freshwater withdrawals in the U.S., second only to agriculture-related withdrawals. Water use can range from 7,500 gallons of water per megawatt-hour produced, gal/MWhr, for natural gas plants, to 60,000 gal/MWhr for some nuclear facilities. Petroleum refineries also use a significant amount of water, and the water demands of the transportation sector will only increase as the U.S. seeks to reduce its reliance on foreign oil. The two primary options for reducing gasoline use—plug-in hybrids and biofuels—are both more water intensive than gasoline. By some estimates, plug-in hybrids consume three times more water per mile traveled than conventional gasoline vehicles. If the entire production cycle is considered, some biofuels can consume as much as 20 times more water per mile traveled. Three provisions of the bill attempt to highlight and further analyze these issues: a National Academies study of water use in transportation fuel production and electricity generation; the development of power plant water use guidelines by the Department of Energy; and a directive to the Secretary of Energy to finalize an energy-water research and development roadmap to guide policy efforts in the future. Better data will lead to integration of water considerations in the development of energy policy.

Just as our energy consumption uses large amounts of water, the acquisition, treatment, and delivery of water supplies consumes massive amounts of energy. For example, 19 percent of California's electricity consumption is for water-related energy uses. Overall, treatment and delivery of municipal water supplies consume 3 percent of the nation's electricity. The bill addresses the issue of water-related energy consumption by directing the Bureau of Reclamation to evaluate energy use in Reclamation projects and identify ways to reduce such use. The bill also directs the Energy Information Administration to gather data and report on the energy consumed by water treatment and delivery activities. Once again, better data will lead to improved decision-making by State, local, and Federal water managers. Furthermore, the bill establishes research priorities for the Bureau of Reclamation's Brackish Groundwater Desalination Facility, including renewable energy integration with desalination technologies. To the extent that renewable energy can be integrated

with water treatment and delivery facilities, public acceptance of new water supply proposals is likely to increase.

The bill being introduced today is a good first step towards integrating energy and water policy. Such efforts will become increasingly necessary as growing populations, environmental needs, and a changing climate continue to affect both energy and water resources. I look forward to this legislation increasing the dialogue on these issues and hope that we can incorporate additional ideas as the legislative process proceeds.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 531

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 ''Energy and Water Integration Act of 2009''.

SEC. 2. ENERGY WATER NEXUS STUDY.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy (referred to in this Act as the ''Secretary''), in consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct an in-depth analysis of the impact of energy development and production on the water resources of the United States.

(b) SCOPE OF STUDY.—

(1) IN GENERAL.—The study described in subsection (a) shall be comprised of each assessment described in paragraphs (2) through (4).

(2) TRANSPORTATION SECTOR ASSESSMENT.—

(A) IN GENERAL.—The study shall include a lifecycle assessment of the quantity of water withdrawn and consumed in the production of transportation fuels, or electricity, to evaluate the ratio that—

(i) the quantity of water withdrawn and consumed in the production of transportation fuels (measured in gallons), or electricity (measured in kilowatts); bears to

(ii) the total distance (measured in miles) that may be traveled as a result of the consumption of transportation fuels, or electricity.

(B) SCOPE OF ASSESSMENT.—

(i) IN GENERAL.—The assessment shall include, as applicable—

(I) the exploration for, and extraction or growing of, energy feedstock;

(II) the processing of energy feedstock into transportation fuel;

(III) the generation, transportation, and storage of electricity for transportation; and

(IV) the conduct of an analysis of the efficiency with which the transportation fuel is consumed.

(ii) FUELS.—The assessment shall contain an analysis of transportation fuel sources, including—

(I) domestically produced crude oil (including products derived from domestically produced crude oil);

(II) imported crude oil (including products derived from imported crude oil);

(III) domestically produced natural gas (including liquid fuels derived from natural gas);

(IV) imported natural gas (including liquid fuels derived from natural gas);

(V) oil shale;

(VI) tar sands;

(VII) domestically produced corn-based ethanol;

(VIII) imported corn-based ethanol;

(IX) advanced biofuels (including cellulosic- and algae-based biofuels);

(X) coal to liquids (including aviation fuel, diesel, and gasoline products);

(XI) electricity consumed in—

(aa) fully electric drive vehicles; and

(bb) plug-in hybrid vehicles;

(XII) hydrogen; and

(XIII) any reasonably foreseeable combination of any transportation fuel source described in subclauses (I) through (XII).

(3) ELECTRICITY SECTOR ASSESSMENT.—

(A) IN GENERAL.—The study shall include a lifecycle assessment of the quantity of water withdrawn and consumed in the production of electricity to evaluate the ratio that—

(i) the quantity of water used and consumed in the production of electricity (measured in gallons); bears to

(ii) the quantity of electricity that is produced (measured in kilowatt-hours).

(B) SCOPE OF ASSESSMENT.—The assessment shall include, as applicable—

(i) the exploration for, or extraction or growing of, energy feedstock;

(ii) the processing of energy feedstock for electricity production; and

(iii) the production of electricity.

(C) GENERATION TYPES.—The assessment shall contain an evaluation and analysis of electricity generation facilities that are constructed in accordance with different plant designs (including different cooling technologies such as water, air, and hybrid systems, and technologies designed to minimize carbon dioxide releases) based on the fuel used by the facility, including—

(i) coal;

(ii) natural gas;

(iii) oil;

(iv) nuclear energy;

(v) solar energy;

(vi) wind energy;

(vii) geothermal energy;

(viii) biomass;

(ix) the beneficial use of waste heat; and

(x) any reasonably foreseeable combination of any fuel described in clauses (i) through (ix).

(4) ASSESSMENT OF ADDITIONAL IMPACTS.—In addition to the impacts associated with the direct use and consumption of water resources in the transportation and electricity sectors described in paragraphs (2) and (3), the study shall contain an identification and analysis of any unique water impact associated with a specific fuel source, including an impact resulting from—

(A) any extraction or mining practice;

(B) the transportation of feedstocks from the point of extraction to the point of processing;

(C) the transportation of fuel and power from the point of processing to the point of consumption; and

(D) the location of a specific fuel source that is limited to 1 or more specific geographical regions.

(c) REPORT TO SECRETARY.—Not later than 18 months after the date of enactment of this Act, the National Academy of Sciences shall submit to the Secretary a report that contains a summary of the results of the study conducted under this section.

(d) AVAILABILITY OF RESULTS OF STUDY.—On the date on which the National Academy of Sciences completes the study under this section, the National Academy of Sciences shall make available to the public the results of the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section.

SEC. 3. POWER PLANT WATER AND ENERGY EFFICIENCY.

(a) IN GENERAL.—To protect water supplies and promote the efficient use of water in the electricity production sector, the Secretary, in consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall conduct a study to identify the best available technologies and related strategies to maximize water and energy efficiency in the production of electricity by each type of generation.

(b) GENERATION TYPES.—The study shall include an evaluation of different types of generation facilities, including—

(1) coal facilities, under which the evaluation shall account for—

(A) different types of coal and associated generating technologies; and

(B) the use of technologies designed to minimize and sequester carbon dioxide releases;

(2) oil and natural gas facilities, under which the evaluation shall account for the use of technologies designed to minimize and sequester carbon dioxide releases;

(3) hydropower, including turbine upgrades, incremental hydropower, in-stream hydropower, and pump-storage projects;

(4) thermal solar facilities; and

(5) nuclear facilities.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that contains a description of the results of the study conducted under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section, to remain available until expended.

SEC. 4. WATER CONSERVATION AND ENERGY SAVINGS STUDY.

(a) DEFINITIONS.—In this section:

(1) MAJOR RECLAMATION PROJECT.—The term ''major Reclamation project'' means a multipurpose project authorized by the Federal Government and carried out by the Bureau of Reclamation.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(b) STUDY.—

(1) IN GENERAL.—In accordance with paragraph (2), to promote the efficient use of energy in water distribution systems, the Secretary shall conduct a study to evaluate the quantities of energy used in water storage and delivery operations in major Reclamation projects.

(2) ELEMENTS.—In conducting the study, the Secretary shall—

(A) with respect to each major Reclamation project—

(i) assess and estimate the annual energy consumption associated with the major Reclamation project; and

(ii) identify—

(I) each major Reclamation project that consumes the greatest quantity of energy; and

(II) the aspect of the operation of each major Reclamation project described in subclause (I) that is the most energy intensive (including water storage and releases, water delivery, and administrative operations); and

(B) identify opportunities to significantly reduce current energy consumption and costs with respect to each major Reclamation project described in subparagraph (A), including, as applicable, through—

(i) reduced groundwater pumping;

(ii) improved reservoir operations;

(iii) infrastructure rehabilitation;

(iv) water reuse; and

(v) the integration of renewable energy generation with project operations.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that contains a description of the results of the study conducted under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section, to remain available until expended.

SEC. 5. BRACKISH GROUNDWATER NATIONAL DESALINATION RESEARCH FACILITY.

(a) DEFINITIONS.—In this section:

(1) FACILITY.—The term ''facility'' means the Brackish Groundwater National Desalination Research Facility, located in Otero County, New Mexico.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) DUTY OF SECRETARY.—The Secretary shall operate, manage, and maintain the facility to carry out research, development, and demonstration activities to develop technologies and methods that promote brackish groundwater desalination as a viable method to increase water supply in a cost-effective manner.

(c) OBJECTIVES; ACTIVITIES.—

(1) OBJECTIVES.—The Secretary shall operate and manage the facility as a state-of-the-art desalination research center—

(A) to develop new water and energy technologies with widespread applicability; and

(B) to create new supplies of usable water for municipal, agricultural, industrial, or environmental purposes.

(2) ACTIVITIES.—In operating, managing, and maintaining the facility under subsection (b), the Secretary shall carry out—

(A) as a priority, the development of renewable energy technologies for integration with desalination technologies—

(i) to reduce the capital and operational costs of desalination;

(ii) to minimize the environmental impacts of desalination; and

(iii) to increase public acceptance of desalination as a viable water supply process;

(B) research regarding various desalination processes, including improvements in reverse and forward osmosis technologies;

(C) the development of innovative methods and technologies to reduce the volume and cost of desalination concentrated wastes in an environmentally sound manner;

(D) an outreach program to create partnerships with States, academic institutions, private entities, and other appropriate organizations to conduct research, development, and demonstration activities, including the establishment of rental and other charges to provide revenue to help offset the costs of operating and maintaining the facility; and

(E) an outreach program to educate the public on—

(i) desalination and renewable energy technologies; and

(ii) the benefits of using water in an efficient manner.

(d) AUTHORITY OF SECRETARY.—The Secretary may enter into contracts or other agreements with, or make grants to, appropriate entities to carry out this section, including an agreement with an academic institution to manage research activities at the facility.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

SEC. 6. ENHANCED INFORMATION ON WATER-RELATED ENERGY CONSUMPTION.

Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

''(n) WATER-RELATED ENERGY CONSUMPTION.—

''(1) IN GENERAL.—Not less than once during each 3-year period, to aid in the understanding and reduction of the quantity of energy consumed in association with the use of water, the Administrator shall conduct an assessment under which the Administrator shall collect information on energy consumption in various sectors of the economy that are associated with the acquisition, treatment, or delivery of water.

''(2) REQUIRED SECTORS.—An assessment described in paragraph (1) shall contain an analysis of water-related energy consumption for all relevant sectors of the economy, including water used for—

''(A) agricultural purposes;

''(B) municipal purposes;

''(C) industrial purposes; and

''(D) domestic purposes.

''(3) EFFECT.—Nothing in this subsection affects the authority of the Administrator to collect data under section 52 of the Federal Energy Administration Act of 1974 (15 U.S.C. 790a).''.

SEC. 7. ENERGY-WATER RESEARCH AND DEVELOPMENT ROADMAP.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall develop a document to be known as the ''Energy-Water Research and Development Roadmap'' to define the future research, development, demonstration, and commercialization efforts that are required to address emerging water-related challenges to future, cost-effective, reliable, and sustainable energy generation and production.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report describing the document described in subsection (a), including recommendations for any future action with respect to the document.

By Ms. COLLINS (for herself, Mr. KENNEDY, and Ms. SNOWE):

S. 533. A bill to amend the Coastal Zone Management Act of 1972 to establish a grant program to ensure waterfront access for commercial fisherman, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce two bills that will improve the lives of our Nation's fishermen who are struggling to make a living at sea.

The fishing industry in New England is an important part of our heritage. From our nation's earliest days, fishing has served as an economic driver that has allowed our nation to prosper. Maine's proud fishing heritage is woven deeply into the cultural fabric of our state. Sadly, the global economic downturn and heavy-handed federal regulations threaten the economic stability of this venerable industry. To attempt to assist our fishing families, I am pleased to be joined by my colleague from Massachusetts, Senator KENNEDY, in introducing the Working Waterfront Preservation Act and the Commercial Fishermen Safety Act.

All along our Nation's coasts there are harbors that were once full of the hustle and bustle associated with the fishing industry. Unfortunately, there is an erosion of the vital infrastructure known as our working waterfronts that is so critical to our commercial fishing industries. I have drafted legislation that will help combat the loss of commercial access to our waterfronts and support the fishing industry's role in our maritime heritage.

When constituents first called asking me to help them in their efforts to stop the loss of their fishing businesses and the communities built around this industry, I learned that no Federal program exists that supports preserving or increasing waterfront access for the commercial fishing industry. This is especially disheartening because every week we are losing more of our working waterfronts in this country. Quite simply, once lost, these vital economic and community hubs of commercial fishing activity cannot be replaced.

That is why I am introducing the Working Waterfront Preservation Act. This legislation would create a program to support our Nation's commercial fisherman and the coastal communities that are at risk of losing their fishing businesses.

The need for such a program is demonstrated by the loss of commercial waterfront access occurring in Maine. Only 25 of Maine's 3,500 miles of coastline are devoted to commercial access. We are continually seeing portions of Maine's working waterfront being sold off to the highest bidder—with large vacation homes and condominiums rising in places that our fishing industry used to call home.

The reasons for the loss of Maine's working waterfront are complex. In some cases, burdensome fishing regulations have led to a decrease in landings, hindering the profitability of shore-side infrastructure, like the Portland Fish Exchange. In other cases, soaring land values and rising taxes have made the current use of commercial land unprofitable. Property is being sold and quickly converted into private spaces and second homes that are no longer the center of economic activity. With each conversion of commercial waterfront access to private development, a piece of Maine's proud maritime tradition is irretrievably lost.

Maine's lack of commercial waterfront prompted the formation of a ''Working Waterfront Coalition.'' This coalition was comprised of an impressive number of industry associations, nonprofit groups, and State agencies, who came together to preserve Maine's working waterfront.

I am pleased to note that the Working Waterfront Coalition was successful in contributing to the creation of two programs in Maine. The first is a tax incentive for property owners to keep their land in its current working waterfront state. The second is a pilot program for grant funding to secure and preserve working waterfront areas. Since 2006, the Working Waterfront Access Pilot Program has secured 11 properties totaling more than 25 acres of

land that supports more than 300 boats, 400 fishing industry jobs, and more than $26 million in income directly associated with our working waterfronts. The State of Maine has taken positive action to save its waterfronts and is a model for other States in the country facing this problem.

This work is not, however, finished. The loss of commercial waterfront access affects the fishing industry throughout all coastal states. And a modest Federal investment could do so much to save these areas. Preservation of the working waterfront is essential to protect a way of life that is unique to our coastal States and is vital to economic development along the coast. Fishermen are being pushed out of the waterfront as their profitability shrinks and land values soar. Our legislation targeting this exact problem, as no Federal program exists to assist States like Maine, Florida, Washington, and Louisiana.

The Working Waterfront Preservation Act would assist by providing Federal grant funding to municipal and State governments, non-profit organizations, and fishermen's cooperatives for the purchase of property or easements or for the maintenance of working waterfront facilities. The bill contains a $50 million authorization for grants that would require a 25 percent local match. Applications for grants would be considered by both the Department of Commerce and State fisheries agencies, which have the local expertise to understand the needs of each coastal State. Grant recipients would agree not to convert coastal properties to noncommercial uses, as a condition of receiving Federal assistance.

This legislation also includes a tax component. When properties or easements are purchased, sellers would only be taxed on half of the gain they receive from this sale. This is a vital aspect of my bill because it would diminish the pressure to quickly sell waterfront property that would then, most likely, be converted to noncommercial uses, and would increase the incentives for sellers to take part in this grant program. This is especially important given that the application process for Federal grants does not keep pace with the coastal real estate market.

This legislation is crucial for our Nation's commercial fisheries, which are coming under increasing pressures from many fronts. This new grant program would preserve important commercial infrastructure and promote economic development along our coast.

Second, I am introducing the Commercial Fishermen Safety Act of 2009, a bill to help fishermen purchase the lifesaving safety equipment they need to survive when disaster strikes.

Every day, members of our fishing communities struggle to cope with the pressures of running a small business, complying with burdensome regulations, and maintaining their vessels and equipment. These challenges have been made worse by the growing economic crisis, which only adds to the dangers associated with fishing.

Year-in and year-out, commercial fishing ranks among the nation's most dangerous occupations. Fatality rate data compiled by the Census of Fatal Occupational Injuries program for 2007 has, once again, listed fishing as having the highest fatality rate among selected occupations. While I am encouraged that 2007 saw a drop in the number of occupational-related fatalities in the fishing industry, we must be doing more to save lives at sea.

The New England fishing community is no stranger to tragedy. Just this year, the *Patriot*, a 54-foot fishing boat out of Gloucester, MA, sunk off the coast of Massachusetts without warning. The ship's captain Matteo Russo and crew member John Orlando, who were lost in the incident, were unable to send a mayday call in the early morning of January 3, 2009. The unexplained circumstance of their deaths offers little solace to the families and communities that loved them. What is clear is that preventing further loss of life requires that we do all we can to promote safety at sea.

Coast Guard regulations require all fishing vessels to carry safety equipment. The requirements vary depending on factors such as the size of the vessel, the temperature of the water, and the distance the vessel travels from shore to fish. Required equipment can include a liferaft that automatically inflates and floats free, should the vessel sink. Other life-saving equipment includes: personal flotation devices or immersion suits which help protect fishermen from exposure and increase buoyancy; EPIRBs, which relay a downed vessel's position to Coast Guard Search and Rescue Personnel; visual distress signals; and fire extinguishers.

When an emergency arises, safety equipment is priceless. At all other times, the cost of purchasing or maintaining this equipment must compete with other expenses such as loan payments, fuel, wages, maintenance, and insurance.

The Commercial Fishermen Safety Act of 2007 provides a tax credit equal to 75 percent of the amount paid by fishermen to purchase or maintain required safety equipment. The tax credit is capped at $1500. Items such as EPIRBs and immersion suits cost hundreds of dollars, while liferafts can reach into the thousands. The tax credit will make life-saving equipment more affordable for more fishermen, who currently face limited options under the federal tax code.

We have seen far too many tragedies in this occupation. Please, let us support fishermen who are trying to prepare in case disaster strikes. Safety equipment saves lives. By providing a tax credit for the purchase of safety equipment, Congress can help ensure that fishermen have a better chance of returning home each and every time they head out to sea.

By Mr. WYDEN:

S. 536. A bill to amend the Clean Air Act to modify the definition of the term ''renewable biomass''; to the Committee on Environment and Public Works.

Mr. WYDEN. Mr. President, there is an old saying about ''not seeing the forest for the trees'' that applies to the current myopic policies on biomass from Federal lands. Right now, instead of helping to provide part of the solution to our Nation's dependence on foreign oil, biomass from Federal lands allowed to build up in the woods or worse become fuel for catastrophic fires. Instead of being part of the solution for energy independence, it is creating a problem for forest management and communities that border on Federal forests.

I rise today to introduce a bill that would allow woody debris and plant material—or ''biomass''—from Federal lands to become part of the solution to America's energy problems and to create new economic opportunities to help sustain our rural communities. This legislation would amend the Clean Air Act to modify the definition of the term ''renewable biomass'' contained in the Federal Renewable Fuel Standard so that biomass from Federal lands is eligible as a fuel source under this standard.

Today, biomass from Federal lands cannot be counted as a renewable transportation fuel. The change I am proposing would help tackle a number of critical problems—expanding the universe of biomass that can be used for fuel, helping pay for programs to reduce dangerous levels of dead and dying trees that fuel wildfires, thinning unhealthy, second growth forests, providing low-carbon fuels to address climate change, and create jobs in increasingly difficult economic times.

The reason we need this legislation goes back to the 2007 energy bill—the Energy Independence and Security Act of 2007. In that legislation, the Congress dramatically expanded the Federal mandate for the use of renewable biofuels, such as ethanol from corn and cellulose, and biodiesel. Unfortunately, this legislation included a definition of renewable biomass that is now part of the Clean Air Act which excluded slash and thinning byproducts from Federal lands—all Federal lands. This occurred despite the bipartisan work we had undertaken here in the Senate and in the Energy and Natural Resources Committee to come up with a more commonsense definition. The result is that biomass from millions of acres of Federal lands are arbitrarily excluded from serving as feedstock for the very renewable biofuels that the mandate requires.

Changing the definition of ''renewable biomass'' for the renewable fuels standard is very important to states like Oregon, where the Federal Government owns much of the land and where our forests are choked and overstocked. Critical work needs to take

place in these forests and utilizing the excess biomass—small diameter trees, limbs and debris—for energy will help us get that work accomplished while getting us the added benefit of green energy. These byproducts are often a critical energy source for rural Americans, who use them in environmentally-friendly wood pellet stoves. But more importantly, they are part of the future of clean, renewable fuels—as further development of cellulosic ethanol will allow us to use these waste materials reclaimed literally from the forest and mill floors. Conversely, by excluding biomass from Federal lands, the existing mandate places ever more weight on the use of biomass from other sources, including the use of food-based corn and grains and private forests.

My bill seeks to utilize biomass from Federal lands in an environmentally responsible way. It will protect those natural resources that need to be protected, while allowing renewable biomass from Federal lands to contribute to our Nation's energy mix. First, my bill would allow biomass from National Forests and Bureau of Land Management forests to qualify as renewable biomass under the Federal Renewable Fuels Standard, but it would continue to exclude old growth and biomass from National Parks, Wilderness Areas and other environmentally protected areas. Second, the bill would require Federal land managers to ensure that the quantities of biomass harvested even from these eligible National Forest and BLM lands are sustainable. While biomass holds great potential as a clean source of energy, I want to ensure that it gets harvested at levels that are truly sustainable and that biofuels and bioenergy projects dependent on renewable biomass are sized appropriately so that we protect our forests and natural resources and ensure that biofuels production facilities will not wither and die because of inadequate feedstock supplies.

I want to be clear that my legislation only addresses the question of how the Renewable Fuel Standard treats biomass from Federal lands. It does not and it is not intended to reopen or overhaul the Renewable Fuels Standard as a whole. It is simply a targeted fix for our Federal public lands.

As we move forward with new energy legislation and work on developing additional green energy solutions, I want to ensure that renewable biomass is genuinely one of those solutions, including biomass from Federal lands. It is my hope that beyond fixing the definition in the Clean Air Act for the Renewable Fuels Standard, Congress will include a comparable definition in legislation addressing climate change and renewable electricity production requirements.

I look forward to working with my colleagues here in the Senate and in the House of Representatives to advance a biomass definition that balances sound energy policy with practical and sensible use of our forests.

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. 536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENEWABLE BIOMASS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that Congress should seek to establish a consistent definition for the term ''renewable biomass''.

(b) RENEWABLE BIOMASS.—Section 211(o)(1)(I) of the Clean Air Act (42 U.S.C. 7545(o)(1)(I)) is amended—

(1) by redesignating clauses (v) through (vii) as clauses (vi) through (viii), respectively;

(2) by inserting after clause (iv) the following:

''(v) Slash and precommercial sized thinnings harvested—

''(I) in environmentally sustainable quantities, as determined by the appropriate Federal land manager; and

''(II) from National Forest System land or public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702), other than—

''(aa) components of the National Wilderness Preservation System;

''(bb) wilderness study areas;

''(cc) inventoried roadless areas and all unroaded areas of at least 5,000 acres;

''(dd) old growth stands;

''(ee) components of the National Landscape Conservation System; and

''(ff) national monuments.''; and

(3) by striking clause (vi) (as redesignated by paragraph (1)) and inserting the following:

''(vi) Biomass obtained on land in any ownership from the immediate vicinity of any building, camp, or public infrastructure facility (including roads), at risk from wildfire.''.

By Mr. KOHL (for himself and Mr. GRAHAM):

S. 537. A bill to amend chapter 111 of tire 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Sunshine in Litigation Act of 2009, a bill that will curb the ongoing abuse of secrecy orders in Federal courts. The result of this abuse, which often comes in the form of sealed settlement agreements, is to keep important health and safety information hidden from the public.

This problem has been recurring for decades, and most often arises in product liability cases. Typically, an individual brings a cause of action against a manufacturer for an injury or death that has resulted from a defect in one of its products. The injured party often faces a large corporation that can spend a virtually unlimited amount of money defending the lawsuit, prolonging the time it takes to reach resolution. Facing a formidable opponent and mounting medical bills, a plaintiff often has no choice but to settle the litigation. In exchange for the award he or she was seeking, the victim is forced to agree to a provision that prohibits him or her from revealing information disclosed during the litigation.

Plaintiffs get a respectable award, and the defendant is able to keep damaging information from getting out. Because they remain unaware of critical public health and safety information that could potentially save lives, the American public incurs the greatest cost.

This concern about excessive secrecy is warranted by the fact that tobacco companies, automobile manufacturers, and pharmaceutical companies have settled with victims and used the legal system to hide information which, if it became public, could protect the American people from future harms. Surely, there are appropriate uses for such orders, like protecting trade secrets and other truly confidential company information. This legislation makes sure such information is protected. But, protective orders are certainly not supposed to be used for the sole purpose of hiding damaging information from the public, to protect a company's reputation or profit margin.

One of the most famous cases of abuse of secrecy orders involved Bridgestone/Firestone tires. From 1992–2000, tread separations of various Bridgestone and Firestone tires caused accidents across the country, many resulting in serious injuries and even fatalities. Instead of owning up to their mistakes and acting responsibly, Bridgestone/Firestone quietly settled dozens of lawsuits, most of which included secrecy agreements. It was not until 1999, when a Houston public television station broke the story, that the company acknowledged its wrongdoing and recalled 6.5 million tires. By then, it was too late. More than 250 people had died and more than 800 were injured as a result of the defective tires.

If the story ended there, and the Bridgestone/Firestone cases were just an aberration, one might argue that there is no urgent need for legislation. But, unfortunately, the list of abuses goes on. There is the case of General Motors. Although an internal memo demonstrated that GM was aware of the risk of fire deaths from crashes of pickup trucks with ''side saddle'' fuel tanks, an estimated 750 people were killed in fires involving trucks with these fuel tanks. When victims sued, GM disclosed documents only under protective orders, and settled these cases on the condition that the information in these documents remained secret. This type of fuel tank was installed for 15 years before being discontinued.

Evidence suggests that the dangers posed by protective orders and secret settlements continue. On December 11, 2007, at a hearing before the Senate Judiciary Committee Subcommittee on Antitrust, Competition Policy and Consumer Rights, Johnny Bradley Jr. described his tragic personal story that demonstrates the implications of court endorsed secrecy. In 2002, Mr. Bradley's

wife was killed in a rollover accident allegedly caused by tread separation in his Cooper tires. While litigating the case, his attorney uncovered documented evidence of Cooper tire design defects. Through aggressive litigation of protective orders and confidential settlements in cases prior to the Bradleys' accident, Cooper had managed to keep the design defect documents confidential. Prior to the end of Mr. Bradley's trial, Cooper Tires settled with him on the condition that almost all litigation documents would be kept confidential under a broad protective order. With no access to documented evidence of design defects, consumers will continue to remain in the dark about this life-threatening defect.

In 2005, the drug company Eli Lilly settled 8,000 cases related to harmful side effects of its drug Zyprexa. All of those settlements required plaintiffs to agree ''not to communicate, publish or cause to be published . . . any statement . . . concerning the specific events, facts or circumstances giving rise to [their] claims.'' In those cases, the plaintiffs uncovered documents which showed that, through its own research, Lilly knew about the harmful side effects as early as 1999. While the plaintiffs kept quiet, Lilly continued to sell Zyprexa and generated $4.2 billion in sales in 2005. More than a year later, information about the case was leaked to the New York Times and another 18,000 cases settled. Had the first settlement not included a secrecy agreement, consumers would have been able to make informed choices and avoid the harmful side effects, including enormous weight gain, dangerously elevated blood sugar levels, and diabetes.

This very issue is currently before a Federal judge in Orlando, FL. There, the court is faced with deciding whether AstraZeneca can keep under seal clinical studies about the harmful side effects of an antipsychotic drug, Seroquel. Plaintiffs' lawyers and Bloomberg News sued to force AstraZeneca to make public documents discovered in dismissed lawsuits. Late last month, the court unsealed some of the documents at question, and is still deciding whether to unseal the remainder of the documents. This is exactly the sort of case where we need judges to consider public health and safety when deciding whether to allow a secrecy order.

There are no records kept of the number of confidentiality orders accepted by State or Federal courts. However, anecdotal evidence suggests that court secrecy and confidential settlements are prevalent. Beyond General Motors, Bridgestone/Firestone, Cooper Tire, Zyprexa and Seroquel, secrecy agreements have also had real life consequences by allowing Dalkon Shield, Bjork-Shiley heart valves, and numerous other dangerous products and drugs to remain in the market. And those are only the ones we know about.

While some states have already begun to move in the right direction, we still have a long way to go. It is time to initiate a Federal solution for this problem. The Sunshine in Litigation Act is a modest proposal that would require federal judges to perform a simple balancing test to ensure that in any proposed secrecy order, the defendant's interest in secrecy truly outweighs the public interest in information related to public health and safety.

Specifically, prior to making any portion of a case confidential or sealed, a judge would have to determine—by making a particularized finding of fact—that doing so would not restrict the disclosure of information relevant to public health and safety. Moreover, all courts, both Federal and State, would be prohibited from issuing protective orders that prevent disclosure to relevant regulatory agencies.

This legislation does not prohibit secrecy agreements across the board. It does not place an undue burden on judges or our courts. It simply states that where the public interest in disclosure outweighs legitimate interests in secrecy, courts should not shield important health and safety information from the public. The time to focus some sunshine on public hazards to prevent future harm is now.

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. 537

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 ''Sunshine in Litigation Act of 2009''.

SEC. 2. RESTRICTIONS ON PROTECTIVE ORDERS AND SEALING OF CASES AND SETTLEMENTS.

(a) IN GENERAL.—Chapter 111 of title 28, United States Code, is amended by adding at the end the following:

''§ 1660. Restrictions on protective orders and sealing of cases and settlements

''(a)(1) A court shall not enter an order under rule 26(c) of the Federal Rules of Civil Procedure restricting the disclosure of information obtained through discovery, an order approving a settlement agreement that would restrict the disclosure of such information, or an order restricting access to court records in a civil case unless the court has made findings of fact that—

''(A) such order would not restrict the disclosure of information which is relevant to the protection of public health or safety; or

''(B)(i) the public interest in the disclosure of potential health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information or records in question; and

''(ii) the requested protective order is no broader than necessary to protect the privacy interest asserted.

''(2) No order entered in accordance with paragraph (1), other than an order approving a settlement agreement, shall continue in effect after the entry of final judgment, unless at the time of, or after, such entry the court makes a separate finding of fact that the requirements of paragraph (1) have been met.

''(3) The party who is the proponent for the entry of an order, as provided under this section, shall have the burden of proof in obtaining such an order.

''(4) This section shall apply even if an order under paragraph (1) is requested—

''(A) by motion pursuant to rule 26(c) of the Federal Rules of Civil Procedure; or

''(B) by application pursuant to the stipulation of the parties.

''(5)(A) The provisions of this section shall not constitute grounds for the withholding of information in discovery that is otherwise discoverable under rule 26 of the Federal Rules of Civil Procedure.

''(B) No party shall request, as a condition for the production of discovery, that another party stipulate to an order that would violate this section.

''(b)(1) A court shall not approve or enforce any provision of an agreement between or among parties to a civil action, or approve or enforce an order subject to subsection (a)(1), that prohibits or otherwise restricts a party from disclosing any information relevant to such civil action to any Federal or State agency with authority to enforce laws regulating an activity relating to such information.

''(2) Any such information disclosed to a Federal or State agency shall be confidential to the extent provided by law.

''(c)(1) Subject to paragraph (2), a court shall not enforce any provision of a settlement agreement described under subsection (a)(1) between or among parties that prohibits 1 or more parties from—

''(A) disclosing that a settlement was reached or the terms of such settlement, other than the amount of money paid; or

''(B) discussing a case, or evidence produced in the case, that involves matters related to public health or safety.

''(2) Paragraph (1) does not apply if the court has made findings of fact that the public interest in the disclosure of potential health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information.

''(d) When weighing the interest in maintaining confidentiality under this section, there shall be a rebuttable presumption that the interest in protecting personally identifiable information relating to financial, health or other similar information of an individual outweighs the public interest in disclosure.

''(e) Nothing in this section shall be construed to permit, require, or authorize the disclosure of classified information (as defined under section 1 of the Classified Information Procedures Act (18 U.S.C. App.)).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 28, United States Code, is amended by adding after the item relating to section 1659 the following:

''1660. Restrictions on protective orders and sealing of cases and settlements.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall—

(1) take effect 30 days after the date of enactment of this Act; and

(2) apply only to orders entered in civil actions or agreements entered into on or after such date.

By Mrs. LINCOLN (for herself, Mr. COCHRAN, Mr. LEAHY, Mr. MENENDEZ, and Mr. PRYOR):

S. 538. A bill to increase the recruitment and retention of school counselors, school social workers, and

school psychologists by low-income local educational agencies; to the Committee on Health, Education, Labor, and Pensions.

Mrs. LINCOLN. Mr. President, on behalf of children in lower-income schools across our nation, I rise today to introduce the Increased Student Achievement through Increased Student Support Act.

Each day, teachers in our schools are tasked not only with addressing the academic needs of students, but also with the behavioral, social, and emotional needs of the children in their classrooms. When they are left to address these emotional and behavioral issues, they have less time to deliver high quality academic instruction to the rest of the students in their class. Additionally, teachers often do not have the training or expertise to deal with many of the emotional issues their students face. Children overcoming mental illness or family issues such as the deployment of a parent to a war zone, homelessness, or domestic abuse, need the assistance of a trained professional, such as a school psychologist, school counselor, or school social worker.

While student support services provided by these support personnel are readily available in many school districts, other low-income schools often lack access to these support personnel. Too many schools in low-income rural and urban areas have to share school counselors, social workers, and psychologists with many schools in the area, limiting their students' access to these services and placing an unnecessary burden on our teachers and our students.

That is why I rise today along with my colleagues Senators COCHRAN, LEAHY, MENENDEZ, and PRYOR to enthusiastically offer the Increased Student Achievement through Increased Student Support Act. This bill will authorize grant funding to form partnerships between higher education institutions that train school guidance counselors, social workers, and psychologists and qualified rural and urban low-income Local Education Agencies to train and place these important school support professionals in under-served schools across the country.

This bipartisan bill also authorizes grant funding to universities to recruit and hire faculty to train graduate students to become school counselors, school social workers, and school psychologists. Additionally, it provides tuition credits to such graduate students, and offers student loan forgiveness to program graduates employed as school counselors, social workers, or psychologists by rural or urban low-income Local Education Agencies for a minimum of five years.

By increasing the number of student support personnel in our country's under-served schools, we will provide students with the social and emotional support they need to succeed in the classroom. We will also provide teachers the assistance they need so they can concentrate on providing the academic instruction our children need.

By taking these steps to improve student access to school counselors, school social workers, and school psychologists, I am confident we can make strides in raising academic achievement in schools across the country.

As we move forward, I want to encourage my colleagues to support America's children by supporting this important piece of legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Increased Student Achievement Through Increased Student Support Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Research shows that socioeconomic status and family background characteristics are highly correlated with educational outcomes, with a concentration of low-performing schools in low-income and underserved communities.

(2) Teachers cite poor working conditions, student behavior, lack of student motivation, and lack of administrative support as key reasons why they choose to leave the teaching profession.

(3) Teachers and principals working for low-income local educational agencies are increasingly tasked with addressing not only the academic needs of a child, but also the social, emotional, and behavioral needs of a child that require the services of a school counselor, school social worker, and school psychologist, and these needs often interfere with delivering quality instruction and raising student achievement.

(4) Rates of abuse and neglect of young children in military families have doubled with the increased military involvement of the United States abroad since October 2002; likewise, adolescents with deployed parents report increased perceptions of uncertainty and loss, role ambiguity, negative changes in mental and behavioral health, and increased relationship conflict, raising concerns about the impact of deployment on military personnel and their families and whether schools that serve a large number of children with deployed parents have sufficient staff and expertise to meet these challenges.

(5) Children of military families in rural communities are often geographically isolated, and schools that were already experiencing understaffing of school counselors, school social workers, and school psychologists face even greater challenges meeting the increased needs of students enduring the stress that comes along with having a deployed parent or parents.

(6) Schools served by low-income local educational agencies suffer disproportionately from a lack of services, with many schools sharing a single school counselor, school social worker, or school psychologist with neighboring schools.

(7) Too few school counselors, school social workers, and school psychologists per student means that such personnel are often unable to effectively address the needs of students.

(8) The American School Counselor Association and American Counseling Association recommend having at least 1 school counselor for every 250 students.

(9) The School Social Work Association of America recommends having at least 1 school social worker for every 400 students.

(10) The National Association of School Psychologists recommends having at least 1 school psychologist for every 1,000 students.

(11) Recent research of victimization of children ages 2 to 17 suggests that more than one-half of the children experienced a physical assault in the study year. More than 1 in 4 experienced a property offense, more than 1 in 8 experienced a form of child maltreatment, 1 in 12 experienced a sexual victimization, and more than 1 in 3 had been a witness to violence or experienced another form of indirect victimization. Only 29 percent of the children had no direct or indirect victimization.

(12) Principals and teachers see signs of trauma-related stress in many students including hostile outbursts, sliding grades, poor test performance, and the inability to pay attention.

(13) It is estimated, based on recent data on the number of children in foster care, that more than 500,000 children are in the foster care system each year, with 289,000 exiting the system each year due to aging out or adoption.

SEC. 3. PURPOSE.

The purpose of this Act is to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies in order to—

(1) support all students who are at risk of negative educational outcomes;

(2) improve student achievement, which may be measured by growth in academic achievement on tests required by the applicable State educational agency, persistence rates, graduation rates, and other appropriate measures;

(3) improve retention of teachers who are highly qualified;

(4) increase and improve outreach and collaboration between school counselors, school social workers, and school psychologists and parents and families served by low-income local educational agencies;

(5) increase and improve collaboration among teachers, principals, school counselors, school social workers, and school psychologists and improve professional development opportunities for teachers and principals in the area of strategies related to improving classroom climate and classroom management; and

(6) improve working conditions for all school personnel.

SEC. 4. GRANT PROGRAM TO INCREASE THE NUMBER OF SCHOOL COUNSELORS, SCHOOL SOCIAL WORKERS, AND SCHOOL PSYCHOLOGISTS EMPLOYED BY LOW-INCOME LOCAL EDUCATIONAL AGENCIES.

