United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, MONDAY, MAY 4, 2009 No. 67

House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 4, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

GUANTANAMO BAY'S UYGHUR DETAINEES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. Madam Speaker, it is my understanding that President Obama's decision regarding the release into the U.S. of a number of Uyghur detainees held at Guantanamo Bay since 2002 could be imminent.

The New York Times, ABC News and other news outlets have reported that the President will soon release these terrorists into the United States, yet this Congress has not been briefed on this decision.

Let me be clear, these terrorists would not be held in prisons, but they would be released into your neighborhoods. They should not be released into the United States. Do Members realize who these people are?

There have been published reports that the Uyghurs were members of the Eastern Turkistan Islamic Movement, a designated terrorist organization affiliated with al Qaeda.

Releasing the Uyghurs is a matter of grave concern, a matter which prompted me to send a letter to the President last Friday detailing my reservations about any course of action that could pose a threat to the American people.

In my letter I called on the President to declassify all information about the capture and detention of the Uyghur detainees, including a threat assessment for each detainee who would be released in the U.S.

The American people, Madam Speaker, deserve the facts about these detainees and the risk they potentially pose to our communities.

Following the precedent that the administration set in declassifying the Office of Legal Counsel interrogation memos, they have a moral obligation to the American people to declassify all relevant information related to the Uyghur detainees.

This administration has already shown that it has no qualms about releasing selected classified documents. The White House cannot just pick and choose what classified information it deems worthy of releasing. It cannot have it both ways. It shouldn't release information that conveniently makes their case without making information with profound national security implications available to the American people.

After learning that this decision was imminent, I requested briefings from a number of relevant agencies, but all the agencies have told me that our Department of Justice is now preventing them from speaking to me directly on this issue. So much for being open. So much for disclosure.

Is the Attorney General preventing agencies from answering Members' questions? Is this a political decision being made by Eric Holder, the Attorney General?

This is not the transparency and accountability the President promised, nor is it the open and constructive relationship they claim they want with Congress. This is, at best, a poor judgment and, at worst, a dangerous hypocrisy.

Is the administration intent on keeping Congress and the American people in the dark about critically important national security issues?

Madam Speaker, I have criticized both Republican and Democratic administrations for actions that I believe undermine the safety and the security of the American people.

I have not received responses to two letters to Attorney General Holder on the transfer of Guantanamo Bay prisoners. The first letter was dated March 13. The second letter was dated April 23. And I will submit them for the RECORD. They still have not answered the letters. My office has been told by the White House that some of the questions I have asked cannot even be answered.

When Attorney General Holder appeared before the Commerce-Justice-Science appropriations subcommittee, he poignantly said he would not play hide and seek with the information. What are they now trying to hide from the American people?

The Attorney General is slow-rolling the information as terrorist detainees are potentially going to be released into the United States.

According to an L.A. Times article published last week, ''The Homeland Security Department has registered concerns about the plan,'' among other government agencies.

Printed on recycled paper.

Information I have received indicates that the Uyghurs may be more dangerous than the public has been led to believe.

Just last night, 60 Minutes had a disturbing segment which touched on the radicalization of the Guantanamo Bay detainees. The story indicated that in Saudi Arabia alone, of 117 men returned from Guantanamo, 11 have shown up again on Saudi Arabia's most wanted terrorist list.

Any intelligence assessment of the Uyghurs must take into account not only their previous training at terrorist camps but their potential subsequent exposure to the likes of Khalid Sheikh Mohammed, the mastermind of 9/11 who took pleasure in the beheading of Wall Street Journal reporter Daniel Pearl.

I say to this administration, the American people have a right to know all the facts, and I fear personally that expediency is clouding their judgment, which is inexcusable after we saw what took place on 9/11.

The stakes are simply too high for this administration to reasonably think that the American people should simply take their word that these men pose no security threats. I call on the Obama administration to declassify and release all the information that they have available so the American people can make a judgment.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 1, 2009.

Hon. BARACK H. OBAMA,
President, the White House,
Washington, DC.

DEAR MR. PRESIDENT: It is my understanding that your decision regarding whether to release a number of Chinese Uyghur detainees held at Guantanamo Bay into the United States is imminent. I have grave concerns about this action, which I believe could directly threaten the security of the American people.

Information I have received indicates that the Uyghurs may be more dangerous than the public has been led to believe. I write today asking that you declassify all intelligence regarding their capture, detention, and your administration's assessment of the threat they may pose to Americans, prior to any decision to release them. The American people deserve to have all the facts about these individuals before they should be expected to tolerate their presence in our communities.

I believe your administration also has an obligation to explain to the American people how you will monitor the Uyghurs' activities should they be released in the U.S. Additionally, all state and local law enforcement should immediately be notified of your intended decision, provided a threat assessment of the released Uyghurs, and informed of the federal government's plans to monitor their activities once released.

Following the precedent you have set in declassifying the Office of Legal Counsel interrogation memos, you have a moral obligation to declassify this critical information. The American people cannot afford to simply take your word that these detainees, who were captured training in terrorist camps, are not a threat if released into our communities.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 23, 2009.

Hon. ERIC H. HOLDER, Jr.,
Attorney General, Department of Justice,
Washington, DC.

DEAR ATTORNEY GENERAL HOLDER: My letter of March 13 indicated my concerns about bringing enemy combatants from the detention facility at Naval Station Guantanamo Bay, Cuba, to the United States. I understand that the president has given you the task of determining the release, transfer or prosecution of these detainees. I noted your recent comments on how this is the most challenging aspect of your job as attorney general and I respect the difficulty of your position.

But as I have learned more about these detainees and received additional information from terrorism experts, I remain extremely concerned that transferring these combatants to locations near large civilian populations would place an overwhelming burden on the court system and endanger public safety.

The detainees currently held at Guantanamo Bay are some of the most dangerous individuals in the world who have openly dedicated their lives to killing Americans. Kahlid Sheik Mohammed was the architect of the 9/11 attacks and took pleasure in beheading Wall Street Journal reporter Daniel Pearl. Ramzi Binalshibh was identified as one of the planners of 9/11 and was supposed to be one of the hijackers until he was denied entry into the United States. Walid bin Attash is believed to be the mastermind behind the bombing of the U.S.S. Cole in Yemen in 2000. These individuals are responsible for planning the deaths of thousands of Americans.

Guantanamo Bay also houses combatants who were detained after actively trying to kill U.S. troops in Iraq and Afghanistan. From news reports I have read, it appears consideration is being given to allow these detainees rights that go beyond protections offered U.S. military personnel by the Uniform Code of Military Justice. Giving such rights to the men listed above greatly concerns me.

Earlier trials of terrorists in the U.S. demonstrated the necessity for extraordinary security resources that would be needed if some of those at Guantanamo are transferred here. Newsday and the Buffalo News reported that during the 1995 trial in New York of Omar Abdel Rahman, the mastermind of the 1993 World Trade Center bombing, terrorist confederates of El Sayyid Nosair, another World Trade Center bombing planner, were plotting to break him out of Attica State Prison in New York. In the same case, court tapes show that conspirators provided each other assurance that, in the event that some were captured, the others would work to free them. In addition, during the 2000 trial of Mahmud Salim, one of the terrorists accused of the 1998 bombing of the U.S. Embassy in Kenya, he stabbed New York prison guard Louis Pepe in the eye during an escape attempt. Al Qaeda saw the rights given to its members to meet with counsel as an opportunity to carry out a violent escape attempt. Mr. Salim was one of the original followers of Osama bin Laden and the highest ranking al Qaeda member held in the U.S. at the time.

In addition to trying to escape from prison, al Qaeda members have communicated with confederates while in prison. It is my understanding that El Sayyid Nosair was involved in plotting the 1993 World Trade Center bombing while in custody in Attica State Prison. In addition, Osama bin Laden has publicly credited Sheik Abdel Rahman with issuing the ''fatwa'' that approved the 9/11 attacks while he was in federal prison, despite the high security confinement conditions imposed on him. It also emerged later that, with the assistance of his lawyer, Rahman was continuing to send instructional messages to the Islamic Group, his Egyptian terrorist organization.

In 2004, NBC News reported that, despite their incarceration in maximum security conditions, convicted World Trade Center bombers were communicating by mail with terrorists in Madrid, Spain. There would certainly be strong reasons to believe that detainees currently held at Guantanamo Bay—who are known to have rioted and grossly abused prison guards—would use their access to counsel and investigators in order to convey messages to their allies.

It took federal prosecutors eight years in the 1990s to try 29 defendants charged with terrorism-related crimes as a result of attacks on U.S. property and interests abroad. The detention facility at Guantanamo Bay currently holds almost 10 times that number. If it took eight years to prosecute 29 individuals, how long will it take to transfer and prosecute over 200?

How is the Justice Department responding to the fact that prosecutors, judges, and juries in recent terrorism trials, and their families, have required government protection measures, sometimes for many years, at great cost in manpower and to our security budget? Has the Justice Department estimated the cost of providing enhanced personal security for trials yet to come?

I am also concerned about the extra costs that will be incurred in preparing prisons and courthouses for possible trials. I understand that the courthouses in which prior terrorism cases were litigated and the prisons where defendants were held had to be ''hardened'' to accommodate terrorism prosecutions and the attendant threats they entail for participants and the public. Can you provide me with what the cost was for these upgrades? Has the Justice Department considered what the cost will be for upgrading facilities for detainees who may be transferred to the civilian court system.

I am also concerned about the precedent that the standards set in Boumediene v. Bush, the Supreme Court case regarding al Qaeda operative Lakhdar Boumediene, which granted habeas corpus rights to Guantanamo detainees, would set for future cases. In his dissent in this case, Justice Antonin Scalia raised the issue that if enemy combatants currently housed at Guantanamo Bay are given habeas corpus rights, the same rights would have to be given to any combatant detained where the U.S. military conducts operations. Recently, Justice Scalia's admonition has proved prescient as a federal judge in Washington ruled that Boumediene's grant of habeas corpus rights now extends to Afghanistan.

The process in deciding where the detainees will ultimately be housed and under what means they will be tried should be transparent so the American people know who is making these important decisions. I believe that the Justice Department should meet with those who lost loved ones in the 9/11 attacks as well as the families of service members who have died in Iraq and Afghanistan and ask for their perspective on the fate of these detainees, especially those who played a lead role in carrying out the attacks.

If you are convinced these combatants must be transferred to the United States, I believe an isolated part of the country away from population centers would be a better choice. As your department continues to consider plans for these combatants, I ask that you please address these issues as well as the questions I asked in my earlier letter. I also have these additional questions:

1. The trial of Zacharias Moussaoui in Alexandria, Virginia, lasted over four years due

primarily to the judge's belief that the due process standards applicable in civilian trials required more disclosure than the Justice Department believed was required and safe to provide. I understand any appeal to the 4th Circuit Court could take up to an additional year per trial. Considering that a federal appeals court in New York just recently decided an appeal in the embassy bombing case—more than a decade after the attack and eight years after the trial—how long does your department envision civilian legal proceedings for Guantanamo detainees taking?

2. Khalid Sheikh Mohammed, Mohammed al Qatani and Ramzi Binalshibh have been linked directly to the September 11, 2001, attacks and appear far more culpable than Zacharias Moussaoui. Will the Justice Department seek the death penalty for detainees such as them? If so, does the Justice Department think seeking the death penalty would lengthen each trial, and, if so, for how long?

3. Will the defense attorneys for these combatants be given access to classified evidence that would inevitably lead to legal challenge and possible consideration by the Supreme Court, adding more time to trials?

4. If terror suspects are brought into the civilian system for trial and they insist on representing themselves, would the Justice Department allow them access to all discovery, including classified national defense information?

5. Will defense attorneys be allowed discovery on all such evidence and be allowed to challenge its admission in court? Would this require allowing defense attorneys to enter combat zones to view evidence?

6. Will U.S. service members who collected evidence on the battlefield be forced to leave their duties in theater and return to the United States to give testimony in open court?

7. Will military personnel be required to have training on how to legally obtain evidence and preserve the chain of command needed to make such evidence admissible in court?

8. Will every combatant be given full legal rights and will these rights also be given to combatants detained in the future?

9. The system of military tribunals for these combatants was designed to avoid the difficulties inherent in civilian trials. If the military is trusted to run a system of justice good enough for members of our armed forces, why is it deemed insufficiently fair for these detainees who have openly stated they are ''terrorists to the bone?''

10. If these combatants are transferred to the U.S. Court for the Eastern District of Virginia, how will the trials of other defendants in that court be affected?

11. If regular defense attorneys are not allowed to meet with clients at the jail facility in Alexandria due to increased security associated with these combatants, is the Justice Department concerned that those cases could be delayed to the point where those defendants have grounds for appeal?

12. The Moussaoui trial took a heavy toll on the prosecution team and I would be concerned that extended trials for numerous combatants could overwhelm the legal staffs. Do you have a plan for addressing how prosecution teams will work?

13. Are you concerned about the safety of the legal staff and the jurors who are assigned to these cases and have steps been taken to ensure their safety and the safety of their families?

14. Has the Justice Department considered establishing a separate court similar to the FISA court where judges would be assigned these cases on a rotating basis?

15. Has the Justice Department considered consulting with military experts, U.S. Marshals and other law enforcement officials before determining the safest place to house these detainees?

16. Have you consulted with the families of the victims of 9/11 as well as the families of the service members killed in Iraq and Afghanistan as to how these detainees should be prosecuted? If not, will you direct your staff to do so?

17. Will the Justice Department provide the Appropriations Committee with the costs for the security measures necessitated by the terrorism cases of the 1990s and the Moussaoui case?

18. The Congress has received your FY 2009 supplemental request, seeking $47 million for some ongoing DOJ activities. But the majority of the funding, $36.4 million, is for activities related to the closure of the Guantanamo detention facility. Can you tell the Appropriations Committee what exactly the department is doing related to Guantanamo, and what you are proposing to do in the future with the requested supplemental funding?

19. I understand that you have created three task forces to implement the executive orders regarding Guantanamo Bay. How many individual detainee cases must be reviewed and disposed of?

20. Can you provide a list of possible outcomes from these task forces, such as transferring detainees to their home countries or detaining them indefinitely without trial?

21. For any detainees released to third countries, what assurances are you seeking from those governments in order to minimize the risks of recidivism?

22. You have stated that the issues related to closing Guantanamo Bay represent your biggest challenge. If the task forces conclude that the risks associated with civilian trials in the United States are too dangerous and costly, will you recommend to the president that the closure of the detention facility be delayed?

23. Beyond the supplemental request, what other post-Guantanamo requirements will there be?

I realize that your department has numerous issues to address before Guantanamo Bay is closed and all the combatants housed there moved. As the Justice Department continues to consider the disposition of these combatants, I think it is important for Congress to play an active role. As my previous letter stated, I take Congress's oversight role seriously and believe that Congress must be consulted before any of these combatants are moved to the continental U.S.

Thank you for your service.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 13, 2009.

Hon. ERIC H. HOLDER, Jr.
Attorney General, Department of Justice, Washington DC.

DEAR ATTORNEY GENERAL HOLDER: President Obama recently issued an executive order to close the detention facility at Naval Station Guantanamo Bay, Cuba, and decisions must now be made regarding how and where to house the 250 suspected terrorists and enemy combatants held there.

I was particularly concerned to read in the March 7 Washington Post that some of these detainees may be tried in and housed by the United States District Court for the Eastern District of Virginia (Eastern District of Virginia) or the United States District Court for the Southern District of New York. Their presence so close to large civilian population centers raises serious questions of security and logistics for any region forced to accept these detainees.

I do not—and would not—support the transfer of any prisoners presently being detained at Guantanamo Bay to any facilities in Virginia and have joined Virginia colleagues Reps. Randy Forbes and Eric Cantor in introducing legislation (H.R. 1186) to prohibit prisoners at the Guantanamo Bay detention facility from being transferred to federal prisons or military bases in Virginia.

I take seriously the responsibility of congressional oversight, especially in matters with national security implications. In 1998 I authored legislation that created the National Commission on Terrorism. Unfortunately, it took the horrific events of September 11, 2001, for the recommendations of the commission to be taken seriously. I have traveled to Sudan five times and seen evidence of the terrorist training camps used by Osama bin Laden in the 1990s.