(a) GRANT PROGRAM AUTHORIZED.—The Secretary of Education shall award grants on a competitive basis to eligible partnerships that receive recommendations from the peer review panel established under subsection (d), to enable such partnerships to carry out pipeline programs to increase the number of school counselors, school social workers, and school psychologists employed by low-income local educational agencies by carrying out any of the activities described by subsection (g).

(b) GRANT PERIOD.—A grant awarded under this section shall be for a 5-year period and may be renewed for additional 5-year periods upon a showing of adequate progress, as the Secretary determines appropriate.

(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible graduate institution, on behalf of an eligible partnership, shall submit to the Secretary a grant application, including—

(1) an assessment of the existing ratios of school counselors, school social workers, and school psychologists to students enrolled in schools in each low-income local educational agency that is part of the eligible partnership; and

(2) a detailed description of—

(A) a plan to carry out a pipeline program to train, place, and retain school counselors, school social workers, or school psychologists, or any combination thereof, as applicable, in low-income local educational agencies; and

(B) the proposed allocation and use of grant funds to carry out activities described by subsection (g).

(d) PEER REVIEW PANEL.—

(1) ESTABLISHMENT OF PANEL.—The Secretary shall establish a peer review panel to evaluate applications for grants under subsection (c) and make recommendations to the Secretary regarding such applications.

(2) EVALUATION OF APPLICATIONS.—In making its recommendations, the peer review panel shall take into account the purpose of this Act and the application requirements under subsection (c), including the quality of the proposed pipeline program.

(3) RECOMMENDATION OF PANEL.—The Secretary may award grants under this section only to eligible partnerships whose applications receive a recommendation from the peer review panel.

(4) MEMBERSHIP OF PANEL.—

(A) The peer review panel shall include at a minimum the following members:

(i) One clinical, tenured, or tenure track faculty member at an institution of higher education with a current appointment to teach courses in the subject area of school counselor education.

(ii) One clinical, tenured, or tenure track faculty member at an institution of higher education with a current appointment to teach courses in the subject area of school social worker education.

(iii) One clinical, tenured, or tenure track faculty member at an institution of higher education with a current appointment to teach courses in the subject area of school psychology education.

(iv) One clinical, tenured, or tenure track faculty member at an institution of higher education with a current appointment to teach courses in the subject area of teacher education.

(v) One individual with expertise in school counseling who works or has worked in public schools.

(vi) One individual with expertise in school social work who works or has worked in public schools.

(vii) One individual with expertise in school psychology who works or has worked in public schools.

(viii) One administrator who works or has worked for a low-income local educational agency.

(ix) One highly qualified teacher who has substantial experience working for a low-income local educational agency.

(B) At least one of the members described in subparagraph (A) shall be a clinical faculty member.

(e) DISTRIBUTION OF GRANTS.—From among the applications receiving a recommendation by the peer review panel, the Secretary shall—

(1) award the first 5 grants to eligible partnerships from 5 different States;

(2) to the extent practicable, distribute grants equitably among eligible partnerships that propose to train graduate students in each of the three professions of school counseling, school social work, and school psychology; and

(3) to the extent practicable, equitably distribute the grants among eligible partnerships that include an urban low-income local educational agency and partnerships that include a rural low-income local educational agency, with a minimum of 16.3 percent of the funds (representing the percent of low-income children served by rural local educational agencies according to the United States Bureau of Census Small Area Income Poverty Estimates, 2006) awarded to eligible partnerships that include a rural low-income local educational agency.

(f) PRIORITY.—The Secretary shall give priority to eligible partnerships that—

(1) propose to use the grant funds to carry out the activities described under paragraphs (1) through (3) of subsection (g) in schools that have higher numbers or percentages of low-income students and students not meeting the proficient level of achievement (as described by section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311)) in comparison to other schools that are served by the low-income local educational agency that is part of the eligible partnership;

(2) include a low-income local educational agency that has fewer school counselors, school social workers, and school psychologists per student than other eligible partnerships;

(3) include one or more eligible graduate institutions that offer graduate programs in the greatest number of the following areas:

(A) school counseling;

(B) school social work; and

(C) school psychology; and

(4) propose to collaborate with other institutions of higher education with similar programs, including sharing facilities, faculty members, and administrative costs.

(g) USE OF GRANT FUNDS.—Grant funds awarded under this section may be used—

(1) to pay the administrative costs (including supplies, office and classroom space, supervision, mentoring, and transportation stipends as necessary and appropriate) related to—

(A) having graduate students of school counseling, school social work, and school psychology placed in schools served by participating low-income local educational agencies to complete required field work, credit hours, internships, or related training as applicable for the degree, license, or credential program of each such student; and

(B) offering required graduate course work for graduate students of school counseling, school social work, and school psychology on the site of a participating low-income local educational agency;

(2) for not more than the first 3 years after participating graduates receive a masters or other graduate degree or obtain a State license or credential in school counseling, school social work, or school psychology, to hire and pay all or part of the salaries of such participating graduates to work as school counselors, school social workers, and school psychologists in schools served by participating low-income local educational agencies;

(3) to increase the number of school counselors, school social workers, and school psychologists per student in schools served by participating low-income local educational agencies to work towards the student support personnel target ratios;

(4) to recruit, hire, and retain culturally or linguistically under-represented graduate students in school counseling, school social work, and school psychology for placement in schools served by participating low-income educational agencies;

(5) to recruit, hire, and pay faculty as necessary to increase the capacity of a participating eligible graduate institution to train graduate students in the fields of school counseling, school social work, and school psychology;

(6) to develop coursework that will—

(A) encourage a commitment by graduate students in school counseling, school social work, or school psychology to work for low-income local educational agencies;

(B) give participating graduates the knowledge and skill sets necessary to meet the needs of—

(i) students and families served by low-income local educational agencies; and

(ii) teachers, administrators, and other staff who work for low-income local educational agencies;

(C) enable participating graduates to meet the unique needs of students at-risk of negative educational outcomes, including students who—

(i) are English language learners;

(ii) have a parent or caregiver who is a migrant worker;

(iii) have a parent or caregiver who is a member of the Armed Forces or National Guard who has been deployed or returned from deployment;

(iv) are homeless, including unaccompanied youth;

(v) have come into contact with the juvenile justice system or adult criminal justice system, including students currently or previously held in juvenile detention facilities or adult jails and students currently or previously held in juvenile correctional facilities or adult prisons;

(vi) have been identified as eligible for services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) or the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(vii) have been a victim to or witnessed domestic violence or violence in their community; and

(viii) are foster care youth, youth aging out of foster care, or former foster youth; and

(D) utilize best practices determined by the American School Counselor Association, National Association of Social Workers, School Social Work Association of America, and National Association of School Psychologists;

(7) to provide tuition credits to graduate students participating in the program;

(8) for student loan forgiveness for participating graduates who are employed as school counselors, school social workers, or school psychologists by participating low-income local educational agencies for a minimum of 5 consecutive years; and

(9) for similar activities to fulfill the purpose of this Act, as the Secretary determines appropriate.

(h) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement, not supplant, other Federal, State, or local funds for the activities described in subsection (g).

(i) REPORTING REQUIREMENTS.—Each eligible partnership that receives a grant under this section shall submit an annual report to the Secretary on the progress of such partnership in carrying out the purpose of this Act. Such report shall include a description of—

(1) actual service delivery provided through grant funds, including—

(A) characteristics of the participating eligible graduate institution, including descriptive information on the model used and actual program performance;

(B) characteristics of graduate students participating in the program, including performance on any tests required by the State

educational agency for credentialing or licensing, demographic characteristics, and graduate student retention rates;

(C) characteristics of students of the participating low-income local educational agency, including performance on any tests required by the State educational agency, demographic characteristics, and promotion, persistence, and graduation rates, as appropriate;

(D) an estimate of the annual implementation costs of the program; and

(E) the numbers of students, schools, and graduate students participating in the program;

(2) outcomes that are consistent with the purpose of the grant program, including—

(A) internship and post-graduation placement;

(B) graduation and professional career readiness indicators; and

(C) characteristics of the participating low-income local educational agency, including changes in hiring and retention of highly qualified teachers and school counselors, school psychologists, and school social workers;

(3) the instruction, materials, and activities being funded under the grant program; and

(4) the effectiveness of any training and ongoing professional development provided—

(A) to students and faculty in the appropriate departments or schools of the participating eligible graduate institution;

(B) to the faculty, administration, and staff of the participating low-income local educational agency; and

(C) to the broader community of providers of social, emotional, behavioral, and related support to students and to those who train such providers.

(j) EVALUATIONS.—

(1) INTERIM EVALUATIONS.—The Secretary may conduct interim evaluations to determine whether each eligible partnership receiving a grant is making adequate progress as the Secretary considers appropriate. The contents of the annual report submitted to the Secretary under subsection (i) may be used by the Secretary to determine whether an eligible partnership receiving a grant is demonstrating adequate progress.

(2) FINAL EVALUATION.—The Secretary shall conduct a final evaluation to—

(A) determine the effectiveness of the grant program in carrying out the purpose of this Act; and

(B) compare the relative effectiveness of each of the various activities described by subsection (g) for which grant funds may be used.

(k) REPORT.—Not sooner than 5 years nor later than 6 years after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the findings of the evaluation conducted under subsection (j)(2), and such recommendations as the Secretary considers appropriate.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) There is authorized to be appropriated to carry out this section $30,000,000 for each of the fiscal years 2010 to 2020.

(2) From the total amount appropriated to carry out this section each fiscal year, the Secretary shall reserve not more than 3 percent of that appropriation for evaluations under subsection (j).

SEC. 5. STUDENT LOAN FORGIVENESS FOR INDIVIDUALS WHO ARE EMPLOYED FOR 5 OR MORE CONSECUTIVE SCHOOL YEARS AS SCHOOL COUNSELORS, SCHOOL SOCIAL WORKERS, SCHOOL PSYCHOLOGISTS, OR OTHER QUALIFIED PSYCHOLOGISTS OR PSYCHIATRISTS BY LOW-INCOME LOCAL EDUCATIONAL AGENCIES.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide student loan forgiveness to individuals who are not and have never been participants in the grant program established under section 4 and who have been employed for 5 or more consecutive school years as school counselors, school social workers, school psychologists, other qualified psychologists, or child and adolescent psychiatrists by low-income local educational agencies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the program under this section.

SEC. 6. FUTURE DESIGNATION STUDY.

(a) IN GENERAL.—The Secretary shall conduct a study to identify a formula for future designation of regions with a shortage of school counselors, school social workers, and school psychologists to use in implementing grant programs and other programs such as the programs established under this Act or for other purposes related to any such designation, based on the latest available data on—

(1) the number of residents under the age of 18 in an area served by a low-income local educational agency;

(2) the percentage of the population of an area served by a low-income local educational agency with incomes below the poverty line;

(3) the percentage of residents age 18 or older in an area served by a low-income local educational agency with secondary school diplomas;

(4) the percentage of students identified as eligible for special education services in an area served by a low-income local educational agency;

(5) the youth crime rate in an area served by a low-income local educational agency;

(6) the current number of full-time-equivalent and active school counselors, school social workers, and school psychologists employed by a low-income local educational agency;

(7) the number of students in an area served by a low-income local education agency in military families (active duty and reserve duty) with parents who have been alerted for deployment, are currently deployed, or have returned from a deployment in the previous school year; and

(8) such other criteria as the Secretary considers appropriate.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the findings of the study conducted under subsection (a).

SEC. 7. DEFINITIONS.

In this Act:

(1) SCHOOL COUNSELING PROGRAM DEFINITIONS.—The terms ''child and adolescent psychiatrist'', ''school counselor'', ''school psychologist'', ''school social worker'', and ''other qualified psychologist'' have the meaning given the terms in section 5421 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7245).

(2) ESEA GENERAL DEFINITIONS.—The terms ''State educational agency'', ''local educational agency'', and ''highly qualified'' have the meaning given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) BEST PRACTICES.—The term ''best practices'' means a technique or methodology that, through experience and research related to the practice of school counseling, school psychology, or school social work, has proven to reliably lead to a desired result.

(4) ELIGIBLE GRADUATE INSTITUTION.—The term ''eligible graduate institution'' means an institution of higher education that offers a program of study that leads to a masters or other graduate degree—

(A) in school psychology that is accredited or nationally recognized by the National Association of School Psychologists Program Approval Board and that prepares students in such program for the State licensing or certification exam in school psychology;

(B) in school counseling that prepares students in such program for the State licensing or certification exam in school counseling;

(C) in school social work that is accredited by the Council on Social Work Education and that prepares students in such program for the State licensing or certification exam in school social work; or

(D) any combination of (A), (B), and (C).

(5) ELIGIBLE PARTNERSHIP.—The term ''eligible partnership'' means—

(A) a partnership between 1 or more low-income local educational agencies and 1 or more eligible graduate institutions; or

(B) in regions in which local educational agencies may not have a sufficient elementary and secondary school student population to support the placement of all participating graduate students, a partnership between a State educational agency, on behalf of 1 or more low-income local educational agencies, and 1 or more eligible graduate institutions.

By Mr. REID:

S. 539. A bill to amend the Federal Power Act to require the President to designate certain geographical areas as national renewable energy zones, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, as John F. Kennedy said about 50 years ago, ''The Chinese use two brush strokes to write the word 'crisis.' One brush stroke stands for danger; the other for opportunity. In a crisis, be aware of the danger—but recognize the opportunity.''

America has not one crisis, but at least three crises that loom large before us. The economy is in obvious turmoil, pollution is causing the climate to change, and we are far too dependent on oil, particularly oil from unfriendly places around the world. These challenges hamper our security in profound ways.

Fortunately, with a new President and a bipartisan mandate in Congress, the opportunities to change direction and turn crisis into opportunity have never been more abundant. Now is the time to focus our resources on investments that will create jobs today and sustainable economic growth into the future.

I know that we have the technology to use less oil tomorrow then we used today, and even less the day after. We can move quickly toward greater energy independence, but only if we make major investments now in clean energy, like natural gas and electric vehicles and much more efficient fleets, and all produced right here in America and with American jobs.

President Obama's economic recovery plan is a giant step in the right direction. It provides $11 billion for smart grid technology and expanding transmission to renewable rich areas, as well as hundreds of millions of dollars to promote greater use of alternative fuel vehicles, including plug-in hybrids and fueling insfrastructure.

That plan is a massive infusion to help Americans become more energy efficient, including $300 million for energy efficient appliance rebates.

But even if we stopped wasting nearly one-third of the country's annual current energy consumption unnecessarily spending trillions of dollars and sending billions of tons of pollution up into the air we would still need new supplies of clean energy for sustainable economic growth.

Fortunately, Nevada and other parts of the desert southwest have enough solar energy potential to power our country seven times over. If that potential is combined with the wind energy from the Great Plains and the hundreds of thousands of megawatts of geothermal energy deep beneath the earth, the whole country could have cost-free fuel for many generations to come.

Innovators and entrepreneurs in every state have already begun to harness this power. But the field is in its infancy and it will only mature with significant and sustained support and attention at the Federal level.

But we must also focus our attention and investments on planning and siting new electricity transmission and breaking down barriers to a truly national approach. Otherwise, the vast clean renewable power in the sun, wind and geothermal resources of Nevada, off the country's coasts in the oceans, in the biomass on our lands, forests and in our cities, and in the remote and rural areas of the country, will never get to consumers.

Our transmission system and its regulations have been built up over many decades with the main target of assuring reliability and availability. Yet the grid is still fragile and not well equipped to meet the demands of this century's smart technologies or our environmental or national security challenges.

These issues were the topic of focused discussion last week at a genuinely important event a National Clean Energy Summit hosted by the Center for American Progress, CAP. This followed up on a similar gathering that I hosted in Las Vegas last August with John Podesta and the CAP Action Fund and the University of Nevada Las Vegas.

Last week's event was no ordinary meeting. It was admirably moderated by former Senator Tim Wirth and included President William Jefferson Clinton, Vice President Al Gore, Energy Secretary Steven Chu, Interior Secretary Ken Salazar, House Speaker NANCY PELOSI, Senator JEFF BINGAMAN, Representative ED MARKEY, energy executive T. BOONE PICKENS, and leaders from government, business, labor, and the non-profit communities.

In particular, I would like to note the very constructive participation of the country's State regulatory commissions and authorities, ably represented by Fred Butler of New Jersey, President of the National Association of Regulatory Utility Commissioners. They have extremely difficult jobs maintaining reliability, keeping costs down, and being held responsible for the utilities' every move.

The outcome of our discussion was clear—reforming our energy policies to build a cleaner, greener national transmission system—an electric superhighway—must be a top national priority. However, equally clear was the sense that it will not be easy and will require everyone to work together with common purpose and through a strong public-private partnership to be effective in addressing our grave national challenges.

The need for reform is very clear. That is why I am introducing a bill today that charts a course to a cleaner, greener, and smarter national energy transmission system without sacrificing reliability or affordability. This will ensure a more secure and sustainable energy future for America.

Though this bill is loosely based on my legislation from the last Congress, this new and broader version is the product of input and a shared vision from many important stakeholders. In particular, the Center for American Progress and the Energy Future Coalition must be congratulated for their hard work and leadership in this complicated policy area. They have helped make it understandable to many in Washington, D.C.

But no one can beat T. Boone Pickens in explaining to the American people how critically important it is to transform the nation's electricity grid to accelerate the use of renewable energy. He is a source of immense renewable energy and really helping to drive this issue home.

My legislation will require the President to designate renewable energy zones with significant clean energy generating potential. Then, a massive planning effort will begin in all the interconnection areas of the country to maximize the use of that renewable potential by building new transmission capacity. The states would propose cost allocation means to fund the new lines in the green transmission grid plans. If either process falters, then the federal government would be given clear authority to keep things moving and get the new transmission built on schedule and funded equitably.

This bill is not perfect and has ample room for improvement. But as the bill works its way through the legislative process, I am hopeful that people will come together in good faith and propose revisions that will help solve the problems that we tried to identify at the Summit. There has already been a great deal of non-partisan, thoughtful work that Congress can draw upon in legislating and I look forward to the hearing that Chairman BINGAMAN has scheduled on this topic for next week.

Here are just a few of the organizations that provided valuable input in the drafting process for this bill: The Energy Future Coalition; the Center for American Progress; the Pickens Plan; Energy Foundation; Sierra Club; Natural Resources Defense Council; National Wildlife Federation; Audubon Society; The Wilderness Society; Bonneville Power Administration; Western Area Power Administration; Tennessee Valley Authority; Bureau of Land Management; Federal Energy Regulatory Commission; Department of Energy; North American Electric Reliability Corporation; National Association of Regulatory Utility Commissioners; California PUC; Working Group for Investment in Reliable and Economic Electric Systems; Florida Power & Light; Midwest Independent System Operator; PJM Interconnection; ITC Transmission; Trans-Elect Transmission; Pacific Gas & Electric; American Electric Power; American Public Power Association; Large Public Power Council; Salt River Project; National Rural Electric Cooperative Association; Solar Energy Industries Association; Bright Source Energy; RES-Americas; American Wind Energy Association; Iberdrola Renewables; Colorado River Energy Distributors Association; Electric Power Supply Association; National Electrical Manufacturers Association; and many more.

Mr. President, I ask unanimous consent that the text of the bill and support material be printed in the RECORD.

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

S. 539

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 ''Clean Renewable Energy and Economic Development Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) electricity produced from renewable resources—

(A) helps to reduce emissions of greenhouse gases and other air pollutants;

(B) enhances national energy security;

(C) conserves water and finite resources; and

(D) provides substantial economic benefits, including job creation and technology development;

(2) the potential exists for a far greater percentage of electricity generation in the United States to be achieved through the use of renewable resources, as compared to the percentage of electricity generation using renewable resources in existence as of the date of enactment of this Act;

(3) the President has set out a goal that at least 25 percent of the electricity used in the United States by 2025 come from renewable sources;

(4) many of the best potential renewable energy resources are located in rural areas far from population centers;

(5) the lack of adequate electric transmission capacity is a primary obstacle to the development of electric generation facilities fueled by renewable energy resources;

(6) the economies of many rural areas would substantially benefit from the increased development of water-efficient electric generation facilities fueled by renewable energy resources;

(7) more efficient use of existing transmission capacity, better integration of resources, and greater investments in distributed renewable generation and off-grid solutions may increase the availability of transmission and distribution capacity for adding renewable resources and help keep ratepayer costs low;

(8) the Federal Government has not adequately supported or implemented an integrated approach to accelerating the development, commercialization, and deployment of renewable energy technologies, renewable electricity generation, and transmission to bring renewable energy to market, including through enhancing distributed renewable generation or through vehicle and transportation sector use;

(9) it is in the national interest for the Federal Government to implement policies that would enhance the quantity of electric transmission capacity available to take full advantage of the renewable energy resources available to generate electricity, and to more fully integrate renewable energy into the energy policies of the United States, and to address the tremendous national security and global warming challenges of the United States; and

(10) existing transmission planning processes are fragmented across many jurisdictions, which results in difficult coordination between jurisdictions, delays in implementation of plans, and complex negotiations on sharing of costs.

SEC. 3. NATIONAL RENEWABLE ENERGY ZONES AND GREEN TRANSMISSION.

(a) IN GENERAL.—The Federal Power Act (16 U.S.C. 791a et seq.) is amended by adding at the end the following:

"PART IV—NATIONAL RENEWABLE ENERGY ZONES AND GREEN TRANSMISSION

"SEC. 401. DEFINITIONS.

''In this part:

''(1) BIOMASS.—

''(A) IN GENERAL.—The term 'biomass' means—

''(i) any lignin waste material that is segregated from other waste materials and is determined to be nonhazardous by the Administrator of the Environmental Protection Agency; and

''(ii) any solid, nonhazardous, cellulosic material that is derived from—

''(I) mill residue, precommercial thinnings, slash, brush, or nonmerchantable material;

''(II) solid wood waste materials, including a waste pallet, a crate, dunnage, manufacturing and construction wood wastes, and landscape or right-of-way tree trimmings;

''(III) agriculture waste, including an orchard tree crop, a vineyard, a grain, a legume, sugar, other crop byproducts or residues, and livestock waste nutrients; or

''(IV) a plant that is grown exclusively as a fuel for the production of electric energy.

''(B) INCLUSIONS.—The term 'biomass' includes animal waste that is converted to a fuel rather than directly combusted, the residue of which is converted to a biological fertilizer, oil, or activated carbon.

''(C) EXCLUSIONS.—The term 'biomass' does not include—

''(i) municipal solid waste from which hazardous and recyclable materials have not been separated;

''(ii) paper that is commonly recycled; or

''(iii) pressure-treated, chemically-treated, or painted wood waste.

''(2) DISTRIBUTED RENEWABLE GENERATION.—The term 'distributed renewable generation' means—

''(A) reduced electric energy consumption from the electric grid because of use by a customer of renewable energy generated at or near a customer site; and

''(B) electric energy or thermal energy production from a renewable energy resource for a customer that is not connected to an electric grid or thermal energy source pipeline.

''(3) ELECTRICITY-CONSUMING AREA.—The term 'electricity-consuming area' means an area of significant electrical load.

''(4) ELECTRICITY FROM RENEWABLE ENERGY.—The term 'electricity from renewable energy' means electric energy generated from—

''(A) solar energy, wind, biomass, landfill gas, renewable biogas, or geothermal energy;

''(B) new hydroelectric generation capacity achieved from increased efficiency, or an addition of new capacity, at an existing hydroelectric project; or

''(C) hydrokinetic energy, including—

''(i) waves, tides, and currents in oceans, estuaries, and tidal areas;

''(ii) free flowing water in rivers, lakes, and streams;

''(iii) free flowing water in man-made channels, including projects that use nonmechanical structures to accelerate the flow of water for electric power production purposes; or

''(iv) differentials in ocean temperature through ocean thermal energy conversion.

''(5) ERCOT.—The term 'ERCOT' means the Electric Reliability Council of Texas.

''(6) FEDERAL LAND MANAGEMENT AGENCY.—The term 'Federal land management agency' means—

''(A) the Department of the Interior and the bureaus of the Department that manage Federal land and water, including—

''(i) the Bureau of Land Management;

''(ii) the Bureau of Reclamation;

''(iii) the United States Fish and Wildlife Service; and

''(iv) the National Park Service;

''(B) the Forest Service of the Department of Agriculture; and

''(C) if applicable and appropriate, the Department of Defense.

''(7) FEDERAL TRANSMITTING UTILITY.—The term 'Federal transmitting utility' means—

''(A) a Federal power marketing agency that owns or operates an electric transmission facility; and

''(B) the Tennessee Valley Authority.

''(8) GREEN TRANSMISSION GRID PROJECT.—

''(A) IN GENERAL.—The term 'green transmission grid project' means a project for—

''(i) a new transmission facility rated at or above 345 kilovolts that is part of an Interconnection-wide plan developed pursuant to section 403 for an extra high voltage transmission grid to enable transmission of electricity from renewable energy (including existing or projected renewable generation) to electricity-consuming areas; or

''(ii) a new renewable feeder line that an Interconnection-wide plan or the Commission determines is needed to connect renewable generation to the extra high voltage transmission grid.

''(B) INCLUSIONS.—The term 'green transmission grid project' includes any network upgrades associated with a facility described in clause (i) or (ii) of subparagraph (A) that are required to ensure the reliability or efficiency of the underlying transmission network, including inverters, substations, transformers, switching units, storage units, and related facilities necessary for the development, siting, transmission, storage, and integration of electricity generated from renewable energy sources.

''(9) GRID-ENABLED VEHICLE.—The term 'grid-enabled vehicle' means an electric drive vehicle or fuel cell vehicle that has the ability to communicate electronically with an electric power provider or with a localized energy storage system with respect to charging or discharging an onboard energy storage device, such as a battery.

''(10) INDIAN LAND.—The term 'Indian land' means—

''(A) any land within the limits of any Indian reservation, pueblo, or rancheria;

''(B) any land not within the limits of any Indian reservation, pueblo, or rancheria title to which was, on the date of enactment of this part—

''(i) held in trust by the United States for the benefit of any Indian tribe or individual; or

''(ii) held by any Indian tribe or individual subject to restriction by the United States against alienation;

''(C) any dependent Indian community; and

''(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act (42 U.S.C. 1601 et seq.).

''(11) INTERCONNECTION.—The term 'Interconnection' has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

''(12) LOAD-SERVING ENTITY.—The term 'load-serving entity' means any person, Federal, State, or local agency or instrumentality, or electric cooperative that delivers electric energy to end-use customers.

''(13) REGIONAL PLANNING ENTITY.—The term 'regional planning entity' means an entity certified by the Commission to coordinate regional planning for an Interconnection.

''(14) RENEWABLE FEEDER LINE.—

''(A) IN GENERAL.—The term 'renewable feeder line' means all transmission facilities and equipment within a national renewable energy zone owned, controlled, or operated by a transmission provider that are capable of being used to deliver electricity from multiple renewable energy resources to the point at which the transmission provider connects to a high-voltage transmission facility.

''(B) INCLUSIONS.—The term 'renewable feeder line' includes any associated modifications, additions, or upgrades to or associated with the facilities and equipment described in subparagraph (A).

''(C) EXCLUSIONS.—The term 'renewable feeder line' does not include—

''(i) a generator lead line capable of connecting only 1 generator; or

''(ii) equipment owned by a generator.

''(15) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(16) TRANSMISSION PROVIDER.—The term 'transmission provider' means an entity that owns, controls, or operates a transmission facility.

"SEC. 402. DESIGNATION OF NATIONAL RENEWABLE ENERGY ZONES.

''(a) DESIGNATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), not later than 90 days after the date of enactment of this part for the Western Interconnection and not later than 270 days after the date of enactment of this part for the Eastern Interconnection, the President shall designate as a national renewable energy zone each geographical area that, as determined by the President—

''(A) has the potential to generate in excess of 1 gigawatt of electricity (or a lower quantity of electricity determined by the President) from renewable energy, a significant portion of which could be generated in a rural area or on Federal land within the geographical area;

''(B) has an insufficient level of electric transmission capacity to achieve the potential described in subparagraph (A); and

''(C) has the capability to contain additional renewable energy electric generating facilities that would generate electric energy consumed in 1 or more electricity-consuming areas if there were a sufficient level of transmission capacity.

''(2) INCLUSION.—The President may include in any national renewable energy zone designated under paragraph (1) a military installation.

''(3) EXCLUSIONS.—The President shall not include in any national renewable energy zone designated under paragraph (1) any of the following areas:

''(A) National parks, national marine sanctuaries, reserves, recreation areas, and other similar units of the National Park System.

''(B) Designated wilderness, designated wilderness study areas, and other areas managed for wilderness characteristics.

''(C) National historic sites and historic parks.

''(D) Inventoried roadless areas and significant noninventoried roadless areas within the National Forest System.

''(E) National monuments.

''(F) National conservation areas.

''(G) National wildlife refuges and areas of critical environmental concern.

''(H) National historic and national scenic trails.

''(I) Areas designated as critical habitat.

''(J) National wild, scenic, and recreational rivers.

''(K) Any area in which Federal law prohibits energy development, or that the Federal agency or official exercising authority over the area exempts from inclusion in a national renewable energy zone through land use, planning, or other public process.

''(L) Any area in which applicable State law enacted prior to the date of enactment of this section prohibits energy development.

''(b) RENEWABLE ENERGY REQUIREMENTS.—In making the designations required by subsection (a), the President shall take into account Federal and State requirements for utilities to incorporate renewable energy as part of meeting the load of load-serving entities.

''(c) CONSULTATION.—Before making any designation under subsection (a) or (e), the President shall consult with—

''(1) the Governors of affected States;

''(2) the public;

''(3) Federal transmitting utilities, public utilities and transmission providers, and cooperatives;

''(4) State regulatory authorities and regional electricity planning organizations;

''(5) Federal land management agencies, Federal energy and environmental agencies, and State land management, energy, and environmental agencies;

''(6) renewable energy companies;

''(7) local government officials;

''(8) renewable energy and energy efficiency interest groups;

''(9) Indian tribes; and

''(10) environmental protection and land, water, and wildlife conservation groups.

''(d) RECOMMENDATIONS.—Not earlier than 3 years after the date of enactment of this part, and triennially thereafter, the Secretary and the Secretary of the Interior shall, after consultation with the Federal transmitting utilities, the Commission, the Chief of the Forest Service, the Secretary of Commerce, the Secretary of Defense, the Council on Environmental Quality, and the Governors of the States, shall recommend to the President and Congress—

''(1) specific areas with the greatest potential for environmentally acceptable renewable energy resource development that the President could designate as renewable energy zones, considering such factors as the impact on sensitive wildlife species, the impact on sensitive resource areas, and the presence of already disturbed or developed land; and

''(2) any modifications of laws (including regulations) and resource management plans necessary to fully achieve that potential, including identifying improvements to permit application processes involving military and civilian agencies.

''(e) EXISTING PROCESSES.—In carrying out this section, the President may use existing processes that designate renewable energy zones.

''(f) REVISION OF DESIGNATIONS.—The President may modify the designation of renewable energy zones, including modification based on the recommendations received under subsection (d).

''(g) ELECTION.—The ERCOT Interconnection may elect to participate in the process described in this section.

''(h) ADMINISTRATION.—The designation of a renewable energy zone shall not be considered a major Federal action under Federal law.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (including renewable energy resource assessments) $25,000,000 for each of fiscal years 2009 through 2019.

''SEC. 403. INTERCONNECTION-WIDE GREEN TRANSMISSION GRID PROJECT PLANNING.

''(a) IN GENERAL.—To achieve Interconnection-wide coordination of planning to integrate renewable energy resources from renewable energy zones into the interstate electric transmission grid and make the renewable energy resources fully deliverable to electricity consuming areas, not later than 60 days after the date of enactment of this part, the Commission shall, by regulation or order, issue a request for 1 or more organizations to be certified as the regional planning entity for each Interconnection.

''(b) CONTENTS OF APPLICATION.—The application shall include proposals for provisions for an open, inclusive, transparent, and nondiscriminatory planning process that—

''(1) includes consultation with affected Federal land management agencies and States within the Interconnection;

''(2) builds on planning undertaken by States, Federal transmitting utilities, regional transmission organizations, independent system operators, utilities, and other interested parties;

''(3) takes account of corridor designation work and other planning carried out by Federal land management agencies, the Department of Energy, and other interested parties;

''(4) solicits input from transmission owners, regional transmission organizations, independent system operators, States, generator owners, prospective developers of new transmission and generation resources, regional entities, Federal land management agencies, environmental protection and land, water, and wildlife conservation groups, and other interested parties; and

''(5) includes an interim process to expeditiously evaluate whether new renewable feeder lines should be added to the green transmission grid project plan.

''(c) DESIGNATION.—Not later than 120 days after the date of enactment of this part, the Commission shall designate 1 or more appropriate organizations to serve as the regional planning entity to represent the Interconnection under this part.

''(d) INTERCONNECTION-WIDE GREEN TRANSMISSION GRID PROJECT PLAN.—Not later than 1 year after the date of the deadline for designations under section 402(a), the regional planning entity in each Interconnection shall produce and submit to the Commission an Interconnection-wide green transmission grid project plan.

''(e) TERM; REQUIREMENTS.—An Interconnection-wide green transmission grid project plan shall—

''(1) enhance transmission access for electricity from renewable energy in renewable energy zones;

''(2) include identification of green transmission grid projects (both high-voltage and renewable feeder lines) needed to interconnect renewable energy zones with electricity-consuming areas;

''(3) fully consider national reliability, economic, environmental, and security needs;

''(4) take into account transmission infrastructure required for efficient and reliable delivery of the output of new renewable generation resources needed to meet established and projected Federal and State renewable energy policies and targets;

''(5) provide a plan for a period of at least 10 years into the future;

''(6) consider alternatives to new transmission, including energy efficiency, demand response, energy storage, and distributed renewable generation;

''(7) include a timeline for construction of projects; and

''(8) be filed with the Commission annually for approval consistent with this section.

''(f) PARTICIPATION OF SECRETARY.—The Secretary shall provide technical expertise to States and regional planning entities in development of Interconnection-wide plans through—

''(1) analysis for the green transmission grid project planning process; and

''(2) demonstration and commercial application activities of new technologies in the green transmission grid project plan.

''(g) PARTICIPATION OF FEDERAL TRANSMITTING UTILITIES.—

''(1) IN GENERAL.—A Federal transmitting utility shall participate in the planning process in the applicable Interconnection.

''(2) GREEN TRANSMISSION GRID PROJECT FACILITIES.—Not later than 1 year after the date a regional planning entity files a plan, a Federal transmitting utility that owns or operates 1 or more electric transmission facilities in a State with a national renewable energy zone shall identify specific green transmission grid project facilities that are required to substantially increase the generation of electricity from renewable energy in the national renewable energy zone.

''(h) FAILURE TO SUBMIT PLAN.—

''(1) IN GENERAL.—If a State in an Interconnection does not participate in a timely manner in an Interconnection-wide green transmission grid project planning process in accordance with this section, or if such a planning process is established but fails to result in the submission by the regional planning entity of the requisite components of the Interconnection-wide green transmission grid project plan by the date specified in subsection (d), the Commission shall develop through a rulemaking, after consultation with the Secretary, Federal transmitting utilities, the Secretary of the Interior, regional transmission organizations, the electric reliability organization, regional entities, and municipal and cooperative entities, an Interconnection-wide green transmission grid project plan on behalf of the 1 or more nonsubmitting States or regional planning entity in the Interconnection.

''(2) DEADLINE.—Any final rule required under paragraph (1) shall be completed not later than 1 year after the date on which the Commission determines that—

''(A) the regional planning entity has failed to submit an Interconnection-wide green transmission project plan on a timely basis; or

''(B) a State has failed to participate in a timely manner in the planning process.

''(i) EVALUATION AND RECOMMENDATIONS.—The Commission shall—

''(1) periodically evaluate whether green transmission grid projects to enable the delivery of renewable energy are being constructed in accordance with the Interconnection-wide green transmission grid project

plan for both the Western and Eastern Interconnections;

''(2) take any necessary actions to address any identified obstacles to investment, siting, and construction of projects identified as needed under an Interconnection-wide plan; and

''(3) not later than 2 years after the date of enactment of this part, submit to Congress recommendations for any further actions or authority needed to ensure the effective and timely development of transmission infrastructure necessary to ensure the integration and deliverability of renewable energy from renewable energy zones to electricity-consuming areas in the United States.

''(j) RECOVERY OF COSTS ASSOCIATED WITH INTERCONNECTION-WIDE GREEN TRANSMISSION GRID PROJECT PLANNING.—

''(1) IN GENERAL.—A regional planning entity and a State shall be permitted to recover prudently incurred costs to carry out Interconnection-wide planning activities required under this section pursuant to a Federal transmission surcharge that will be established by the Commission for the purposes of carrying out this section.

''(2) SURCHARGE.—A regional planning entity, in consultation with States in an Interconnection, shall—

''(A) recommend the Federal transmission surcharge based on a formula rate that is submitted to the Commission for approval; and

''(B) adjust the formula and surcharge on an annual basis.

''(3) COST RESPONSIBILITY.—Cost responsibility under the surcharge shall be assigned based on energy usage to all load-serving entities within the United States portion of the Eastern and Western Interconnections.

''(4) LIMITATION.—The total amount of surcharges that may be imposed or collected nationally under this subsection shall not exceed $80,000,000 in any calendar year.

''(5) DISTRIBUTION.—The Secretary shall, in accordance with the regulations promulgated under paragraph (1), distribute on an equitable basis funds received under that paragraph among States and planning entities, if the Governor of the receiving State—

''(A) in the case of the first year of distribution, certifies to the Secretary that the State will participate in an Interconnection-wide green transmission grid project planning process; and

''(B) in the case of the second and subsequent years of distribution—

''(i) is part of an Interconnection-wide planning process that submits to the Commission timely Interconnection-wide green transmission grid project plans under this section; and

''(ii) certifies annually to the Secretary that all load-serving entities in the State—

''(I) offer a fairly-priced renewable power purchase option to all the customers of the entities; or

''(II) have demonstrated an increase in the number of customers above the previous year participating in a demand-side management program that reduces peak demand, increases reliability, and reduces consumer costs.

''(6) APPLICABILITY.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), this subsection applies to all users, owners, and operators of the bulk-power system within the United States portion of the Eastern and Western Interconnections.

''(B) EXCLUSIONS.—This subsection does not apply to the State of Alaska or Hawaii or to the ERCOT, unless the State or ERCOT voluntarily elects to participate in the planning process, and to be responsible for a pro rata portion of the Federal transmission surcharge imposed under this subsection.

''(C) PROJECT DEVELOPERS.—Nothing in this section or part prevents a project developer from carrying out a transmission project to enable renewable development if the project developer assumes all of the risk and cost of the proposed project.

''SEC. 404. FEDERAL SITING OF GREEN TRANSMISSION GRID PROJECT FACILITIES.

''(a) IN GENERAL.—The Commission, after consultation with affected States, may issue 1 or more permits for the construction or modification of an electric transmission facility if the Commission finds that—

''(1) the transmission facility—

''(A) is included in an Interconnection-wide green transmission grid project plan submitted under section 403; or

''(B) is proposed by a project developer to integrate renewable energy resources from renewable energy zones or to integrate renewable resources from other geographic areas, if the project developer assumes all of the risk and cost of the proposed facilities;

''(2) the transmission facility optimizes transmission capability based on the assessment by the Commission of technical constraints, project economics, land use limitations, and the potential generation capacity of renewable energy zones interconnected to the project; and

''(3) the owner or operator of the transmission facility has failed to make reasonable progress in siting the facility based on timelines in the plan.