The first bombing of the World Trade Center in 1993 was treated as a routine criminal case by the Clinton administration when there were clear indications from Sheik Omar Abdel-Rahman that terrorism was the intent of the bombing.

Furthermore, the individuals currently at Guantanamo Bay are members of the same organization that bombed the U.S. embassies in Kenya and Tanzania as well as the USS Cole in Yemen.

The March 11 Washington Post detailed how a detainee recently released from Guantanamo Bay is now the operations commander of Taliban forces attacking U.S. and NATO forces in southern Afghanistan. There also have been news reports that 61 of the detainees that were processed and released from Guantanamo Bay were recaptured fighting American forces. If those individuals were deemed safe to release from custody yet returned to terrorist activities and killing Americans, what does that say about how dangerous the detainees still at Guantanamo Bay must be?

I was also troubled to read that five Guantanamo detainees described themselves as ''terrorists to the bone,'' and stated in a court filing that they describe their role in the 9/11 attacks as ''a badge of honor.'' These dangerous individuals simply cannot be transferred anywhere near large civilian populations.

As the ranking member on the House Appropriations Commerce-Justice-Science Subcommittee, I am particularly concerned about the complexities of bringing any of these enemy combatants to any installation, military or civilian, close to U.S. civilian populations. Regardless of where these detainees are confined, I would appreciate your detailed response to the following questions:

1. What steps has the Justice Department taken to assure the security of the surrounding population if such violent combatants are confined and tried in urban areas?

2. What precautions will be taken to ensure that the detainees do not escape?

3. Is the Obama administration concerned that the presence of these detainees will invite attacks from ideological followers in an attempt to set them free and, if so, what precautions are being taken to prevent this scenario?

4. How will the detainees be transported to the courthouses?

5. What type of security cordon will be in place if detainees are transported on local highways?

6. Has the Justice Department considered the traffic disruptions associated with road closures around federal courthouses and local jails during the trials of these individuals?

7. If the detainees are flown to any location, will they use military or commercial airports?

8. If commercial airports are used, will terminals have to be evacuated to ensure security?

9. What will be the security perimeter around federal courthouses and will local residents and businesses be forced to move or close to ensure security? If so, for how long?

10. Will Metrorail stations in close proximity to the U.S. Courthouse in Alexandria be closed?

11. Will the Westin Hotel, approximately 200 feet from the courthouse, and the Patent and Trademark Office, approximately 250 feet from the courthouse be evacuated?

12. Has the Justice Department considered the impact such detainees will have on local prisons, such as the city jail in Alexandria, where federal defendants are often held during trial?

13. Will prisoners in local jails have to be moved to provide a secure location for housing these combatants, and, if so, who will bear the costs associated with their transfer?

14. Will there be an extensive list of rules and regulations given to local and state officials regarding the housing and trial of these suspects? If so, will a copy of the regulations be made available to state and local officials as well as members of Congress?

15. Will state and local law enforcement officers be required to assist federal officials and will the federal government compensate those agencies for the use of those officers' time?

16. What costs will be associated with the trial and what portion, if any, will be borne by state and local governments?

17. Has the Justice Department consulted with the Defense Department regarding its ability or willingness to house these detainees?

18. Do a set of protocols for transferring and housing these individuals exist, and, if so, will you make it available to members of Congress?

19. What discussions regarding these detainees, if any, have administration officials had with the commanders of the Naval Station Brig in Norfolk, Virginia; the Marine Corps Base at Quantico, Virginia, or any other military instillation in the contiguous United States, Alaska or Hawaii?

20. Has the administration or the Department of Defense had any discussions with Naval commanders regarding the possibility of transferring detainees to U.S. Naval vessels either in U.S. territorial or international waters?

21. Has the administration had any discussions with the warden of the Administrative Maximum prison facility in Florence, Colorado, regarding the difficulties surrounding the housing of Zacharias Moussaoui and how other prisons might be affected by housing similar detainees?

22. Has the administration had discussions with any of the detainees' country of origin regarding their willingness to accept custody?

While I understand that the Eastern District of Virginia and the Southern District of New York have successfully held the only trials to date of terror suspects, I remain extremely concerned that adequate thought has not been given to the extensive security, financial and logistical costs associated with the transfer of any of these individuals to civilian court districts. State and local officials, as well as the citizens of northern Virginia, will face many challenges and dangers with these combatants housed in the Eastern District of Virginia.

I look forward to receiving your responses to these concerns. Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 36 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LARSEN of Washington) at 2 p.m.

PRAYER

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

Eternal God and subsistence of all life, though Your people walk in the valley of darkness, they move and act without fear, for You are with them.

You lead us to restful pastures and revive our downcast spirits, and You give us comfort.

Help us to be attentive to Your call and follow in faith, for You are our hope and our strength.

Anoint the leadership of this Nation with the oil of gladness and bring us to Your eternal banquet, where we will dwell in Your house 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 gentleman from Louisiana (Mr. FLEMING) come forward and lead the House in the Pledge of Allegiance.

Mr. FLEMING 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 1, 2009.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 1, 2009, at 10:04 a.m.:

That the Senate passed S.615.

That the Senate agreed to without amendment H. Con. Res. 104.

Appointments:

Commission to Study the Potential Creation of a National Museum of the American Latino

With best wished, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

DARIUS GOES WEST

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

Mr. BARROW. Mr. Speaker, I rise today to pay tribute to a special group of young men who are making a difference by drawing attention to Duchenne muscular dystrophy. DMD, which is usually detected in small children, is a debilitating and ultimately fatal affliction, usually taking its victims' lives in their early 20s.

Darius Weems was diagnosed with DMD as a small child, and he will be 19 years old later this year. His brother, Mario, died at that age from the same disease.

Because of his condition, Darius never left his hometown of Athens, Georgia, for the first 15 years of his life. But just before Darius' brother, Mario, died, Mario's friend, Logan Smalley, made a promise to Mario to look after Darius when Mario died. After Mario died, Logan did more than that; he made Darius a star.

Four years ago, Logan Smalley and 10 other college friends decided to take Darius on a road trip from Athens, Georgia, to Los Angeles, California. Along the way, they met people who shared Darius' illness, and they documented handicap accessibility throughout the country. Logan directed a documentary film of that trip, ''Darius Goes West,'' starring Darius and the rest of the crew.

Today that documentary is on track to sell 1 million copies, with the lion's share of profits going to fight DMD. I'm pleased to report that there is a copy of ''Darius Goes West'' in every middle school and high school in the United States.

DMD is not a contagious disease, but the sense of hope and purpose that Darius and his friends possess is infectious, and I'm proud to commend Darius and the rest of the ''Darius Goes West'' crew for their hard work, and for giving literally millions of people a reason to care.

LOUISIANA STUDENTS OF THE YEAR

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

Mr. FLEMING. Mr. Speaker, I rise today to congratulate three outstanding students from my district.

Randi Layne Adams of South Beauregard Elementary in Beauregard Parish was named student of the year. She is actively involved in 4–H and community service projects, including efforts targeted at recycling and gardening.

Henri Lin, an eighth grader at Caddo Middle Magnet, was named student of the year. Henri is on the staff of his school newspaper, serves on the student council, is a member of the Builders Club, takes advanced piano and competed with the 2009 U.S. Junior Olympics fencing team.

Nicholas Allen Taylor, a senior at Byrd Math and Science Magnet High School, was named student of the year also. Nicholas is captain of Byrd's Quiz Bowl team, a member of the Mu Alpha Theta math honor society, and a member of the lacrosse team.

All three demonstrated outstanding academic leadership and communication skills and have bright futures ahead of them. Congratulations to all of them on this outstanding accomplishment.

SUPPORT MORTGAGE REFORM

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

Mr. BACA. Mr. Speaker, I stand in support of H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act.

This bill will ensure that mortgage lenders make loans that benefit consumers and prohibit them from steering the borrowers into high cost loans, and we know what an impact it has had on our Nation and many individuals who have lost their homes. In addition, this bill encourages the market to move back towards making fixed-rate, fully documented loans.

This legislation also prevents predatory and abusive lending practices, holds creditors responsible for loans they originated and protects tenants who rent homes that go into foreclosure.