''(b) EVIDENCE OF NEED.—Inclusion of a project in an Interconnection-wide green transmission grid project plan submitted under section 403 shall be considered to be sufficient evidence of need for the project to warrant the granting of a construction permit under subsection (a).

''(c) PERMIT APPLICATION.—

''(1) IN GENERAL.—A permit application under subsection (a) shall be made in writing to the Commission.

''(2) ADMINISTRATION.—The Commission shall promulgate regulations specifying—

''(A) the form of the application;

''(B) the information to be contained in the application; and

''(C) the manner of service of notice of the permit application on interested persons.

''(d) GRANTING OF CONSTRUCTION PERMIT.—

''(1) IN GENERAL.—A construction permit may be issued to any applicant described in subsection (a)(1)(B) if the Commission finds that—

''(A) the applicant is able and willing to take actions and perform the services proposed in accordance with this part (including the requirements, rules, and regulations of the Commission under this part); and

''(B) the proposed operation, construction, or expansion is or will be required by the present or future public convenience and necessity.

''(2) ADMINISTRATION.—The Commission shall have the power to attach to the issuance of the construction permit, and to the exercise of rights granted under the permit, such reasonable terms and conditions as the public convenience and necessity may require.

''(e) CONSTRUCTION PERMIT FOR AN AREA ALREADY BEING SERVED.—Nothing in this section limits the power of the Commission to grant construction permits for service of an area already being served by another transmission provider.

''(f) RIGHTS-OF-WAY.—

''(1) IN GENERAL.—In the case of a permit under subsection (a) for an electric transmission facility to be located on property other than property owned by the United States, if the permit holder cannot acquire by contract, or is unable to agree with the owner of the property to the compensation to be paid for, the necessary right-of-way to construct or modify the transmission facility, the permit holder may acquire the right-of-way by the exercise of the right of eminent domain in the United States district court for the district in which the property concerned is located, or in the appropriate court for the State in which the property is located.

''(2) USE.—Any right-of-way acquired under paragraph (1) shall be used exclusively for the construction, modification, operation, or maintenance of an electric transmission facility, and any appropriate mitigation measures or other uses approved by the Commission, within a reasonable period of time after acquisition of the right-of-way.

''(3) PRACTICE AND PROCEDURE.—The practice and procedure in any action or proceeding under this subsection in the United States district court shall conform, to the maximum extent practicable, to the practice and procedure in a similar action or proceeding in the courts of the State in which the property is located.

''(4) LIMITATIONS.—

''(A) IN GENERAL.—Nothing in this subsection authorizes the use of eminent domain to acquire a right-of-way for any purpose other than the construction, modification, operation, or maintenance of an electric transmission facility included in a green transmission grid project plan or related facility.

''(B) ADMINISTRATION.—The right-of-way—

''(i) shall not be used for any purpose not described in subparagraph (A) or paragraph (2); and

''(ii) shall terminate on the termination of the use for which the right-of-way is acquired.

''(g) STATE AUTHORITY.—

''(1) IN GENERAL.—Except as provided in paragraph (3), in granting a construction permit under subsection (a), the Commission shall—

''(A) permit State regulatory agencies to identify siting constraints and mitigation measures, based on habitat protection, environmental considerations, or cultural site protection; and

''(B)(i) incorporate those identified constraints or measures in the construction permit; or

''(ii) if the Commission determines that such a constraint or measure is inconsistent with the purposes of this part, infeasible, or not cost-effective—

''(I) consult with State regulatory agencies to seek to resolve the issue; and

''(II) incorporate into the construction permit such siting constraints and mitigation measures as are determined to be appropriate by the Commission, based on consultation by the Commission with State regulatory agencies, the purposes of this part, and the record before the Commission.

''(2) NONADOPTION OF RECOMMENDATIONS.—If, after taking the actions required under paragraph (1), the Commission does not adopt in whole or in part a recommendation of an agency, the Commission shall publish a statement of a finding that the adoption of the recommendation is infeasible, not cost-effective, or inconsistent with this part or other applicable provisions of law.

''(3) INTERCONNECTION-WIDE GREEN TRANSMISSION GRID PROJECT PLANNING PROCESS.—The Commission shall not be required to include constraints or measures described in paragraph (1) that are identified by a State that does not participate in an Interconnection-wide green transmission grid project planning process under section 403.

''(h) ENVIRONMENTAL REVIEWS.—

''(1) IN GENERAL.—With respect to any project or group of projects for which a construction permit is granted under subsection (a), the Commission shall—

''(A) serve as the lead agency for purposes of coordinating any Federal authorizations and environmental reviews or analyses required for the project, including those required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(B) in consultation with other affected agencies, prepare a single environmental review document that would be used as the basis for all decisions under Federal law relating to the proposed project, in accordance with section 216(h) of this Act, including siting constraints and mitigation measures;

''(C) not later than 90 days after the date of filing of an application for a permit under this section, enter into a memorandum of understanding with affected Federal agencies to carry out this subsection, including—

''(i) a schedule for environmental review and a budget necessary to comply with the schedule for each project or group of projects; and

''(ii) the budget resources necessary to carry out the memorandum; and

''(D) ensure that, once an application has been submitted with such data as the Commission considers to be necessary, all permit decisions and related environmental reviews under applicable Federal laws shall be completed not later than 1 year after the date of submission of a complete application.

''(2) APPEAL.—If any Federal agency has denied a Federal authorization required for a certified project under this part or has failed to determine whether to issue the authorization not later than 1 year after the date of submission of a complete application, the applicant or any State in which the facility would be located may file an appeal with the President, who shall, in consultation with the affected agency, review the denial or failure to take action on the pending application.

''(i) RESTRICTED AREAS.—In granting a construction permit under subsection (a), the Commission shall consider and, to the maximum extent practicable, select alternative routes to avoid areas described in section 402(a)(3).

''(j) ACCESS TO TRANSMISSION.—

''(1) IN GENERAL.—Subject to paragraph (2), the owner or operator of any project described in subsection (a) that traverses multiple States that participate in an Interconnection-wide green transmission grid project planning process under section 403 shall ensure that each State in which the green transmission grid project traverses shall have access to transmission under the project, unless the access would make the project technically or economically impractical.

''(2) ADDITIONAL FUNDS.—If a project owner or operator described in paragraph (1) cannot make the assurances described in that paragraph for a State, the State shall be eligible for additional funds under section 405.

''(k) MINIMUM RENEWABLE REQUIREMENT.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the transmission provider for a green transmission grid project sited through the granting of a construction permit under subsection (a) shall certify annually to the Commission, in accordance with regulations promulgated by the Commission, that at least 75 percent of the transmission capacity of the project is available to renewable resources.

''(2) APPLICATION.—The requirements shall be applicable only to generators directly interconnecting to the project.

''(3) ADJUSTMENT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Commission may reduce the minimum percentage specified in paragraph (1) in any case in which the Commission determines that it is necessary for a specific renewable feeder line to have less than 75 percent of generation resources interconnecting to the renewable feeder line be renewable resources in order to maintain compliance with Commission-approved reliability standards.

''(B) COST-EFFECTIVE ENERGY STORAGE OPTIONS.—In making a determination on a reduction for a proposed project under subparagraph (A), the Commission shall consider cost-effective energy storage options in the area covered by the project, including detailed reports developed by the project developer or interconnecting generators at the direction of the Commission.

''(l) FIRM TRANSMISSION RIGHTS.—The Commission shall adopt, by rule, regulations requiring transmission providers to offer, on a priority basis, firm or equivalent financial transmission rights for any green transmission grid project sited under this section for transmission of energy from renewable resources to a load-serving entity that contracts to purchase renewable resources, or to renewable energy generation owners.

''(m) ADMINISTRATION.—Nothing in this section waives the application of any applicable Federal environmental law.

''(n) STATE SITING AUTHORITY.—Nothing in this section precludes a transmission project developer from seeking siting authority from a State.

''SEC. 405. GRANTS FOR INTERCONNECTION-WIDE GREEN TRANSMISSION GRID PROJECT PLANS.

''(a) IN GENERAL.—The Secretary, in consultation with the Commission, shall make grants to States and planning entities that submit or implement Interconnection-wide green transmission grid project plans required to be developed pursuant to this part in a timely manner for (as appropriate)—

''(1) implementation of sections 403 and 404;

''(2) transmission improvements (including smart grid investments) for States and planning entities that meet deadlines in implementing those plans;

''(3) training for State regulatory authority staff and local workforces relating to renewable generation resources, smart grid, or new transmission technologies;

''(4) mitigation of landowner concerns and impacts;

''(5) habitat and wildlife conservation;

''(6) security upgrades to the transmission system and authorized uses under title XIII of the Energy Independence and Security Act of 2007 (15 U.S.C. 17381 et seq.);

''(7) energy storage, reliability, or distributed renewable generation projects; and

''(8) other programs and projects that are consistent with the purposes of this part.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000, including amounts made available—

''(1) under the American Recovery and Reinvestment Act of 2009; or

''(2) through the sale of carbon allowances in a law enacted after the date of enactment of this Act that imposes a limitation on greenhouse gas emissions.

''SEC. 406. COST ALLOCATION.

''(a) IN GENERAL.—As part of an Interconnection-wide green transmission grid project plan submitted under section 403, the regional planning entity, after consultation with affected State regulatory authorities, shall file with the Commission under this section a cost allocation plan for sharing the costs of developing and operating green transmission grid projects that are identified and built pursuant to an Interconnection-wide green transmission project plan to enable delivery of electric energy from renewable energy resources in renewable energy zones.

''(b) APPROVAL.—Not later than 90 days after the date of filing, the Commission shall approve a cost allocation plan proposed under subsection (a) unless the Commission determines that—

''(1) taking into account the users of the transmission facilities, the plan will result in rates that are unduly discriminatory or preferential or are not just and reasonable;

''(2) the plan would unduly inhibit the development of renewable energy electric generation projects; or

''(3) the plan would not allow the transmission provider providing service over the facilities or the entity constructing or financing the project, as appropriate, the opportunity to recover prudently incurred costs, including a reasonable return on investment, associated with the transmission facilities the transmission provider has committed to build pursuant to the Interconnection-wide green transmission plan.

''(c) FAILURE TO SUBMIT A COST ALLOCATION PLAN.—

''(1) IN GENERAL.—If a regional planning entity is unable, for whatever reason, to develop and propose an acceptable cost allocation plan at the time the regional planning entity files an Interconnection-wide green transmission grid project plan, the Commission shall institute, on the motion of the Commission, a proceeding to initially allocate the costs of new transmission facilities built pursuant to an Interconnection-wide green transmission project plan.

''(2) COST ALLOCATION.—The Commission shall allocate the costs of green transmission grid projects—

''(A) broadly to all load-serving entities in the Interconnection; or

''(B) to load-serving entities within a part of the Interconnection.

''(3) RENEWABLE FEEDER LINES.—

''(A) IN GENERAL.—A renewable feeder line may be included in a broad cost allocation if the Commission finds that the renewable feeder line—

''(i) would be used by renewable energy resources remote from existing transmission and load centers;

''(ii) will likely result in multiple individual renewable energy electric generation projects being developed by multiple competing developers; and

''(iii) has at least 1 project subscribed through an executed generator Interconnection agreement with the transmission provider and has tangible demonstration of additional interest.

''(B) NEW RENEWABLE GENERATION PROJECTS.—

''(i) IN GENERAL.—As new renewable generation projects are constructed and interconnected to a renewable feeder line under subparagraph (A), the 1 or more new transmission services contract holders shall be liable for a pro rata share of the facility costs of the transmission grid project.

''(ii) TRANSMISSION REVENUES.—The transmission revenues shall be applied as a credit to the initial allocation of project costs.

''(d) COST ALLOCATION RATE FILINGS.—If a cost allocation plan is approved by the Commission in accordance with this section—

''(1) any public utility that has rates that are affected by the approved cost allocation plan shall file the allocation plan with the Commission pursuant to section 205; and

''(2) the cost allocation plan shall be presumed lawful under section 205 on filing, without notice or further opportunity for comment or hearing.

''(e) APPLICABILITY.—

''(1) IN GENERAL.—Except as provided in paragraph (3), the authority of the Commission under this section and section 403 to approve transmission plans and to allocate costs incurred pursuant to the plans applies to all transmission providers, generators, and users, owners, and operators of the

power system within the Eastern and Western Interconnections of the United States, including entities described in section 201(f).

''(2) REGIONAL PLANNING ENTITIES.—The Commission shall have authority over regional planning entities to the extent necessary to carry out this section and section 403.

''(3) EXCLUSIONS.—

''(A) IN GENERAL.—This section does not apply in the State of Alaska or Hawaii or to the ERCOT, unless the State or ERCOT voluntarily elects to participate in a cost allocation plan under this section.

''(B) EXISTING COST ALLOCATION AGREEMENTS.—A project for which a cost allocation or cost recovery agreement was accepted by the Commission before the date of enactment of this part shall not be included in cost allocation under this section.

''SEC. 407. FEDERAL TRANSMITTING UTILITIES ENCOURAGING CLEAN ENERGY DEVELOPMENT IN NATIONAL RENEWABLE ENERGY ZONES.

''(a) LACK OF PRIVATE FUNDS.—If, by the date that is 3 years after the date of enactment of this part, no privately-funded entity has committed to financing (through self-financing or through a third-party financing arrangement with a Federal transmitting utility) to ensure the construction and operation of a green transmission grid project (which the Commission has identified as an essential part of an Interconnection-wide green transmission project plan) by a specified date, the Federal transmitting utility responsible for the identification under section 403(d) shall finance such a transmission facility if the Federal transmitting utility has sufficient bonding authority under subsection (b).

''(b) BONDING AUTHORITY.—

''(1) IN GENERAL.—In addition to any other authority to issue and sell bonds, notes, and other evidence of indebtedness, a Federal transmitting utility may issue and sell bonds, notes, and other evidence of indebtedness in an amount not to exceed, at any 1 time, an aggregate outstanding balance of $10,000,000,000, to finance the construction of transmission facilities described in subsection (a) for the principal purposes of—

''(A) increasing the generation of electricity from renewable energy; and

''(B) conveying that electric energy to an electricity-consuming area.

''(2) RECOVERY OF COSTS.—A Federal transmitting utility shall recover the costs of green transmission grid project facilities financed pursuant to subsection (a) from entities using the transmission facilities over a period of 50 years.

''(3) NONLIABILITY OF CERTAIN CUSTOMERS.—Individuals and entities that, as of the date of enactment of this part, are customers of a Federal transmitting utility shall not be liable for the costs, in the form of increased rates charged for electric energy or transmission, of green transmission grid project facilities constructed pursuant to this section, except to the extent the customers are treated in a manner similar to all other users of the green transmission grid project facilities.

''SEC. 408. FEDERAL POWER MARKETING AGENCIES.

''(a) PROMOTION OF RENEWABLE ENERGY AND ENERGY EFFICIENCY.—Each Federal transmitting utility shall—

''(1) identify and take steps to promote energy conservation and renewable energy electric resource development in the regions served by the Federal transmitting utility; and

''(2) identify opportunities to promote the development of facilities generating electricity from renewable energy on Indian land within the service territory of the Federal transmitting utility.

''(b) WIND INTEGRATION PROGRAMS.—The Bonneville Power Administration and the Western Area Power Administration shall each establish a program focusing on the improvement of the integration of wind energy into the transmission grids of those Administrations through the development of transmission products, including through the use of Federal hydropower resources, that—

''(1) take into account the intermittent nature of wind electric generation; and

''(2) do not impair electric reliability.

''(c) SOLAR INTEGRATION PROGRAM.—Each of the Federal Power Marketing Administrations and the Tennessee Valley Authority shall establish a program to carry out projects focusing on the integration of solar energy, through photovoltaic, concentrating solar power systems and other forms and systems, into the respective transmission grids and into remote and distributed applications in the respective service territories of the Federal Power Marketing Administrations and Tennessee Valley Authority, that—

''(1) take into account the solar energy cycle;

''(2) consider the appropriate use of Federal land for generation or energy storage, where appropriate; and

''(3) do not impair electric reliability.

''(d) GEOTHERMAL INTEGRATION PROGRAM.—The Bonneville Power Administration and the Western Area Power Administration shall establish a joint program to carry out projects focusing on the development and integration of geothermal energy and enhanced geothermal system resources into the respective transmission grids of the Bonneville Power Administration and the Western Area Power Administration, as well as nongrid, distributed applications in those service territories, including projects combining geothermal energy resources with biofuels production or other industrial or commercial uses requiring process heat inputs, that—

''(1) consider the appropriate use of Federal land for the projects and activities;

''(2) displace fossil fuel baseload generation or petroleum imports; and

''(3) do not impair electric reliability.

''(e) RENEWABLE ELECTRICITY AND ENERGY SECURITY PROJECTS.—

''(1) IN GENERAL.—The Federal transmitting utilities, shall, in consultation with the Commission, the Secretary, the States, and such other individuals and entities as are necessary, undertake geographically diverse projects within the respective service territories of the Federal transmitting utilities to acquire and demonstrate grid-enabled and nongrid-enabled plug-in electric and plug-in hybrid electric vehicles and related technologies as part of their fleets of vehicles.

''(2) INCREASE IN RENEWABLE ENERGY USE.—To the maximum extent practicable, each project conducted pursuant to any of subsections (b) through (d) shall include a component to develop vehicle technology, utility systems, batteries, power electronics, or such other related devices as are able to substitute, as the main fuel source for vehicles, transportation-sector petroleum consumption with electricity from renewable energy sources.

''(f) REREGULATING DAMS AND PUMPED STORAGE STUDY.—The Secretary of the Interior and the Secretary of the Army (acting through Chief of Engineers), in consultation with the Secretary of Energy, shall—

''(1) study the potential for reregulating facilities and pumped storage units at Federal dams to identify the facilities and units that are most worthy of further evaluation; and

''(2) submit to Congress a report on the results of the study, including recommendations on the next steps that should be taken.

''(g) WIND OR SOLAR–HYDRO INTEGRATION DEMONSTRATION PROJECT.—

''(1) IN GENERAL.—The Western Area Power Administration may fund the construction of wind or solar generation to supply firming energy to Western Area Power Administration to test the economic feasibility of wind-hydro or solar-hydro integration.

''(2) TRIBAL LAND.—In carrying out this subsection, the Western Area Power Administration shall consider locating the wind or solar generation facilities on tribal land.

''(3) NONREIMBURSABLE COSTS.—All costs associated with a demonstration under this subsection shall be considered nonreimbursable to electric energy customers of the Western Area Power Administration.

''SEC. 409. SOLAR ENERGY RESERVE PILOT PROJECT.

''(a) PURPOSE.—The purpose of this section is to establish a solar energy reserve pilot program on Federal land for the advancement, development, assessment, and installation of commercial utility-scale solar electric energy systems that will function as a potential model for the future development of renewable energy zones identified under this Act.

''(b) SITE SELECTION.—The Secretary of Energy and the Secretary of the Interior, in consultation with the Secretary of Defense, the Commission, States, and tribal and local units of government (as appropriate), shall—

''(1) identify 1 or more areas of Federal land under the jurisdiction of the Bureau of Land Management or land withdrawn by the Secretary of Energy for other purposes that is feasible and suitable for the installation of solar electric energy systems that are sufficient to generate not less than 4 gigawatts and not more than 25 gigawatts;

''(2) not later than 180 days after the date of enactment of this part, initiate the process for withdrawal of 1 or more tracts of land to the Secretary of Energy pursuant to section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714) for the purpose of creating solar energy reserves or the designation of land withdrawn to the Secretary of Energy for other purposes as a solar energy reserve; and

''(3) identify the needed transmission upgrades to connect the solar energy reserves to the transmission grid.

''(c) INELIGIBLE FEDERAL LAND.—A solar energy reserve shall not be established under this section on any land excluded for designation under section 402(a)(2).

''(d) DEVELOPMENT WITHIN RESERVES.—The Secretary of Energy shall—

''(1) have the sole authority to issue land use authorizations for land withdrawn under subsection (b);

''(2) establish criteria for approving applications and developing infrastructure for solar reserves;

''(3) not later than 2 years after the date of enactment of this part, work with Federal agencies, States, and other interested persons to ensure, to the maximum extent practicable, that adequate infrastructure is available for operation of the first solar energy reserve;

''(4) provide, to the maximum extent practicable, for a variety of utility-scale solar electric energy technologies; and

''(5) ensure, to the maximum extent practicable, that all solar energy reserves pursuant to this section are permitted using an expedited permitting process.

''(e) DEVELOPING SOLAR ENERGY RESERVES.—

''(1) IN GENERAL.—Subject to paragraph (2), in carrying out this section, the Secretary may—

''(A) install appropriate infrastructure, including—

''(i) roads;

''(ii) renewable feeder lines that connect to transmission lines; and

''(iii) equipment to access public or private utility systems;

''(B) recover reasonable costs to pay for the management of the solar energy reserves and maintenance of the infrastructure relating to the use of the land, except that the Secretary shall not recover costs to pay for infrastructure if the costs have or will be paid for by Federal funds, to remain available until expended; and

''(C) negotiate agreements on behalf of all solar electricity systems within the solar energy reserve for—

''(i) the purchase of materials and equipment;

''(ii) the provision of public utility services and other services; and

''(iii) access to electric transmission facilities.

''(2) OPTING OUT.—A developer of a solar electricity system shall have the option, prior to the effective date of the agreement, to opt out of any agreement negotiated by the Secretary under paragraph (1)(C).

''(f) ROYALTIES AND FEES.—

''(1) IN GENERAL.—In lieu of rental fees, each solar electricity system developer shall pay to the Secretary a royalty on the sale of electricity produced from a solar electricity system placed into service on a solar energy reserve established under this section.

''(2) AMOUNT OF ROYALTY.—The amount of the royalty payable for a solar electricity system placed into service on a solar energy reserve under this subsection shall be equal to 1.0 mil per kilowatt-hour of electricity generated by the facility.

''(3) DEPOSIT IN TREASURY.—All royalties received by the United States from royalties under this subsection shall be deposited in the Treasury.

''(4) USE OF ROYALTIES.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), of the amount of royalties deposited in the Treasury from a solar energy reserve for a fiscal year under paragraph (3)—

''(i) 20 percent shall be paid to the 1 or more States within the boundaries of which the solar energy reserve is located;

''(ii) 30 percent shall be paid to the 1 or more counties within the boundaries of which the solar energy reserve is located;

''(iii) 20 percent shall be deposited in a separate account in the Treasury, to be known as the 'BLM Solar Energy Permit Processing Improvement Fund', except that if the Fund equals $10,000,000 or more, no additional royalties under this subsection shall be deposited in the Fund; and

''(iv) 5 percent shall be deposited into a separate account in the Treasury, to be known as the 'Solar Energy Land Reclamation, Remediation, and Restoration Fund'.

''(B) BLM SOLAR ENERGY PERMIT PROCESSING IMPROVEMENT FUND.—Amounts deposited under subparagraph (A)(iii) shall be available to the Secretary of the Interior for expenditure, without further appropriation and without fiscal year limitation, for the purpose of paying for the coordination and processing of solar energy right-of-way permit and land use applications and planning for solar energy development on land under the jurisdiction of the Bureau of Land Management.

''(C) SOLAR ENERGY LAND RECLAMATION, REMEDIATION, AND RESTORATION FUND.—Amounts deposited under subparagraph (A)(iv) shall be available to the Secretary of Energy for expenditure, without further appropriation and without fiscal year limitation, for the purpose of reclaiming, remediating, and restoring land within a solar energy reserve on which a solar electricity facility has permanently ceased operation before disposal or for withdrawn land that is returned to the Department of the Interior.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy and the Secretary of the Interior such sums as are necessary to carry out this section.

''SEC. 410. RELATIONSHIP TO OTHER LAWS.

''Nothing in this part supersedes or affects any Federal environmental, public health or public land protection, or historic preservation law, including—

''(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

''(3) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

''SEC. 411. REGULATIONS.

''Except as otherwise provided in this part, not later than 1 year after the date of enactment of this part, the Commission shall promulgate such regulations as are necessary to carry out this part.''.

(b) GREEN TRANSMISSION INFRASTRUCTURE INCENTIVE RATES.—Section 219(a) of the Federal Power Act (16 U.S.C. 824s(a)) is amended by striking ''purpose of'' and all that follows through the end of the subsection and inserting ''purpose of—

''(1) benefitting consumers by ensuring reliability and reducing the cost of delivered power by reducing transmission congestion; or

''(2) integrating renewable energy resources into the transmission system.''.

(c) MAXIMUM FUNDING AMOUNT FOR THIRD-PARTY FINANCE.—Section 1222 of the Energy Policy Act of 2005 (42 U.S.C. 16421) is amended by striking subsection (g) and inserting the following:

''(g) MAXIMUM FUNDING AMOUNT.—The Secretary shall not accept and use more than $2,500,000,000 under subsection (c)(1) for the period of fiscal years 2009 through 2018.''.

(d) ENFORCEMENT.—Section 316A of the Federal Power Act (16 U.S.C. 825o–1) is amended by striking ''part II'' each place it appears and inserting ''part II or IV''.

SEC. 4. RENEWABLE ENERGY PILOT PROJECT OFFICES.

(a) IN GENERAL.—Section 365 of the Energy Policy Act of 2005 (42 U.S.C. 15924) is amended by adding at the end the following:

''(k) PILOT PROJECT OFFICE TO IMPROVE FEDERAL PERMIT COORDINATION FOR RENEWABLE ENERGY.—

''(1) DEFINITION OF RENEWABLE ENERGY.—In this subsection, the term 'renewable energy' means energy derived from a wind, solar, geothermal, or biomass source.

''(2) FIELD PROJECT OFFICES.—As part of the Pilot Project, the Secretary shall designate 1 or more field offices of the Bureau of Land Management in each of the following States to serve as Renewable Energy Pilot Project Offices for coordination of Federal permits for renewable energy projects and renewable energy transmission involving Federal land (other than permits issued by the Federal Energy Regulatory Commission):

''(A) Arizona.

''(B) California.

''(C) Colorado.

''(D) Oregon or Washington.

''(E) New Mexico.

''(F) Nevada.

''(G) Montana.

''(H) Wyoming.

''(3) MEMORANDUM OF UNDERSTANDING.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall enter into an amended memorandum of understanding under subsection (b) to provide for the inclusion of the additional Renewable Energy Pilot Project Offices in the Pilot Project.

''(B) SIGNATURES BY GOVERNORS.—The Secretary may request that the Governors of each of the States described in paragraph (2) be signatories to the amended memorandum of understanding.

''(C) DESIGNATION OF QUALIFIED STAFF.—Not later than 30 days after the date of the signing of the amended memorandum of understanding, all Federal signatory parties shall, if appropriate, assign to each Renewable Energy Pilot Project Offices designated under paragraph (2) an employee described in subsection (c) to carry out duties described in that subsection.

''(D) ADDITIONAL PERSONNEL.—The Secretary shall assign to each Renewable Energy Pilot Project Office additional personnel under subsection (f).''.

(b) PERMIT PROCESSING IMPROVEMENT FUND.—Section 35(c)(3) of the Mineral Leasing Act (30 U.S.C. 191(c)(3)) is amended—

(1) by striking ''use authorizations'' and inserting ''and renewable energy use authorizations''; and

(2) by striking ''section 365(d)'' and inserting ''subsections (d) and (k)(2) of section 365''.

THE CLEAN RENEWABLE ENERGY AND ECONOMIC DEVELOPMENT ACT OF 2009—SUMMARY

Sec. 402. Renewable Energy Zones: This bill directs the President to designate renewable energy zones, which are areas that can generate in excess of 1 gigawatt of electricity from renewable energy, include rural areas or Federal land, and have insufficient transmission capacity to achieve their renewable energy generation potential. This bill excludes environmentally sensitive and culturally significant areas from renewable energy zones.

Electricity from renewable energy is defined to include solar, wind, geothermal, biomass, biogas, incremental hydroelectric capacity and hydrokinetic resources.

Some areas, especially the Western U.S., already have processes in place to identify renewable energy zones. Recognizing the ongoing efforts in the Western U.S., this bill allows the President to use zones designated through existing processes, and sets deadlines on designating renewable energy zones for the Western Interconnection of 90 days after enactment of the bill and 270 days after enactment of the bill for the Eastern Interconnection.

Sec. 403. Interconnection-Wide Green Transmission Grid Planning: Transmission planning today is a geographically fragmented, lengthy process that does not address the types of projects needed to integrate renewable energy into the transmission grid. The U.S. electric transmission network is divided into three interconnections, the West, the East, and Texas. This bill requires participatory and transparent transmission planning on an interconnection-wide basis for green transmission projects to integrate renewable electricity resources from renewable energy zones into the transmission grid. The objective of the planning process is to enhance transmission access for electricity from renewable energy in renewable energy zones, while recognizing national economic, reliability, and security goals. The planning process established in this bill must be based on established and projected Federal and State renewable energy policies and targets. This bill requires the planning process to solicit input from all stakeholders, including transmission owners, regional transmission organizations, independent system operators, State commissions, electricity generators, prospective developers of new transmission and generation resources, regional reliability organizations, and environmental protection and land, water, and wildlife conservation groups.

This bill requires the plan to consider alternatives to new transmission, including

energy efficiency, demand response, distributed generation, and cost-effective energy storage.

To expedite building transmission to meet the President's renewable energy goal, this bill requires the interconnection-wide green transmission plans to be submitted to the Commission within 1 year of the deadline for designation of renewable energy zones.

If a regional planning entity does not organize a planning process, or does not complete a plan by the deadlines established by FERC, this bill gives FERC backstop planning authority to establish a planning process and conduct planning, in consultation with DOE, federal power marketing authorities, the electric reliability organization and regional reliability organizations. This bill also gives FERC backstop planning authority for any state that does not participate in an interconnection-wide planning process.

To cover costs of regional planning entities and states participating in interconnection-wide planning, this bill establishes a surcharge on all transmission customers. The funds from the surcharge will be distributed to regional planning entities and to states whose governors certify that they are participating in green transmission planning for the first year, and subject to timely submission of a green transmission grid plan in subsequent years. State Governors are also required to demonstrate that planning entities are able to effectively represent a wide spectrum of stakeholders, including the protection and conservation of land, consumer protection, and fish and wildlife protection.

Sec. 404. Federal Siting of Green Transmission Grid Project Facilities: Transmission line siting is currently conducted through a separate process in each state, which can cause lengthy delays for multistate transmission lines. This bill allows transmission project developers to apply to FERC for federal backstop siting for green transmission projects that are part of the green transmission grid plan and integrate renewable energy resources from renewable energy zones, or for transmission projects that FERC determines are needed to integrate renewable generation resources. For states that participate in interconnection-wide planning, this bill requires FERC to consider state recommendations in siting the line, and to work with states to resolve differences. This bill gives FERC the authority to issue a construction permit, including the right of eminent domain, for green transmission projects that meet specific conditions, including a minimum renewable requirement, optimizing transmission capacity, and providing transmission access to states the project passes through. To coordinate the process of siting transmission on Federal lands, this bill sets FERC as the lead agency for environmental reviews, with a single environmental review document, and directs affected agencies to develop a memorandum of understanding, including a schedule for environmental review and a budget necessary to carry out the schedule.

This bill ensures that green transmission projects are truly green by requiring transmission line siting to consider and use alternative routes where possible to avoid environmentally sensitive or culturally significant areas. In addition, this bill requires transmission projects that use federal siting authority to ensure that at least 75% of the capacity of transmission project is available to renewable generation, or the maximum possible amount of renewable generation that can be reliably interconnected. In addition, to ensure that renewable generation resources have access to transmission, transmission providers for green transmission projects that use federal siting must give priority to load-serving entities contracting with renewable generators, or to renewable generation developers, when offering firm transmission rights.

As a condition for federal siting, each transmission project developer must demonstrate that it has sufficient capacity to connect multiple renewable generation resources in the renewable energy zone(s) to which it connects, based on reliability criteria, land use limitations, economic considerations and the potential generation capacity of the renewable energy zones interconnected to the project. This will allow future renewable generators to connect to the transmission system without building multiple transmission lines through an area.

Large transmission lines may pass through states without providing any benefit to the state. This bill requires green transmission projects that use federal siting authority to provide transmission access to load or generation in each state they pass through. If a project cannot provide interconnection to a state, that state will be eligible for additional funds through DOE grants.

Sec. 405. Grants for green transmission grid project plans: This bill authorizes the DOE, in consultation with FERC, to make grants to states and planning entities to implement the planning and siting described in this bill, for transmission improvements including smart grid investments, for training for state public utility commission staff, for mitigation of landowner concerns, for habitat and wildlife conservation, for security upgrades to the transmission system, for energy storage, for reliability projects, transmission business development, and for distributed generation projects. These grants are funded through the American Recovery and Reinvestment Act of 2009, and in the future through sale of carbon allowances if a carbon allowance system is implemented. These grants are available only to states that participate in green transmission grid planning and implement green transmission grid projects in a timely fashion.

Sec. 406. Cost Allocation: This bill encourages the States and participants in a green transmission plan to agree on and propose a cost allocation to FERC. If no cost allocation is filed, this bill allows FERC to determine a just and reasonable cost allocation that takes account of the widely distributed impacts of the transmission project. This bill allows FERC to allocate costs to all users, owners, and operators of the bulk power system in a region of an interconnection or throughout an interconnection.

This bill provides that costs of a green transmission project initially built with extra transmission capacity to multiple renewable generators can initially be allocated with the cost allocation. As new generation projects interconnect, they will pay their share of the transmission grid project, reducing the effect on rates of the transmission provider's customers.

Sec. 407. Encouraging Clean Energy Development in Renewable Energy Zones: To ensure that transmission projects needed to integrate renewable energy resources get built in a timely manner, this bill allows federal transmitting utilities to construct projects if no privately-funded entity commits to financing them within 3 years. This bill extends bonding authority of federal transmitting utilities to finance construction of transmission.

Sec. 408. Federal power marketing agencies: This bill directs federal power marketing agencies to promote renewable energy and energy efficiency, by developing wind, solar and geothermal integration programs, and directs the federal transmitting utilities to undertake renewable electricity and energy security projects. It also directs WAPA to study reregulating hydroelectric dams and allows WAPA to fund a wind-hydro or solar-hydro integration demonstration project.

Sec. 409. Solar Energy Reserve Pilot Project: This bill establishes a pilot program on Federal land for commercial utility-scale solar electric energy systems on lands identified by the Secretary of Interior and the Secretary of Energy.

Sec. 410. Investment incentives: To encourage investment in green transmission projects, this bill extends infrastructure investment incentives from the Energy Policy Act of 2005 to include transmission projects that integrate renewable energy resources into the transmission system. The limit on third-party financing of transmission investments in the Western Area and Southwestern Area Power Administration territories is raised to $2.5 billion.

By Mr. KENNEDY (for himself, Mr. LEAHY, Mr. DURBIN, Mr. DODD, Mr. HARKIN, Mr. BINGAMAN, Mr. REED, Mr. SANDERS, Mr. BROWN, Mr. CASEY, Mrs. HAGAN, Mr. MERKLEY, Mr. WHITEHOUSE, Mrs. MCCASKILL, Mr. JOHNSON, Mr. SCHUMER, Mr. UDALL of New Mexico, and Mrs. BOXER):

S. 540. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices; to the Committee on Health, Education, Labor, and Pensions.

Mr. LEAHY. Mr. President, I am pleased to join Senator KENNEDY once again in the introduction of this important legislation. The bill that we introduce today will correct the Supreme Court's decision in Riegel v. Medtronic, which misconstrued the intent of Congress and cut off access to our Nation's courts for citizens injured or killed by defective medical devices.

Last year, the Senate Judiciary Committee held a series of hearings to examine the way in which the Supreme Court's decisions in the areas of retirement benefits, consumer product safety, workplace discrimination, and personal finance have consistently trended against the rights of consumers and in favor of big business. In many cases that have profound effects on the lives of ordinary Americans, the Court has either ignored the intent of Congress, deferred to corporate interests, or sided with a Federal agency's flawed interpretation of a congressional statute's preemptive force to disadvantage consumers. The impact of the decisions that were the focus of those hearings continues to be felt by Americans today, whether they are prohibited from seeking redress in the courts for an injury caused by a defective product, paying exorbitant credit card interest rates and fees with no relief from the laws of their own State, or subjected to the unscrupulous practices of some in the mortgage lending industry.

These hearings raised awareness in Congress, and among Americans, about the impact the Supreme Court has on our everyday lives. And I am especially proud that following on these hearings,

and through the efforts of a determined and principled congressional majority, we witnessed our constitutional democracy at work when President Obama signed the Lilly Ledbetter Fair Pay Act. I am heartened that Congress reclaimed the intent of its original legislation and overrode the Supreme Court to restore the rights of Americans to be free from discrimination in the workplace.

Just yesterday in the case of Wyeth v. Levine the Supreme Court foreclosed the need for Congress to act in another important area when it validated the views of many by rejecting the Bush administration and the Food and Drug Administration's extravagant views of a regulatory agency's ability to preempt State law. I am glad the Court spoke clearly and decisively on this issue. The Court's decision was not only a vindication of Congress's primary authority to pre-empt State law, but a victory for every American who relies upon pharmaceutical drugs and entrusts the manufacturers of those drugs with insuring their safety. The Court's decision also vindicated the laws and courts of the State of Vermont, and I am proud to have expressed my views to the Court as to Congress's intent in this area and on behalf of Diana Levine.

The bill we introduce today is another important step to correct an erroneous reading by the Court of Congress's intent in enacting the medical device amendments of 1976. This legislation will make explicit that the preemption clause in the medical device amendments upon which the Court relied does not, and never was intended to preempt the common law claims of consumers injured by a federally approved medical device.

The extraordinary power to preempt State law and regulation lies with Congress alone. Where the Court reaches to the extent it did in the Riegel decision to find Federal preemption contrary to what Congress intended, Congress is compelled to act, just as it was in the case of Lilly Ledbetter. I hope all Senators will join us in this effort.

Mr. HARKIN. Mr. President, I am proud to join my colleagues in reintroducing the Medical Device Safety Act. This legislation reverses the Supreme Court's erroneous decision in Riegel v. Medtronic. There, the Court misread a statute designed to protect consumers by giving the Food and Drug Administration, FDA, the authority to approve medical devices as preempting State tort claims when a medical device causes harm. Riegel prevents consumers from receiving fair compensation for injuries sustained, medical expenses incurred and lost wages, and it must be reversed.

Congressional action should be unnecessary. When Congress passed the Medical Device Amendments, or MDA, in 1976, it did so ''[t]o provide for the safety and effectiveness of medical devices intended for human use.'' In other words, Congress passed the MDA precisely to protect consumers from dangerous medical devices. Towards that end, Congress gave the FDA the authority to approve, prior to a product entering the market, certain medical devices. For over 30 years the MDA has been in effect, and over that period FDA regulation and tort liability have complimented each other in protecting consumers.

Given the MDA's purpose, and the fact it has operated successfully for 30 years, I was disheartened to find the Court twist the meaning of the statute to strip from consumers all remedies when a medical device fails. In contorted logic, the Court found that the FDA's requirements in approving a medical device preempted State laws designed to ensure that manufacturers marketed safe devices. In other words, the Court believes that a company's responsibility to its patients ends when it receives FDA approval. I strenuously disagree.