I ask you to support this legislation on behalf of those that are right now on the verge of losing their homes and protect those tenants.

CONGRATULATING ARKANSAS TECH UNIVERSITY ON ITS CENTENNIAL ANNIVERSARY

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

Mr. BOOZMAN. Mr. Speaker, I rise today to congratulate Arkansas Tech University on 100 years of academic excellence.

Arkansas Tech University was originally established as a Second District Agricultural College by the State legislature and one of four State agricultural schools in 1909. Arkansas Tech University is now one of the fastest-growing universities in the State of Arkansas and has established a reputation as a school that truly serves the Nation.

It is said that an education from Arkansas Tech University is the best of both worlds, big time technology and an education in a friendly, small-town setting.

The school excels in exposing its students to the technology of tomorrow and better preparing students for future endeavors. An excellent faculty and staff provide an outstanding education and educational opportunities.

I am proud to support this fine institution and look forward to the next 100 years of academic excellence.

RELEASING TERRORISTS FROM GUANTANAMO BAY

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

Mr. WOLF. Mr. Speaker, the Members of this institution ought to know that this administration and the Justice Department may be very close to releasing terrorists from Guantanamo Bay, the Uyghurs, out into the public, out around the country. And we are calling on the Justice Department to release any of the memos with regard to who these people are on individual cases. If they were members of a terrorist group, I believe the American people need to know.

This administration and Justice selectively released memos but will not tell the full story. So I urge all Members, unless you want them, these Uyghurs, terrorists from Guantanamo Bay, to move to your neighborhood, ask Attorney General Eric Holder, release all this classified information so the American people can know what we are about ready to face.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Persons in the gallery are not to express approval or disapproval of speeches on the floor.

ENFORCE IMMIGRATION LAWS

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

Mr. SMITH of Texas. Mr. Speaker, when Arizona Governor Janet Napolitano was nominated to be Homeland Security Secretary, her record showed that she often opposed enforcing immigration laws. So it's not entirely a surprise that she recently told CNN's John King that illegally ''crossing the border is not a crime per se. It is civil.''

That's just plain wrong.

It is a violation of the criminal code to enter our country illegally. The law has been in effect for decades, and it has been codified in its current form since 1991.

The Obama administration apparently doesn't intend to enforce some of our immigration laws. There are numerous examples, such as delays in implementing a requirement that Federal contractors use E-Verify to ensure that illegal immigrants don't get Federal jobs.

It's hard to believe that this administration is not only weak when it comes to enforcing immigration laws, but also ignorant of immigration laws themselves.

INSIDIOUS TAX

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

Mr. GOHMERT. Mr. Speaker, you know, there is an insidious tax out there, insidious because we tell the American people that they are not going to have to pay it, that we are going to put it on the greedy corporations.

Well, how do you think a corporation stays in business if it doesn't pass that on to the people, and they don't realize, they think somebody else is paying, and yet it comes right back to their feet?

Some of us talked to CEOs of industries that moved from here to China. Why did you move? I thought maybe the number one answer would be because of labor being cheaper. They said the best labor in the world is right here in the United States, but corporate taxes are less than half of what they are here in the United States, 17 percent there, 35 percent here.

Now we are told today by the administration they are going to hire hundreds of new IRS agents. Well, as JOHN FLEMING said this morning, now we know what it means by green jobs. They are going after your green.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

RECOGNIZING THE SIGNIFICANCE OF CINCO DE MAYO

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 230) recognizing the historical significance of the Mexican holiday of Cinco de Mayo, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 230

Whereas May 5, or Cinco de Mayo in Spanish, is celebrated each year as a date of great importance by the Mexican and Mexican-American communities;

Whereas the Cinco de Mayo holiday commemorates May 5, 1862, the date on which the Battle of Puebla was fought by Mexicans who were struggling for their independence and freedom;

Whereas Cinco de Mayo has become one of Mexico's most famous national holidays and is celebrated annually by nearly all Mexicans and Mexican-Americans, north and south of the United States-Mexico border;

Whereas the Battle of Puebla was but one of the many battles that the courageous Mexican people won in their long and brave struggle for independence and freedom;

Whereas the French, confident that their battle-seasoned troops were far superior to the almost amateurish Mexican forces, expected little or no opposition from the Mexican army;

Whereas the French army, which had not experienced defeat against any of Europe's finest troops in over half a century, sustained a disastrous loss at the hands of an outnumbered, ill-equipped, and ragged, but highly spirited and courageous, Mexican force;

Whereas after three bloody assaults upon Puebla in which over a thousand gallant Frenchmen lost their lives, the French troops were finally defeated and driven back by the outnumbered Mexican troops;

Whereas the courageous and heroic spirit that Mexican General Zaragoza and his men displayed during this historic battle can never be forgotten;

Whereas many brave Mexicans willingly gave their lives for the causes of justice and freedom in the Battle of Puebla on Cinco de Mayo;

Whereas the sacrifice of the Mexican fighters was instrumental in keeping Mexico from falling under European domination;

Whereas the Cinco de Mayo holiday is not only the commemoration of the rout of the French troops at the town of Puebla in Mexico, but is also a celebration of the virtues of individual courage and patriotism of all Mexicans and Mexican-Americans who have fought for freedom and independence against foreign aggressors;

Whereas Cinco de Mayo serves as a reminder that the foundation of the United States is built by people from many nations and diverse cultures who are willing to fight and die for freedom;

Whereas Cinco de Mayo also serves as a reminder of the close spiritual and economic ties between the people of Mexico and the people of the United States, and is especially important for the people of the southwestern States where millions of Mexicans and Mexican-Americans make their homes;

Whereas in a larger sense Cinco de Mayo symbolizes the right of a free people to self-determination, just as Benito Juarez once said, ''El respeto al derecho ajeno es la paz'' (''The respect of other people's rights is peace''); and

Whereas many people celebrate during the entire week in which Cinco de Mayo falls: Now, therefore, be it

Resolved, That the House of Representatives recognizes the historical struggle for independence and freedom of the Mexican people and requests the President to issue a proclamation recognizing that struggle and the importance of Cinco de Mayo.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

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

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

There was no objection.

Mr. PAYNE. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

Let me begin by thanking our colleague from the great State of California, JOE BACA, for introducing this resolution.

H. Res. 230 recognizes the historical struggle for independence and freedom of the Mexican people and requests that the President issue a proclamation recognizing that struggle and the importance of Cinco de Mayo. This is a celebration we should all join in.

Cinco de Mayo commemorates May 5, 1862, on which the Battle of Puebla was fought by Mexicans who were struggling for their independence and freedom, along with their comrades and against the French soldiers.

This is a celebration of the virtues, courage and patriotism of all Mexicans and a point of pride for Mexican Americans, who have fought for freedom against foreign forces. Cinco de Mayo has become one of Mexico's most famous national holidays. It is a unique reminder that both Mexicans and Mexican Americans, north and south of the United States-Mexico border, observe in honor.

Grand celebrations take place in cities and towns all across the United States of America, the biggest being in western and southwestern cities such as Los Angeles. Festivities often include sporting events, parades, mariachi music, Mexican food and dancing. Sometimes the celebration goes on for weeks.

□ 1415

In a larger sense, Cinco de Mayo serves as a reminder to all Americans that the foundation of our great country was built by people from many nations with diverse cultural backgrounds who were willing to fight and to die for their freedom.

Cinco de Mayo can be understood both as a moment to celebrate the significant Mexican roots that have grown in the United States, as well as to symbolize more generally the right of all people to self-determination. It was a valiant struggle. They fought brilliantly. We urge our colleagues to support this resolution.

Mr. Speaker, I certainly at this time reserve the balance of my time.

MR. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

This Tuesday marks Cinco de Mayo, a regional holiday in Mexico that commemorates Mexico's unlikely defeat of French forces at the Battle of Puebla on May 5, 1862. For generations, however, Cinco de Mayo has also been recognized throughout the United States.

The strong ties between our two nations are demonstrated around the country as family and friends join together to celebrate Mexico's culture and experiences. Through efforts like the Merida Initiative and NAFTA, these ties continue to grow—only stronger.