In fact, there is absolutely no evidence that Congress intended that under the MDA consumers would lose their only avenue for receiving compensation for injuries caused by negligent or inadequately labeled devices. Not a single Member or committee report articulated the view that the statute would preempt State tort law.

Nevertheless, because of the Court's decision, it is imperative that Congress act to ensure that those harmed by flawed medical devices can seek compensation. The bill introduced today addresses the Court's action by explicitly stating that actions for damages under State law are preserved. Specifically, it amends section 521 of the Federal Food, Drug, and Cosmetic Act to state that the section shall not be construed to modify or otherwise affect any action for damages or the liability of any person under the law of any State. And the bill applies retroactively to the date of the enactment of the MDA, consistent with Congress's intent when it passed that act over 30 years ago. Practically, that means that it applies to cases pending on the date of enactment of this legislation or claims for injuries sustained prior to enactment.

The harm from Riegel, unless Congress acts, cannot be more real. In the year since Riegel was decided alone, courts across the country have dismissed product liability claims. Take Charles Riegel. During an angioplasty, a catheter burst and caused him serious injuries and disabilities, and a State jury found Medtronic negligent. Because of the Supreme Court's decision, however, Mr. Riegel's wife will receive no compensation for the defective design and inadequate warning. Take Gary Despain. A defective hearing aid caused severe damage to his right ear, and he became disabled and unemployed. Because of the Supreme Court's decision, Mr. Despain has no ability to see remedies for his injuries.

Recently, a court dismissed the claims of almost 1,500 patients who brought suit arising from Medtronic's Sprint Fidelis defibrillator—specific models of thin wires that connect an implantable cardiac-defibrillator directly to the heart. In October 2007, the product was recalled after lead fractured in several cases and was thought to contribute to deaths and serious injuries. Again, because of the Court's ruling, injured plaintiffs have no recourse against the company that caused the harm.

While FDA approval of medical devices, moreover, is important, it cannot be the sole protection for consumers. FDA approval is simply inadequate to replace the longstanding safety incentives and consumer protections State tort law provides.

As a senior member of the Health, Education, Labor and Pension Committee, which has oversight over FDA, I have worked hard to ensure that the FDA performs its job. No matter how effective the FDA is, however, the FDA simply cannot guarantee that no defective, dangerous, and deadly medical device will reach consumers. As the former Director of the FDA's Center for Devices and Radiological Health acknowledged, the FDA's ''system of approving devices isn't perfect, and that unexpected problems [with approved devices] do arise.'' In 1993, a House report identified a ''number of cases in which the FDA [had] approved devices that proved unsafe in use.''

The fact is, the FDA conducts the approval process with minimal resources and simply does not have adequate funds to genuinely ensure that devices are safe or to properly and effectively reevaluate approvals as new information is available.

Further, the FDA approval process is based on partial information. A principal shortcoming is that the device's manufacturer compiles the studies and data supporting an application, and the data is often unreliable. And the FDA does not conduct independent investigations into a device's safety. A manufacturer, moreover, is not required to submit information about development of the device, including alternative designs, manufacturing methods, and labeling possibilities that the manufacturer considered but rejected.

In 1993, an FDA committee found flaws in the design, conduct, and analysis of the clinical studies used to support applications that were ''sufficiently serious to impede the agency's ability to make the necessary judgments about [device] safety and effectiveness.'' It added, ''[o]ne of the main reasons [problems arise after approval] is that the data upon which we base our safety and effectiveness decisions isn't perfect.'' Likewise, in 1996, the inspector general of the Department of Health and Human Services reported ''serious deficiencies . . . in the clinical data submitted as part of pre-market applications.''

Moreover, there is very little FDA oversight once a device reaches doctors

and patients. In fact, even the best designed and most reliable clinical studies by their very nature cannot duplicate all aspects and hazards of everyday use. Moreover, while manufacturers are supposed to report defects and injuries, the FDA has admitted that there is ''severe underreporting'' of defects and injuries.

Given the FDA's limitations, it is crucial that an individual have a right to seek redress. When defective medical devices reach the market, whether or not approved by the FDA, patients are often injured. Those injured are often left temporarily unable to work or to enjoy normal lives, and in many cases never fully recover. State tort law provides the only relief for patients injured by defective medical devices and should not be foreclosed.

Not only does access to State court mean that a person injured can receive fair compensation, but there are other advantages. Such suits aid in exposing dangers and serve as a catalyst to address their consequences. Through discovery, litigation can help uncover previously unavailable information on adverse effects of products that might not have been caught during the regulatory system. Litigants can demand documents and information on product risks that might not have been shared with the FDA. In this way, the public as a whole is alerted to dangers in medical products.

Finally, providing the ability to sue when injured provides an important incentive to manufacturers to use the utmost care. Additionally, threat of product liability suits creates continuing incentives for product manufacturers to improve the safety of their device, even after FDA approval.

As the Supreme Court recognized this week, in Wyeth v. Levine, in holding that failure to warn claims involving FDA approved drugs are not preempted, ''[s]tate tort suits uncover unknown drug hazards and provide incentives for drug manufacturers to disclose safety risks promptly. They also serve a distinct compensatory function that may motivate injured persons to come forward with information.'' The Court continued, ''the FDA has long maintained that state law offers an additional, and important, layer of consumer protection that complements FDA regulation.''

The same consumer protection that State courts provide which the Court recognized as important in the context of faulty drug warnings is equally important for those consumers harmed by faulty medical devices.

In conclusion, sadly the Court fundamentally misread Congress's intent in passing the Medical Device Amendments in 1976, and Reigel appears to represent yet another victory by big business over consumers. That is not, however, the final say on the matter. To quote Chief Justice Roberts, ''every area involving an interpretation of a statute, the final say is not with the Supreme Court, the final say is with Congress. And if they don't like the Supreme Court's interpretation of it, they can change it.''

Make no mistake, moreover, it can be done. Last year, Congress passed and the President signed the ADA Amendments Act, reversing decisions in which the Court consistently misconstrued the will of Congress and held that the ADA does not protect many people with serious disabilities from discrimination. This year, we were successful in reversing the Court's draconian Lilly Ledbetter decision, making clear that those discriminated against do have a recourse in law.

Those injured by faulty medical devices deserve to have their day in court and are entitled to compensation when they are injured by faulty medical devices, have medical expenses to pay and lost wages, regardless of whether the FDA approved a device. We must reverse this erroneous decision and ensure that those who have suffered serious injury at the hands of others receive justice.

By Mr. DODD (for himself, Mr. CRAPO, Mr. AKAKA, Mr. BROWN, Mr. CORKER, Mr. BOND, and Mr. ISAKSON):

S. 541. A bill to increase the borrowing authority of the Federal Deposit Insurance Corporation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I have been approached, along with my colleague Senator SHELBY and leaders of the House Financial Services Committee, by the Chairman of the Federal Deposit Insurance Corporation, Sheila Bair, with a request to increase substantially the FDIC's borrowing authority from Treasury from the current $30 billion to $100 billion, for use by the FDIC's Deposit Insurance Fund and for temporary additional borrowing authority to help weather the economic crisis. In response to her request, I am introducing the Depositor Protection Act of 2009, which provides this authority. We are taking this step out of an abundance of caution and to meet any contingencies that the fund may face in the coming months.

The FDIC's Deposit Insurance Fund DIF absorbs losses that result from the corporation's obligation to protect insured deposits when FDIC-insured financial institutions fail. Insured financial institutions pay premiums that support the DIF and under current law those premiums can be increased to cover any losses to the fund.

Today, the House passed legislation to substantially and permanently increase this borrowing authority as part of H.R. 1106, the Helping Families Save Their Homes Act of 2009. Last month, Treasury Secretary Geithner and Chairman Bernanke of the Federal Reserve Board wrote to me to underscore their support for the FDIC's increased borrowing authority.

Since the FDIC's borrowing authority was last increased in 1991, the asset size of banks has tripled. Even more important, the financial system is under considerable stress, and the level of thrift and bank failures has been rising. This line of credit is designed strictly to serve as a backstop to cover potential losses to the DIF.

Though this statutory borrowing authority has historically never been tapped, and Chairman Bair has made clear she does not anticipate doing so, I agree with Chairman Bair, Secretary Geithner, and Chairman Bernanke that under current economic circumstances such an increase in borrowing authority is both prudent and necessary. It is important that we increase this line of borrowing authority so that the FDIC has the funds available which might be needed to meet its obligations to protect insured depositors and to reassure the public that the Government continues to stand firmly behind the FDIC's insurance guarantee.

Additionally, on Friday, February 27, the FDIC Board voted to impose a one-time special assessment of 20 basis points on insured depository institutions because of concern about the level of the DIF. This special assessment is in addition to the regular premiums, which were increased on February 27 to a range of 12 to 16 basis points. The DIF is significantly below the statutory minimum reserve ratio of 1.15. As of December 31, 2008, the DIF ratio stood at .4. The FDIC has informed us that with the increased borrowing authority provided in this legislation, it believes it can reduce the size of the special assessment while still maintaining appropriate assessments at a level that supports the DIF with funding from the banking industry.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

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

S. 541

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 ''The Depositor Protection Act of 2009''.

SEC. 2. INCREASED BORROWING AUTHORITY OF THE FEDERAL DEPOSIT INSURANCE CORPORATION.

Section 14(a) of the Federal Deposit Insurance Act (12 U.S.C. 1824(a)) is amended—

(1) by striking ''$30,000,000,000'' and inserting ''$100,000,000,000'';

(2) by striking ''The Corporation is authorized'' and inserting the following:

''(1) IN GENERAL.—The Corporation is authorized'';

(3) by striking ''There are hereby'' and inserting the following:

''(2) FUNDING.—There are hereby''; and

(4) by adding at the end the following:

''(3) TEMPORARY INCREASES AUTHORIZED.—

''(A) RECOMMENDATIONS FOR INCREASE.—During the period beginning on the date of enactment of this paragraph and ending on December 31, 2010, if, upon the written recommendation of the Board of Directors (upon a vote of not less than two-thirds of the members of the Board of Directors) and

the Board of Governors of the Federal Reserve System (upon a vote of not less than two-thirds of the members of such Board), the Secretary of the Treasury (in consultation with the President) determines that additional amounts above the $100,000,000,000 amount specified in paragraph (1) are necessary, such amount shall be increased to the amount so determined to be necessary, not to exceed $500,000,000,000.

''(B) REPORT REQUIRED.—If the borrowing authority of the Corporation is increased above $100,000,000,000 pursuant to subparagraph (A), the Corporation shall promptly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the reasons and need for the additional borrowing authority and its intended uses.''.

FEDERAL DEPOSIT INSURANCE CORPORATION,
Washington, DC, March 5, 2009.

Hon. CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

1DEAR MR. CHAIRMAN: I am writing to express my support for the Depositor Protection Act of 2009, legislation to increase the Federal Deposit Insurance Corporation's borrowing authority with the Treasury Department if losses from failed financial institutions exceed the industry funded resources of the Deposit Insurance Fund (DIF).

As you know, the FDIC's borrowing authority was set in 1991 at $30 billion and has not been raised since that date. Assets in the banking industry have tripled since 1991, from $4.5 trillion to $13.6 trillion. As I indicated in my previous letter of January 26, 2009, the FDIC believes it is prudent to adjust the statutory line of credit proportionately to leave no doubt that the FDIC can immediately access the necessary resources to resolve failing banks and provide timely protection to insured depositors.

The legislation would include important additional authority for the FDIC and would rationalize the FDIC's current borrowing authority. Under current law, the FDIC has the authority to borrow up to $30 billion from Treasury to cover losses incurred in insuring deposits up to $100,000. In addition, when Congress temporarily increased deposit insurance coverage to $250,000, it temporarily lifted all limits on the FDIC's borrowing authority to implement the new deposit insurance obligation.

The bill would permanently increase the FDIC's authority to borrow from Treasury from $30 billion to $100 billion. In addition the bill also would temporarily authorize an increase in that borrowing authority above $100 billion (but not to exceed $500 billion) based on a process that would require the concurrence of the FDIC, the Federal Reserve Board, and the Treasury Department, in consultation with the President.

Because the existing borrowing authority for losses from bank failures provides a thin margin of error, it was necessary for the FDIC recently to impose increased assessments on the banking industry. These assessments will have a significant impact on insured financial institutions, particularly during a financial crisis and recession when banks must be a critical source of credit to the economy.

The size of the special assessment reflected the FDIC's responsibility to maintain adequate resources to cover unforeseen losses. Increased borrowing authority, however, would give the FDIC flexibility to reduce the size of the recent special assessment, while still maintaining assessments at a level that supports the DIF with industry funding. While the industry would still pay assessments to the DIF to cover projected losses and rebuild the Fund over time, a lower special assessment would mitigate the impact on banks at a time when they need to serve their communities and revitalize the economy.

In conclusion, the Depositor Protection Act would leave no doubt that the FDIC will have the resources necessary to address future contingencies and seamlessly fulfill the government's commitment to protect insured depositors against loss. I strongly support this legislation and look forward to working with you to enact it into law.

Sincerely,

SHEILA C. BAIR,
Chairman.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
Washington, DC, February 2, 2009.

Hon. CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to join the Secretary of the Treasury in expressing my agreement that the authority of the Federal Deposit Insurance Corporation (FDIC) to borrow from the Treasury Department should be increased to $100 billion from its current level of $30 billion. While the FDIC has substantial resources in the Deposit Insurance Fund, the line of credit with the Treasury Department provides an important back-stop to the fund and has not been adjusted since 1991. An increase in the line of credit is a reasonable and prudent step to ensure that the FDIC can effectively meet potential future obligations during periods such as the difficult and uncertain economic climate that we are currently experiencing.

I also support legislation that would allow the Secretary of the Treasury, in consultation with the Chairman of the Board of Governors of the Federal Reserve System if Congress believes that to be appropriate, to increase the FDIC's line of credit with the Treasury in exigent circumstances. This mechanism would allow the FDIC to respond expeditiously to emergency situations that may involve substantial risk to the financial system.

The Federal Reserve would be happy to work with your staff on this matter, as well as on the other amendments under consideration that would allow the FDIC more flexibility in the timing and scope of assessments that it charges to recover costs to the Deposit Insurance Fund in the event that the systemic risk exception in the Federal Deposit Insurance Act has been invoked.

Sincerely,

BEN S. BERNANKE,
Chairman.

DEPARTMENT OF THE TREASURY,
Washington, DC, February 2, 2009.

Hon. CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing & Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my support for the Federal Deposit Insurance Corporation's (FDIC) current request to increase its permanent statutory borrowing authority under its line of credit with the Treasury Department from $30 billion to $100 billion. Since the last increase in that authority in 1991, the banking industry's assets have tripled. More importantly, the financial and credit markets continue to be under acute stress, and the level of thrift and bank failures has been rising. Although the FDIC's Deposit Insurance Fund remains substantial at $35 billion, and the FDIC has never needed to tap the existing line of credit with the Treasury Department in the past, the proposed increase in the limit is a reasonable and prudent step to ensure that the FDIC can effectively meet any potential future. obligations.

The Treasury Department also supports the FDIC's request to make future adjustments to the line of credit based on exigent circumstances, but recommends that such future adjustments require the concurrence of both the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System. This future adjustment mechanism would provide an additional layer of protection for insured depositors and enhance the confidence of financial markets during this turbulent period.

The Treasury Department also supports the FDIC having authority to determine the time period for recovering any loss to the insurance fund resulting from actions taken after a systemic risk determination by the Secretary of the Treasury.

I hope that you find our views useful in the Committee's consideration of the FDIC's request. Thank you for the opportunity to share these views.

Sincerely,

TIMOTHY F. GEITHNER,
Secretary of the Treasury.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 65—HONORING THE 100TH ANNIVERSARY OF FORT MCCOY IN SPARTA, WISCONSIN

Mr. KOHL submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 65

Whereas 2009 is the 100th anniversary of the Army operating a military installation in Sparta, Wisconsin;

Whereas the Army began training in Monroe County, Wisconsin on the 4,000-acre family farm of Robert Bruce McCoy in September 1905;

Whereas the Army purchased the McCoy farm and established the Sparta Maneuver Tract on June 8, 1909;

Whereas the Sparta Maneuver Tract was officially designated Camp McCoy on November 19, 1926, in honor of Major General Robert Bruce McCoy;

Whereas Camp McCoy served as one of the largest and most modern artillery camps in the Nation, training field artillery units for deployment in World War I;

Whereas Camp McCoy served as a supply base for the Civilian Conservation Corps during the Great Depression, supplying uniforms, lodging, and food to thousands of young men;

Whereas Camp McCoy was modernized and expanded to help prepare military units for deployment in World War II, resulting in the construction of 1,500 buildings capable of training and supporting 35,000 troops;

Whereas Camp McCoy was temporarily an internment camp during the Japanese American internment, a period of grave injustice to individuals of Japanese ancestry;

Whereas Camp McCoy served as a prisoner of war camp for 4 years, housing Japanese, German, and Korean prisoners of war;

Whereas Camp McCoy served as a major training center for the Fifth Army preparing for the Korean War;

Whereas Camp McCoy was officially renamed Fort McCoy on September 30, 1974, recognizing Fort McCoy's status as a year-round Army training facility;

Whereas Fort McCoy was designated as a Resettlement Center for Cuban refugees, housing approximately 15,000 Cubans in 1980;

Whereas Fort McCoy served as a major mobilization site during Operations Desert Shield and Desert Storm, preparing more than 18,000 soldiers for deployment; and

Whereas Fort McCoy continues to support our Nation's defense, training more than 100,000 soldiers per year and preparing 85,000 military personnel from 49 States and 2 territories for mobilization since September 11, 2001: Now, therefore, be it

Resolved, That the Senate honors Fort McCoy in Sparta, Wisconsin, on its 100th anniversary and commends the men and women who have worked and trained at the fort.

Mr. KOHL. Mr. President, today I honor the 100 year legacy of Fort McCoy and the men and women who have worked and trained at the fort.

On June 8th, 1909, the United States Army began training on a tract of land that would eventually become Fort McCoy. Named for Major General Robert McCoy, the fort has embodied his commitment to military service for 100 years. Providing training to more than 100,000 reserve and active duty soldiers per year, Fort McCoy is the only facility focused on supporting total force training. As a pioneer for field artillery and maneuver training, the fort has developed into one of the largest and most modern artillery camps in the nation. Fort McCoy has supported and trained our troops through every major military action of the twentieth and twenty-first centuries and has truly remained an unwavering presence for the United States Armed Services.

I am proud to recognize the 100 year anniversary of Fort McCoy and the enduring commitment that its troops have given to the United States of America.

SENATE RESOLUTION 66—DESIGNATING 2009 AS THE ''YEAR OF THE NONCOMMISSIONED OFFICER CORPS OF THE UNITED STATES ARMY''

Mr. BOND submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 66

Whereas the Secretary of the Army has designated 2009 as the Year of the United States Army Noncommissioned Officer (NCO) to honor more than 200 years of service by the noncommissioned officers of the Army to the Army and the American people;

Whereas the modern noncommissioned officer of the Army operates autonomously, and always with confidence and competence;

Whereas the Noncommissioned Officer Corps of the Army has distinguished itself as the most accomplished group of military professionals in the world, with noncommissioned officers of the Army leading the way in education, training, and discipline, empowered and trusted like no other noncommissioned officers, and serving as role models to the most advanced armies in the world; and

Whereas the noncommissioned officers of the Army share their strength of character and values with every soldier, officer, and civilian they support across the regular and reserve components of the Army, and take the lead and are the keepers of Army standards: Now, therefore, be it

Resolved, That the Senate—

(1) designates 2009 as the ''Year of the Noncommissioned Officer Corps of the United States Army''; and

(2) encourages the people of the United States to recognize the ''Year of the Noncommissioned Officer Corps of the United States Army'' with appropriate ceremonies and activities.

SENATE RESOLUTION 67—EXPRESSING THE SENSE OF THE SENATE THAT PROVIDING BREAKFAST IN SCHOOLS THROUGH THE NATIONAL SCHOOL BREAKFAST PROGRAM HAS A POSITIVE IMPACT ON THE LIVES AND CLASSROOM PERFORMANCE OF LOW-INCOME CHILDREN

Mr. FEINGOLD (for himself, Mr. KOHL, Mr. SANDERS, Mr. DURBIN, Mr. CASEY, Mr. BURRIS, Mrs. GILLIBRAND, Mr. CHAMBLISS, Mr. KERRY, Mr. BENNET, Mr. BEGICH, Mr. BAYH, and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 67

Whereas participants in the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) include public, private, elementary, middle, and high schools, as well as schools in rural, suburban, and urban areas;

Whereas access to nutrition programs such as the school lunch program, established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the national school breakfast program helps to create a stronger learning environment for children and improves children's concentration in the classroom;

Whereas missing breakfast and the resulting hunger has been shown to harm the ability of children to learn and to hinder academic performance;

Whereas students who eat a complete breakfast have been shown to make fewer mistakes and to work faster in math exercises than those who eat a partial breakfast;

Whereas implementing or improving classroom breakfast programs has been shown to increase breakfast consumption among eligible students dramatically, doubling, and in some cases, tripling numbers of participants in school breakfast programs, as evidenced by research in Minnesota, New York, and Wisconsin;

Whereas providing breakfast in the classroom has been shown in several instances to improve attentiveness and academic performance, while reducing absences, tardiness, and disciplinary referrals;

Whereas studies suggest that eating breakfast closer to the time students arrive in the classroom and take tests improves the students' performance on standardized tests;

Whereas studies show that students who skip breakfast are more likely to have difficulty distinguishing among similar images, show increased errors, and have slower memory recall;

Whereas children who live in families that experience hunger are likely to have lower math scores, receive more special education services, and face an increased likelihood of repeating a grade;

Whereas making breakfast widely available in different venues or in a combination of venues, such as by providing breakfast in the classroom, in the hallways outside classrooms, or to students as they exit their school buses, has been shown to lessen the stigma of receiving free or reduced-price school breakfasts, which stigma sometimes prevents eligible students from obtaining traditional breakfast in the cafeteria;

Whereas in fiscal year 2008, 8,520,000 students in the United States consumed free or reduced-price school breakfasts provided under the national school breakfast program;

Whereas less than half of the low-income students who participate in the national school lunch program also participate in the national school breakfast program;

Whereas at least 16,000 schools that participate in the national school lunch program do not participate in the national school breakfast program;

Whereas in fiscal year 2008, 60 percent of school lunches served, and 80 percent of school breakfasts served, were served to students who qualified for free or reduced-priced meals;

Whereas the current economic situation, including the increase of nearly 3 percent in the national unemployment rate in 2008, is causing more families to struggle to feed their children and to turn to schools for assistance;

Whereas studies suggest that children who eat breakfast take in more nutrients, such as calcium, fiber, protein, and vitamins A, E, D, and B-6;

Whereas studies show that children who participate in school breakfast programs eat more fruits, drink more milk, and consume less saturated fat than those who do not eat breakfast;

Whereas children who do not eat breakfast, either in school or at home, are more likely to be overweight than children who eat a healthful breakfast on a daily basis; and

Whereas March 2 through March 6, 2009 is National School Breakfast Week: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) and the positive impact of the program on the lives of low-income children and families and on children's overall classroom performance;

(2) expresses strong support for States that have successfully implemented school breakfast programs in order to alleviate hunger and improve the test scores and grades of participating students;

(3) encourages all States to strengthen their school breakfast programs, provide incentives for the expansion of school breakfast programs, and promote improvements in the nutritional quality of breakfasts served;

(4) recognizes the need to provide States with resources to improve the availability of adequate and nutritious breakfasts;

(5) recognizes the impact of nonprofit and community organizations that work to increase awareness of, and access to, breakfast programs for low-income children; and

(6) recognizes that National School Breakfast Week helps draw attention to the need for, and success of, the national school breakfast program.

AMENDMENTS SUBMITTED AND PROPOSED

SA 665. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table.

SA 666. Mr. ENZI (for himself, Mr. CRAPO, Mr. BARRASSO, and Mr. RISCH) submitted an amendment intended to be proposed by him

to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 667. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 668. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 669. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 670. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 671. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 672. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1105, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 665. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 942, between lines 14 and 15, insert the following:

INVESTMENTS IN ENERGY SECTOR OF IRAN

SEC. 7093. (a) None of the amounts appropriated or otherwise made available by this Act may be made available for the Department of State until the Secretary of State, in consultation with the Secretary of the Treasury, submits to Congress a report on investments by foreign companies in the energy sector of Iran since the date of the enactment of the Iran Sanctions Act (Public Law 104–172; 50 U.S.C. 1701 note), including information compiled from credible media reports. The report shall include the status of any United States investigations of companies that may have violated the Iran Sanctions Act, including explanations of why the Department of State has not made a determination of whether any such investment constitutes a violation of such Act.

(b) In this section, the term ''investment'' has the meaning given the term in section 14 of the Iran Sanctions Act (Public Law 104–172; 50 U.S.C. 1701 note).

SA 666. Mr. ENZI (for himself, Mr. CRAPO, Mr. BARRASSO, and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 115 of division E and insert the following:

SEC. 115. ROYALTY COLLECTION PROCESS STUDY.

(a) STUDY.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior (acting through the Director of the Minerals Management Service) (referred to in this section as the ''Secretary'') shall conduct a study of the royalty collection process for coal, other solid minerals, and geothermal resources.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives a report that—

(1) describes the results of the study conducted under subsection (a); and

(2) includes any recommendations of the Secretary with respect to ways in which the royalty collection process may be improved.

SA 667. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 602, beginning on line 16, strike ''*Provided,*'' and all that follows through ''fiscal year:'' on line 22.

SA 668. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division F, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, no funds shall be made available under this Act to modify the HIV/AIDS funding formulas under title XXVI of the Public Health Service Act.

SA 669. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

After section 430 of title IV of division E, insert the following:

SEC. 431. NATIONAL FOREST FOUNDATION.

(a) MEMBERSHIP OF BOARD OF DIRECTORS.—Section 403(a) of the National Forest Foundation Act (16 U.S.C. 583j-1(a)) is amended, in the first sentence, by striking ''fifteen Directors'' and inserting ''not more than 30 Directors''.

(b) ADMINISTRATIVE SERVICES AND SUPPORT.—Section 405 of the National Forest Foundation Act (16 U.S.C. 583j-3) is amended—

(1) in subsection (a), by striking ''section 410(a)'' and inserting ''section 410''; and

(2) in subsection (b), by striking ''section 410(b)'' and inserting ''section 410''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 410 of the National Forest Foundation Act (16 U.S.C. 583j-8) is amended to read as follows:

''SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to the Secretary of Agriculture to carry out this title $3,000,000 for fiscal year 2009 and each fiscal year thereafter, to be made available to the Foundation to match, on a 1-for-1 basis, private contributions that are made to the Foundation.''.

SA 670. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 942, between lines 14 and 15, insert the following:

CIVILIAN STABILIZATION INITIATIVE

SEC. 7093. (a) The amount appropriated or otherwise made available by title I for the Department of State under the heading ''CIVILIAN STABILIZATION INITIATIVE'' is hereby increased by $30,000,000.

(b) The amount appropriated or otherwise made available by title II for the United States Agency for International Development under the heading ''CIVILIAN STABILIZATION INITIATIVE'' is hereby reduced by $30,000,000.

(c)(1) Of the amount appropriated or otherwise made available by title I for the Department of State under the heading ''CIVILIAN STABILIZATION INITIATIVE'', as increased by subsection (a), $30,000,000 may be made available to the United States Agency for International Development for the Agency's portion of the Civilian Stabilization Initiative.

(2) Of the amount made available to the United States Agency for International Development pursuant to paragraph (1), up to $6,000,000 may be made available to the Office of Surge Administration.

SA 671. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 760, strike lines 1 through 16.

SA 672. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 351, lines 2 and 3, strike ''*Provided further,*'' and all that follows through ''110–140:'' on line 11 and insert the following: ''*Provided further,* That $2,300,000 is for the Veterans Assistance and Services Program authorized under section 21(n) of the Small Business Act (15 U.S.C. 648(n)): *Provided further,* That $110,000,000 shall be available to fund grants to small business development centers for performance in fiscal year 2009 or fiscal year 2010 as authorized: *Provided further,* That $3,250,000 is for the Small Business Energy Efficiency Program authorized under section 1203(c) of the Energy Independence and Security Act of 2007 (15 U.S.C. 657h(c)): *Provided further,* That $3,250,000 is for small business development center grant programs for veterans: *Provided further, That* $7,000,000 is for the Service Corps of Retired Executives program authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1)): *Provided further,* That $17,100,000 is for the women's business center program under section 29 of the Small Business Act (15 U.S.C. 656): *Provided further,* That $8,000,000 is for the Office of Trade of the Small Business Administration: *Provided further,* That $4,000,000 is for the HUBZone program under section 31 of the Small Business Act (15 U.S.C. 657a):''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing

will be held on Thursday, March 12, 2009, at 2:45 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nomination of David Hayes to be Deputy Secretary of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Amanda_kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 5, 2009 at 10 a.m., to conduct a hearing entitled ''American International Group: Examining What Went Wrong, Government Intervention, and Implications for Future Regulation.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I would like to ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 5, 2009, at 9:30 a.m., in room SH–216 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 5, 2009, at 10:30 a.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, March 5, 2009, at 10 a.m. to conduct a hearing entitled ''Follow the Money: Transparency and Accountability for Recovery and Reinvestment Spending.''

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

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, March 5, 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 VETERANS' AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 5, 2009 at 9:30 a.m. in room 106 of the Dirksen Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 5, 2009 at 2:30 p.m.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Thursday, March 5, 2009, at 2:30 p.m. to conduct a hearing entitled, ''Lessons Learned: How the New Administration Can Achieve an Accurate and Cost-Effective 2010 Census.''

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

NATIONAL ASBESTOS AWARENESS WEEK

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 57 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. 57) designating the first week of April 2009 as ''National Asbestos Awareness Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. MERKLEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 57) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 57

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas asbestos fibers can cause mesothelioma, asbestosis, and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally, little is known about late-stage treatment of asbestos-related diseases, and there is no cure for such diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognoses;

Whereas the United States has reduced its consumption of asbestos substantially, yet continues to consume almost 2,000 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas exposure to asbestos continues, but safety and prevention of asbestos exposure already has significantly reduced the incidence of asbestos-related diseases and can further reduce the incidence of such diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of people in the United States die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975;

Whereas people in the small community of Libby, Montana have asbestos-related diseases at a significantly higher rate than the national average and suffer from mesothelioma at a significantly higher rate than the national average; and

Whereas the establishment of a ''National Asbestos Awareness Week'' will raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first week of April 2009 as ''National Asbestos Awareness Week'';

(2) urges the Surgeon General to warn and educate people about the public health issue of asbestos exposure, which may be hazardous to their health; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Office of the Surgeon General.

NATIONAL SCHOOL BREAKFAST PROGRAM

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 67, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 67) expressing the sense of the Senate that providing breakfast in schools through the national school breakfast program has a positive impact on the lives and classroom performance of low-income children.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MERKLEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 67) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 67

Whereas participants in the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) include public, private, elementary, middle, and high schools, as well as schools in rural, suburban, and urban areas;

Whereas access to nutrition programs such as the school lunch program, established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the national school breakfast program helps to create a stronger learning environment for children and improves children's concentration in the classroom;

Whereas missing breakfast and the resulting hunger has been shown to harm the ability of children to learn and to hinder academic performance;

Whereas students who eat a complete breakfast have been shown to make fewer mistakes and to work faster in math exercises than those who eat a partial breakfast;

Whereas implementing or improving classroom breakfast programs has been shown to increase breakfast consumption among eligible students dramatically, doubling, and in some cases, tripling numbers of participants in school breakfast programs, as evidenced by research in Minnesota, New York, and Wisconsin;

Whereas providing breakfast in the classroom has been shown in several instances to improve attentiveness and academic performance, while reducing absences, tardiness, and disciplinary referrals;

Whereas studies suggest that eating breakfast closer to the time students arrive in the classroom and take tests improves the students' performance on standardized tests;

Whereas studies show that students who skip breakfast are more likely to have difficulty distinguishing among similar images, show increased errors, and have slower memory recall;

Whereas children who live in families that experience hunger are likely to have lower math scores, receive more special education services, and face an increased likelihood of repeating a grade;

Whereas making breakfast widely available in different venues or in a combination of venues, such as by providing breakfast in the classroom, in the hallways outside classrooms, or to students as they exit their school buses, has been shown to lessen the stigma of receiving free or reduced-price school breakfasts, which stigma sometimes prevents eligible students from obtaining traditional breakfast in the cafeteria;

Whereas in fiscal year 2008, 8,520,000 students in the United States consumed free or reduced-price school breakfasts provided under the national school breakfast program;

Whereas less than half of the low-income students who participate in the national school lunch program also participate in the national school breakfast program;

Whereas at least 16,000 schools that participate in the national school lunch program do not participate in the national school breakfast program;

Whereas in fiscal year 2008, 60 percent of school lunches served, and 80 percent of school breakfasts served, were served to students who qualified for free or reduced-priced meals;

Whereas the current economic situation, including the increase of nearly 3 percent in the national unemployment rate in 2008, is causing more families to struggle to feed their children and to turn to schools for assistance;

Whereas studies suggest that children who eat breakfast take in more nutrients, such as calcium, fiber, protein, and vitamins A, E, D, and B-6;

Whereas studies show that children who participate in school breakfast programs eat more fruits, drink more milk, and consume less saturated fat than those who do not eat breakfast;

Whereas children who do not eat breakfast, either in school or at home, are more likely to be overweight than children who eat a healthful breakfast on a daily basis; and

Whereas March 2 through March 6, 2009 is National School Breakfast Week: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) and the positive impact of the program on the lives of low-income children and families and on children's overall classroom performance;

(2) expresses strong support for States that have successfully implemented school breakfast programs in order to alleviate hunger and improve the test scores and grades of participating students;

(3) encourages all States to strengthen their school breakfast programs, provide incentives for the expansion of school breakfast programs, and promote improvements in the nutritional quality of breakfasts served;

(4) recognizes the need to provide States with resources to improve the availability of adequate and nutritious breakfasts;

(5) recognizes the impact of nonprofit and community organizations that work to increase awareness of, and access to, breakfast programs for low-income children; and

(6) recognizes that National School Breakfast Week helps draw attention to the need for, and success of, the national school breakfast program.

DISCHARGE AND REFERRAL—H.R. 44

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of H.R. 44 and the bill referred to the Committee on the Judiciary.

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

ORDERS FOR FRIDAY, MARCH 6, 2009

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. Friday, March 6; 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 H.R. 1105, the Omnibus appropriations bill.

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

PROGRAM

Mr. MERKLEY. Mr. President, there will be no rollcall votes on Friday. The next votes are expected to begin after 5 p.m. Monday.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MERKLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 9:18 p.m., adjourned until Friday, March 6, 2009, at 10 a.m.

EXTENSIONS OF REMARKS

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability:

Ms. PELOSI. Mr. Chair, I thank Chairman CONYERS and Chairman FRANK for their strong leadership in bringing this much needed housing and bankruptcy legislation to the floor.

The legislation is the result of the perseverance of many Members, especially BRAD MILLER, the original author of the legislation and Mr. COHEN of the Judiciary Committee.

I also commend ZOE LOFGREN, ELLEN TAUSCHER, and DENNIS CARDOZA for their compromise that is reflected in the manager's amendment. They have worked diligently to make improvements to the bill to ensure that homeowners will avoid bankruptcy whenever possible by first and foremost providing homeowners to a workable and accessible loan modification process.

EVERY 13 SECONDS

As Chairwoman LOFGREN has said, we have a foreclosure in America every 13 seconds.

Every 13 seconds, a family is uprooted, their children are forced to switch schools, their biggest investment—their home—is boarded up, increasing blight and reducing property values.

Each foreclosure represents nothing less than the end of an American Dream. But with this legislation—the Helping Families Save Their Homes Act—we can protect the American Dream and preserve it for America's families.

WHAT THE LEGISLATION DOES

This legislation will reduce the number of foreclosures by providing incentives for loan modifications that will permit families to stay in their homes on a long term basis.

It reforms the HOPE for Homeowners program to make it more workable for both homeowners and lenders.

In addition to providing incentives to lenders and servicers, this legislation, thanks to improvements that Members have worked on, also provides important incentives to homeowners to work with lenders and servicers to modify loans and to avoid bankruptcy—a painful and intrusive process for families. For those who cannot be helped, the legislation permits existing home mortgages to be judicially modified under the Bankruptcy Code, similar to the treatment of other real estate such as investment properties.

Finally, the legislation strengthens our financial system to foster the flow of credit necessary for home refinancing by making permanent the new $250,000 deposit insurance limit for Americans' accounts in banks and credit unions.

PRESIDENT'S PLAN

This legislation compliments the President's recently announced Homeowner Affordability and Stability Plan, which will help up to 7 to 9 million families restructure or refinance their mortgages to avoid foreclosure by refinancing or modifying their loans. Both the Obama plan and this legislation are long overdue steps to strengthen the housing market.

RESPONSIBILITY OF BORROWERS AND LENDERS

As we consider this legislation, we all agree on the principle that everyone bears a personal responsibility for their actions and their debts. This legislation upholds this principle.

Lenders must also act in good faith, responsibly lend to qualified homeowners, and work with homeowners who are at-risk of foreclosure because that is in the interests of lenders, borrowers, neighborhoods, and our nation's economy.

Yet, as 22 state Attorneys General recently noted, "many servicers . . . remain unwilling or unable to act, even when their own economic interests dictate otherwise."

CLOSE

When homeowners are unable to obtain relief, we must act to protect the American Dream of owning a home, to protect the neighborhoods ravaged by foreclosures, and to protect our economy, which has been ravaged by the decline of housing market.

Unless we address our nation's foreclosure crisis, more Americans will lose their jobs, will not be able to send their kids to college, and see their retirements savings continue to decline and disappear.

This bill helps homeowners, lenders, and neighbors. It is essential to our economic recovery. I urge my colleagues to take action today to stop foreclosures and help American families save their homes.

IN HONOR OF AL AND GLORIA NAHUM ON THEIR 60TH ANNIVERSARY

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. SESTAK. Madam Speaker, I rise to recognize the love and commitment of two wonderful people who today will begin their seventh decade as man and wife. Since they first met at City College, New York and through peace, war, prosperity and hard times, Al and Gloria Nahum have devoted themselves to their country, community, faith, and most of all, their family.

As a young 2nd Lieutenant in our United States Army, Al Nahum courageously went to fight for his nation in the most violent and destructive conflict in the history of mankind. In the process he not only helped defeat fascism and stop the Holocaust, he earned for his bride to be and their children yet unborn, an era of prosperity and security also unrivaled in history. As World War II was resolved, Al Nahum with a clear appreciation for the cost of freedom and the horror of war, bravely continued to stand watch for his family and his fellow Americans in the U.S. Army Reserve. When he retired as a Major, the Army lost a fine officer but Gloria, sons Robert and Kenneth, daughters Laurie and Debra finally had their hero safely home.

During Al's service Gloria was also fully engaged in making ours the greatest possible nation. As an exceptionally dedicated elementary school teacher, she consistently provided her students a level of skill and devotion few educators will ever match. But no accomplishment of Al and Gloria will ever be as special as the extraordinary people their children have become. That they are renowned physicians, and leaders in commerce and the media, their greatest achievement is that they and their spouses Roberta, Richard, Anne Marie and Christopher are as loving to their children as their mother and father are to them.