Our mutual commitment to democracy and security in the region will prove increasingly important as some in the hemisphere work to advance their illicit agendas. Already, we have seen the transnational impact of the drug cartels and organized crime groups operating in Mexico. Joint efforts by our countries to thwart criminal activities within Mexico have sent these criminals north into the United States and south into Central America.

We must continue to work with our democratic partners and allies to present a united front against those who pose a threat to U.S. interests, security, and values.

So, as many throughout the United States and Mexico celebrate Cinco de Mayo this week, I hope that they are reminded not only of Mexico's proud past, but also of her ongoing shared commitment to independence, democracy, and security.

I thank Congressman BACA for introducing this timely resolution.

I reserve the balance of my time.

Mr. PAYNE. I yield 5 minutes to the sponsor of the resolution, the gentleman from California (Mr. BACA).

Mr. BACA. First of all, I would like to thank the Congressman from New Jersey for his leadership on bringing this resolution, and also as the chair of the Subcommittee on Africa. I would like to thank the gentleman from Arkansas for bringing up the resolution that is important to a lot of us. Also, I would like to thank the ranking members; the ranking member of the Foreign Affairs Committee, HOWARD BERMAN, and then, of course, Ms. ROS-LEHTINEN, as well, for their leadership and support in bringing this bipartisan effort to the floor.

I rise today in support of H. Res. 230, a resolution recognizing the historical significance of the Mexican holiday of Cinco de Mayo. This resolution recognizes the Cinco de Mayo holiday, which honors the spirit and the courage of the Mexican people involved in the Battle of Puebla on May 5, 1862.

In that battle, General Ignacio Zaragoza led the Mexican forces against the well-trained French Army, which vastly outnumbered the Mexicans. After only 4 hours, General Ignacio Zaragoza was able to claim victory. As a result of General Zaragoza's tremendous victory, the French foreign forces sustained heavy losses and were forced to withdraw from the area.

Along with Mexican Independence Day on September 16, Cinco de Mayo has become a time to celebrate Mexican heritage and culture with pride and dignity. While Cinco de Mayo commemorates the Mexican Army's victory over the French in this battle, it was one of many battles that the Mexican people won in the long and brave struggle for independence and freedom. And this is what they fight for today in comprehensive immigration.

Today, Cinco de Mayo is celebrated not only in recognition of the defeat of the French Army, but it also celebrates the virtues of individual courage and patriotism of all Mexican Americans—all Mexicans who have fought for their freedom and independence. Today, we will also celebrate Cinco de Mayo in the White House with President Obama.

However, it also serves as a reminder to all of the wonderful culture and characteristics that Latinos have brought to this country. I am an example in terms of what I am wearing right now.

Latinos are the fastest-growing minority population in this country, accounting for over 45 million people—49 million, if you include Puerto Rico. It represents about 17 percent of the total population.

The contributions made by Latinos to our American culture are countless—ranging from business, to art, to sports, to science, you name it. You see all kinds of figures everywhere around the United States.

Latinos have fought hard and are willing to make the ultimate sacrifice for this country. They have fought in every major war since the Revolutionary War. You have seen them fight for this country.

We have served with honor to defend this great country, and we will do that because we believe in it. That is why people come to the United States—for the freedom that we have.

Today, there are 30 Latino Members in the United States Congress—bipartisan. Also, we have Secretary Ken Salazar at the Department of the Interior, and Secretary Hilda Solis at the Department of Labor, who are both of Latino origin. This number points to what a driving force Latino communities have become in our country economically, socially, and politically.

Cinco de Mayo also serves as a reminder of our wonderful and longstanding relationship with our great neighbors to the south. Last year, over $367.5 billion of goods were traded between the United States and Mexico. That makes Mexico our Nation's third leading trading partner.

Cinco de Mayo provides us with a great opportunity to look back at our own heritage as Americans—and I say as Americans. Our ancestors all came from diverse cultures and different homelands. Yet, they banded together to fight against oppression and tyranny, helping to form this great country that we have today.

While Latino culture has come a long way, we all must come together to make sure we recognize the inequities that exist right now in our communities, and that we deal with social and economic disadvantage that affect a lot of us.

My colleagues and I in the Congressional Hispanic Caucus share a common purpose—working to break down those walls and increase opportunities in areas such as education and health care so that we all have equity, regardless of who we are, where we come from, for that same kind of justice and equality.

This past February, I was proud to give my support to the Recovery Act. As a great number of Hispanic families, as well as many other families, are struggling mightily during this recession, this act helps to create jobs for millions of Americans, invest in health care, education, and energy.

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

Mr. PAYNE. I yield the gentleman 1 additional minute

Mr. BACA. With that, I say let's support H. Res. 230, and ask for your support.

Mr. BOOZMAN. I continue to reserve the balance of my time.

Mr. PAYNE. I yield 3 minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise in support of House Resolution 230, introduced by my good friend and colleague, Representative JOE BACA, to recognize the historical significance of the widely celebrated Mexican holiday, Cinco de Mayo.

On May 5, 1862, while outnumbered almost two to one at the Battle of Puebla, Mexican General Ignacio Zaragoza Seguin led the Mexican Army and defeated a much larger and well-equipped French Army that had not been defeated in nearly five decades.

The battle would also prove to be significant because this would mark the last time an army from a foreign country invaded the Americas.

As many of you know, this holiday is not only commemorated in the United States and Mexico, but brings together cultures from all over the world to join in the celebration—even people in faraway lands such as the Island of Malta in the Mediterranean join in this festival.

The holiday is a chance for us to set aside our differences and support the Mexican people for the bravery shown by those men who fought at the Battle of Puebla 147 years ago.

I ask my colleagues to join me in recognizing the historical significance of Cinco de Mayo and the bravery shown that day in 1862.

Mr. BOOZMAN. I continue to reserve the balance of my time.

Mr. PAYNE. It is my pleasure to yield 1 minute to the gentleman from Puerto Rico (Mr. PIERLUISI).

Mr. PIERLUISI. I rise today in strong support of House Resolution 230, which has been introduced by my friend and colleague, Mr. BACA, and recognizes the historical significance of Cinco de Mayo.

For the people of Mexico, Cinco de Mayo is an important symbol of freedom, liberty, and self-determination. In our country, Cinco de Mayo is a celebration of the rich history and culture that Mexican Americans have brought to the United States.

Hispanics are the fastest-growing minority group in the United States. There are 30 Hispanic Members of Congress, including many Mexican Americans, representing constituencies from all around the country.

Tomorrow, millions of Americans will join our neighbors to the south in celebrating Cinco de Mayo. This day serves as an important reminder of Mexico's proud history and of the many contributions that Mexican Americans have made to this country.

I urge my colleagues to help recognize Cinco de Mayo, and to support House Resolution 230.

Mr. BOOZMAN. I continue to reserve the balance of my time.

Mr. PAYNE. At this time I yield 10 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. I do want to thank my good friend and colleague, the gentleman from New Jersey, as our distinguished chairman also of our House Foreign Affairs Subcommittee on Africa and Global Health.

Mr. Speaker, I rise today in support of House Resolution 230, to recognize the historical significance of the Mexican history of Cinco de Mayo. I commend my colleague, the gentleman from California, for introducing this legislation, as it truly does serve as a reminder that all the people of our great Nation, regardless of their race, color, or even gender, have enriched our diversity in our cultures and are worthy of respect as a Nation.

Mr. Speaker, Cinco de Mayo commemorates the battle of Puebla. On May 5, 1862, outnumbered and outgunned Mexican forces, determined to protect their land, successfully defended the town of Puebla against French soldiers and its transferred ruler by the name of Ferdinand Maximilian, who was an archduke from Austria and a puppet of Emperor Napoleon III of France.

For Mexico, this day has come to represent a symbol of Mexican unity and patriotism in the history of Mexico. It is a celebration of the virtues of individual courage and patriotism of all Mexicans and Mexican Americans whose ancestors are from Mexico and are part of the rich diversity of our Nation.

It also serves as a reminder of the cultural, spiritual, and economic ties between the people of Mexico and our great country.