Madam Speaker, I ask that on this very special day this chamber join me in wishing the remarkable Al and Gloria Nahum, their children and their spectacular grandchildren Jennifer, Daniel, Tara, Brett, Jody, Jeffery, Mandy, Kelly, Brittany, David, Natalie and Reinhart all the love and happiness they so richly deserve. Surely there is no family more loving, accomplished and thoroughly devoted to one another. They are an inspiration to all who are blessed to know them.

RECOGNIZING THE IMPORTANT ROLE OF ATHLETIC TRAINERS IN OUR HEALTH CARE SYSTEM

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. CARTER. Madam Speaker, I rise today to call attention to the important and essential role that athletic trainers play in providing quality health care across our nation. Our nation's health care system is complex and every day people with many different health needs are served by legions of caring, qualified, and professional athletic trainers.

Athletic trainers are health care professionals who hold at least a bachelor's degree in athletic training. Almost 70 percent of athletic trainers have a master's degree or PhD. Athletic trainers are licensed health care professionals who provide injury prevention, diagnosis, treatment, and rehabilitation to patients of all ages.

Athletic trainers work under the direction of physicians to provide care to patients. Historically, they worked with athletes in secondary schools, colleges, universities and professional sports. Today, about 50 percent work outside of these athletic settings. Many athletic trainers are employed by clinics, hospitals, physician offices, commercial workplaces, the United States Armed Forces, and performing arts companies. The focus of athletic trainers'

care is to prevent injuries and support patients and clients in their rehabilitation efforts to regain function as quickly and safely as possible.

Athletic trainers pass a national certifying exam. In most of the 46 states where they are licensed or otherwise regulated, the national certification is required for licensure. Athletic trainers maintain this certification with required continuing education. They work under a medical scope of practice, and adhere to a national code of ethics.

I strongly support the vital role athletic trainers play in our health care system. I urge my colleagues to join me in recognizing this important group of health professionals.

TRIBUTE TO DENNIS L. THOMPSON

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor a community leader, Mr. Dennis L. Thompson, on his retirement after 36 years of service to the people of Kern County, California, most recently as Fire Chief of Kern County & Director of Emergency Services.

Chief Thompson began serving Kern County, which I represent, as a seasonal firefighter in 1970 at Station 55 (Mettler). On his first assignment, he burned both of his ears while containing a standing grain fire and although that experience made him question what he was doing fighting fires, he stuck with it. In 1973, Thompson became a full-time firefighter and began his training at Station 44 (Southgate). When he started firefighting, he drove vintage military surplus vehicles from the World War II and Korean War eras that were converted into fire trucks that were older than he was. Thompson also joined the ranks of the ''Smoke Eaters'' as firefighters back then were called because regulations did not require a breathing apparatus. ''Thankfully'', as Thompson says, departmental and state regulations were changed.

In 1975, Thompson started his full-time career in the Engineer position in Mettler, and in 1978, he was promoted to Captain for the Randsburg, Ridgecrest and Lebec areas. In 1981, Thompson suffered an on-the-job injury, while he was recouping, he returned to California State University, Bakersfield (CSUB) to complete a 4-year degree. He returned to duty at Station 56 (Lebec) and graduated in 1983 with a Bachelor of Arts in Public Administration with honors. Thompson became Acting Battalion Chief in 1984 for Battalion 7, which covered northeast Kern County including the Lake Isabella and Ridgecrest areas. In 1985, he became Battalion Chief and Chief Training Officer for Battalion 2 and Battalion 5, which included southern and western Kern County. In 1986, Thompson completed his Master's degree in Public Administration from CSUB. In 1994, Thompson became the Deputy Fire Chief and oversaw Operations, Finance and Administration. In 2002, Thompson became a Chief Deputy at the Department, an Assistant Department Head.

In 2003, Thompson became Kern County's 10th Fire Chief and Director of Emergency Services. Serving as Fire Chief for six years, Thompson oversaw the completion of many significant projects. Thompson reinstated Battalion 5 in August 2007 and made sure that Station 18 in Stallion Springs was open permanently, rather than seasonally for fire season. Thompson also increased minimum staffing levels from 2 to 3 person stations in all but one station. After 4 years of no equipment purchases, Thompson worked to acquire $38.8 million in replacement apparatus and equipment to fulfill the needs of Kern County Fire Department. The capstone of Thompson's career was overseeing, from start to finish, the completion of the Emergency Operations Center that made Kern County's operational area preparedness capability state-of-the-art and viable for the future.

As someone who personally knows our local firefighting community well—my uncle previously held the post of Kern County Fire Chief, my father was an assistant Fire Chief for the City of Bakersfield, and during college I was a seasonal firefighter for the County—I am grateful for the service and leadership that Chief Thompson has given to the people of Kern County. I wish him well in his retirement, and I know he is looking forward to spending more time with his wife, Mary Jo, and their family.

HONORING AMERICA'S ZOO: THE PHILADELPHIA ZOO CELEBRATES ITS 150TH ANNIVERSARY

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. FATTAH. Madam Speaker, I join with fellow members of the Philadelphia delegation in recognizing a milestone that is approaching for a Philadelphia institution that has brought joy and wonder to millions of the young and young at heart who have entered its storied gates while it provides a platform for education, conservation and world changing scientific research.

On March 21, 1859, Dr. William Camac, a legendary Philadelphia physician, led a concerned community of citizens, educators and scientists to charter the Zoological Society of Philadelphia—America's First Zoo—and house it on a bucolic, 44-acre property in Fairmount Park along the West Bank of the Schuylkill River.

Over the past century and a half, the Philadelphia Zoo has emerged as a national and global treasure. The Zoo is recognized as one of Philadelphia's most cherished, enduring and significant educational, scientific and conservation institutions and cultural attractions.

The Philadelphia Zoo was the site for breakthrough research that led to the award of the 1976 Nobel Prize for Medicine. From its inception, the Zoo has acted consistently and successfully to protect, promote, and preserve through its myriad research and curatorial activities numerous rare and endangered wildlife.

It is a venerable institution that has remained ever fresh and vital, constantly opening new and groundbreaking exhibits, acquiring and exhibiting exotic wildlife and pioneering conservation efforts that are the marvel of the zoological world. The Philadelphia Zoo has welcomed more than 100 million visitors—including millions of school children from the greater Philadelphia community over generations—since its landmark gates opened to the public.

Now, 150 years young, the Philadelphia Zoo embarks upon the celebration of its sesquicentennial — an achievement of historic proportions for Philadelphia, the Commonwealth of Pennsylvania, the nation and the world conservation community. In fact March 21, 2009, has been officially designated in my home town as Philadelphia Zoo Day.

As the Congressman who is honored to include America's First Zoo within my constituency, and as someone who has enjoyed numerous visits as a child, a father and a caregiver, I congratulate the Philadelphia Zoo and extend best wishes for continued success upon the occasion of its sesquicentennial.

A FINAL TRIBUTE TO LT. MICHAEL J. RENAULT

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. YOUNG of Florida. Madam Speaker, The City of Largo I have the privilege to represent paid tribute to one of their fallen police officers Saturday, when they laid to rest Lt. Michael J. Renault who died too early at the age of 37.

The love and respect the community had for Mike was evident as hundreds of his family, friends, neighbors and fellow officers turned out to honor his life and his valiant eight month battle against stomach cancer. They all recounted what a devoted family man Mike was as he and his wife Jennifer had three beautiful children—Hunter, Luke and Hannah.

Beverly and I had the opportunity to spend considerable time with Mike and his family these past few months and know that his wife and children were the center of his life. They were a source of great strength to him during his battle with an aggressive form of cancer.

We also know of the deep respect his fellow law enforcement officers in Largo and throughout the area had for Mike. Largo Police Chief Lester Aradi summed it up nicely in his eulogy Saturday saying, ''The way he led and the values he taught will long live on with those he mentored on the force.''

Mike's parents Rev. James and Judy Renault said Mike knew early on that he wanted to be a law enforcement officer. In fact, at 16 he chased down a thief who robbed the store where he worked. He joined the Largo Police Department soon after his graduation from college and moved up through the ranks quickly during his 16 years on the force and ultimately was promoted to the rank of Lieutenant. He earned the Medal of Valor for saving the life of a suicidal man. More importantly, he earned the friendship, the trust and the abiding respect of those he served with.

Madam Speaker, following my remarks, I would like to include an article by Stephanie Hayes of The St. Petersburg Times entitled ''Largo officer was tough man with soft heart'' so that my colleagues can learn more about the special man that Beverly and I came to know.

Mike was a caring, compassionate and courageous man who fought valiantly until his final breath. He had life's priorities in order—

faith, family and the force on which he served. The people of Largo and the Largo Police Department lost a hero last week, but his memory, his strength and his core values will long live on in his children, his family, his friends and fellow officers. There can be no finer lasting tribute for a man who died long before his time.

[From the St. Petersburg Times, Feb. 26, 2009]

LARGO OFFICER WAS TOUGH MAN WITH SOFT HEART

(By Stephanie Hayes)

LARGO—Michael Renault was bagging groceries at a Winn-Dixie when his calling clicked.

A thief came into the store and robbed the cash register. Michael, always mischievous, always sneaking out of his window at night, sought adventure and feared nothing.

He also knew right from wrong. At 16, he took off chasing the bad guy.

He had cowboy instincts, raised on a diet of outer space westerns like Star Wars and Star Trek. He collected John Wayne movies and memorabilia.

He loved to fish and play laser tag in the middle of the night with his younger brother, Jason. He was unfailingly loyal, a good man to have on your team.

''He was someone I always looked up to,'' said Jason Renault, 33. ''He was about as much of a big brother as you can ask for. I kind of idolized him in way.''

After college, he joined the Largo Police Department, climbing to become a lieutenant. He was tough to crack, a man of deep voice and few words, said his wife, Jennifer Renault, a fellow Largo police officer. Some people were intimidated.

When they first met, ''He paid no attention to me,'' she said. ''That was our big joke. But then he really helped me out, showing me what to do. He was just very genuine and always made me feel special.''

Lt. Renault received a medal of valor for climbing a fire ladder to get a suicidal man off the roof of a building, she said. Other times, he endured dog bites while trying to catch criminals.

He was an ace at poker, golfing, hunting, playing softball and fantasy football.

He hated to lose.

''Oh, yeah, he was a sore loser,'' said his wife. ''Mike Renault was a sore loser. Everyone will tell you that.''

Underneath, there was a soft man who wanted a huge family. He played and caught bugs with his sons, Hunter and Luke. He took them to ball games but curtailed his competitive side so they'd know it was fine to lose.

He yearned for a little girl. ''He wanted the princess,'' his wife said. ''He wanted to be the dad to walk her down the aisle.''

Eleven months ago, Hannah Renault was born. Lt. Renault sat and listened to a country song called I Loved Her First. He teared picturing his daughter in a white dress. But three months later, he got staggering news—he had stomach cancer. His family and friends rallied. His fellow officers raised money and shaved their heads in solidarity.

As he ailed, he prayed and wrote in journals. He wanted his children to graduate, to get married, to travel. He wished they'd have fearless adventures and find their callings.

Lt. Renault died Tuesday. He was 37.

Biography

Michael Renault

Born: Oct. 1, 1971.

Died: Feb. 24, 2009.

Survivors: wife, Jennifer, children, Hunter, Luke and Hannah; parents, James and Judy Renault; siblings, Jason Renault, Kristen Pitchford; grandmother, Betty Lynch; seven nieces and nephews.

Services: 2 p.m. Saturday at St. Paul United Methodist Church, 1199 Highland Ave., Largo.

EARMARK DISCLOSURE CORRECTION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. ROGERS of Michigan. Madam Speaker, I would like to correct an error made in my description of a law enforcement request for the City of Lansing that should read "$500,000" rather than "$3,125,000." This project was funded at $500,000 by H.R. 1105, the Omnibus Appropriations Act of 2009.

SUPPORTING THE GOALS AND IDEALS OF MULTIPLE SCLEROSIS AWARENESS WEEK

SPEECH OF

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. KLEIN of Florida. Mr. Speaker, I rise today in strong support of H. Con. Res. 14, supporting the goals and ideals of Multiple Sclerosis Awareness Week. More than 400,000 Americans live with multiple sclerosis. This disease knows no gender, age, or ethnic boundaries. It strikes all in our society, even our children, with an estimated 8,000 to 10,000 who live with this terrible disease, by attacking the central nervous system. Symptoms, progress, and severity of the disease vary widely from patient to patient. Some can lead normal lives with symptoms like numbness in the limbs while others can be stricken with paralysis or blindness.

Mr. Speaker, I think everyone here can say that they know someone with MS. My wife and I know a number of people in our community in South Florida that are currently affected.

Despite the prevalence of this terrible disease, we are still a long way off before a cure is found. We still don't know what causes MS and have no definitive way to diagnose it. Physicians are forced to use a combination of diagnostic strategies, which includes ruling out all other possible diagnoses. The result is that patients can go months, if not years, without a definitive understanding of what's causing their debilitating symptoms.

Mr. Speaker, we must find a cure. As we have seen with other diseases where we have made major advances in treatment, progress starts with awareness in all levels of society and government. That's why the concurrent resolution that we are considering today is so important. Not only does it recognize the goals and ideals of Multiple Sclerosis Awareness Week, but it reaffirms our national commitment to finding a cure.

I am proud to support this resolution. I thank my colleague from California, Ms. LEE, along with Mr. CARNAHAN and Dr. BURGESS, for introducing this resolution, and urge my colleagues to vote "yes" on final passage.

NATIONAL CRIMINAL JUSTICE MONTH

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of this resolution raising awareness about the criminal justice system and crime awareness month. I urge my colleagues to support this important bill.

I find it tragic that approximately three million Americans are employed within the justice system. Approximately seven million adults are on probation, parole, or are incarcerated. Many more millions of Americans have been victims of crime and, consequently, lost income, incurred medical expenses, and suffered emotionally.

To be sure there is a high cost of crime to individuals, communities, businesses, and the various levels of government exceeds the billions of dollars spent each year in administering the criminal justice system. It is because of this that I have authored innovative legislation aimed at addressing these problems. For example, in the 110th Congress and again in the 111th Congress, I sponsored the Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2009 which addresses the disparity between crack and powder cocaine. The bill is presently numbered H.R. 265.

I also authored H.R. 61, Federal Prison Bureau Nonviolent Offender Relief Act of 2009. Importantly, this bill amends the federal criminal code to direct the Bureau of Prisons to release prisoners who (1) served one half or more of his or her term of imprisonment, (2) obtained at least the age of 45; (3) has never been convicted of a crime of violence; and (4) has not engaged in any violation of institutional disciplinary regulations.

These two pieces of legislation will go far in addressing the problems in the criminal justice system and will go far in educating the masses of Americans about the criminal justice system. Federal, State, and local governments increased their spending for police protection, corrections, judicial, and legal activities in fiscal year 2005 by 5.5 percent or $204 billion. My bills if passed will decrease the amount of money spent on protecting communities and the warehousing of prisoners in the industrial prison complex.

More work needs to be done by Members of Congress. In 2006, fifty percent of Americans admitted they fear that their home would be burglarized when they are not home. Thirty-four percent of American women feared that they would be sexually assaulted and forty-four percent of Americans feared they would be a victim of a terrorist attack.

What is astonishing is that approximately thirty-five percent of Americans have very little or no confidence in the criminal justice system and the negative effects of crime in regard to confidence in governmental agencies and overall social stability are immeasurable.

The reality is that crime rates have dropped since the early 1990s, but most Americans believe that the rate of crime is increasing. Let me share some alarming statistics regarding crime in Houston.

CRIME STATISTICS IN HOUSTON

According to Houston Police Department statistics:

VIOLENT CRIMES

Violent crimes in Houston increased less than 1 percent in 2008 compared with 2007.

Homicides dropped by 16 percent.

The number of homicides dropped from 353 in 2007 to 295 last year.

Sexual assaults increased more than 8 percent from 2007.

Aggravated assaults increased at 9.1 percent.

DOMESTIC VIOLENCE

Of the 1,092 additional aggravated assault cases in 2008, more than half were reports of domestic violence.

NONVIOLENT CRIMES

Nonviolent crimes declined more than 10 percent in 2008.

Property dropped by more than 10 percent.

Auto thefts decreased last year, dropping more than 21 percent to 15,214, down from 19,465 in 2007.

The bills that I authored are intended to make America a better, fairer place, and are intended to assist families and the incarcerated. They are smart bills that are aimed at making America a safer place and are aimed at lessening the expense of warehousing prisoners and the indiscriminate locking up of prisoners. I urge my colleagues to support this resolution and the bills that I sponsored.

EXTENDING CERTAIN IMMIGRATION PROGRAMS

SPEECH OF

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. WITTMAN. Mr. Speaker, the House's consideration of H.R. 1127, legislation to extend certain visas for religious workers and doctors serving in underserved areas highlights our broken immigration and visa system.

While R–1 visas and the Conrad 30 J waivers are noble programs there are many small businesses in my congressional district that face critical shortages of workers because Congress has failed to address the H–2B temporary worker visa program.

Without prompt action by Congress to extend H–2B visa cap relief, employers who rely on temporary and seasonal employees face severe worker shortages and the looming possibility of business closures in 2009.

Workers with H–2B visas provide necessary labor for the seafood, tourism, hospitality, and landscape industries, as well as many other temporary and non-agricultural jobs in this country. Due to the seasonal nature of the work and the structure of the cap, employers often face uncertainty and employment shortages during their busiest season.

I urge you to take action to quickly pass the Save Our Small and Seasonal Business Act of 2009. H.R. 1136 would address this important issue impacting many businesses in my district and across the country. Your leadership in this matter is critical in assuring that small and seasonal business will be able to successfully navigate the challenging times facing our economy.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability:

Mr. DINGELL. Mr. Chair, I rise today in support of H.R. 1106, the ''Helping Families Save Their Homes Act of 2009.'' We are in the midst of the gravest recession in recent memory and hear daily of countless foreclosures across the Nation, particularly in my home state of Michigan. As President Obama mentioned during his address to the Congress last week, the federal government can and must pursue measures to mitigate the effects of this terrible economic blight upon the Nation's citizens.

With the painful memories of the Great Depression still clearly in mind, I offer my wholehearted praise and support for the President's call to action. Additionally, as the representative of a congressional district with one of the Nation's highest foreclosure rates and most dramatic decline in housing values, I feel it imperative that we move swiftly to stabilize the housing market to keep people in their homes.

H.R. 1106's provisions will do much toward achieving this goal. Its improvements to the Hope for Homeowners program and provision for a safe harbor to mortgage servicers that elect to participate in mortgage modifications will help stem the tide of foreclosures sweeping across the country. The bill's provision to make permanent the increase in federal deposit insurance from $100,000 to $250,000 will give Americans greater faith in the safety of their savings at a time of continued bank failures.

I extend my heartfelt congratulations to my colleagues, Representatives LOFGREN, TAUSCHER, and CARDOZA, for their work to narrow the authority in this bill afforded to bankruptcy judges to modify the terms of a loan for primary residences. I believe that in keeping with the President's housing plan, we should adopt a targeted effort at stemming foreclosures to address the housing crisis.

I urge my colleagues to support this legislation.

I MUST SAVE MY CHILD

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. PERLMUTTER. Madam Speaker, I submit the following for the RECORD.

[From Parade, 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 them, 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 her on the medication,'' Susan says, ''her seizures subsided. It's been almost nine years, and she hasn't had a seizure since. It 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 seizure freedom without side effects is what we want,'' Susan says. ''It's too late for us, so we've committed ourselves to the hope that we can protect future generations from having their lives defined and devastated by this disorder.''

TRIBUTE TO DR. MONA BETHEL JACKSON

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. MEEK of Florida. Madam Speaker, today I rise to pay tribute to Dr. Mona Bethel Jackson on the occasion of her retirement from the Miami-Dade County Public School System (MDCPS) with nearly 39 years of service and dedication.

Dr. Jackson, a native Miamian, was born to Charles Edward Bethel and Olga Goodman Bethel Williams. After graduating from George Washington Carver High School, she furthered her education at Florida Agricultural & Mechanical University. She then obtained her master's degree in guidance and counseling from Florida Atlantic University and her doctorate in educational administration and supervision from Florida International University. She also attended Principal Institutes at Fordham University and Harvard University, and was the first African-American woman to serve as president of the Florida Counseling Association.

She began her professional career as a science teacher at Charles R. Drew Junior High School. She served as principal of Richmond Heights Middle School for the past 11 years and is currently serving as mentor principal at Miami Edison Senior High School. Moreover, she is also the first African-American to serve as principal of Redland Middle School. She previously served as lead principal of Miami Southridge Senior High School feeder pattern. In 1999, Richmond Heights Middle School was named a semifinalist for the National Alliance of Black School Educators Award. The school earned a grade of B in 2006 and A in 2008 on the Florida Comprehensive Assessment Test (FCAT). It is quite clear that Dr. Jackson has been successful at meeting the challenge of educating the needs of her community's young people.

Additionally, Dr. Jackson complimented her educational achievements with her involvement in various organizations such as Delta Sigma Theta Sorority's National, Collegiate and Alumnae Chapters; Jack and Jill of America, Incorporated; Haitian Refugee Center Board of Directors; Sickle Cell Disease Association of America, Incorporated, Dade County Chapter; National Council of Jewish Women's Teen Violence Intervention Program Board and life member of the National Association for the Advancement of Colored People; National Council of Negro Women; and Red Hat Society. In her spare time, she enjoys reading and organizing activities.

This public servant is married to Herman Jackson, and has two children, Keane Sean (Kelsey) and Herman, II (Cassie), and five grandchildren. She has been a diligent and dedicated member at Christ Episcopal Church where she currently serves as a teller and president of the Episcopal Church Women.

Madam Speaker, it is an honor to have the privilege of honoring Dr. Jackson, a valued educator of the Miami-Dade County community and beyond. She can look back on a proud career of service and distinction in education and community leadership. Now, in retirement, she embarks upon new challenges in life and I am certain her legacy of greatness will only grow and develop as she enters this new phase of life. I invite my colleagues to join me in wishing Dr. Mona Bethel Jackson every happiness and many years of continued success.

TRIBUTE TO RETIRING MISSOURI ADJUTANT GENERAL KING SIDWELL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. SKELTON. Madam Speaker, let me take this moment to recognize the career of Missouri Adjutant General King E. Sidwell. General Sidwell retired in late February after serving four years as Adjutant General of the Missouri National Guard.

General Sidwell was born in Sikeston, Missouri, on July 13, 1950. He resides with his wife Cindy Sidwell in Sikeston. They have two sons, William Mitchell Sidwell II and Trent Easterby Sidwell.

In 1972, General Sidwell earned his Bachelor of Science degree from the Georgia Institute of Technology. In 1975, he received his Juris Doctorate from the University of Missouri–Columbia and, in 2000, he received a Military and Strategic Studies degree from the United States Army War College.

General Sidwell has served in the military since 1972. He was commissioned as an officer in 1974 through the State Officer Candidate School at the Missouri Military Academy. Prior to his serving as Adjutant General, Sidwell served in many assignments of increasing responsibility, culminating with his command of the Engineer Brigade, 35th Infantry Division. Upon completion of this command, he assumed the position of Assistant Corps Engineer, 35th Engineer Brigade until being transferred to the Retired Reserve. It was from the Retired Reserve that Sidwell was appointed to the position of Adjutant General.

Under General Sidwell's leadership as Adjutant General, the Missouri National Guard developed the concept of and deployed an Agribusiness Development Team to Operation Enduring Freedom in Afghanistan. This important agricultural redevelopment plan, which builds upon the knowledge and expertise of Missourians familiar with agriculture, is now being replicated by other states. The Missouri National Guard also equipped and deployed the first Maneuver Enhancement Brigade structure to command Multi-national Task Force East Kosovo.

General Sidwell has received numerous military awards. He has also been recognized as the Mid-Missouri Communicator of the Year by the Public Relations Society of America and as an outstanding leader by the Jefferson Barracks. The General is also affiliated with the National Guard Association, the American Bar Association, the Defense Research Institute, and the Sikeston Area United Way Board of Directors.

As General Sidwell retires from his current post, I trust that the Members of the House will join me in thanking him for his exceptional commitment to the Missouri National Guard and the safety and security of America.

HONORING MARK LUTTRELL

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me in congratulating Shelby County, Tennessee's Sheriff Mark Luttrell for being named the 2009 Sheriff of the Year presented by the National Sheriffs' Association.

First elected in 2002, Mark Luttrell has served Shelby County residents with strong leadership by placing the public's confidence back in the county's jail operations. Sherriff Luttrell has secured accreditation for both men's and women's jails, the medical unit, and the law enforcement division as well as many countless other achievements for which he is being recognized.

Luttrell continues to be an integral member in local and state efforts to fight street crime, including the successful Operation Safe Community. Sheriff Luttrell also serves on the Memphis/Shelby Crime Commission and Memphis Second Chance, an organization which aids first time offenders to transition back into society.

Sheriff Luttrell has set a high example of service, leadership, caring, and civic participation that all would do well to follow. Madam Speaker, I congratulate Sheriff Mark Luttrell on this well-deserved award, and ask my colleagues to join me in celebrating his accomplishments. We congratulate Sheriff Luttrell and his family on this wonderful occasion.

TRIBUTE ON THE 180TH ANNIVERSARY OF THE FIRST PRESBYTERIAN CHURCH OF DANVILLE, ILLINOIS

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. JOHNSON of Illinois. Madam Speaker, I rise today in recognition of the 180th anniversary of the First Presbyterian Church of Danville, Illinois.

Built on land so graciously dedicated by Reverend Enoch Kingsbury, the First Presbyterian Church was founded on March 7, 1829 by eight charter members. The Church provided the first school and library of Danville.

From its humble beginnings in the 1830s, the church took a stand against slavery. Confirming their stance on slavery, the church would be honored with a visit from Abraham Lincoln, where he worshiped when his duties as attorney brought him to Danville.

The First Presbyterian Church continues to have a positive impact on the community by establishing and supporting several programs including Aunt Martha's Youth service, a free clinic, Faith in action, a program for adults 60 years of age and older, and Big Brothers Big Sisters, a mentoring service for youth. The church is a strong supporter of the arts through the use of the Aeolian-Skinner Pipe organ and the use of their facilities for musical performances.

I hope all of you will join me in recognizing The First Presbyterian Church in its faithful mission to be servants of Christ, both in their church and their community.

TRIBUTE TO RIVERSIDE FIRE CHIEF TEDD LAYCOCK

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Tedd Laycock is one of these individuals. On March 7, 2009, a dinner in honor of Chief Laycock will be held to celebrate his retirement from the City of Riverside Fire Department.

A lifelong resident of Riverside, Chief Laycock graduated from Ramona High School. After receiving his Associate of Science Degree in fire technology from Riverside City College, he went on to graduate from the University of Redlands with a Bachelor of Science in Business Administration.

In 1973, Chief Laycock began his career with the City of Riverside Fire Department as a firefighter. He was subsequently promoted to Engineer in 1980; to Captain in 1984; to Battalion Chief in 2002; and to Fire Chief on April 8, 2005. Chief Laycock's natural leadership ability has contributed to his excellence as a Fire Chief and established him as a pillar in the community. Chief Laycock retires after forty-six years of service to spend time with his grandchildren, two daughters, three sons, and his wife of ten years Cindy.

As a member of the Riverside community, Chief Laycock not only lived and worked there, but served those in his neighborhood. Chief Laycock has been a member of many local organizations such as the Uptown Kiwanis, the Latino Network and the Greater Riverside Hispanic Chamber of Commerce. Twice, in 1994 and 1996, Chief Laycock was awarded the honor of the Exchange Club's Firefighter of the Year Award.

Chief Laycock's tireless passion for community service has contributed immensely to the betterment of the community of Riverside, California. I am proud to call Tedd a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he retires.

TRIBUTE TO ELIJAH ''PAT'' LARKINS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. MEEK of Florida. Madam Speaker, I rise to pay tribute to the late Elijah ''Pat'' Larkins, a dedicated public servant, tireless community activist and the city of Pompano Beach, Florida's first African-American mayor, who recently succumbed to a 16-month struggle with brain cancer.

Born a farmer's son in Pompano on April 29, 1942, Mr. Larkins, the eldest of nine siblings, graduated from what is now Blanche Ely High School. While a student at Ely High School, he led a boycott of classes when a Senior Day gathering of the county's three black high schools was cancelled. Following his attendance at Tennessee State University, Mr. Larkins was named a Ford Foundation fellow, which allowed him to attend the 1970 National Housing Institute.

In 1972, Mr. Larkins became a federally certified housing-development specialist who created the Broward County Minority Builders Coalition. The Coalition's mission is to ensure black-owned companies participated in South Florida's construction boom, an economic expansion that defined the area for years to come. In addition to his involvement with the Broward County Minority Builders Coalition, Mr. Larkins was a director of his own not-for-profit company, Malar Construction Co. in Fort Lauderdale.

While serving as a City Commissioner for 19 years and Mayor of Pompano Beach for seven terms, Mr. Larkin helped diversify the fire department and police while also advocating on behalf of Pompano Beach's predominantly black northwest quadrant. Mr. Larkin was also instrumental in changing Hammondville Road to Martin Luther King, Jr. Boulevard. One of his proudest achievements was getting the E. Pat Larkins Community Center, a center that provides the setting for meetings, banquets and other social events, up and running.

As a parishioner at Hopewell Missionary Baptist Church for over 30 years, ''His greatness was measured by his servitude,'' the

Reverend Robert Stanley declared. Reverend Stanley continued saying, ''For him, the position of mayor wasn't a position of clout. It was a place to make change.'' Pompano Beach Mayor Lamar Fisher stated: ''his involvement in the city is immeasurable.'' When asked his legacy, Mr. Larkins said, ''I have always had a great affinity and love for this city. I hope when it's all over it's said that Pat gave it all he had.''

Madam Speaker, I ask you and all the members of this esteemed legislative body to join me in recognizing the extraordinary life and accomplishments of Mr. Elijah Pat Larkins. I am honored to pay tribute to Mr. Larkin for his invaluable services and tireless dedication to the South Florida community.

CONGRATULATING MAYOR THOMAS M. LEIGHTON, RECIPIENT OF THE 2009 ''MAN OF THE YEAR'' AWARD FROM THE WILKES-BARRE FRIENDLY SONS OF ST. PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Wilkes-Barre Mayor Thomas M. Leighton, recipient of the 2009 ''Man of the Year'' award from the Wilkes-Barre Friendly Sons of St. Patrick.

Mayor Leighton began his tenure as the Mayor of the City of Wilkes-Barre on January 5, 2004. Prior to becoming mayor, he served three four-year terms as a city councilman, as Chairman in 1995, 1998 and 2002 and as Vice Chairman in 1994, 1997, 1999 and 2001.

A graduate of Bishop Hoban High School, Mayor Leighton earned a bachelor of science degree from King's College in Business Administration. In 1996, he became president and owner of C.A. Leighton Company, Inc., a real estate, insurance and appraisal business located in downtown Wilkes-Barre since 1921. To fulfill his professional licensing, Mayor Leighton has successfully completed numerous continuing education programs over the years in the fields of real estate, appraisal and insurance and has retained membership in real estate professional organizations.

The combination of his municipal and business experience has provided him with the knowledge and familiarity to meet the financial and operational challenges he faces as Mayor.

An active alumnus of King's College, Mayor Leighton served as chairman of the 2006 King's College Alumni Phonathon Fund Drive as well as on the President's Council and the Century Club. He is a former coach of many community sports leagues including the Wilkes-Barre Family YMCA, St. Theresa's Little League, Skyhawks Youth Soccer, Rolling Mill Hill Basketball, St. Nicholas/St. Mary's Basketball and he is also a certified PIAA referee.

Mayor Leighton is also a member of the Knights of Columbus Council 302, third degree, the Pennsylvania Interscholastic Athletic Association, Elks Club, Saint Conrad's Club, North End Slovak Club and the Eagles Club.

Mayor Leighton and his wife, Patty, have three children: Kelly, Tom Jr. and Courtney.

Madam Speaker, please join me in congratulating Mayor Leighton on the occasion of this auspicious event. Mayor Leighton's exemplary commitment to his family, his city and northeastern Pennsylvania is a clear reflection of his determination to play an active role in the improvement of the quality of life for everyone and, because of that, his selection as Man of the Year is a well deserved honor.

PERSONAL EXPLANATION

HON. JOHN J. HALL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. HALL of New York. Madam Speaker, due to a family emergency I was unavoidably absent from the House on March 4, 2009, and missed the following votes:

Rollcall vote No. 94, a motion by Mr. PASCRELL of New Jersey to suspend the rules and agree to H. Res. 201, a resolution recognizing Beverly Eckert's service to the Nation and particularly to the survivors and families of the September 11, 2001, attacks. Had I been present, I would have voted ''yes.''

Rollcall vote No. 95, a motion by Mr. CARNEY of Pennsylvania to suspend the rules and agree to H. Res. 195, a resolution recognizing and honoring the employees of the Department of Homeland Security on its sixth anniversary for their continuous efforts to keep the Nation safe. Had I been present, I would have voted ''yes.''

Rollcall vote No. 96, a motion by Ms. LOFGREN of California to suspend the rules and agree to H. Res. 45, a resolution raising awareness and promoting education on the criminal justice system by establishing March as ''National Criminal Justice Month.'' Had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. PUTNAM. Madam Speaker, on Tuesday, March 3, 2009, and Wednesday, March 4, 2009, I was not present for recorded votes due to the death of a close personal friend. Please let the record show that had I been present, I would have voted the following way: roll No. 91—''yea,'' roll No. 92—''yea,'' roll No. 93—''yea,'' roll No. 94—''yea,'' roll No. 95—''yea,'' roll No. 96—''yea.''

INTRODUCTION OF THE NATIONAL MS AND PARKINSON'S DISEASE REGISTRIES ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. VAN HOLLEN. Madam Speaker, along with the co-chairs of the Congressional Caucuses on MS and Parkinson's disease, we are pleased to introduce the National MS and Parkinson's Disease Registries Act—which, for the first time, establish national Multiple Sclerosis (MS) and Parkinson's disease registries at the Centers for Disease Control and Prevention (CDC).

Currently, a national coordinated system to collect and analyze data on MS or Parkinson's disease does not exist. Accurate incidence and prevalence information is critical to gain a better understanding of these diseases that are estimated to affect more than 1.4 million Americans. The current lack of core knowledge about who has MS and Parkinson's disease and why inhibits research, programs, treatment and services.

This legislation will remedy that by developing coordinated, separate national systems to collect and store existing MS and Parkinson's disease data on incidence and prevalence. These registries could help uncover and inform promising areas of MS and Parkinson's research such as genetic and environmental risk factors, and support the discovery of disease therapies, treatments, and one day a cure. The information collected through the registries will provide a foundation for evaluating and understanding many factors such as geographic clusters of diagnosis, variances in the gender ratio, disease burden, and changes in health care practices.

Madam Speaker, this legislation represents an opportunity to move neurological disease research in a meaningful way that aims to improve the lives of our constituents with Parkinson's and MS. I invite my colleagues to join us in cosponsoring this much-needed bill.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. BOYD. Madam Speaker, due to personal reasons, I was unable to attend to several votes. Had I been present, my vote would have been ''yea'' on H. Res. 201, Recognizing Beverly Eckert's service to the Nation and particularly to the survivors and families of the September 11, 2001 attacks; ''yea'' on H. Res. 195, Recognizing and honoring the employees of the Department of Homeland Security on its sixth anniversary for their continuous efforts to keep the Nation safe; and ''yea'' on H. Res. 45, Raising awareness and promoting education on the criminal justice system by establishing March as ''National Criminal Justice Month''.

CONGRATULATING WALTER J. ZABLE AND THE CUBIC CORPORATION

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. ISSA. Madam Speaker, I rise today to recognize and congratulate Cubic Corporation, a San Diego-based company celebrating 50 years as a publicly traded entity. In fact, on March 5, 2009, executives from Cubic were invited to the New York Stock Exchange to ring the opening bell to mark the occasion.

Since its founding in 1951 and subsequent status as a publicly traded company in 1959,

Walter J. Zable, Chairman and CEO, has been at the helm. I've known Walt for many years and this celebration not only marks a 50-year milestone for Cubic, but serves as a remarkable testament to the wisdom and good business sense of Mr. Zable.

While Cubic has experienced its share of business challenges, Mr. Zable has kept adhering to commonsense business tenets that steady the ship and allow Cubic steady, sustainable growth.

Cubic has followed a strong and responsible business philosophy, allowing it to achieve solid growth over many years along with the ability to weather several economic downturns—including the one the country currently faces.

While there are other companies that have had more spectacular growth than Cubic, many have suffered equally spectacular downturns as well. Cubic, under the leadership of Mr. Zable, has maintained a considered commonsense approach to its businesses thus returning stable, sustainable growth.

From its humble beginnings almost 60 years ago, Cubic is now an enterprise with $881 million in 2008 sales and an employer of more than 7,000 people worldwide. The markets that it works in—Defense and Transportation—are much needed in this tumultuous world and Cubic holds a strong position in these markets. Today the company now operates in more than 45 countries with the largest foreign customer being the United Kingdom.

Indeed, in these difficult economic times, Cubic stands as a true American success story.

TRIBUTE TO THE HONORABLE JANIE GLYMPH GOREE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a trailblazer whose passing us mourn by all South Carolinians. The Honorable Janie Glymph Goree was the first female African American to be elected mayor of a South Carolina town. She passed away on January 13, 2009, at the age of 87 and I ask that we take a moment to celebrate her exceptional life and legacy.

Janie Glymph Goree was born in 1921, the youngest of ten children born to sharecroppers Orlander and Chaney Glymph in the Maybinton community of Newberry County. Her parents valued education, but there were limited educational opportunities for black children growing up in the rural, segregated South. Yet one of her teachers recognized her potential and provided her with the education she desperately desired.

Mrs. Goree became the first in her family to attend college. She had been awarded a scholarship to attend South Carolina State College, but financial problems prevented her from going. Although temporarily delayed, she worked as a domestic and eventually earned enough to pay her way through Benedict College in Columbia. Her hard work and determination paid off and she graduated Magna Cum Laude as Valedictorian of the class of 1948. She went on to earn her Masters Degree in Basic Sciences and Mathematics from the University of Colorado in 1959, and did further study at Notre Dame and the University of Wisconsin.

For 33 years she taught math at Sims High School and Union High School, where she spent a great deal of time sponsoring extracurricular programs for the students. Knowing the value of an education, she also tutored illiterate people and instructed Post Office workers. She always sought to improve her knowledge, and participated in numerous workshops and conferences.

Throughout her adult life, Mrs. Goree was active in politics. In 1978, she was elected Mayor of the Town of Carlisle, which made history in South Carolina. A sharecroppers' daughter, who once worked as a maid, was now the first black female to serve as Mayor of a South Carolina town. The same dogged-determination and dedication that led to success in the classroom also enabled Mrs. Goree to have great success as a municipal leader.

During her 22 years as Mayor of Carlisle, she won major grants to improve the city's water system, sewers, administration buildings, recreation areas, and build a fire department. She knew that basic infrastructure was essential to the quality of life for the residents in her community, and she made it her top priority. Always one to seek and share knowledge, Mrs. Goree was very active in organizations that allowed her to take fact-finding trips all over the world, visiting every continent except Antarctica.

She was an active participant in state and national organizations, including leadership positions in the South Carolina Conference of Black Mayors, the Municipal Association, the National Conference of Black Mayors, the Union County Chamber of Commerce and the World Conference of Mayors. She was invited to the White House several times, and interacted with Presidents and world leaders. For her civic work, Mrs. Goree received numerous awards and citations. One of her proudest honors was having the Carlisle Town Hall, which she helped to build, named in her honor.

Mrs. Goree was an active member of Seekwell Baptist Church, where she served as a volunteer, committee person, and Sunday school teacher. She was married to the late Charlie Goree, and is survived by six step-children, a foster son, and 32 nieces and nephews.

Madam Speaker, I ask that you and my colleagues join me in celebrating the life of this extraordinary woman. Janie Glymph Goree turned life's challenges into a drive to succeed. This pioneer who changed her community was well-known nationally and internationally. Her lasting legacy can be seen on all the streets of Carlisle and in the countless people she helped educate over the years. Her presence will be sorely missed.

IN TRIBUTE TO CHRISTIE STANLEY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. GALLEGLY. Madam Speaker, I rise in tribute to my friend Christie Stanley, District Attorney for the County of Santa Barbara, California.

Christie Stanley joined the District Attorney's Office in 1980 and quickly moved into supervisory positions, including 15 years as Assistant District Attorney for the North County, where she was responsible for the day-to-day operations of all the District Attorney's Office's business north of the Gaviota Pass.

The hundreds of cases she prosecuted include two Crips gang members who came from Los Angeles and ambushed a Lompoc police officer as he responded to their call for help. The shooter is serving a life sentence for attempted murder.

Many murder cases she prosecuted were domestic violence cases, a cause she deeply believes in. The cases include a triple murder in which the defendant is serving three consecutive life sentences, two without the possibility of parole.

Christie Stanley's outstanding career led to her election as District Attorney in June 2006. With a nearly perfect conviction rate, Santa Barbara voters gave her an overwhelming vote of confidence with 70 percent of the vote.

She has not let them down.

As District Attorney, Mrs. Stanley supervises 52 prosecuting attorneys, 24 investigators, and victims advocates and support staff with offices in Santa Barbara, Santa Maria and Lompoc. She has earned their loyalty. They share her vision of upholding the law with a combination of fairness and firmness.

District Attorney Stanley traces her career as a prosecuting attorney to a favorite uncle who was murdered in a small town in Kansas. Her uncle's killer was caught and brought through the town square where the townspeople were bent on vengeance. In Christie's words:

"The officers who had him in custody, friends and colleagues of my uncle, brought the killer in safely so he could be prosecuted. I was and am consistently impressed by law enforcement professionals who do the right thing, even when it is the hard thing to do."

That attitude has earned District Attorney Stanley the respect and cooperation of law enforcement officers at every level, the respect and gratitude of crime victims, and animosity from criminals of every stripe.

Madam Speaker, tomorrow California State Senator Tony Strickland will honor Christie Stanley as the 19th Senate District Woman of the Year. It is a well deserved honor for a tough and respected prosecutor. I know my colleagues will join me in congratulating District Attorney Christie Stanley and in thanking her for dedicated and unflagging service to the people of Santa Barbara County.

EXTENDING CERTAIN IMMIGRATION PROGRAMS

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of this bill reauthorizing two very important programs, the Non-Minister Religious Worker Program and the Program for Doctors Serving in Underserved Areas Program. I urge my colleagues to support this important bill that reauthorizes these much needed and much utilized programs.

"The Special Immigrant Non-Minister Religious Worker Visa Program." The participants under this program have come under closer scrutiny as investigations have determined that the participants were engaging in fraud. The religious worker visa program allows U.S. religious denominations to fill critical religious worker positions for which there are no qualified candidates in the U.S. with qualified religious workers abroad. The program provides for two types of visas. The one is a special immigrant visa, which allows qualified religious workers to immigrate to the U.S. permanently and later become citizens if they so choose and meet the qualification. The other is the non-immigrant visa, which allows qualified religious workers to enter temporarily and perform services in the U.S. for a proscribed period. Both of these visas may be granted to both ministers and non-minister religious workers.

This bill extends the program but does not provide for it to be in place permanently. I think that this bill is much needed and I urge my colleagues to support it.

The second program extended under this bill is the special program for doctors serving underserved communities. The Immigration and Nationality Act allows for foreign doctors to train in the United States under the "J–1" visa program, otherwise known as non-immigrants in the "Exchange Visitor Program." This Exchange Visitor Program seeks to promote peaceful relations and mutual understanding with other countries through educational and cultural exchange programs. Accordingly, many exchange visitors, including doctors in training, are subject to a requirement that they must return to their home country to share with their countrymen the knowledge, experience, and impressions gained during their stay in the United States. Unless USCIS approves a waiver of this requirement in those cases, the exchange visitors must depart from the United States and live in their home country for two years before they are allowed to apply for an immigrant visa, permanent residence, or a new nonimmigrant status.

A waiver of the two year foreign residency requirement is available for doctors who have trained in the United States under the J–1 visa if a state or an interested federal agency sponsors the physician exchange visitor to work in a health manpower shortage area within the state for 3 years as a non-immigrant in H–1B status (temporary worker in specialty occupation). The Secretary of Health and Human Services determines which areas have a health manpower shortage.

This bill would extend this waiver to ensure that areas in the United States with a shortage of doctors have an option to hire a doctor with a J–1 visa for three years where there is no other doctor available to fill the job.

As the immigrant doctors are getting a benefit so too should underserved Americans. In the underlying bill, I am pleased that my language was included. Specifically my language ensured that the underserved would indeed be served. My language provided:

SEC. 3. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) Federal programs waiving the 2-year foreign residence requirement under section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) for physicians are generally designed to promote the delivery of critically needed medical services to people in the United States lacking adequate access to physician care; and

(2) when determining the qualification of a location for designation as a health professional shortage area, the Secretary of Health and Human Services should consider the needs of vulnerable populations in low-income and impoverished communities, communities with high infant mortality rates, and communities exhibiting other signs of a lack of necessary physician services.

This language was included in the bill. I will continue to work with Congresswoman LOFGREN and the Immigration Subcommittee to ensure that this happens.

PERSONAL EXPLANATION

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. CAMPBELL. Madam Speaker, from February 3, 2009, to March 4, 2009, I missed Roll Call votes 47–96. Unfortunately, I underwent a surgical procedure and was in California recuperating. Had I been here, I would have voted the following:

Roll Call Vote 47: Yes on the motion to suspend the rules and agree to H. Res. 82, raising awareness and encouraging prevention of stalking by establishing January 2009 as National Stalking Awareness Month;

Roll Call Vote 48: Yes on the motion to suspend the rules and agree to H. Res. 103, supporting the goals and ideals of National Teen Dating Violence Awareness and Prevention Week;

Roll Call Vote 49: Yes on the motion to suspend the rules and agree to H.R. 559, The Fair, Accurate, Secure, and Timely (FAST) Redress Act of 2009;

Roll Call Vote 50: No on the motion to concur in the Senate Amendment to H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009;

Roll Call Vote 51: Yes on the motion to commit with instructions S. 352, the DTV Delay Act;

Roll Call Vote 52: No on passage of S. 352, the DTV Delay Act;

Roll Call Vote 53: Yes on the motion to suspend the rules and pass H.R. 738, the Death in Custody Reporting Act;

Roll Call Vote 54: Yes on the motion to instruct conferees on H. R. 1, Making Supplemental Appropriations for Fiscal Year Ending 2009;

Roll Call Vote 55: Yes on the motion to suspend the rules and agree to H. Res. 114, Supporting the Goals and Ideals of National Girls and Women in Sports Day;

Roll Call Vote 56: Yes on the motion to suspend the rules and agree to H. Res. 60, Recognizing and commending University of Oklahoma quarterback Sam Bradford for winning the 2008 Heisman Trophy and for his academic and athletic accomplishments;

Roll Call Vote 57: No on the motion to table H. Res. 143, Raising a Question of the Privileges of the House;

Roll Call Vote 58: Yes on the motion to suspend the rules and agree to H. Res. 128, Honoring Miami University for its 200 years of commitment to extraordinary higher education;

Roll Call Vote 59: Yes on the motion to suspend the rules and agree to H. Res. 134, Recognizing the 50th Anniversary of Dr. Martin Luther King, Jr.'s visit to India and the positive influence that the teachings of Mahatma Gandhi had on Dr. King's work during the Civil Rights Movement;

Roll Call Vote 60: No on agreeing to H. Con. Res. 47, Providing for an adjournment or recess of the two Houses;

Roll Call Vote 61: Yes on the motion to suspend the rules and agree to H. Res. 154, Honoring JOHN D. DINGELL for holding the record as the longest serving member of the House of Representatives;

Roll Call Vote 62: No on the motion to suspend the rules and pass H.R. 448, the Elder Abuse Victims Act;

Roll Call Vote 63: No on the motion to agree to H. Res. 157, providing for the consideration of motions to suspend the rules, and for other purposes;

Roll Call Vote 64: Yes on the motion to suspend the rules and agree to H. Res. 117, Supporting the goals and ideals of National Engineers Week;

Roll Call Vote 65: Yes on the motion to suspend the rules and agree to H. Con. Res. 35, Honoring and praising the National Association for the Advancement of Colored People on the occasion of its 100th anniversary;

Roll Call Vote 66: No on ordering the previous question on H. Res. 168, providing for consideration of the conference report to H.R. 1, the American Recovery and Reinvestment Act of 2009;

Roll Call Vote 67: No on H. Res. 168, providing for consideration of the conference report to accompany H.R. 1, the American Recovery and Reinvestment Act of 2009;

Roll Call Vote 68: No on the question of consideration of the conference report to H.R. 1, the American Recovery and Reinvestment Act of 2009;

Roll Call Vote 69: Yes on the motion to recommit the conference report to H.R. 1, the American Recovery and Reinvestment Act of 2009;

Roll Call Vote 70: No on agreeing to the conference report to H.R. 1, the American Recovery and Reinvestment Act of 2009;

Roll Call Vote 71: Yes on the motion to suspend the rules agree to H. Res. 139, Commemorating the life and legacy of President Abraham Lincoln on the bicentennial of his birth;

Roll Call Vote 72: No on the motion to suspend the rules and pass H.R. 911, the Stop Child Abuse in Residential Programs for Teens Act;

Roll Call Vote 73: No on the motion to suspend the rules and pass H.R. 44, the Guam World War II Loyalty Recognition Act;

Roll Call Vote 74: Yes on the motion to suspend the rules and pass H.R. 601, the Box Elder Utah Land Conveyance Act;

Roll Call Vote 75: No on approving the journal;

Roll Call Vote 76: Yes on the motion to suspend the rules and H.R. 80, the Captive Primate Safety Act;

Roll Call Vote 77: Yes on the motion to suspend the rules and pass H.R. 637, the South Orange County Recycled Water Enhancement Act;

Roll Call Vote 78: Yes on the motion to suspend the rules and pass H. Res. 83, Recognizing the significance of Black History Month;

Roll Call Vote 79: Yes on the motion to suspend the rules and pass S. 234, the Colonel John H. Wilson, Jr. Post Office Building;

Roll Call Vote 80: Yes on approving the journal;

Roll Call Vote 81: Yes on the motion to suspend the rules and agree to H. Res. 47, Supporting the goals and ideals of Peace Officers Memorial Day;

Roll Call Vote 82: Yes on the motion to suspend the rules and agree to H. Res. 180, Supporting the goals and ideals of the third annual America Saves Week;

Roll Call Vote 83: No on the consideration of H. Res. 184, providing for consideration of H.R. 1105, the Omnibus Appropriations for 2009;

Roll Call Vote 84: Yes on ordering the previous question on H. Res. 184, providing for consideration of H.R. 1105, the Omnibus Appropriations for 2009;

Roll Call Vote 85: Yes on H. Res. 184, providing for the consideration of H.R. 1105, the Omnibus Appropriations of 2009;

Roll Call Vote 86: No on passage of H.R. 1105, the Omnibus Appropriations of 2009;

Roll Call Vote 87: No on the motion to table H. Res. 189, raising a question of the privileges of the House;

Roll Call Vote 88: No on ordering the previous question on H. Res. 190, providing for consideration of H.R. 1106 to prevent mortgage foreclosures and enhance mortgage credit availability;

Roll Call Vote 89: No on H. Res. 190, Providing for consideration of H.R. 1106 to prevent mortgage foreclosures and enhance mortgage credit availability;

Roll Call Vote 90: Yes on the motion to suspend the rules and agree to H. Res. 183, expressing condolences to the families, friends, and loved ones of the victims of the crash of Continental Connection flight 3407;

Roll Call Vote 91: Yes on the motion to suspend the rules and pass H.R. 146, the Revolutionary War and War of 1812 Battlefield Protection Act;

Roll Call Vote 92: Yes on the motion to suspend the rules and pass H.R. 548, the Civil War Battlefield Preservation Act;

Roll Call Vote 93: Yes on the motion to suspend the rules and pass H. Res. 77, congratulating the University of Mary Washington in Fredericksburg, VA for more than 100 years of service and leadership to the United States;

Roll Call Vote 94: Yes on the motion to suspend the rules and pass H. Res. 201, recognizing Beverly Eckerts service to the nation and particularly to the survivors and families of the September 11, 2001, attacks.

Roll Call Vote 95: Yes on the motion to suspend the rules and pass H. Res. 195, recognizing and honoring the employees of the Department of Homeland Security on its sixth anniversary for their continuous efforts to keep the nation safe; and

Roll Call Vote 96: Yes on the motion to suspend the rules and pass H. Res. 45, raising awareness and promoting education on the criminal justice system by establishing March as National Criminal Justice Month.

A TRIBUTE TO PAUL HARVEY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. WILSON of South Carolina. Madam Speaker, poet and capitol tour guide Albert C. Caswell has penned a number of heartfelt tributes, and recently, he wrote a poem about radio broadcaster and American legend Paul Harvey. Mr. Harvey passed away on February 28th after a life and career that spanned over nine decades. His voice and the kind and commonsense message it brought to us all will be cherished and sorely missed.

GOOD DAY . . .

(By Albert Carey Caswell)

Good day . . .
Goodnight . . .
Rest, you American Icon . . . to heaven take flight . . .
The voice of The Heartland, a sheer delight . . .
''Hello American's'' . . . Paul, oh how we miss you this night . . .
That voice . . .
Your smile, and your style . . . burning bright!
The stories, The glory, of tales told each night . . .
Warming our hearts, playing their parts . . . reinforcing in our souls all that is right!
An America Man, with his tales of the heart that which so stand . . . bringing his light . . .
Behind the microphone, with him we were never alone . . .
Like a best friend, as our hearts he did own . . .
Telling his stories, of faith and hope and glory . . . bringing us home . . .
As good as it gets!
As his life was a championship . . . of what is so right . . .
Married for 75 years, great American Values here . . .
Oh how we miss him this night . . .
And now ''The Rest of the Story'' . . .
Surely, this Man's soul was bound for glory . . .
As Heaven he's found . . .
Good Day!

STATEMENT ON INTRODUCING THE SUNLIGHT RULE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. PAUL. Madam Speaker, Supreme Court Justice Louis Brandeis famously said, ''Sunlight is the best disinfectant.'' In order to shine sunlight on the practices of the House of Representatives, and thus restore public trust and integrity to this institution, I am introducing the sunlight rule, which amends House rules to ensure that members have adequate time to study a bill before being asked to vote on it. One of the chief causes of increasing public cynicism regarding Congress is the way major pieces of legislation are brought to the floor without members having an opportunity to read the bills. For example, the over-one-thousand page economic stimulus bill was first posted on the Internet at 12:30 a.m. the night before the vote. Obviously, this did not give individual members of Congress adequate time to review what is certainly one of, if not the, most significant pieces of legislation that Congress will consider this year.

My proposed rule requires that no piece of legislation, including conference reports, can be brought before the House of Representatives unless it has been available to members and staff in both print and electronic version for at least ten days. My bill also requires that a manager's amendment that makes substantive changes to a bill be available in both printed and electronic forms at least 72 hours before voted on. While manager's amendments are usually reserved for technical changes, oftentimes manager's amendments contain substantive additions to or subtractions from bills. Members should be made aware of such changes before being asked to vote on a bill.

The sunlight rule provides the people the opportunity to be involved in enforcing the rule by allowing a citizen to petition for an Office of Congressional Ethics investigation into any House Member who votes for a bill brought to the floor in violation of this act. The sunlight rule can never be waived by the Committee on Rules or House leadership. If an attempt is made to bring a bill to the floor in violation of this rule, any member could raise a point of order requiring the bill to be immediately pulled from the House calendar until it can be brought to the floor in a manner consistent with this rule.

Madam Speaker, the practice of rushing bills to the floor before individual members have had a chance to study the bills is one of the major factors contributing to public distrust of Congress. Voting on bills before members have had time to study them makes a mockery of representative government and cheats the voters who sent us here to make informed decisions on public policy. Adopting the sunlight rule is one of, if not the, most important changes to the House rules this Congress could make to restore public trust in, and help preserve the integrity of, this institution. I hope my colleagues will support this change to the House rules.

TRIBUTE TO UCR CHANCELLOR DR. TIMOTHY P. WHITE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and welcome a person whose passion for leadership and duty have distinguished him amongst his colleagues. I stand to recognize the Inauguration of the eighth Chancellor at the University of California, Riverside: Dr. Timothy P. White. The Inauguration ceremony will be held on March 17, 2009.

Chancellor White was born in Buenos Aires, Argentina. His family would later immigrate to the United States where he would come to call California his home. A first-generation college graduate, Chancellor White has certainly made his family, who deeply values education, proud.

Dr. White began his collegiate studies at Diablo Valley Community College, and later graduated Magna Cum Laude from the California State University of Fresno, where he received his Bachelor's Degree. He then pursued and obtained his Masters Degree from the California State University of Hayward. Later Dr. White added a doctorate in exercise physiology from the University of California, Berkeley to his resume.

Chancellor White's curriculum vitae includes a long list of work throughout the United States as an educator and scientist at the University of Michigan, Oregon State University,

University of California Berkeley, the University of Idaho, and now the University of California Riverside. Chancellor White is internationally recognized for his discussion of physiology in various published medical journals and editorials. With more than 30 years of service in higher education, Dr. White's experience is not only an impressive accolade, but a symbol of his passion and tireless commitment toward the sharing of knowledge and ideas. The University of California, Riverside will benefit greatly from Dr. White's impressive knowledge and skills, especially as it embarks on the establishment of a medical school.

Riverside is an area that calls for great leaders that are ready to achieve goals that will propel both the university and the community forward. Dr. White has proven he is a true leader and his experience and passion will greatly benefit UC Riverside, a proud part of the Riverside community and the state of California. Chancellor Timothy P. White represents a welcome addition to the University of California at Riverside and to the region it serves. On behalf of the Inland Empire delegation, I wholeheartedly welcome Dr. White as the eighth distinguished Chancellor of the University of California, Riverside and look forward to working with him for many years to come.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability:

Ms. WOOLSEY. Mr. Chair, the mortgage foreclosure crisis is the center of the financial crisis that our country is now facing. And, until we take on the foreclosure crisis, and find a way to help keep people in their homes, we are never going to get to the root causes of our economic downturn.

That's why I support judicial modification of primary residences in bankruptcy proceedings. This important provision in H.R. 1106, the Helping Families Save Their Homes Act, would allow judges who are presiding over bankruptcies to modify the terms of a mortgage, allowing homeowners who are trying to keep their heads above water and stay in their homes. The more people who are facing foreclosure, the worse this crisis is going to get.

It's important that, as this bill makes its way through Congress, we work with our counterparts in the Senate to ensure this provision isn't used as a tool for those who would be tempted to commit fraud. It's equally important to ensure that those institutions who have acted in good faith are not unfairly punished by the good intentions of this bill. There are many lenders, like some of the credit unions in my district, who have not traded in the subprime market, and have bent over backwards to keep their members in their homes. It would be shameful if anything that we are doing with H.R. 1106 negatively impacted those who are actively trying to solve the foreclosure epidemic from the lending side of the ledger.

Mr. Chair, I hope that this is only the first of many bills that come to the House Floor to address the housing crisis, and I urge my colleagues to support this legislation.

BIPARTISAN CONGRESSIONAL DELEGATION TO NATO PARLIAMENTARY ASSEMBLY MEETINGS, THE OECD, THE OSCE, THE NATO SCHOOL, AND THE GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. TANNER. Madam Speaker, from February 14–21, I led a bipartisan House delegation to NATO Parliamentary Assembly meetings in Brussels and with the Organization for Economic Cooperation and Development (OECD) in Paris, and to additional meetings at the Organization for Security and Cooperation in Europe (OSCE) in Vienna, Austria, and the NATO School and Marshall Center for Security Studies in Germany. The co-chair of my delegation was the Hon. JO ANN EMERSON. In addition, Representatives JOHN BOOZMAN, BARON HILL, CAROLYN MCCARTHY, CHARLIE MELANCON, JEFF MILLER (Brussels only), DENNIS MOORE, MIKE ROSS, and DAVID SCOTT, and staff, worked to make this a highly successful trip during which we examined current NATO issues, above all NATO's engagement in Afghanistan, the alliance's evolving relations with Russia, and the effect of the global economic downturn on NATO operations.

The NATO Parliamentary Assembly (NATO PA) consists of members of parliament from the 26 NATO states, as well as members of parliament from candidate states Albania, Croatia, and Macedonia (or Former Yugoslav Republic of Macedonia, FYROM), and other associated states such as Russia, Georgia, and Ukraine. Last fall, I had the honor of being elected to serve a two-year term as President of the Assembly. In this capacity, I preside over meetings during which delegates discuss and debate a range of issues of importance to the alliance. Delegates have the opportunity to listen to presentations by specialists from NATO and on NATO affairs, and to engage in discussion of the issues raised. An additional element of the meetings is the opportunity to meet and come to know members of parliaments who play important foreign-policy roles in their own countries. These responsibilities can include setting defense budgets and determining the operational restrictions placed on deployed forces. Some of the acquaintances made through the NATO PA can last the duration of a career and are invaluable for gaining insight into developments in allied states.

NATO will celebrate its 60th anniversary at a summit in Strasbourg, France and Kehl, Germany on April 3–4, 2009. Discussion during the NATO PA's February meetings were dominated by four key issues expected to be addressed at the April summit: NATO's stabilization mission in Afghanistan; its evolving relations with Russia; plans to draft a new NATO Strategic Concept; and the effects of the global economic downturn on national security and allied commitments to NATO. Our counterparts from NATO-member parliaments also expressed particular interest in the foreign policy goals of the 111th Congress and of the new U.S. Administration. As I will elaborate in a moment, my colleagues and I took the opportunity to respond to questions on these issues and to present our views on the current direction of U.S. foreign policy.

The key issue facing the alliance is NATO's effort to bring security and stability to Afghanistan. NATO has staked its reputation on accomplishing the Afghan mission by sending a sizeable force, extolling the alliance's capability for global reach, and expending resources to rebuild the political and economic structure of a country from which emanated the most devastating terrorist attack in western history. Failure in Afghanistan would likely call into question the future of the alliance. Approximately 55,100 troops from 39 countries currently serve in the International Security Assistance Force (ISAF), with NATO members providing the core of the force. The United States now contributes approximately 24,000 troops to ISAF. In February, President Obama announced that the United States will send an additional 17,000 troops to Afghanistan in the coming months. Forces from the United States, Canada, Denmark, the Netherlands, and the UK bear the brunt of the fighting. The inequity of burden-sharing in combat operations remains an important point of contention in the alliance, and is a factor in domestic opposition to the conflict apparent in states that contribute the most combat forces. Each of us on the delegation made an effort to urge our counterparts from NATO parliaments to support ISAF and to contribute the forces and resources necessary to stabilize Afghanistan. Our delegation also emphasized that success in Afghanistan will depend on more than just military efforts, and called on the alliance to develop a more comprehensive political strategy for the region that includes increased engagement in Pakistan.

Relations between NATO and Russia in 2008 reached their lowest point since the end of the Cold War. Russia vocally opposed U.S.-supported proposals to strengthen NATO ties with Georgia and Ukraine, and Moscow's opposition to a proposed U.S. missile defense installation in Poland and the Czech Republic has sparked contentious debate about the merits of the U.S. plans. Tensions between NATO and Russia escalated in the wake of Russia's August 2008 invasion of Georgia, after which the sides suspended formal ties in the NATO-Russia Council (NRC). Low-level cooperation between NATO and Russia resumed in January, and formal ties in the NRC could resume after the April summit. NATO members remain divided on how to manage relations with Russia. Our delegation contributed to a number of forceful discussions on the future of NATO-Russia relations and emphasized the importance of developing a unified approach toward Russia within the framework of a broader alliance policy toward the east.

Proposals for a new NATO Strategic Concept were a third topic of discussion at NATO PA meetings. NATO's current Strategic Concept was drafted in 1999 and a growing number of allied governments have called for the

creation of a new Strategic Concept that clarifies and updates the scope of NATO's activities. Such a document could address a number of important issues facing the alliance, including a possible streamlining of NATO decision-making and commitment to more equitable cost-sharing of missions; a clearer commitment to the missions of counter terrorism and counter proliferation, and possibly energy and cyber security; and a rationale for future enlargement. The April Summit's Declaration on Alliance Security could serve as a foundation and impetus for a new Strategic Concept that would be approved in 2010.

While in Brussels, our delegation met first with Ambassador Kurt Volker, the U.S. Permanent Representative to NATO. He provided a briefing and responded to our questions on a wide range of issues including those I just outlined and NATO's ongoing peacekeeping operations in Kosovo. There followed three days of meetings of the NATO PA's Defense and Security, Political, and Economics and Security Committees. The meetings raised such issues as NATO's current political agenda, NATO's relations with the countries of Central Asia, NATO defense policy, and U.S. and European responses to the global financial crisis and economic downturn. At the request of our fellow NATO PA delegations, I presided over an open joint session of the NATO PA's Political, Defense and Security, and Economic and Security Committees during which members of the U.S. delegation presented views and answered questions on the foreign policy priorities of the 111th Congress and the Obama Administration. Representatives McCarthy and Ross each made forceful and provocative presentations during which they emphasized U.S. willingness to listen to its allies when determining the way forward in Afghanistan and in other key foreign policy areas. At the same time, they expressed their hope that allied countries would increase their commitments to NATO efforts across the globe. Representatives Emerson and McCarthy also gave comprehensive responses to numerous questions about the U.S. response to the current global economic downturn and the effect of the downturn on U.S. foreign policy. Many of our counterparts from allied nations expressed their hope that the new U.S. Administration would reaffirm its commitment to multilateralism and international diplomacy.

We also held meetings with officials at NATO headquarters in Brussels and at Supreme Headquarters Allied Powers Europe (SHAPE) in Mons, Belgium. I had the opportunity to meet privately with NATO Secretary General Jaap de Hoop Scheffer to discuss developments in Afghanistan and priorities for the upcoming April Summit. Half of the delegation then attended a meeting of the North Atlantic Council, the alliance's governing body, comprised of representatives from the 26 member states. A range of issues—Russia, energy security, developments in the Arctic, and piracy in the Gulf of Aden among them—was discussed. We ended the day at NATO headquarters by meeting with U.S. General Karl Eikenberry, who is a member of NATO's Military Committee, and a former commander of NATO forces in Afghanistan. He briefed the delegation on NATO's mission in Afghanistan and highlighted the need to create a secure environment for upcoming Afghan national elections, to boost the capacity of the Afghan National Army and Afghan security forces, and to address the complexities of the political situation in Pakistan that is affecting Afghanistan's stability. The other half of the delegation visited SHAPE headquarters in Mons, where they received an insightful presentation on NATO military operations from NATO's Supreme Allied Commander Europe (SACEUR), General John Craddock. The group also toured NATO's Special Operations Forces Coordination Center.

The following day, our delegation attended a meeting of the NATO PA's Economics and Security Committee at the European Commission. At the Commission, we engaged in interesting and informative discussions on Europe's response to the financial crisis, the state of the transatlantic trade relationship, and European Union (EU) policy in the Caucuses and Central Asia. A highlight of the day was an exceptional presentation by the EU's Commissioner for Economic and Monetary Affairs, Joaquin Almunia, who gave a lively presentation and concise overview of the consequences in Europe of the global financial crisis and of European proposals for an enhanced global response to the crisis. The delegation also met with the EU's Director General for Trade, David O'Sullivan, who outlined the principal points of controversy in transatlantic trade relations and the Doha round of trade talks.

The delegation then traveled to Paris for NATO PA meetings at the OECD. On the evening of our arrival in Paris, we held informative discussions with the Charge d'Affaires at the U.S. Embassy in France, Mark Pekala, and several of his staff. French foreign policy priorities and the prospects for French reintegration into NATO's military command structure were key topics of interest. The delegation welcomed the possibility of France's full reintegration into NATO, which could lead to an enhancement of France's already significant commitments to allied operations. The following day, after a brief session with our Charge d'Affaires to the OECD and his staff, we attended sessions at the OECD and met with the OECD's Secretary General, Angel Gurria. The state of the world economy, the global financial crisis, and the International Energy Agency's Global Energy Outlook were key subjects of discussion. The OECD is playing a crucial role in monitoring global economic trends and national and multilateral responses to the financial crisis at a time when global economic security and national security issues are becoming inextricably linked.

That evening, we traveled to Vienna, Austria, for a day of meetings with the Organization for Security and Cooperation in Europe (OSCE) and its Parliamentary Assembly. The 56-member OSCE is a key instrument for early warning, conflict prevention, crisis management, and post-conflict rehabilitation in an area spanning from Vancouver, Canada to Vladivostok, Russia. As President of the NATO PA, I was invited to address the 320-member OSCE PA during its opening plenary session. Our delegation also held informative private meetings with the OSCE Chairwoman in Office, Greek Foreign Minister Dora Bakoyannis, OSCE Secretary General Marc Perrin de Brichambaut, and the U.S. Charge d'Affaires to the OSCE, Kyle Scott. Two of the key topics of discussion were Russia's calls for a new European security framework and the future of the OSCE's monitoring mission in Georgia. Russia hopes to convene a European security conference later this year to discuss proposals for a reform of the European security architecture that some view as an attempt to weaken support for NATO. Members of our delegation made clear that while we are willing to engage in dialogue with Russia on all issues, we would staunchly oppose any effort to counter or exclude NATO from the discussions. In my address to the OSCE PA, I called for robust dialogue and cooperation between NATO and OSCE member states to ensure that the current global economic downturn does not spark nationalist and protectionist measures that could become a source of conflict between societies. I also called on international organizations such as the European Union and United Nations to enhance and better coordinate their development initiatives in Afghanistan. The effort in Afghanistan is neither only a NATO effort nor solely a military effort.

The following morning, we traveled to Munich, Germany for site visits and meetings at the NATO School in Oberammergau and the George C. Marshall European Center for Security Studies in Garmisch-Partenkirchen. I am proud to report that ours was the first U.S. Congressional Delegation to visit the NATO School in its 56-year history. The NATO School is a U.S.-German bilateral institution that serves as NATO's premier operational-level education and training center. NATO School Commandant, Colonel James J. Tabak U.S.-MC and Deputy Commandant Colonel (G.S.) Enrico Werner DEU-AF briefed the delegation on the school's wide range of training and education programs for officers and civilians from NATO member states and partner countries. We were particularly impressed with one of the school's flagship programs that prepares NATO members deploying to serve in NATO's Provincial Reconstruction Teams (PRTs) in Afghanistan. By building operational capacity and fostering collaboration between allied countries, the school plays a crucial role in preparing the United States and its allies to face the evolving security challenges of the 21st century. The delegation would especially like to recognize and thank all NATO member and partner nations who enable the NATO School to continue its mission by sending top training personnel on fully-funded rotations to the school.

The final stop on our trip was the George C. Marshall European Center for Security Studies in Garmisch-Partenkirchen. The Marshall Center is a German-American partnership dedicated to creating a more stable security environment by advancing democratic institutions, promoting peaceful security cooperation, and enhancing partnerships among the nations of North America, Europe, and Eurasia. At the Center, we were welcomed by the Mayor of Garmisch-Partenkirchen, Lord Thomas Schmid, and the Center's Director, Dr. John Rose. Dr. Rose briefed the delegation on the Marshall Center's wide range of programs and activities. These include courses for government officials on security and terrorism studies and in-depth research projects on a broad array of security and governance issues. We then had a lively discussion with the Center's faculty members on issues including the future of U.S. and NATO relations with Russia to international counterterrorism efforts. A highlight of the discussions was an in-depth debate facilitated by Representative Scott on Russia's possible involvement in Kyrgyzstan's

recently announced decision to close the NATO supply base at Manas.

As always, members of the United States military contributed greatly to the success of this trip. The logistics of such a trip, compressed into a tight time frame, are complicated and require lengthy and detailed preparation. Our military escorts were from the Air Force's Legislative Liaison Office and the aircrew was from the 932nd Air Wing at Scott AFB, Illinois. They did an outstanding job, and I thank them for their hard work and dedication to duty.

EARMARK DISCLOSURE

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, FY2009 Omnibus Appropriations Act:

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Agriculture, Cooperative State Research Education and Extension Service, RE/FA

Legal Name of Requesting Entity: University of Miami

Address of Requesting Entity: 1252 Memorial Drive, Coral Gables, FL, 33146

Description of Request: I have secured $2,494,000 for Climate Forecasting, FL. This funding will be used to continue research on the application of climate forecasts. Climate variability significantly impacts agricultural production in the Southeastern United States. Agriculture is one of the most important sectors of the Southeastern economy and contributed $14.3 billion to Florida, Georgia and Alabama economies in 2002. The Southeastern Climate Consortium reduces economic risks and improves social well-being by facilitating the effective use of climate information in agricultural decision-making. Members of the Southeastern Climate Consortium include the University of Miami, Florida State University, University of Florida, University of Georgia, University of Alabama at Huntsville, and Auburn University. Each university provides unique and complementary talent and expertise in the necessary research areas. For example, the University of Miami will provide socioeconomic modeling and analyses of the agricultural system and characterize the linkages among water management and farming. Previous funding for this project includes $2,675,000 in FY08 and $3,600,000 in FY06. It is my understanding that all participating Universities will receive a portion of this funding.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Agriculture, Cooperative State Research Education and Extension Service, SRG

Legal Name of Requesting Entity: University of Florida, Institute of Food and Agricultural Services

Address of Requesting Entity: 700 Experiment Station Road, Lake Alfred, FL 33850

Description of Request: I have secured $1,217,000 for Citrus Canker/Greening, FL. The funding will be used to continue the vital citrus canker and greening research being conducted by the University of Florida, Institute of Food and Agricultural Services (IFAS), to improve technologies for treatment and detection, methods of movement and containment, and means to control and eliminate citrus canker and greening. As a result of the 2004 and 2005 hurricane season it has become evident that the eradication of citrus canker in Florida is not feasible, therefore it is vital that the scientific community find a disease resistant crop or a cure to the disease to protect the citrus industry, which is a vital part of the Florida economy, from these devastating diseases. The continued research on citrus canker and greening is a joint effort among the State of Florida, University of Florida and citrus industry. The project is estimated to cost approximately $16 million in total. The University of Florida has received $3 million from the Florida State Legislature and $7 million from citrus growers for work on this important project. Previously the University of Florida has received $1.35 million in FY08, $500,000 in FY06 and $474,000 in FY07 for this project. It is my understanding that the University of Florida will provide $3 million in cost-share funding.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Doral

Address of Requesting Entity: 8300 NW 53rd St, Suite 100, Doral, FL 33166

Description of Request: I have secured $500,000 for the City of Doral Police Department. This funding will be used to offset the cost of purchases made to establish a new police department in the City of Doral which was incorporated in 2003 and has grown at a rate of 71%. The City of Doral recently opened its own police department after sharing services with the Miami-Dade County Police Department for the past several years. The City opened its department in order to effectively provide for the rapidly growing community's traffic, public safety and law enforcement needs. Funds provided will be used for equipment purchases include protective gear, communications devices, hardware/software and technology upgrades. The project is estimated to cost a total of $17 million. It is my understanding that the city has received $1,500,000 through the Community Budget Issue Request Funding provided by the State of Florida that will be utilized as a cost-share for this project.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Collier County, FL

Address of Requesting Entity: 3301 E. Tamiami Trail, Naples, FL 34112

Description of Request: I have secured $350,000 for the Emergency Services Technology. The funding will be used to support the acquisition of public safety equipment for the County's new Emergency Services Center. Current public safety technology equipment is outdated and hindering the ability for the local law enforcement officials to work effectively. Funding will go towards procurement of GIS and improved interoperable communications technology. The Emergency Services Center, currently under construction, is a 130,000 square foot, four story complex and includes a communications tower. Upon completion, occupants will include the Emergency Management staff, Emergency Operations Center, Information Technology, Sheriff's Substation and 911 Center, and Clerk of Courts. The total cost of technology acquisition is approximately $10,000,000. It is my understanding that the County has committed to funding construction of the $56,000,000 complex with the help of $3,204,000 provided by the State of Florida as a cost-share for this project. This project received $352,500 in FY08.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Justice, OJP—Juvenile Justice

Legal Name of Requesting Entity: The ARISE Foundation

Address of Requesting Entity: 824 US Hwy 1, Suite 240, North Palm Beach, FL, 33408–3838

Description of Request: I have secured $300,000 for the ARISE Life-Management Skills Intervention/ Re-entry Program for High Risk Youth. The funding will be used by The ARISE Foundation to provide juvenile justice facilities with specialized staff training and unique curricula to teach life lessons and develop thinking skills for incarcerated youth needed to break the cycle of violence and crime in order to reduce recidivism rates. The ARISE foundation serves approximately 31 facilities providing juvenile justice and has trained over 5,250 certified life skills instructors who have taught over 3.7 million hours of life skills lessons. The material provided contains vital information used to reduce recidivism by learning life-management lessons. The ARISE foundation plans to expand its training program for Juvenile Crime and Detention Officers in Florida's Juvenile Justice facilities by introducing additional training topics such as anger management, non-judgmental listening and conflict resolution. This project has received previous funding including $728,500 in FY08, $250,000 in FY06, $250,000 in FY05, $500,000 in FY04 and $500,000 in FY03. It is my understanding that this project will receive cost-share funds in the form of $150,000 from sales of curriculum and training and $100,000 from private foundation grants.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: South Florida Water Management District

Address of Requesting Entity: 3301 Gun Club Road, West Palm Beach, FL 33406

Description of Request: I have secured $123,448,000 for the South Florida Everglades Ecosystem Restoration, FL. The focus of Everglades Restoration is to restore, protect and

preserve the defining ecological features of the original Everglades and the South Florida ecosystem. The Comprehensive Everglades Restoration Plan (CERP) was originally enacted in the Water Resources Development Act of 2000. This Plan includes 68 different projects designed with the goal of restoring historic waterflows to the Florida Everglades. This project is a 50/50 cost-share with the Army Corps of Engineers and the State of Florida. To date the State of Florida has invested in excess of $2 billion for CERP, the ACOE has invested just over $340 million. In FY08 this project received $130,669,000. It is my understanding that this funding will be utilized by the State to serve as the Federal share of the 50/50 cost-share arrangement established in WRDA 2000.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: South Florida Water Management District

Address of Requesting Entity: 3301 Gun Club Road, West Palm Beach, FL 33406

Description of Request: I have secured $3,472,000 for the South Florida Everglades Ecosystem Restoration, FL Everglades and S. Florida Ecosystem Restoration, FL. The focus of Everglades Restoration is to restore, protect and preserve the defining ecological features of the original Everglades and the South Florida ecosystem. The Comprehensive Everglades Restoration Plan (CERP) was originally enacted in the Water Resources Development Act of 2000. This Plan includes 68 different projects designed with the goal of restoring historic waterflows to the Florida Everglades. This project is a 50/50 cost-share with the Army Corps of Engineers (ACOE) and the State of Florida. To date the State of Florida has invested in excess of $2 billion for CERP, the ACOE has invested just over $340 million. In FY08 this project received $130,669,000. It is my understanding that this funding will be utilized by the State to serve as the Federal share of the 50/50 cost-share arrangement established in WRDA 2000.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Army Corps of Engineers, Investigations

Legal Name of Requesting Entity: Miami-Dade County, FL

Address of Requesting Entity: 111 NW 1ST St, Suite 1032, Miami, FL 33128

Description of Request: I have secured $478,000 for the Miami Harbor, FL. The funding will be used to begin the Miami Harbor Phase III dredging project authorized under the Water Resources Development Act of 2007. The project will deepen the Port of Miami to 50–52 feet in order to accommodate the larger container ships which are becoming the industry standard. Implementation includes design, preparation of plans and specification for bidding. Miami Harbor is a major economic force, accounting for over 98,000 jobs and $12 billion in annual economic impact. The total project cost is $154,300,000 with an additional $3,800,000 in PED ($2,670,000 Federal and $1,220,000 Non-Federal). Expected Federal Share based on Federal Statute is $73,060,000. The Non-Federal Share is $81,240,000. It is my understanding that Miami-Dade County intends to invest $1,220,000 and other Federal Sources will be investing $670,000 as a cost-share for this project.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Army Corps of Engineers, O & M

Legal Name of Requesting Entity: Miami-Dade County, FL

Address of Requesting Entity: 111 NW 1ST St, Suite 1032, Miami, FL 33128

Description of Request: I have secured $10,043,000 for the Miami River, FL. The funding will be used to implement the final phase of the Miami River Dredging Project, seeking to restore the authorized depth and width to the navigational channel. The project aims to remove contaminated sediments from the Miami River, which is Florida's 4th largest port with an economic value of $4 billion. The River has not been dredged since it was originally dredged to be navigational in the 1930s. The dredging provides improve navigation as well as enhances the environmental quality of the River and Biscayne Bay. This funding will enable the ACOE to complete this project. $40,000,000 has previously been Appropriated for this project. The State of Florida has provided a minimum of $2 billion to act as a 50/50 partner. It is my understanding that funding allocation and cost-sharing will include $4,700,000 from Miami-Dade County, $3,300,000 from the City of Miami, $19,200,000 from the Florida Department of Environmental Protection and $9,700,000 from the South Florida Water Management District.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Energy, Science

Legal Name of Requesting Entity: Barry University

Address of Requesting Entity: 11300 NE Second Ave, Miami Shores, FL 33161

Description of Request: I have secured $761,200 for the Barry University Institute for Collaborative Sciences Research. The funding will be used to expand and renovate the collaborative research, laboratories and teaching facilities and instrumentation as well as to expand support for faculty and student development. Barry University requires more critical laboratory and teaching space to develop its potential as a research facility to further their mission to prepare leaders from the minority community in health professions and facilitate nationally valuable evidence-based research. This project has previously received $400,000 in FY08.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: South Florida Water Management District

Address of Requesting Entity: 3301 Gun Club Road, West Palm Beach, FL 33406

Description of Request I have secured $74,069,000 for the Herbert Hoover Dike, FL (Seepage Control). This vital project, which is currently underway, is providing vital security by constructing a seepage cutoff wall that will protect the Dike from seepage as well as protect the local community by preventing a breach in the Dike during a Hurricane. This project is authorized under the Rivers and Harbors Act of 1930 and received $54,883,584 million in FY08. It is my understanding that this is a 100% Federal project and all funding will be utilized for further construction work on the Dike.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Health and Human Services, Health Resources and Services Administration (HRSA), Health Facilities and Services

Legal Name of Requesting Entity: University of Miami, Miller School of Medicine

Address of Requesting Entity: 1601 NW 12th Avenue, 9th Floor, Miami, FL 33136.