Mr. Speaker, I want to share with my colleagues the life and history of a particular leader who, in my humble opinion, is the greatest hero in Mexico's history—a true statesman whose name is inextricably linked with the name Cinco de Mayo. His name is Don Benito Juarez, President of Mexico from 1862 to 1863, and 1867 to 1872.

□ 1430

President Juarez led the Mexican people in their fight for independence during this crucial period of their history. President Juarez was the first Mexican President of indigenous Indian descent—indigenous Indian descent.

His parents were members of the Zapotec tribe, prevalent in the provinces of the State of Oaxaca in Mexico. An orphan at age 3, young Benito Juarez worked in the cornfields and as a shepherd until the age of 12. When he went to Oaxaca City at the age of 13 to attend school, he could not read, could not write or couldn't even speak Spanish. He was adopted by lay members of the Franciscan Order who taught the young Juarez reading, writing, arithmetic and Spanish grammar. He later entered the Franciscan seminary in Oaxaca and studied Aquinas and other great Catholic philosophers, eventually turning his attention instead to the study of law. President Juarez was educated in the law in preparation for a political career.

Mr. Speaker, in his first political position as a city councilman, he was noted as a strong defender of indigenous Indian rights. He participated in the revolutionary overthrow of Santa Anna in 1855, becoming the minister of justice and instituting reforms that were embodied in the constitution of 1857. During the Reform War of 1858 to 1861, President Juarez led the liberals against the conservative faction of Mexico's Government. The liberals succeeded only through popular support and the unwavering determination of President Juarez, and he was elected President in 1861.

Mr. Speaker, to fully understand the quality of the leadership of Mexico at the time in the person of President Don Benito Juarez, one can compare him to, arguably perhaps, the greatest President in our own country's history, President Abraham Lincoln. Both leaders, in fact, presided over their countries in times of crisis, demonstrating great courage and perseverance in the fight for freedom. Both grew up in poverty and studied law. Both fought against bigotry and racism. In fact, President Lincoln and President Juarez were contemporaries who held each other in high regard. In fact, in 1858, upon hearing of Juarez's struggles in Mexico, President Lincoln sent him an encouraging message expressing hope ''for the liberty of your government and its people.'' Even in the midst of our own Civil War, President Lincoln provided arms and munitions to President Juarez to support the Mexican people in their fight against France. When the U.S. Confederacy sent an emissary to Mexico to enlist support for their cause, President Juarez jailed the man for 30 days before sending him away, a clear sign of support for President Lincoln's cause at the time.

Mr. Speaker, today, the United States and Mexico share close ties. We also share the ideals of freedom and democracy. Because of our shared values and the tremendous contributions made by Mexican Americans, I think it is fitting and most proper for us in Congress to recognize the historical struggle of the Mexican people for independence against French colonial rule.

It is ironic, Mr. Speaker, that we have the gentleman by the name of Lafayette whose portrait is right over here who came here as a French patriot to help us fight against British colonialism, and the only foreigner here with the patriot right next to our Founding Father, George Washington. It is ironic that in the history of Mexico, Napoleon, being the ruler that he was, sent Maximilian to continue French colonial rule in Mexico, and so now we had to kick the French out in order to give the Mexican people their freedom.

Again I thank the gentleman from California, former chairman of the Congressional Hispanic Caucus, my good friend, for his leadership and initiative for introducing this bill.

I urge my colleagues to support this legislation.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of H. Res. 230, resolution honoring the significance and impact of Cinco de Mayo. I would like to begin by applauding the efforts and leadership of the author of the resolution, Congressman JOE BACA, as well as the rest of my colleagues in the Congressional Hispanic Caucus for bringing this bill before us today.

Mr. Speaker, since 1862 the holiday has traditionally commemorated the victory of a poorly armed Mexican militia over a larger, better equipped French army at the Battle of Puebla. Today, however, Cinco de Mayo in the United States has become a celebration of Hispanic heritage not unlike Saint Patrick's Day for Irish-Americans.

To be sure, Mr. Speaker, Irish-Americans and Hispanic-Americans have much in common. We are bound together by Catholic, working-class experiences. Our relatives came and continue to come to this country from largely rural, uneducated backgrounds. Our struggles were, are and continue to be twin struggles for equality, as well as political and cultural recognition.

From Bernardo de Gálvez to Admiral David Farragut to César Chávez, Hispanic-Americans have made significant contributions to the development of our nation. In just the last election, Latinos represented 9 percent of the electorate and provided the margin of victory in large swaths of the country, voting for President Obama by a margin larger than 2-to-1.

And because Hispanics constitute the majority of our nation's newest Americans, Madam Speaker, I cannot speak here without at least mentioning the subject of immigration. As Mr. Fareed Zakaria affirms in his acclaimed book, The Post-American World:

> Foreign students and immigrants account for almost 50 percent of all science researchers in [our] country. In 2006 they received 40 percent of all PhDs. By 2010, 75 percent of all science PhDs in [our] country will be awarded to foreign students. When these graduates settle in the country, they create economic opportunity. Half of all Silicon Valley startups have one founder who is an immigrant or first generation American. The potential for a new burst of American productivity depends not on our education system or R&D spending, but on our immigration policies.

Immigrants are America's great strength. If we remain true to our history; if we remain the most open and flexible society the world; if we continue to absorb cultures, devour ideas and feed off the energy of poor immigrants we will thrive. This is America's genius.

Hispanics are another great chapter in the larger history of our immigrant country. They make America more American.

I urge my colleagues to support this important resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker; I rise today in support of H. Res. 230 ''Recognizing the historical significance of the Mexican holiday of Cinco de Mayo'' and I would like to thank my colleague Representative BACA for introducing this resolution in the House.

May 5, or Cinco de Mayo in Spanish, is celebrated each year as a date of great importance by the Mexican and Mexican-American communities. This holiday commemorates May 5, 1862, the date on which the Battle of Puebla was fought. However, Cinco de Mayo is not ''an obligatory federal holiday'' in Mexico, but rather a holiday that can be observed voluntarily.

Cinco de Mayo has become one of Mexico's most famous national holidays and is celebrated annually by many Mexicans and Mexican-Americans, north and south of the United States-Mexico border. In the United States, Cinco de Mayo has taken on significance beyond that in Mexico. The date is perhaps best recognized in the United States as a date to celebrate the culture and experiences of Americans of Mexican ancestry, much as St. Patrick's Day, Oktoberfest, and the Chinese New Year are used to celebrate those of Irish, German, and Chinese ancestry respectively. Similar to those holidays, Cinco de Mayo is observed by many Americans regardless of ethnic origin.

Cinco de Mayo is a regional holiday in Mexico, primarily celebrated in the state of Puebla, with some limited recognition in other parts of Mexico. The holiday commemorates the Mexican army's unlikely defeat of French forces at the Battle of Puebla on May 5, 1862, under the leadership of Mexican General Ignacio Zaragoza Seguín.

Cinco de Mayo's history has its roots in the French Occupation of Mexico. The French occupation took shape in the aftermath of the Mexican-American War of 1846–48. With this war, Mexico entered a period of national crisis during the 1850's. Years of not only fighting the Americans but also a civil war, had left Mexico devastated and bankrupt. On July 17, 1861, President Benito Juarez issued a moratorium in which all foreign debt payments would be suspended for a brief period of two years, with the promise that after this period, payments would resume.

The English, Spanish and French refused to allow President Juarez to do this, and instead decided to invade Mexico and get payments by whatever means necessary. The Spanish and English eventually withdrew, but the French refused to leave. Their intention was to create an Empire in Mexico under Napoleon III.

The French, confident that their battle-seasoned troops were far superior to the almost amateurish Mexican forces, expected little or no opposition from the Mexican army. The French army, which had not experienced defeat against any of Europe's finest troops in over half a century, sustained a disastrous loss at the hands of an outnumbered, ill-equipped, and ragged, but highly spirited and courageous, Mexican force.

After three bloody assaults upon Puebla in which over a thousand gallant Frenchmen lost their lives, the French troops were finally defeated and driven back by the outnumbered Mexican troops. Although the Mexican army was victorious over the French at Puebla, the victory only delayed the French invasion on Mexico City; a year later, the French occupied Mexico. The courageous and heroic spirit that Mexican General Zaragoza and his men displayed during this historic battle can never be forgotten.