Description of Request: I have secured $238,000 for purchase of equipment for the Pediatric Integrative Medical Center at the University of Miami, Miller School of Medicine. The funding will be used to develop a pioneer center for excellence for a pediatric integrative medicine model where research and delivery of care are emphasized. The model will utilize Complementary and Alternative Medicine (CAM) in concert with conventional medicine to improve the standards of care. It is becoming more and more evident that all health problems cannot be solved through traditional medical interventions, many factors, such as diet, lifestyle and environment play an important role in pediatric health. Currently, CAM has not been tested extensively in pediatrics, and adult studies cannot be extrapolated to pediatrics. This Center will focus on evaluating CAM and a pediatric integrative medicine model in order to develop the most effective interventions and develop rigorous scientific methodology. The model will allow cross-communication between pediatricians, disease management specialists and CAM practitioners with a single point of contact with the patient in order to provide comprehensive and efficient delivery model.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Health and Human Services, Health Resources and Services Administration (HRSA), Health Facilities and Services

Legal Name of Requesting Entity: City of Homestead, FL

Address of Requesting Entity: 790 North Homestead Blvd., Homestead, FL 33030

Description of Request: I have secured $190,000 for facilities and equipment at the Bill Dickinson Senior Center. The funding will be used for construction, renovation and equipment to expand the Bill Dickinson Senior Center. The expansion is necessary to accommodate the growing number of members and to allow the Center to provide dedicated medical rooms geared toward health, therapy/fitness services and health screening. This project received $375,000 in FY04 and $125,000 in FY05. It is my understanding that the City of Homestead will provide $5,800,000 for design and construction and the Florida State Division of Cultural Affairs will provide $346,500 in cost-share funding.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Health and Human Services, Health Resources and Services Administration (HRSA), Health Facilities and Services

Legal Name of Requesting Entity: Collier County, FL

Address of Requesting Entity: 3301 E. Tamiami Trail, Naples, FL 34112

Description of Request: I have secured $143,000 for healthcare access network for the uninsured, including purchase of equipment for Collier County, FL. The funding will be used to support and further develop a health care access network for the under/uninsured in Collier County. Collier County has identified over 35,000 residents who lack quality health care and currently is experiencing overuse of its emergency health facilities. This project seeks to expand, organize, and develop a full access program with a full continuum of services for approximately 35,000 residents needing health care. The initial phase of this project has been the adoption of a shared information database between the portals of entry for the poor into the system. Future phases of the project include marketing and full penetration of the population of uninsured/underinsured individuals. The total cost of this project is approximately $5 million. This project received $327,183 in FY08. It is my understanding that local healthcare providers will contribute approximately $1,000,000 in services, community foundations will provide $370,000 and Collier County will provide matching funds of approximately $130,000 for staff salaries.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Housing and Urban Development, Economic Development Initiatives

Legal Name of Requesting Entity: Miami-Dade College

Address of Requesting Entity: 11011 SW 104 St, Miami, FL 33176

Description of Request: I have secured $142,500 for the development and construction of an Environmental and Ecological Study Center. The funding will go towards the development and construction of an Environmental and Ecological Study Center at Miami-Dade College. The facility will be a dynamic education resource center and environmental showcase consisting of a single family ''house'' where students and visitors can see ecologically sound best practices. It will have the external appearance of a south Florida home and will have flexible meeting areas for workshops, conferences, demonstration areas and office space. The Center will model environmentally sustainable construction design and will provide local residents, consumers, designers, builders, environmentalists and others with a single source for integrated and practical ways to make homes greener, safer, stronger and smarter. The Center will deliver formal and informal education in support of major national and state environmental priorities including energy efficiency and conservation, hurricane and flood protection, water conservation and management, asthma, mold and other indoor air hazards and access for the disabled. It is my understanding that Miami-Dade College intends to provide a local match of $319,266.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Transportation, Federal Transit Authority, Bus and Bus Facilities

Legal Name of Requesting Entity: Town of Miami Lakes, FL

Address of Requesting Entity: 15700 NW 67th Ave, Miami Lakes, FL 33014

Description of Request: I have secured $570,000 for the Miami Lakes Hybrid Electric Vehicles and Trolleybus Procurement, FL. The funding will be used for the second phase of the vehicle procurement program. The funding will go towards the procurement of hybrid electrical vehicles which provide negligible emissions and low-floor designs. The vehicles will be part of the trolleybus service that is currently being implemented. The service is designed to provide general transportation throughout the town, primarily focusing on east-west directional travel currently not serviced by the County bus system, transportation for students and parents to and from Bob Graham Education Center during the morning commencement and afternoon dismissal periods, a mid-day lunch route service for the business parks, and lastly, a paratransit, door-to-door bus service for senior citizens. The general circulator will mitigate their growing traffic congestion problems and the potential safety concerns stemmed by increased vehicular traffic. The funds will go towards the purchase of a new bus with an estimated cost of $400,000 and operations and maintenance. It is my understanding that this project has received $400,000 from the State Department of Transportation for operations and the Town will fund the remaining operations budget with revenues from a local transportation sales tax. This project received $300,000 in FY08.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Housing and Urban Development, Economic Development Initiatives

Legal Name of Requesting Entity: Miami Military Museum

Address of Requesting Entity: 1825 Ponce de Leon Boulevard, Coral Gables, FL 33134

Description of Request: I have secured $118,750 for the relocation, restoration and rehabilitation of a historic military structure called the Miami Military Museum. The funding will be used to relocate, restore and rehabilitate the historic structure into a military museum, veterans memorial and education center. The structure served as a control base and headquarters for the blimps that protected the South Florida coastline and Caribbean during World War II, an intelligence base during the Cold War and the Cuban Missile Crisis, an Army Reserve Center, and a Marine Corps Reserve Center during Desert Storm. In addition to serving as a museum, the restored facility will serve as a research library and classroom space to accommodate school field trips. It is my understanding that this project is expected to receive $2,000,000 from Miami-Dade County and has previously received $350,000.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Transportation, Federal Transit Authority, Bus and Bus Facilities

Legal Name of Requesting Entity: City of Doral, FL

Address of Requesting Entity: 8300 NW 53rd St, Suite 100, Doral, FL 33166.

Description of Request: I have secured $475,000 for the Doral Transit Circulator Program. The funding will be used to further implement the Doral Transit Circulator program. This program allows the City to provide public transportation services to help alleviate traffic congestion and to connect residential areas with recreational, retail and commercial facilities. Once primarily composed of agricultural and industrial tracts, City of Doral has established itself as a major center of wholesale international trade and a booming office, commercial, and residential community. Approximately 35,000 people live in Doral and over 100,000 more travel to and through the city each day for employment and business activities. Due to its proximity to the urban core of Miami-Dade and major transportation facilities, as well as the rapid development of its component communities, Doral contends with a unique array of transportation concerns that require immediate and significant attention. It is my understanding that the City of Doral will provide $250,000 in matching funds towards this project.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Transportation, Federal Lands (Public Lands Highways)

Legal Name of Requesting Entity: Miccosukee Reservation, FL

Address of Requesting Entity: P.O. Box 440021, Tamiami Station, Miami, FL 33144.

Description of Request: I have secured $760,000 for the Snake Road Safety Improvements. The funding will be used to design the recommended alternative to widen the existing shoulders on Snake Road within the Miccosukee Tribe Reservation to address significant safety concerns. Two studies conducted by the Bureau of Indian Affairs concluded that Snake Road is in serious need of realignment and repair, where from 1997–2000 70 accidents occurred resulting in 6 deaths. The project would fund the alternative selected by the Florida Department of Transportation following a PD&E Study which has the least environmental impact and is the most cost effective. Total cost of the project is $1,079,600. It is my understanding that the Tribe will provide the remaining funding necessary for the project to be completed as a local match.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Transportation, Federal Transit Authority, Capital Investment Grants

Legal Name of Requesting Entity: Miami-Dade County, FL

Address of Requesting Entity: 111 NW 1ST St, Suite 1032, Miami, FL 33128

Description of Request: I have secured $20,000,000 for the Metrorail Orange Line Extension Project, FL. This funding will be used for Phase II and III of the Metrorail Extension Project, the North Corridor and East-West

Corridor, respectively. Phase II is in the final planning stage for the construction of a 9.2-mile Metrorail extension along NW 27th Avenue and Phase III is a proposed East-West Rapid Transit Corridor that will run some 10–13 miles East from the Miami Intermodal Center to Florida International University and points west. Metrorail began service in 1984 and currently operates 22.4-miles of rapid transit line, however the region has experienced tremendous growth in the last 24 years, most of it occurring outside the current system boundaries, and is in need of an expanded Metrorail system. This Rail extension will allow more options for commuters and visitors as well as improve safety on the roadways and be more environmentally-friendly. This project was authorized in the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users in 2005. The total cost of this project is an estimated $1.6 billion. It is my understanding that the Florida Department of Transportation will invest $452,700,000 and the Miami-Dade County People's Transportation Plan will invest an additional $452,700,000 as the local match for this project.

URGING KAZAKHSTAN TO COMPLY AND HONOR ITS CONTRACTS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. TOWNS. Madam Speaker, I rise today to bring attention to a growing concern facing a U.S. friend and ally in oil-rich Central Asia, Kazakhstan. In light of the heightened concern over the global oil supply shortage, we want to give special recognition to the critical role that Kazakhstan plays as a major world-wide supplier, and therefore we urge in particular that the Government of Kazakhstan step up to the demands. In so doing, Kazakhstan leaders should be very cognizant of the need to comply with the rule and sanctity of its contracts and do its best to ensure proper appropriation of profits to its citizens.

Recently, Transparency International ranked Kazakhstan 150 on its Corruption Perceptions Index, with the worst country ranked 179. This puts Kazakhstan only slightly ahead of Hugo Chavez's Venezuela. The costs of corruption are exceedingly high—both for the Kazakh people, international investors and consumers—and will surely lead to the corrosion of that society.

In recent years, Kazakhstan's economy has grown tremendously because of its large oil deposits, and the political elite have been successful in virtually monopolizing the benefits of this boom. But, regrettably, Kazakhstan has become a centralistic and authoritarian state under the 27 year rule of President Nursultan Nazarbayev with little leverage for the development and activity of civil society.

Kazakhstan's governmental system lacks the basic features of democracy; elections are neither free nor fair, there are few independent media outlets and what political opposition exists is manipulated, harassed, physically attacked or even killed. There is massive corruption on a grand scale in this environment of intra-elite allocation of benefits connected to oil production. Corruption in Kazakhstan is systemic, even within the country's anti-corruption agency, and no public office is free from executive interference. Long wait times, unwieldy bureaucracy, weak business law, short deadlines, employee discontent and the absence of explanatory information all breed corruption. Foreign firms have frequently reported harassment by the Financial Police in the form of unannounced inspections and intimidation. Forbes Asia Magazine reported that AES Corporation, an American company and one of the largest power companies in the world faced this type of harassment in June 2005. The Forbes article titled ''Thug Capitalism,'' reported that AES was subjected to Financial Police raids and was forced to pay up to $200 million in fines before they decided they had enough and withdrew from Kazakhstan.

Exxon Mobil, which is also in the consortium with ConocoPhillips, Eni, Total and Royal Dutch Shell experienced similar problems with the Kashagan project. The Kazakh government has repeatedly used delays and cost overruns to renegotiate its original terms with the consortium, using negotiating tactics similar to those perfected by Russia to extract concessions from foreign energy investors.

Both the international investor community and the Kazakh people have every reason to be concerned over the Kazakh government's increasingly heavy-handed intrusion into business activity, especially in the energy sector. According to a recent report by ABC News: ''The U.S. Department of Justice prosecutors have long alleged in court documents filed in a case against a U.S. businessman that President Nazarbayev and his deputies accepted nearly $80 million in kickback from foreign companies in exchange for access to Kazakhstan's vast oilfields.''

And perhaps the largest concern of all is the precedent set when this, or any, government is rampant with corrupt practices. Nations and lives become unglued. Take for instance the assassination attempt on the former head of Kazakhstan's National Security Service in Vienna. According to Radio Ekho Moskvy, Alnur Musayev and his companion were both wounded; and simultaneously, that the ex-ambassador of Kazakhstan in Austria who is also the former son-in-law of the Kazakh President Nursultan Nazarbayev, Rikhat Aliyev, was targeted but escaped. These events were officially confirmed by the spokesman of the Austrian Office of Public Prosecutor, Gerhard Jarosh. Exiled citizens must not become targets of their home country. They must be free to live their lives and express themselves without threat of life or limb. Such is a fundamental right and expectation of all democracies and free nations.

Furthermore, the ex-Chairman of the National Security Committee of Kazakhstan was sentenced in absentia to 20 years of imprisonment. Rakhat Aliyev was also sentenced in absentia to 40 years in prison on multiple charges. However, when the Austrian Government investigated Kazakhstan's allegations of money laundering and corruption against Rakhat Aliyev, they found no evidence to substantiate such allegations, and thus have refused to extradite Mr. Aliyev for fear that he will never receive anything resembling a fair trial.

Such activities are all too reminiscent of a pattern of violence and corruption we have long seen in Russia, and nothing can be more destabilizing both internally and externally. Moreover, these are not the qualities that we expect of the incoming Chair of the OSCE. Kazakhstan has made several promises to implement reforms that respect political freedoms and human rights. To date these reforms have not been implemented and on issues such as religious freedoms and freedom of the press, it is arguable that Kazakhstan is becoming more restrictive and less tolerant.

The United States has sought a mutually beneficial relationship with Kazakhstan and provides aid to Kazakhstan in order to enhance economic growth, democracy, security, civil society and attend to humanitarian needs. However, it is evident that the current U.S.-Kazakhstan relationship is compromised by Kazakhstan's record of human rights violations and lack of immediate and necessary reforms before ascending to the OSCE Chairmanship. The U.S. Department of State has criticized President Nursultan Nazarbayev's government for human rights violations. A report from March 2008 faulted the government for practices including ''arbitrary arrest and detention'', ''restrictions on freedom of speech, the press, assembly, and association'', ''lack of an independent judiciary'', ''severe limits on citizens' rights to change their government,'' and more, including abuse of detainees and prisoners.

As an influential OSCE member and global leader, the U.S. must now more than ever, begin to raise questions regarding Kazakhstan's human rights record and about allegations that Kazakhstan has attempted to kidnap and injure its dissidents. Kidnapping and bodily harm have no place among nation states and Kazakhstan should be made to answer for any and all violations before it assumes the Chairmanship.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. SMITH of New Jersey. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of HR 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: U.S. Department of Transportation/FHWA/Federal-Aid Highways

Legal Name of Requesting Entity: The City of Trenton

Address of Requesting Entity: Trenton City Hall, 319 E. State Street, Trenton, NJ 08608

Description of Request: I have secured $188,750 in funding for the city of Trenton to capitalize on the economic potential generated by the new $70 million Trenton Train Station rehabilitation project. The City of Trenton has a redevelopment plan for the area requiring upgrading some critical road, pedestrian, and other infrastructure. The City of Trenton also plans to fund this project.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: U.S. Department of Transportation Buses and Bus Facilities

Legal Name of Requesting Entity: New Jersey Transit

Address of Requesting Entity: New Jersey Transit, One Penn Plaza, East Newark, NJ 07105

Description of Request: I have secured $1,021,250 in funding for the Lakewood Township shuttle service project. This shuttle service would efficiently move people in this growing and congested area of Central New Jersey. The funding would be used to purchase additional shuttle buses, provide sheltered bus stops, establish loading and drop-off zones, provide parking for mass transit vehicles, and parking for private vehicles.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: U.S. Department of Transportation FTA New Starts

Legal Name of Requesting Entity: New Jersey Transit

Address of Requesting Entity: New Jersey Transit, One Penn Plaza, East Newark, NJ 07105

Description of Request: I have secured $534,375 in funding for the MOM Line for the Design Environmental Impact Study (DEIS) stage. The MOM line would provide Central New Jersey residents with access to Northern New Jersey and New York City.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: U.S. Department of Transportation Bus and Bus Facilities

Legal Name of Requesting Entity: The Arc of Mercer County

Address of Requesting Entity: The Arc of Mercer County, 180 Ewingville Road, Ewing, NJ 08638

Description of Request: I have secured $95,000 in funding for the Arc of Mercer County to provide cost effective transportation services for individuals with disabilities and senior citizens in the Mercer County area. This service is needed to supplement existing county and state services and provide efficiency through coordinated efforts. The Arc is also contributing to this project.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: Housing and Urban Development Department Economic Development Initiative Program

Legal Name of Requesting Entity: The Special Children's Center

Address of Requesting Entity: The Special Children's Center, Lakewood Township Municipal Building, 231 Third Street, Lakewood, NJ 08701.

Description of Request: I have secured $142,500 in funding for the Special Children's Center. The funding would be used to help defer the costs of constructing a new building for the Special Children's Center. The Township of Lakewood has contributed toward the project and there have been private donations.

MEDICAL DEVICE SAFETY ACT OF 2009

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. BRALEY of Iowa. Madam Speaker, I rise in support of the Medical Device Safety Act of 2009. This legislation was introduced today, and I'm proud to be an original cosponsor.

The Medical Device Safety Act of 2009 is needed to ensure that every American patient has the ability to hold manufacturers of defective medical devices accountable for injuries and deaths caused by unsafe products. It would also prevent these manufacturers from receiving total immunity from any claims simply by virtue of receiving a Food and Drug Administration device approval. This bill clarifies the intention of Congress to keep American patients safe by maintaining complementary systems to protect consumers through the FDA and American courts.

The need for this legislation was made evident in the Supreme Court's flawed decision in Riegel v. Medtronic, which completely ignored Congressional intent regarding the ability of injured patients to hold medical device manufacturers accountable for their injuries. This bill will restore Congress's original intent to allow injured patients to recover from their injuries caused by manufacturers of defective and dangerous medical devices.

It's important for Congress to promptly clarify its intent, because these types of issues continue to come up in courts around the country. Last Congress, I was proud to participate in a hearing in the Committee on Oversight and Government Reform which looked deeper into these types of issues. The medical safety experts agree that patient safety is compromised when we allow the FDA to have the final say on device safety. Strong state laws are critical to maintaining accountability for device manufacturers, and allowing the FDA to pre-empt these state laws is a surefire way to place sales over safety and profits over people.

The civil justice system and the federal regulatory system were always meant to complement each other. Both are necessary to adequately protect Americans. The FDA simply cannot do it alone, and we see examples of this all the time, from pacemakers to peanuts. The agency is understaffed and underfunded, and I support additional funding to help this critical agency. However, making the FDA the "court of last resort" on issues of life and death is a violation of the Bill of Rights and ignores over 200 years of Common Law precedents. This is just one more reason why Congress must pass the Medical Device Safety Act of 2009 to restore the balance between the civil justice system and the federal regulatory system that Congress intended when it passed the Medical Device Amendments of 1976.

PERSONAL EXPLANATION

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Ms. WATSON. Madam Speaker, I was unavoidably absent from the Chamber during the evening of Monday, February 23, 2009. As a result, I was unable to cast my vote on rollcall No. 73, which occurred on the motion to suspend the rules and pass H.R. 44, the Guam World War II Loyalty Recognition Act. Had I been present I would have voted "yea," and also ask that the record reflect my strong support for the enactment of H.R. 44 and the fact that I am an original cosponsor of this bill which was reintroduced by our colleague from Guam, Ms. BORDALLO, on January 6, 2009.

HONORING ELIZABETH LITTLEFIELDS' SELFLESS ACT

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Ms. GIFFORDS. Madam Speaker, I am honored today to pay tribute to Elizabeth Littlefield, a hairdresser from Marana, Arizona. Ms. Littlefield has set an inspiring example for all Americans with one selfless act—the donation of one of her kidneys. It was not to a loved one or longtime friend that Littlefield made this generous donation, but to a customer whom she had known only a short time.

Ms. Littlefield's donated kidney went to Dale Charnick. Not long after Ms. Charnick became a customer of Ms. Littlefield's salon in 2006, both of her kidneys began shutting down. Upon learning of her customer's plight, Littlefield made the surprise offer that saved Ms. Chanick's life. "I have two good kidneys," Ms. Littlefield said. "You can have one of mine."

Now, as a result of Ms. Littlefield's donation, Ms. Charnick is on the road to a strong recovery. Ms. Littlefield's selfless act reminds us in a dramatic way what it means to help a person in need.

I also want to commend the extraordinary medical skills of the well-trained health care professionals at Tucson's University Medical Center for their role in giving Ms. Charnick's a new lease on life.

My constituents in Southern Arizona are indeed fortunate to have a new team of nationally recognized transplant experts in our community. This team includes: abdominal transplant chief Dr. Rainer Gruessner; nephrology chief Dr. Bruce Kaplan, who is also a deputy editor of the American Journal of Transplantation; vice chief of abdominal transplantation Dr. John Renz; Dr. Thomas Boyer, who is director of the Arizona Liver Institute; and Dr. Khalid Khan, director of the UA's Pediatric Liver and Intestinal Transplantation Program.

A TRIBUTE TO CLINTON M. MILLER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Clinton Miller who is a pastor at Brown Memorial Baptist Church in the historic Clinton Hill section of Brooklyn.

Clinton Miller was born in Brooklyn, New York. He earned a Bachelor of Arts degree in History from Southern Connecticut State University.

Rev. Miller first felt the divine calling of the gospel ministry at the age of 19 but did not actively pursue the vocation of ministry until he was a seminarian at Yale University. Upon graduation from divinity school in 1994, Rev. Miller continued training for the ministry as an intern minister at Abyssinian Baptist Church in Harlem under the guidance of Rev. Calvin O. Butts. Rev. Miller also was also a teacher in the New York City Public School system for four years before entering full time ministry. Rev. Miller then became the youth minister for Abyssinian Baptist Church. In this capacity Rev. Miller developed several youth programs which have assisted the overall ministry of Abyssinian. His experiences with Dr. Butts have adequately prepared him for the full time pastorate in an urban locale.

In October of 2000, Rev. Miller was called to pastor Brown Memorial Baptist Church. Since assuming the pastorate at Brown, Rev. Miller has applied the functions of traditional ministry to this community of believers. Through preaching, teaching bible study, counseling and visitation, he has set a tone that will allow Brown Memorial's vision to be realized. He is interested in pursuing causes that closely affect the community like the need for more affordable housing, better youth services and a living wage for all working New Yorkers.

Currently Brown Memorial plans on launching new educational programs, a summer day camp and a long awaited banquet facility in the newly built church annex. Rev. Miller has begun a $7M renovation of Brown Memorial Baptist Church's edifice, a landmarked building. It is Pastor Miller's vision to stabilize the ministry of Brown Memorial by demonstrating consistent Christian service, strong financial administration and sound preaching. Rev. Miller combines community service with personal faith in his ministry to help bring people closer in their relationship with God. The mission of his ministry at Brown Memorial is to introduce the Salvation of Jesus Christ to individuals through dynamic worship, relevant Christian education, responsible stewardship, inclusive fellowship and impacting evangelism.

He was ordained by the American Baptist Churches and the United Missionary Baptist Association of Greater New York. Rev. Miller is awaiting and pursuing the opportunity to achieve a doctorate degree in Ethics. He attempts to build his ministry around Christian concepts of fairness, justice and the development of genuine Christian community.

INTRODUCTION OF DISTRICT OF COLUMBIA HATCH ACT REFORM ACT OF 2009

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Ms. NORTON. Madam Speaker, today, I introduce the District of Columbia Hatch Act Reform Act of 2009, to eliminate discriminatory treatment of the District of Columbia, which alone among U.S. jurisdictions still falls under the federal Hatch Act, as it did before the Congress made the District an independent jurisdiction that today enacts its own local laws. This bill would retain federal Hatch Act authority concerning prohibited partisan and political activity that applies to every state and locality upon receipt of federal funds or functions, and importantly, would require the District to enact its own local version of the Hatch Act barring similar local violations to become effective. Local Hatch Act violations in the District are rare, but the District needs its own Hatch Act to fully account and be responsible for local violations, with which only a local, objective body would be familiar.

This bill will leave in place the federal Hatch Act restrictions that apply to other jurisdictions on the use of official authority, specifically as it relates to elections; the solicitation, acceptance, or receipt of political campaign contributions; the prohibitions on running for public office in partisan elections; and the use of on-duty time and resources to engage in partisan campaign activity when federal funds or responsibilities are involved. My bill would remove only the federal Hatch Act jurisdiction that applies solely to the District of Columbia and would require the District to have its own local Hatch Act, like every other jurisdiction, instead of requiring the federal Office of Personnel Management (OPM) and its Special Counsel to devote staff time and other resources on investigation, fact-finding and judgment of unfamiliar local matters.

Indeed, OPM has asked for the federal guidance my bill offers. In recent cases, OPM cited an ANC (Advisory Neighborhood Commissioner) commissioner for violations of the Hatch Act when he ran for higher office, even though ANC commissioners are "elected officials" under D.C. law. As a result of the failure to clear up the confusion between local and federal jurisdictions, the application of the Hatch Act to ANC commissioners has been selectively enforced by OPM. For example, OPM recently filed cases charging Hatch Act violations against an ANC commissioner running for the D.C. Council but did not file when several members of the current D.C. City Council ran for the D.C. Council from positions as ANC commissioners. The present law results in possible violations of the federal Hatch Act while leaving OPM with local responsibility that does not implicate its federal jurisdiction.

The House recognized that the present federal Hatch Act jurisdiction over the District was inappropriate and obsolete and removed this federal responsibility several years ago, but the Senate failed to act. The District should bear this local responsibility. My bill will eliminate the double indignity of placing a local burden on the federal government and depriving the District of a responsibility, which only local jurisdictions familiar with local laws can be expected to handle responsibly.

The Hatch Act Reform is the fourth in the "Free and Equal D.C." series of bills that I have introduced to eliminate anti-Home Rule or redundant bills that deprive the city of equal treatment and recognition as an independent self-governing jurisdiction. This uncomplicated and straightforward bill is not controversial, has been enacted before by the House and should be passed forthwith.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1106 to prevent mortgage foreclosures and enhance mortgage credit availability:

Ms. LEE of California. Mr. Chair, I rise in support of H.R. 1106, the Helping Families Save Their Homes Act of 2009.

I want to commend Chairman CONYERS, Chairman FRANK and Speaker PELOSI for their dedication and work in bringing this bill to the floor.

Of course, I would have preferred to vote on the prior, more robust version of this bill, but nevertheless this is an important step forward that will help keep families in their homes.

As we all know the roots of the current economic crisis are grounded in the housing market and the greedy lending practices of the banks.

Many of us warned about this impending housing crisis years ago. As a member of the Financial Services committee for eight years, I remember expressing my concern about the housing bubble and the subprime loans that were fueling it and the consequences to our economy if the bubble popped.

But our warnings fell on deaf ears.

When we tried to encourage the banks to participate in voluntary foreclosure prevention programs to help families in distress, they balked and made every excuse to avoid participating.

Then the economy tanked and they begged us for a bail out.

Now millions more families are threatened with bankruptcy and foreclosure. That's why we are taking this step today, to restore some equity to our bankruptcy laws to allow judicial modifications of mortgages on primary residences and to help keep families in their homes.

I applaud the improvements to the Hope for Homeowners program that are also included in this legislation. We had to address the low rate of participation in this voluntary program and I know that the improvements included here will provide many more homeowners with a way to work out new, affordable mortgages and to continue making their mortgage payments.

Passing this bill will be an important step in stabilizing the housing markets because not only will we help families protect their homes and their assets during this economic crisis, we will strengthen our entire banking system by making permanent the increase in the FDIC insurance limits to $250,000. This will

protect the savings of every American and will increase confidence in the banking systems both here and abroad.

Mr. Chair, I urge my colleagues to support passage of H.R. 1106.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1106) to prevent mortgage foreclosure and enhance mortgage credit availability:

Mrs. MALONEY. Mr. Chair, I rise today in strong support of H.R. 1106, the ''Helping Families Save Their Homes Act.'' This legislation is needed now more than ever, and I want to commend Chairman FRANK, Chairman CONYERS, and the Leadership for working together to bring this bill to the Floor.

It is important to remember that behind the economic and housing statistics are real people—the hard-working Americans and their families who are facing difficulties paying their bills every day. H.R. 1106 contains several key provisions to ensure that homeowners will have more options available to them to stay in their homes.

The bill before us would make necessary improvements to the Hope for Homeowners program including reducing current fees that have discouraged lenders from voluntarily participating and offering a $1,000 incentive payment to servicers for each successful refinance of existing loans. H.R. 1106 will ensure that predatory lenders, who bear some of the responsibility for today's housing situation, will not be approved as lenders under FHA programs. The legislation also provides a safe harbor from liability to mortgage servicers who engage in certain loan modifications, and it makes permanent an increase, from $100,000 to $250,000, in the amount of bank or credit union deposits insured by Federal banks and credit union regulators. H.R. 1106 establishes a 5-year restoration plan for the National Credit Union Administration (NCUA) which is currently required to restore the equity ratio of the Share Insurance Fund within one year.

I think most of us agree that bankruptcy should be the option of last resort. However, for those homeowners facing bankruptcy, H.R. 1106 will allow bankruptcy judges to reduce the principal, extend the repayment period, or authorize the reduction of an exorbitant interest rate to a level that helps make a mortgage more affordable. I am glad that we have been able to make changes to this legislation that will enable homeowners to stay in their homes, while at the same time providing greater certainty to lenders and to the secondary market.

I am hopeful that this bill will help to stem the tide of foreclosures and ensure that our neighborhoods do not experience a cascade of increased vacant lots and decreased property values.

The President has proposed a plan to help make it easier for homeowners, including those who are still in repayment but at risk for default, to refinance their mortgages at around the current market rate, or modify their loans. H.R. 1106 is an important step in moving forward with that plan. We must act now. The American people deserve no less than our full commitment to helping them through these troubled times.

I urge my colleagues to support this legislation.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bll (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability:

Mr. HOLT. Mr. Chair, I rise today in support of the Helping Families Save Their Homes Act of 2009 (H.R. 1106), and to commend Chairman FRANK, Chairman CONYERS, and the Financial Services and Judiciary Committees for their leadership and hard work on this measure. I urge my colleagues to support it.

No doubt, the experience of my colleagues is the same at when the economy spiraled out of control last year, my constituents did not call me and write me and come to my Town Hall meetings saying ''please give my hard-earned taxpayer dollars to Wall Street. Wall Street is really hurting, and I want to do my part to help.'' No, they came to me saying ''I am in trouble. I played by the rules. I did everything right, but my life is falling apart, and my home is about to be taken away. Please help me.'' We responded a few weeks ago by enacting the American Recovery and Reinvestment Act to help stimulate the economy and get people back to work while providing for the essential services people need to get by. Today, we are taking another very important step by responding to the foreclosure crisis that is at the root of the recession.

The foreclosure crisis is a vicious cycle. Due to plummeting home values in recent years, an estimated 14 million homeowners owe more on their homes than their homes are worth; their mortgages are ''under water''. For a variety of reasons, including predatory lending abuses, exploding adjustable rate mortgage payments, and increasing job losses, homeowners all over the country have tried to refinance their mortgages into lower rates just to make ends meet. But the decreased values of their homes made that impossible. Unable to afford their current mortgage payments, unable to refinance them, and unable to sell the homes due to the depressed housing market, many face foreclosure. According to the trade research organization RealtyTrac, lenders made foreclosure filings on 2.3 million properties last year alone. Each foreclosed home reduces nearby property values by as much as 9 percent, sending those surrounding homes down the path towards being under water. And the cycle continues. Congress must act, must act now, and must act with force and determination.

The Helping Families Save Their Homes Act attacks the foreclosure crisis aggressively, and approaches the problem from many angles at once, but is measured in its application. The bill would help millions of homeowners stay in their homes, by including incentives to encourage lenders to negotiate affordable mortgages for homeowners whose mortgages are under water, who are at risk of foreclosure, and who are facing bankruptcy. For example, it would modify the Hope for Homeowners program by reducing the fees that discouraged lenders from voluntarily participating in that program last year, and by providing for a $1,000 incentive payment to servicers for each successful refinancing of an existing loan.

The bill also provides special protections for veterans, by allowing the Department of Veterans Affairs, the Federal Housing Administration (FHA), and U.S. Department of Agriculture to guarantee and/or insure mortgage loans that have been administratively or judicially modified. Therefore the bill would provide additional financial incentives for lenders to voluntarily modify mortgage loans instead of foreclosing. The bill also would expand the FHA's mortgage loan modification abilities by allowing a reduction of interest payments of up to 30 percent of the outstanding loan balance.

Most importantly, the bill would pay for adjustments to existing programs by tapping into $2.316 billion in already-authorized funding under the Troubled Assets Relief Program enacted last year. Therefore, to be clear—this is not a ''new bailout.'' This bill gives back to taxpayers more than 2 billion taxpayer dollars that previously had been allocated to Wall Street by previously-enacted legislation.

In addition to incentivizing lenders to modify mortgages to keep families in their homes, the bill would give homeowners an important new tool to fend for themselves: judicial modification of primary home loans. By allowing bankruptcy judges to modify the terms of the home mortgages at the core of the economic crisis—the mortgages already issued prior to enactment of this bill under terms, conditions and circumstances that forced so many of them into foreclosure or the brink of failure—we help our constituents remain in their homes under revised payment plans they can afford. This important protection also does not cost taxpayers anything, but it could reduce foreclosures by 20 percent.

The mere fact that homeowners have judicial modification of primary home mortgages available as an option, which is already available for vacation home loans and other consumer loans, will further encourage lenders to modify mortgages before borrowers file for bankruptcy. In addition, as it would be further fine-tuned by the Conyers amendment, the bill would apply a ''good faith'' test to deny bankruptcy modification relief to individuals who can afford to repay their mortgages without it, and extend the negotiation period requiring the debtor to certify that he or she contacted the lender and sought to reach agreement on a qualified loan modification. As perfected, the amendment would also allow a court to consider, in lieu of reducing principal in a modification, reducing the interest rate to lower the borrower's monthly payment; enhance the ''good faith'' test restricting the use of judicial modification to reduce principal by requiring courts to determine whether a lender offered to modify the loan and whether the debtor could afford the offered modification; and increase the proportion of appreciation on a home that a lender could recoup in a sale

within five years after the modification. The bill already includes a provision protecting mortgage servicers from lawsuits by investors who may be unhappy with the mortgage modifications.

Some have expressed the concern that this bankruptcy option will increase the cost of borrowing for other homeowners. Compared to the alternative of foreclosure, however, judicial modification should maximize, rather than decrease, the value of troubled mortgages for the lender. According to economist Mark Zandi, "[g]iven that the total cost of foreclosure to lenders is much greater than that associated with a Chapter 13 bankruptcy, there is no reason to believe that the cost of mortgage credit across all mortgage loan products should rise." In addition, because the bankruptcy modification right only applies to mortgages issued before enactment of the bill, home mortgages issued in the future will be viewed as more stable, reliable and predictable than loans that can be modified in bankruptcy, and capital should again in the future readily flow to the home mortgage industry as it did in the past.

The bill also recognizes that unchecked predatory lending activity was one of the root causes of the crisis we face today and attacks that problem directly in several ways. For example, it requires the Department of Housing and Urban Development (HUD) to approve all parties participating in the FHA single family mortgage origination process, allows HUD to impose a civil money penalty against loan originators which are not HUD-approved but participate in FHA mortgage originations, and establishes other rigorous conditions on eligibility for would-be participants in the program.

Finally, it makes permanent an increase, from $100,000 to $250,000, in the amount of bank or credit union deposits insured by Federal banks and credit union regulators, and increases these regulators' authority to obtain additional liquidity from the US Treasury. It is an aggressive and comprehensive, but thoughtful and measured bill. It puts taxpayers first, and most of it costs nothing or is already paid for by taking taxpayer funds that had been allocated to Wall Street and returning them to Main Street. I urge my colleagues to support it.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability:

Mr. VAN HOLLEN. Mr. Chair, I rise today in support of the Helping Families Save Their Homes Act.

This important bill will help more Americans stay in their homes by addressing a major flaw in the Hope for Homeowners Program and by extending to single residence homeowners an option currently only available to owners of second and third homes.

The Hope for Homeowners program was established in October of last year by the Bush Administration to help more Americans refinance. The Congressional Budget Office projected the program would let 400,000 troubled homeowners swap risky loans for conventional 30-year fixed rate loans with lower rates.

But, because of flaws in the program, and despite the tremendous resources the government is making available to banks, none of the major mortgage lenders have been willing to make the new mortgages required to refinance distressed properties. To date, only 25 loans have been renegotiated nationwide.

So we gather here today to make the changes necessary so that more homeowners can take advantage of this important program.

The bill makes two important changes: It reduces the fees and administrative burdens to loan underwriters by making the requirements associated with refinances more consistent with standard FHA practices. Also, the bill permits the Hope for Homeowners Program to pay lenders up to $1,000 to refinance each mortgage, and provides a safe harbor from liability to mortgage servicers who engage in loan modifications, workouts or other loss mitigation.

To pay for these important changes, the bill is offset by a $2.316 billion reduction in the $700 billion Troubled Asset Relief Program.

For those homeowners facing bankruptcy, the bill permits judges to reduce the principal, interest rates, and fees owed on mortgages for primary residences. This is the same option already available for owners of yachts and vacation homes. The measure allows courts to reduce the principal on such mortgages to the current market value of the home, from the higher amount specified in the original mortgage. This provision should encourage banks to work with homeowners upfront and to exhaust every option so as to avoid having to settle the issue before a judge.

I encourage my colleagues to join me in support of the Helping Families Save Their Homes Act. By helping struggling homeowners, we are helping reduce the number of foreclosed homes in our communities which should help stabilize home prices and strengthen our economy.

INCREASED STUDENT ACHIEVEMENT THROUGH INCREASED STUDENT SUPPORT ACT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. TOWNS. Madam Speaker, I rise in support of the "Increased Student Achievement through Increased Student Support Act," which Congresswoman LINDA SÁNCHEZ, Congressman POLIS and I proudly reintroduced today. This bill will increase the number and availability of school counselors, school social workers, and school psychologists in qualified urban and rural low-income districts.

More and more we are finding that schools in underserved communities suffer disproportionately from a lack of support services, with many schools sharing only one social worker, school psychologist, or school counselor with neighboring schools. With this poor ratio of personnel to students, it is difficult to effectively and adequately address the needs of students, leaving the important job of monitoring the child's emotional and mental wellbeing to the teacher. When teachers are left to address these issues on their own, they have less time to deliver quality instruction and raise student achievement. It is not surprising then, that low-income schools experience high teacher turnover and frequent complaints of inadequate support. In fact, in our urban, public schools in 2003–04, 30.2 percent of teachers reported student acts of disrespect for teachers on at least a weekly basis and 18.5 percent reported student verbal abuse of teachers on at least a weekly basis.

To address these social and behavior issues, students require the attention of school counselors, school social workers and school psychologists.

For these reasons, along with Congresswoman LINDA SÁNCHEZ and Congressman JARED POLIS, I am reintroducing the Increased Student Achievement through Increased Student Support Act. This legislation will create funding to form partnerships between higher education institutions that train school counselors, school social workers and school psychologists and qualified low-income schools, placing these student support professionals where they are needed most.

I urge my colleagues to support the "Increased Student Achievement through Increased Student Support Act" to ensure quality education for our children nationwide.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

SPEECH OF

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability:

Mr. KENNEDY. Mr. Chair, I rise in support of the Helping Families Save Their Homes Act and in support of President Obama's Homeowner Affordability and Stability Plan.

We simply cannot overstate the effect that the housing crisis has had on our economy. Foreclosures continue to decimate both our financial system and the neighborhoods that we call home. In Rhode Island, we are suffering from the highest foreclosure rate in New England and housing prices have dropped 25 percent in the last year.

President Obama's plan is a welcome recognition that we cannot begin to resolve our economic crisis without first stemming the tide of foreclosures. Under his leadership, the Homeowner Affordability and Stability Plan will help up to 7 to 9 million American families restructure their mortgages to avoid foreclosure. This plan will help responsible homeowners in danger as well as our neighbors, our banks and our local economies. For example, this initiative will save the average homeowner from price declines of as much as $6,000 in the value of their home.

It is long past time for a President who recognizes that bold action is needed to curb the foreclosure crisis. Bankruptcy judges must be given the power to adjust mortgages on primary residences. The language in the bill we

are debating today is very similar to legislation I cosponsored earlier this Congress and I applaud President Obama for his leadership on this issue.

Yet, there are some banks that claim this legislation will make homeowners choose bankruptcy over working out their mortgages. These are the same banks that have flatly refused to help work out those mortgages over the last year. These concerns have been directly addressed. To make sure nobody abuses the courts, this legislation will require all homeowners seeking bankruptcy protection to certify that they first attempted to modify their mortgage with the banks.

Every time we try to reform our financial system, we are told by industry and skeptic alike that consumer protections like those in the Homeowner Affordability and Stability Plan might ''destabilize'' the market. Our government accepted that advice for much of the last decade and it landed us in an economic crisis. The great people of Rhode Island have watched their home equity plummet because of reckless behavior on Wall Street. Frankly, that is the kind of destabilization I am worried about.

It is true that this legislation will make a number of important revisions to the Hope for Homeowners Program. However, the real problem with Hope for Homeowners was that the lending industry never had any interest in participating. Until homeowners have some bargaining power and the lending industry understands that these loans must be reworked, there will be no real progress. Currently, bankruptcy judges can change the terms of loans for automobiles, stores, vacation homes and factories but not primary mortgages. It's time we let them do something much more important: help Americans to keep their houses.

This plan will empower homeowners and give lenders the incentive they need to save millions of mortgages from foreclosure. I look forward to continuing to work with my colleagues in Congress and with President Obama to tackle the housing crisis and restore America's economy.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

SPEECH OF

HON. BILL POSEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability:

Mr. POSEY. Mr. Chair, H.R. 1106 is a combination of several free-standing bills, all of which touch on financial services and which are intended to address the mortgage situation. While I support some aspects of H.R. 1106, such as updates to the Federal Credit Union Act and a servicer safe harbor for loan modifications, the bill goes far beyond this by expanding the failed Hope for Homeowners program and allowing judicial ''cram downs'' in bankruptcy cases. ''Cram down'' will significantly raise the cost of mortgages for all borrowers by enabling bankruptcy judges to rewrite the terms of mortgages. The House Financial Services Committee has never held a hearing on the impact of ''cram down.'' My amendment to the Committee's Oversight Plan, accepted unanimously on February 11, directed the Committee to investigate the potential impacts of ''cram down'' legislation including its effects on the cost of mortgages, the taxpayers and the secondary market for mortgages.

Despite a dismal performance record, this bill throws more money at the Hope for Homeowners (H4H) program, which I am informed has helped a mere 43 borrowers. The Congressional Budget Office estimates that expanding this program will help no more than 25,000 borrowers at a cost of $23,000 each. We also know that the changes the bill makes to H4H will weaken important taxpayer safeguards, leaving taxpayers to foot the bill directly for additional defaults.

A significant concern I have with H.R. 1106 is the cram-down provision. The ''cram down'' provision would allow bankruptcy judges to change the terms of a mortgage loan for a primary residence, overturning a century of bankruptcy code and practice. Proponents of ''cram down'' are quick to argue that bankruptcy judges should have the authority to help everyone stay in their homes. Anyone with common sense knows that higher risk or greater uncertainty will raise interest rates. Opening the possibility of ''cram down'' across the board for all primary residences adds uncertainty in the market and it will lead to higher interest rates across the board for all home buyers. Everyone, including responsible buyers, will be forced to foot the bill for speculators and those who make poor purchasing decisions as the costs of those decisions are spread across all borrowers. For more than 100 years primary residences have been exempted from ''cram down'' bankruptcy proceedings precisely to help keep mortgage interest rates lower and homes more affordable. At a February 11 House Financial Services Committee hearing, I asked the nation's leading lenders what would happen if Congress passed ''cram down.'' Their response was overwhelmingly clear: allowing bankruptcy judges to ''cram down'' mortgages would increase the cost of all mortgages and add an incentive for more people to declare bankruptcy.

The adverse effects of this legislation will extend beyond the small percentage of people it is intended to help. The increased risk in the housing market, and increased interest rates, will result in much larger down payments and cost first-time buyers and lower and middle-class families tens of thousands of dollars. The Mortgage Bankers Association predicts that ''cram down'' would increase interest rates from six percent to eight percent on a 30-year, fixed rate mortgage. For a $300,000 loan for example, this would cost the borrower nearly $5000 per year and over $144,000 for the life of the loan. H.R. 1106 will encourage more homeowners to file bankruptcy as some homeowners, currently on the margin of bankruptcy but still making payments, could take advantage of ''cram down'' bankruptcy as opposed to seeking a loan modification with their lender. Is encouraging bankruptcies really a solution to our problems? For many filers it would only delay the pain of foreclosure. Just one-third of Chapter 13 filers actually complete the process, which is itself costly and time-consuming. If our goal is to unfreeze credit and improve the economy, H.R. 1106 is the wrong prescription.

We can do better. We can craft solutions that give troubled home-owners a ''time out'' and help them catch up on payments without burdening taxpayers, overturning a bedrock provision of our bankruptcy code that has benefited 90 percent of Americans who do not have troubled mortgages. If this bill becomes law, new responsible homeowners will be forced to make higher mortgage payments each and every month for 30 years. That is a significant ''tax'' on responsible middle class families. Forcing responsible Americans to subsidize bad decisions by others may not meet the technical definition of a tax increase, but I believe whenever you take money out of one person's pocket and give it to someone else it is a tax.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability:

Mr. HOYER. Mr. Chair, It can be easy to think that a neighbor's home troubles are no concern of ours. If we can still pay our mortgages, it's easy enough to shut our doors on their problems.

But the world doesn't work like that. Our prosperity is bound to theirs, in good times and bad. A single foreclosed home can threaten a neighborhood; a neighborhood of foreclosed homes can help bring down the economy of a city; and a nation full of foreclosures can expect economic turmoil, and frozen credit, and layoffs, and decreasing demand, and more layoffs. That is where we are today: a nation with 14 million families' mortgages underwater, and counting; a nation in which foreclosed homes can drive down the value of their neighbors' property by nearly 10 percent.

That's why this bill is so necessary. The Helping Families Save Their Homes Act puts into law some of the most important provisions of President Obama's homeowner stability plan. It makes it easier for lenders to renegotiate mortgages for families who are underwater, close to foreclosure, or nearing bankruptcy. And for families that are driven into bankruptcy by their home payments, this bill allows bankruptcy judges to modify the terms of their loans—a step that is free for taxpayers and could reduce foreclosures by 20 percent. Today, investors can restructure debt on their vacation homes; real estate speculators can do it for their property; corporations can do it for their private planes; and you can even do it if you own a boat. It is only fair that average Americans have the same right for the homes they live and raise their families in.

I also want to make very clear that this bill is not designed for those who bought bigger houses than they knew they could afford. It is made for those who acted responsibly but need this breathing room because of circumstances they could not control—circumstances like unemployment or the nationwide decline in home values.

Maybe someone listening in this chamber, or watching on TV, knows what it's like to lose a home. You know, in a way that I do not, just how wrenching it is to be forced to box up your things and turn over your key.

But this bill is not just about you—it is about all of us. As President Obama said this month, "In the end, all of us are paying a price for this home mortgage crisis. And all of us will pay an even steeper price if we allow this crisis to deepen." The effects go far deeper than one family and one now-vacant house. They go to the health of an entire economy—to the jobs and livelihoods of people on the other side of the continent. They go to a crisis that will not end until this mortgage mess is cleaned up.

So for all of our sakes, we need to pass this bill and begin putting President Obama's plan into effect.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

SPEECH OF

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability:

Mr. LARSON of Connecticut. Mr. Chairman, I rise today to express my support for H.R. 1106: Helping Families Save Their Homes Act of 2009. I want to thank all of the members who worked tirelessly on this bill as well as the President for making this a priority in his plan to help families stay in their homes.

Our country is faced with enormous challenges and every community has felt the effect of this economic downturn. Digging ourselves out of the hole we have been left will not be easy and will require difficult choices.

The housing crisis is not only at the root of the economic crisis we currently face, but continues to be a problem for millions of families facing difficulties in paying their mortgages. In Connecticut there were over 25,000 foreclosure filings in 2008, which was an increase of 84 percent over the previous year. Already in January of this year there have been more than 1,600 foreclosure filings in the state, including 387 in Hartford County alone.

This bill will go a long way to decreasing foreclosures and keeping families in their houses. It helps provide opportunities for families to refinance or modify their mortgages and ensures fairness in our bankruptcy courts for homeowners who face this option as their last resort. By allowing bankruptcy judges to modify the terms of mortgage loans, we will give homeowners the same opportunity that others have to restructure their loans for vacation homes. The bill also contains fixes to the Hope for Homeowners program that will provide more incentives for servicers to refinance mortgage loans and reduce fees for participating in the program. Finally, by permanently increasing federally insured deposits from $100,000 to $250,000 we will help restore confidence in our financial system.

This recovery will require a number of steps and this legislation is the next step in getting America back on track. I again want to express my support for this bill and urge my colleagues to vote for its passage.

INTRODUCTION OF "CLEAN TEA"

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. BLUMENAUER. Madam Speaker, today I am pleased to introduce "CLEAN TEA," the Clean Low-Emissions Affordable New Transportation Equity Act, with my colleagues ELLEN TAUSCHER and STEVEN LATOURETT. This legislation recognizes that the United States cannot meet its climate change goals without addressing emissions from the transportation sector. Transportation is responsible for about one-third of greenhouse gas emissions; passenger automobiles and light trucks alone contribute 21 percent. The transportation sector must be responsible for a proportionate amount of the solution.

Since 1980, the number of miles Americans drive has grown three times faster than the U.S. population, and almost twice as fast as vehicle registrations. Although new vehicle technology and low carbon fuel can substantially reduce emissions from automobiles and light trucks, these gains are likely to be offset by continuing growth in vehicle miles traveled. It is critical that legislation to reduce greenhouse gas emissions also provides people with low-carbon transportation options through community design and transportation alternatives. Providing consumers with transportation options will also save them money and provide additional public health, environmental, economic, and quality of life benefits.

CLEAN TEA is predicated on the adoption of a comprehensive climate change bill that would generate revenue for the Federal government. Under CLEAN TEA, 10 percent of the funding generated through this legislation would be used to create a more efficient transportation system and lower greenhouse gas emissions through strategies such as funding new or expanded transit or passenger rail supporting development around transit stops, and making neighborhoods safer for bikes and pedestrians.

In order to be eligible for the funding authorized by this legislation, cities and state departments of transportation would have to review their transportation plans and determine how they could reduce greenhouse gas emissions. The bill then provides federal funding for projects in those transportation plans to be distributed to states and localities based on the expected reductions in greenhouse gas emissions in each plan. States and cities with more ambitious plans would receive greater funding.

As we move forward to address climate change, I hope my colleagues will work with me to align our transportation and climate policy goals. By doing this, we can reduce our carbon footprint, improve our communities, save Americans money, and create a transportation system for the 21st century.

FEDERAL LIVING WAGE RESPONSIBILITY ACT OF 2009

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. GUTIERREZ. Madam Speaker. I rise today to announce the introduction of my bill, the Federal Living Wage Responsibility Act of 2009, legislation to mandate a livable wage for employees under Federal contracts and subcontracts.

The Economic Policy Institute estimates that, in fiscal year 2006, "over 406,000 federal contract workers earned less than $9.91/hr," the poverty threshold for a family of four. It is unacceptable that in a time of economic crisis, Congress is not doing all it can to ensure that hardworking Americans have the opportunity to keep themselves and their families out of poverty.

That is why I am re-introducing the Federal Living Wage Responsibility Act of 2009, which requires that employees of federal contracts or subcontracts of more that $10,000 are paid wages in accordance with the Federal poverty level for a family of four as determined by the Department of Health and Human Services. This legislation also ensures that federal contract workers receive benefits such as health insurance, vacation and holiday pay, disability insurance, life insurance, and pensions.

While Congress took one step in the right direction with the passage of laws such as the Davis-Bacon Act and the Service Contract Act to help ensure that employees of federal contractors earn a decent wage, our work is not done. Thousands of federal contract workers still do not earn enough to support their families. These prevailing wage standards fall well below what is required for full-time federal contract workers to sustain a reasonable standard of living.

Madam Speaker, in these times of economic turmoil this Congress must guarantee that hardworking Americans will be able to support their families with a livable wage. I ask my colleagues to join me in supporting this timely and necessary legislation which would set a standard for decent wages.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2779–S2853

Measures Introduced: Fifteen bills and three resolutions were introduced, as follows: S. 527–541, and S. Res. 65–67. **Pages S2827–28**

Measures Reported:

S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, with an amendment in the nature of a substitute. **Page S2827**

Measures Passed:

National Asbestos Awareness Week: Committee on the Judiciary was discharged from further consideration of S. Res. 57, designating the first week of April 2009 as ''National Asbestos Awareness Week'', and the resolution was then agreed to. **Page S2852**

National School Breakfast Program: Senate agreed to S. Res. 67, expressing the sense of the Senate that providing breakfast in schools through the national school breakfast program has a positive impact on the lives and classroom performance of low-income children. **Pages S2852–53**

Measures Considered:

Omnibus Appropriations Act: Senate continued consideration of H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, taking action on the following amendments proposed thereto: **Pages S2782–S2821**

Rejected:

By 39 yeas to 55 nays (Vote No. 81), Wicker Modified Amendment No. 607, to require that amounts appropriated for the United Nations Population Fund are not used by organizations which support coercive abortion or involuntary sterilization. **Pages S2788–89, S2790–95**

By 42 yeas to 52 nays (Vote No. 82), Murkowski Amendment No. 599, to modify a provision relating to the repromulgation of final rules by the Secretary of the Interior and the Secretary of Commerce. **Pages S2789, S2800–06, S2809–13**

By 43 yeas to 51 nays (Vote No. 83), Cochran (for Inhofe) Amendment No. 613, to provide that no funds may be made available to make any assessed contribution or voluntary payment of the United States to the United Nations if the United Nations implements or imposes any taxation on any United States persons. **Pages S2789, S2806–07, S2813**

By 41 yeas to 53 nays (Vote No. 85), Cochran (for Kyl) Amendment No. 634, to prohibit the expenditure of amounts made available under this Act in a contract with any company that has a business presence in Iran's energy sector. **Pages S2789, S2807–09, S2814–16**

Withdrawn:

Cochran (for Crapo (and others)) Amendment No. 638, to strike a provision relating to Federal Trade Commission authority over home mortgages. **Pages S2789, S2816–21**

Pending:

Ensign Amendment No. 615, to strike the restrictions on the District of Columbia Opportunity Scholarship Program. **Page S2821**

During consideration of this measure today, Senate also took the following action:

By 26 yeas to 68 nays (Vote No. 84), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 302(f) of the Congressional Budget Act of 1974, with respect to Thune Modified Amendment No. 635, to provide funding for the Emergency Fund for Indian Safety and Health, with an offset. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell. **Pages S2789, S2798–S2800, S2807, S2813–14**

Cloture Motion—Agreement: A unanimous-consent agreement was reached providing that the previously scheduled vote on the motion to invoke cloture on the bill, be vitiated. **Page S2820**

Subsequently, the motion to invoke cloture on the bill was withdrawn. **Page S2821**

A unanimous-consent agreement was reached providing for further consideration of the bill at 10 a.m., on Friday, March 6, 2009. **Page S2853**

Guam World War II Loyalty Recognition Act—Referral Agreement: A unanimous-consent agreement was reached providing that the Committee on Energy and Natural Resources be discharged from further consideration of H.R. 44, to implement the recommendations of the Guam War Claims Review Commission, and the bill then be referred to the Committee on the Judiciary. **Page S2853**

Messages from the House: **Page S2827**

Measures Placed on the Calendar: **Pages S2779, S2827**

Executive Reports of Committees: **Page S2827**

Additional Cosponsors: **Pages S2828–29**

Statements on Introduced Bills/Resolutions: **Pages S2829–50**

Additional Statements: **Pages S2826–27**

Amendments Submitted: **Pages S2850–51**

Notices of Hearings/Meetings: **Pages S2851–52**

Authorities for Committees to Meet: **Page S2852**

Record Votes: Five record votes were taken today. (Total—85) **Pages S2795, S2812–13, S2813, S2814, S2816**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 9:18 p.m., until 10 a.m. on Friday, March 6, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2853.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Appropriations: Committee announced the following subcommittee assignments for the 111th Congress:

Subcommittee on Agriculture, Rural Development, Federal Drug Administration, and Related Agencies: Senators Kohl (Chair), Harkin, Dorgan, Feinstein, Durbin, Johnson, Nelson (NE), Reed, Pryor, Brownback, Bennett, Cochran, Specter, Bond, McConnell, and Collins.

Subcommittee on Commerce, Justice, Science, and Related Agencies: Senators Mikulski (Chair), Inouye, Leahy, Kohl, Dorgan, Feinstein, Reed, Lautenberg, Nelson (NE), Pryor, Shelby, Gregg, McConnell, Hutchison, Brownback, Alexander, Voinovich, and Murkowski.

Subcommittee on Defense: Senators Inouye (Chair), Byrd, Leahy, Harkin, Dorgan, Durbin, Feinstein, Mikulski, Kohl, Murray, Cochran, Specter, Bond, McConnell, Shelby, Gregg, Hutchison, and Bennett.

Subcommittee on Energy and Water Development: Senators Dorgan (Chair), Byrd, Murray, Feinstein, Johnson, Landrieu, Reed, Lautenberg, Harkin, Tester, Bennett, Cochran, McConnell, Bond, Hutchison, Shelby, Alexander, and Voinovich.

Subcommittee on Financial Services and General Government: Senators Durbin (Chair), Landrieu, Lautenberg, Nelson (NE), Tester, Collins, Bond, and Murkowski.

Subcommittee on Homeland Security: Senators Byrd (Chair), Inouye, Leahy, Mikulski, Murray, Landrieu, Lautenberg, Tester, Voinovich, Cochran, Gregg, Specter, Shelby, and Brownback.

Subcommittee on Interior, Environment, and Related Agencies: Senators Feinstein, Byrd, Leahy, Dorgan, Mikulski, Kohl, Johnson, Reed, Nelson (NE), Tester, Alexander, Cochran, Bennett, Gregg, Murkowski, Collins, and Voinovich.

Subcommittee on Labor, Health and Human Services, Education, and Related Agencies: Senators Harkin (Chair), Inouye, Kohl, Murray, Landrieu, Durbin, Reed, Pryor, Specter, Cochran, Gregg, Hutchison, Shelby and Alexander.

Subcommittee on Legislative Branch: Senators Nelson (NE), Pryor, Tester, and Murkowski.

Subcommittee on Military Construction and Veterans' Affairs, and Related Agencies: Senators Johnson, Inouye, Landrieu, Byrd, Murray, Reed, Nelson (NE), Pryor, Hutchison, Brownback, McConnell, Collins, Alexander, and Murkowski.

Subcommittee on State, Foreign Operations, and Related Programs: Senators Leahy (Chair), Inouye, Harkin, Mikulski, Durbin, Johnson, Landrieu, Lautenberg, Gregg, McConnell, Specter, Bennett, Bond, and Brownback.

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies: Senators Murray (Chair), Byrd, Mikulski, Kohl, Durbin, Dorgan, Leahy, Harkin, Feinstein, Johnson, Lautenberg, Bond, Shelby, Specter, Bennett, Hutchison, Brownback, Alexander, Collins, and Voinovich.

AMERICAN INTERNATIONAL GROUP

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine American International Group, focusing on government intervention and implications for future regulation, after receiving testimony from Donald L. Kohn, Vice Chairman, Board of Governors of the Federal Reserve System; Scott M. Polakoff, Acting Director, Office of Thrift Supervision, Department of the Treasury; and Eric Dinallo, New York State Insurance Department, New York.

ENERGY RESEARCH AND DEVELOPMENT

Committee on Energy and Natural Resources: Committee concluded an oversight hearing to examine future directions of energy research and development and to identify key scientific and technological hurdles that must be overcome in order to pursue these new directions, after receiving testimony from Steven Chu, Secretary, and George W. Crabtree, Senior Scientist, Associate Division Director and Distinguished Fellow, Materials Sciences Division, Argonne National Laboratory, both of the Department of Energy; James T. Bartis, RAND Corporation, Arlington, Virginia; Michael L. Corradini, University of Wisconsin Nuclear Engineering and Engineering Physics Program, Madison; and Robert M. Fri, Resources for the Future, and Deborah L. Wince-Smith, Council on Competitiveness, both of Washington, D.C.

U.S. STRATEGY REGARDING IRAN

Committee on Foreign Relations: Committee concluded a hearing to examine United States strategy regarding Iran, after receiving testimony from Zbigniew Brzezinski, Center for Strategic and International Studies, and Lieutenant General Brent Scowcroft, USAF (Ret.), The Scowcroft Group, both of Washington, D.C.

RECOVERY AND REINVESTMENT SPENDING

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine transparency and accountability for recovery and reinvestment spending, including preserving and creating jobs and promoting economic recovery, assisting those most impacted by the recession, investing in transportation, environmental protection, and other infrastructure to provide long-term economic benefits, and stabilizing state and local government budgets, after receiving testimony from Robert Nabors, Deputy Director, Office of Management and Budget; Gene L. Dodaro, Acting Comptroller General of the United States, Government Accountability Office; and Phyllis K. Fong, Inspector General, Department of Agriculture.

2010 CENSUS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine how the Obama Administration can achieve an accurate and cost-effective 2010 census, after receiving testimony from Barbara Everitt Bryant, former Director, and Robert B. Hill, former Chair, both of the United States Census Bureau; Robert Goldenkoff, Director, Strategic Issues, and David A. Powner, Director, Information Technology Management Issues, both of the Government Accountability Office; Lawrence D. Brown, University of Pennsylvania The Wharton School, Pennsylvania; and John Thompson, National Opinion Research Council, Chicago, Illinois.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, with an amendment in the nature of a substitute;

S. 146, 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. 256, to enhance the ability to combat methamphetamine; and

The nominations of Elena Kagan, of Massachusetts, to be Solicitor General of the United States, Thomas John Perrelli, of Virginia, to be Associate Attorney General, and David S. Kris, of Maryland, to be an Assistant Attorney General, all of the Department of Justice.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 53 public bills, H.R. 1319–1371; 1 private bill, H.R. 1372; and 8 resolutions, H. Con. Res. 69; and H. Res. 211–217 were introduced. **Pages H3052–55**

Additional Cosponsors: **Pages H3055–56**

Reports Filed: A report was filed today as follows: H. Res. 218, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, (H. Rept. 111–24).

Speaker: Read a letter from the Speaker wherein she appointed Representative Pastor to act as Speaker Pro Tempore for today. **Page H2983**

Moment of Silence: The House observed a moment of silence in honor of the men and women in uniform who have given their lives in the service of our nation in Iraq and Afghanistan, their families, and all who serve in the armed forces and their families. **Page H2995**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measures which were debated on Tuesday, March 3rd:

Designating March 2, 2009, as "Read Across America Day": H. Res. 146, to designate March 2, 2009, as "Read Across America Day", by a ⅔ yea-and-nay vote of 417 yeas with none voting "nay", Roll No. 98 and **Pages H2995–96**

Commending the University of Southern California Trojan football team for its victory in the 2009 Rose Bowl: H. Res. 153, to commend the University of Southern California Trojan football team for its victory in the 2009 Rose Bowl, by a ⅔ recorded vote of 362 ayes to 15 noes with 4 voting "present", Roll No. 106. **Pages H3025–26**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Wednesday, March 4th:

Supporting the goals and ideals of Multiple Sclerosis Awareness Week: H. Con. Res. 14, to support the goals and ideals of Multiple Sclerosis Awareness Week, by a ⅔ recorded vote of 416 ayes with none voting "nay", Roll No. 99. **Page H2996**

Recess: The House recessed at 1:34 p.m. and reconvened at 4:41 p.m. **Page H3018**

Helping Families Save Their Homes Act of 2009: The House passed H.R. 1106, to prevent mortgage foreclosures and enhance mortgage credit availability, by a yea-and-nay vote of 234 yeas to 191 nays, Roll No. 104. Consideration of the measure began on Thursday, February 26th. **Pages H2986–95, H2997–H3024**

Rejected the Price (GA) motion to recommit the bill to the Committee on the Judiciary and the Committee on Financial Services with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 182 ayes to 242 noes, Roll No. 103. **Pages H3021–23**

Pursuant to H. Res. 205, amendment number 1 printed in H. Rept. 111–21 shall be considered as perfected by the modification printed in H. Rept. 111–23. **Page H3001**

Accepted:

Zoe Lofgren amendment (No. 1 printed in H. Rept. 111–21 and modified in H. Rept. 111–23) that requires courts to use FHA appraisal guidelines where the fair market value of a home is in dispute; denies relief to individuals who can afford to repay their mortgages without judicial mortgage modification; and extends the negotiation period from 15 to 30 days, requiring the debtor to certify that he or she contacted the lender, provided the lender with income, expense and debt statements, and that there was a process for the borrower and lender to seek to reach agreement on a qualified loan modification (by a recorded vote of 263 ayes to 164 noes, Roll No. 100) and **Pages H3001–13, H3019**

Peters amendment (No. 3 printed in H. Rept. 111–21) that provides that, in the case of a debtor whose home is in foreclosure, the debtor could meet the pre-filing credit counseling requirement by receiving counseling either before filing or up to 30 days after filing (by a recorded vote of 423 ayes to 2 noes, Roll No. 102). **Pages H3015–17, H3020–21**

Rejected:

Price (GA) amendment (No. 2 printed in H. Rept. 111–21) that sought to provide that if a homeowner who has had a mortgage modified in a bankruptcy proceeding sells the home at a profit, the lender can recapture the amount of principal lost in the modification (by a recorded vote of 211 ayes to 218 noes, Roll No. 101). **Pages H3014–15, H3019**

Withdrawn:

Titus amendment (No. 4 printed in H. Rept. 111–21) that was offered and subsequently withdrawn that would have required a servicer that receives an incentive payment under the Hope for Homeowners program to notify all mortgagors under

mortgages they service who are ''at-risk homeowners'', in a form and manner as shall be prescribed by the Secretary, that they may be eligible for the Hope for Homeowners Program and how to obtain information regarding the program. **Pages H3017–18**

H. Res. 205, the rule providing for further consideration of the bill, was agreed to by a yea-and-nay vote of 239 yeas to 181 nays with 1 voting ''present'', Roll No. 97, after agreeing to order the previous question without objection. **Pages H2986–95**

Privileged Resolution: The House agreed to table H. Res. 212, raising a question of the privileges of the House, by a recorded vote of 222 ayes to 181 noes with 14 voting ''present'', Roll No. 105. **Pages H3024–25**

Senate Message: Message received from the Senate today appears on page H2983.

Senate Referrals: S. 520 was referred to the Committee on Transportation and Infrastructure. **Page H3052**

Quorum Calls—Votes: Three yea-and-nay votes and seven recorded votes developed during the proceedings of today and appear on pages H2994–95, H2995–96, H2996, H3019, H3019–20, H3020–21, H3023, H3023–24, H3024–25, H3025–26. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:45 p.m.

Committee Meetings

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies held a hearing on Science Education. Testimony was heard public witnesses.

The Subcommittee also held a hearing on Where are We Today: Today's Assessment of ''The Gathering Storm.'' Testimony was heard from a public witness.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on Global Mobility. Testimony was heard from GEN Duncan McNabb, Commander, Transportation Command; Gen Arthur Lichte, Commander, Air Mobility Command; and MG Randy Fullhart, Director, Global Reach Programs.

STATE, FOREIGN OPERATIONS, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on State, Foreign Operations and Related Agencies held a hearing on the Rule of Civilian and Military Agencies in the Advancement of America's Diplomatic and Development Objectives. Testimony was heard from public witnesses.

COMBATING PIRACY ON THE HIGH SEAS

Committee on Armed Services: Held a hearing on combating piracy on the high seas. Testimony was heard from the following officials of Department of Defense: VADM William Gortney, USN, Commander, U.S. Naval Forces Central Command; and Daniel W. Pike, Principal Director, (Acting) Office of African Affairs; and Ambassador Stephen Mull, Acting Under Secretary, International Security and Arms Control, Department of State.

CAN DOD TRAVELERS BOOK A TRIP?

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on Can DOD Travelers Book A Trip? Defense Travel System Update Testimony was heard from the following officials of the Department of Defense: Pam Mitchell, Director Defense Travel Management Office; and David Fisher, Director, Business Transformation Agency; Asif Khan, Director, Financial Management and Assurance, GAO; and a public witness.

TREASURY DEPARTMENT FISCAL YEAR 2010 BUDGET

Committee on the Budget: Held a hearing on Treasury Department Fiscal Year 2010 Budget. Testimony was heard from Timothy F. Geitner, Secretary of the Treasury.

CONSUMER PROTECTION IN THE USED AND SUBPRIME CAR MARKET

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing on Consumer Protection in the Used and Subprime Car Market. Testimony was heard from Eileen Harrington, Acting Director, Bureau of Consumer Protection, FTC; James H, Burch, II, Acting Director, Bureau of Justice Assistance, Department of Justice; and public witnesses.

ROLE OF OFFSETS IN CLIMATE LEGISLATION

Committee on Energy and Commerce: Subcommittee on Energy and Environment held a hearing on the role of offsets in climate legislation. Testimony was heard from John Stephenson, Director, Natural Resources and Environment, GAO; and public witnesses.

PERSPECTIVES ON SYSTEMIC RISK

Committee on Financial Services: Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises held a hearing entitled ''Perspectives on Systemic Risk,'' Testimony was heard from Orice Williams, Director, Financial Markets and Community Investment, GAO; and public witnesses.

ROLE FOR CONGRESS AND THE PRESIDENT IN WAR

Committee on Foreign Affairs: Held a hearing on the Role for Congress and the President in War: The Recommendations of the National War Powers Commission. Testimony was heard from the following former Secretaries of State; Warren M. Christopher, James A. Baker, III; and Lee Hamilton, also former Chairman of the House Committee on Foreign Affairs.

PUTTING PEOPLE FIRST—A WAY FORWARD FOR THE HOMELAND SECURITY WORKFORCE

Committee on Homeland Security: Subcommittee on Management, Investigations and Oversight held a hearing entitled ''Putting People First: A Way Forward for the Homeland Security Workforce.'' Testimony was heard from public witnesses.

RULES OF PROCEDURE FOR PRIVATE IMMIGRATION AND CLAIMS BILLS; OTHER ORGANIZATIONAL MATTERS; APPROVED REQUESTS FOR DEPARTMENTAL REPORTS

Committee on the Judiciary: Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law, Adopted Rules of Procedure and Statement of Policy for Private Immigration bills; Adopted Rules of Procedure for Private Claims bills; Continued the Subcommittee's Policy on the Granting Federal Charters; and approved requests to the Department of Homeland Security, Departmental Reports on the Beneficies of certain private Immigration bills; and reported certain private relief bills.

ENERGY OUTLOOKS—ROLE OF FEDERAL ONSHORE AND OFFSHORE RESOURCES

Committee on Natural Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing entitled ''Energy Outlooks, and the Role of Federal Onshore and Offshore Resources in Meeting Future Energy Demand.'' Howard K. Gruenspecht, Acting Administrator, Energy Information Administration, Department of Energy; Brenda Pierce, Program Coordinator, Energy Resources Program, U.S. Geological Survey; and a public witness.

STATUS OF THE 2010 CENSUS

Committee on Oversight and Government Reform: Subcommittee on Information Policy, Census, and National Archives held a hearing Status of 2010 Census Operations. Testimony was heard from Thomas Mesenbourg, Acting Director, U.S. Census Bureau, Department of Commerce; the following officials of the GAO: Robert Goldenkoff, Director, Strategic Issues, and David Powner, Director, Information Technology; and a public witness.

WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Committee on Rules: Granted, by a non-record vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any resolution reported on the legislative day of March 6, 2009, providing for consideration or disposition of any measure making appropriations for the fiscal year 2009, and for other purposes.

COST MANAGEMENT ISSUES IN NASA'S ACQUISITIONS AND PROGRAMS

Committee on Science and Technology: Subcommittee on Space and Aeronautics held a hearing on Cost Management Issues in NASA's Acquisitions and Programs. Testimony was heard from Christopher Scolese, Acting Administrator, NASA; Cristina T. Chaplain, Director, Acquisition and Sourcing Management, GAO; and a public witness.

FAA REAUTHORIZATION ACT; AND THE WATER QUALITY INVESTMENT ACT

Committee on Transportation and Infrastructure: Ordered reported, as amended, the following bills: H.R. 915, FAA Reauthorization Act; and 1262, Water Quality Investment Act.

BRIEFING—HOT SPOTS UPDATE

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to receive a briefing entitled ''Hot Spots Update.'' The Committee was briefed by departmental witnesses.

Joint Meetings

VETERANS' ORGANIZATIONS LEGISLATIVE PRESENTATIONS

Joint Hearing: Committee on Veterans' Affairs concluded a joint hearing with the House Committee on Veterans' Affairs to examine legislative presentations of certain veterans' organizations, after receiving testimony from Norman Jones, Jr., Blinded Veterans Association, Patrick Campbell, Iraq and Afghanistan Veterans of America, Ira Novoselsky, Jewish War Veterans of the United States of America, Randy L. Pleva, Sr., Paralyzed Veterans of America, and Dawn Halfaker, Wounded Warrior Project, all of Washington, D.C.; Charles A. Stenger, American

Ex-Prisoners of War, Bastrop, Louisiana; and Kathryn A. Witt, Gold Star Wives of America, Inc., Phoenix, Arizona.

COMMITTEE MEETINGS FOR FRIDAY, MARCH 6, 2009

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Armed Services, Subcommittee on Military Personnel, hearing on Sexual Assault in the Military: Prevention, 10 a.m., 2212 Rayburn.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the employment situation for February 2009, 9:30 a.m., SD–106.

Next Meeting of the SENATE

10 a.m., Friday, March 6

Senate Chamber

Program for Friday: Senate will continue consideration of H.R. 1105, Omnibus Appropriations Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, March 6

House Chamber

Program for Friday: To be announced.

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