While Cinco de Mayo has limited significance nationwide in Mexico, the date is observed in the United States and other locations around the world as a celebration of Mexican heritage and pride. However, a common misconception in the United States is that Cinco de Mayo is Mexico's Independence Day, which actually is September 16, the most important national patriotic holiday in Mexico. The Cinco de Mayo holiday is not only the commemoration of the rout of the French troops at the town of Puebla in Mexico, but is also a celebration of the virtues of individual courage and patriotism, which all Americans can appreciate. Cinco de Mayo also serves as a reminder of the close spiritual and economic ties between the people of Mexico and the people of the United States, and is especially important for the people of the southwestern States where millions of Mexicans and Mexican-Americans make their homes. In a larger sense Cinco de Mayo symbolizes the right of a free people to self-determination and should be recognized and honored by this Congress.

Mr. CALVERT. Mr. Speaker, as a native of southern California, Cinco de Mayo celebrations have been a part of my life as long as I can remember. It is a day to celebrate our southern neighbors and the cause of Mexican independence. The historic battle at Puebla, Mexico on the fifth of May, 1862, is a David versus Goliath story that demonstrates that man can overcome any obstacle in the pursuit of freedom. On Cinco de Mayo we remember the brave stand at Puebla and we celebrate the cause of freedom around the world.

Mr. BOOZMAN. I want to thank Mr. BACA for bringing this forward, and I urge my colleagues to support it, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 230, as amended.

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. PAYNE. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE 61ST ANNIVERSARY OF THE INDEPENDENCE OF ISRAEL

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 111) recognizing the 61st anniversary of the independence of the State of Israel, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 111

Whereas on May 14, 1948, the State of Israel declared its independence;

Whereas the United States was one of the first nations to recognize Israel, only 11 minutes after its creation;

Whereas Israel has provided the opportunity for Jews from all over the world to reestablish their ancient homeland;

Whereas Israel is home to many religious sites sacred to Judaism, Christianity, and Islam;

Whereas Israel provided a refuge to Jews who survived the unprecedented horrors of the Holocaust;

Whereas the people of Israel have established a pluralistic democracy which includes the freedoms cherished by the people of the United States, including freedom of speech, freedom of religion, freedom of association, freedom of the press, and government by the consent of the governed;

Whereas Israel continues to serve as a shining model of democratic values by regularly holding free and fair elections, promoting the free exchange of ideas, and vigorously exercising in its Parliament, the Knesset, a democratic government that is fully representative of its citizens;

Whereas Israel has bravely defended itself from terrorist and military attacks repeatedly since independence;

Whereas the rocket attacks that have occurred in Israel in recent years have caused hundreds of casualties and have destroyed homes, schools, buildings, roads, power lines, and other significant infrastructure;

Whereas Israel has signed landmark peace treaties and successfully established peaceful bilateral relations with neighboring Egypt and Jordan;

Whereas despite the deaths of over 1,000 innocent Israelis over the last several years at the hands of murderous, suicide bombers and other terrorists, the people of Israel continue to seek peace with their Palestinian neighbors;

Whereas Iran, which rejects Israel's right to exist as a nation, is a continued threat to Israel's safety and security, both through its support of terrorist groups like Hamas and Hezbollah and through its ongoing efforts to acquire nuclear weapons;

Whereas the United States and Israel enjoy a strategic partnership based on shared democratic values, friendship, and respect;

Whereas the people of the United States share an affinity with the people of Israel and view Israel as a strong and trusted ally;

Whereas Israel has made significant global contributions in the fields of science, medicine, and technology; and

Whereas Israel's Independence Day on the Jewish calendar coincides this year with April 29, 2009: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the independence of the State of Israel as a significant event in providing refuge and a national homeland for the Jewish people and in establishing a democracy in the Middle East;

(2) commends the bipartisan commitment of all United States administrations and United States Congresses since 1948 to stand by Israel and work for its security and well-being;

(3) congratulates the United States and Israel for the strengthening of bilateral relations in recent years in the fields of defense, diplomacy, and homeland security, and encourages both nations to continue their cooperation in resolving future mutual challenges; and

(4) extends warm congratulations and best wishes to the people of Israel as they celebrate the 61st anniversary of Israel's independence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

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

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

There was no objection.

Mr. PAYNE. Mr. Speaker, I rise in support of H. Con. Res. 111, recognizing the 61st anniversary of the independence of the State of Israel, and yield myself as much time as I may consume.

Since its founding 61 years ago, the modern State of Israel has been a strong ally of the United States, Israel has established itself as a dynamic, pluralistic and democratic nation with a booming economy, a thriving culture and intellectual life. Contemporary Israelis have contributed to world civilizations as scholars, inventors, artists and educators, and Israeli citizens have been awarded the Nobel Prize. Israel is the home to many outstanding scientists, engineers, doctors, musicians and other hardworking people. This is an impressive record for a country of barely 7 million people.

Since Israel's founding, the United States has had no greater friend in the Middle East. The close bond is based on shared values, including a commitment to democracy and respect for human rights. The United States and Israel also share a common history as a nation of immigrants, many of whom fled persecution from other parts of the world. The United States and Israel have worked to welcome people in their borders.

Israel declared its independence on May 14, 1948, providing opportunity for Jews from all over the world to reestablish their ancient homeland. Israel remains the home of many religious sites which are sacred to Judaism, Christianity and Islam.

Israelis continue to serve as a model of democracy and democratic values by holding free and fair elections, promoting free and fair exchange of ideas, having open press, open media and vigorously exercising in its Parliament, the Knesset, a democratic government that is fully representative of all its civilians. As a matter of fact, in the Knesset, just about every small group may be represented, and it is considered to be for Israel, as compared to

other nations, the most democratic by the manner in which it is created. I am certainly convinced that America and Israel will remain and retain their very strong and special relationships for years to come.

H. Con. Res. 111 reaffirms these bonds of friendship and cooperation and expresses a commitment to strengthen them as we move forward.

Mr. Speaker, I am pleased to support this resolution commending the 61 years of Israel's existence as a beacon of democracy and hope in the Middle East. I look forward to future anniversaries and to the day when Israel and her civilians can live in true peace and true security.

I strongly support this resolution, and I strongly urge that all my colleagues do the same.

For thirty-one years, not one of Israel's Arab neighbors recognized the Jewish State. Finally, in 1979 and 1994, in respectively, visionary Arab leaders Anwar Sadat of Egypt and King Hussein of Jordan embraced the path of co-existence and signed peace treaties with Israel. I am convinced that someday the other Arab states will follow suit.

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

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

Mr. Speaker, as we, today, commemorate 61 years of Israeli independence, we commemorate and celebrate so much more. We celebrate 61 years of the exercise of vibrant liberty, democracy and opportunity for those of all faiths. We celebrate over six decades of the revitalization of the Jewish homeland where Jewish culture, literature and philosophy have flourished. We celebrate 61 years of Israeli achievements in science and technology and business, achievements defined by continual innovation and entrepreneurship, and we celebrate the hard work, determination and love of peace displayed by the people of Israel, a people with whom we share our deepest values.

In short, Mr. Speaker, today we celebrate a quintessentially American story, an example of what other countries in the Middle East and beyond can achieve if they unleash the power of human freedom.

But as we celebrate, we cannot and must not ignore the continued and growing threats to Israel's survival. At the United Nations, Israel, like the United States, is singled out for bogus criticism and judged by double standards. Most recently at the Durban II conference in Geneva, speaker after speaker lambasted Israel for supposed racism, and the assembled nations passed a declaration that criticized Israel alone among nations. Of course, the most memorable and infamous moment from the Durban II was Iranian leader Mahmoud Ahmadinejad's speech where he savagely attacked the State of Israel and advanced anti-Semitic conspiracy theories that could have been taken verbatim from the Protocols of the Elders of Zion. Ahmadinejad has repeatedly called for Israel's destruction, and given the Iranian regime's pursuit of nuclear, chemical, biological and missile capabilities, he and his ilk may soon have the wherewithal to make good their threats. The prospect of an emboldened nuclear Iran is a threat to Israel, a threat to the United States, and a threat to us all, and we cannot stand idly by in the face of this danger.

Likewise, to Israel's north, Syria's dictator has threatened Israel with violence and brags of his support for the violent Islamist group Hezbollah, which continues to increase its capabilities to diminish Israel. Southern Israel continues to endure the nearly 9,000 rocket missiles and mortars that have been fired into Israel since 2001, more than 6,000 of them since Israel withdrew entirely from the Gaza Strip in November 2005. The result has been numerous Israeli deaths, physical and psychological wounds, and unceasing panic in the towns and cities within range of Hamas's artillery.

As we witnessed in the recent conflict in Gaza, Hamas's capabilities continue to expand; thus, as we celebrate the anniversary of Israeli independence, and with it the creation of a bastion of democracy in a sea of autocracy, we must remain mindful of the challenges that she faces. In short, the bond between our Nations and our people have never been stronger. The United States could not ask for a better friend and ally in the region, and I assure the Israeli people that they will always be able to depend on the United States and the American people.

I would like to extend my best wishes and congratulations to the people of the State of Israel on their 61st independence day.

I reserve the balance of my time.

Mr. PAYNE. At this time, I yield 5 minutes to the delegate from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Speaker, again, I thank my good friend from New Jersey for yielding.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 111, the legislation which expresses the sense of Congress recognizing and extending warm congratulations to the State of Israel for the 61st anniversary of its independence. First, I want to commend the chief sponsor, Mr. SCOTT GARRETT of New Jersey, for introducing this important resolution celebrating this occasion on Israel's 61st birthday. I also want to recognize the cosponsors for their strong support of House Concurrent Resolution 111.

Mr. Speaker, on May 14, 1948, the State of Israel was founded when Israel declared independence and was extended diplomatic recognition by the United States. We must acknowledge the importance of the actions made by the United Nations in the 1940s in creating the Jewish State soon after the horrific atrocities committed by the Nazis during World War II where they killed some 6 million Jews and imprisoned and viciously tortured many more in concentration camps.

□ 1445

Mr. Speaker, this legislation honors the anniversary of the reestablishment of the sovereign and independent modern State of Israel and commends the leaders and the people of Israel for their remarkable achievements in building a strong and thriving democracy in the Middle East, while being threatened constantly with terrorism and war. The United States shares an affinity with the people of Israel, where we have a strong partnership based on democratic values that emphasize the importance of inalienable rights through the protection of the rights of individuals, maintaining the freedom of the press, providing for freedom of religion, having open and fair elections and, importantly, maintaining the rule of law. As the only democracy in the Middle East, we must commend Israel for their steadfast commitment to upholding democratic principles.

Mr. Speaker, Israel is at the forefront of modern technology, and has continued to expand its advancements in energy efficiency and renewable energy technologies. I want to acknowledge Israel's efforts in preventing and combating diabetes in the Pacific Islands. This is an epidemic which has drastically impaired the people of the Pacific Island nations. Israel has continued to work with the people of the Pacific Island nations either through direct or technical assistance, and I must recognize them for their support of the least fortunate in this part of the world. This resolution reiterates Israel's significant global contributions.

Mr. Speaker, I want to praise the efforts of President Obama and his administration for making the Israeli Middle East peace process a high priority of this administration. This was reaffirmed when President Obama appointed Senator George Mitchell as Special Envoy for the Middle East process in his second day of office. Like President Obama, I believe that it is critical that Israel share a lasting peace with its neighbors in the Middle East and that a two-state solution, an Israeli state and a Palestinian state, will provide for peace and security in this important region of the world.

Mr. Speaker, I want to end on an important note. At the National Prayer Breakfast held this year, former British Prime Minister Tony Blair who is now the Quartet's Special Envoy to the Middle East, gave the most remarkable keynote address. In his speech, Prime Minister Blair mentioned a conversation he had with his Palestinian tour guide during his tour of Israel. At the Mount of Temptation in Jericho, and this is meant in humor, Mr. Speaker, his Palestinian tour guide said, ''Moses, Jesus and Mohammed, why did they all have to come here?'' This

speaks volumes of the importance of this region when three of the most important religions of the world have a common cultural and religious history with the great city of Jerusalem.

I believe today, as did the late prime minister and a great hero of mine, Yitzhak Rabin, that there will be a resolving and lasting peace between the Palestinians and Israelis who are in fact direct descendants of Father Abraham.

I keep telling my Arabic and Israeli friends: You guys are first cousins, why do you keep fighting each other? You are all sons and daughters of Father Abraham.

I want to convey my personal congratulations to the people of Israel in celebrating their 61st anniversary, and I urge my colleagues to support this resolution.

Mr. BOOZMAN. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. GARRETT), a member of the Budget and Financial Services Committees and the author of the resolution.

Mr. GARRETT of New Jersey. Mr. Speaker, I thank the gentleman. I do now rise to commemorate this important event, the 61st anniversary of the founding of the modern State of Israel. As indicated, it was less than a century ago when most Jewish people were scattered throughout the world, often suffering from unjust persecution. Yet today, Israel is an independent, flourishing country that is vibrant as it goes forward day by day.

Just as the Jewish people celebrated Passover recently, the time when God delivered the Israelites out of captivity, I believe it is fitting and proper for us to celebrate the establishment of the only truly free country in the Middle East.

I have long been a strong advocate for Israel during my tenure here in Congress. During my very first term in office, I had an opportunity to visit Israel and to learn more about its people and the Jewish government. I also had the opportunity to establish a Jewish Advisory Committee in my district, to meet with Israeli and Palestinian officials.

Last year I introduced H. Res. 951, which condemned the rocket attacks on Israel, and I was pleased to see that this resolution passed the House overwhelmingly with bipartisan support.

So today, I come to the floor and am honored to speak on H. Con. Res. 111 because Israel has been one of our strongest allies, and our two countries have so very much in common. Israel and America have both faced so many wars. But we have also endeavored throughout it all to preserve the peace. And we continue now to promote freedom despite the ongoing resistance.

Earlier this year I joined with many of my constituents at a solidarity rally to remember Israel's efforts during Operation Cast Lead. I sympathized with the families of the victims who were injured and killed there.

This recent conflict served as a sobering reminder that liberty comes with a great price and a great responsibility. Yet Israel has not allowed challenges to suspend its progress. Israel was little more than a barren desert back in 1948. And, amazingly, this wilderness has been transformed into a center of thriving agricultural production. Not only has Israel been the source of innovative techniques, but it has also shared those techniques and that knowledge with countries across the world.

My own State of New Jersey is called the Garden State. Our State has directly benefited from the irrigation practices first developed by the people in Israel.

So I come to the floor right now grateful to how Israel has so freely shared their lessons that they have learned. By illustrating the virtues of liberty and the benefits of innovation, Israel today serves as a model for other developing nations.

This 61st anniversary is truly indeed a cause for celebration. I urge my constituents and colleagues to join me in recognizing this achievement of our friend and ally, Israel.

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

Mr. BOOZMAN. Mr. Speaker, I yield 2 minutes to my final speaker, Mr. GOHMERT, a distinguished member of the Judiciary, Resources and Small Business Committees.

Mr. GOHMERT. Mr. Speaker, I appreciate my friend from Arkansas yielding me this time.

On the 61st anniversary of the creation of Israel, we should stop to congratulate them. But I have a couple of points that I want to make sure that everyone understands.

Number one, there was a Holocaust. Number two, there could be another holocaust.

Now today, we are told that the Taliban is near Islamabad. If Pakistan falls to the most radical Islamic terrorists, then the world is in trouble. We need to protect our friends.

We know that Israel is a democracy, a great democracy; so we are and should be friends. We know that Israel believes in the value of human life and human rights. We are and should be friends.

Someone once referred to Israel as the miner's canary for the world because when Israel suffers, the world is about to suffer.

That's the kind of friend we need to hold close and work together with. I want to make clear these radical Islamic terrorists, they are such a tiny, tiny fraction of the Islamic believers in the world. But they are a dangerous, dangerous part that needs to be understood and dealt with.

Congratulations to Israel. They are our friend. They should be our friend, and we need to make sure another holocaust never happens.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise before you today in support of H Con. Res. 111, recognizing the 61st anniversary of the independence of the State of Israel. I would like thank my colleague, Representative SCOTT GARRETT, for introducing this act of solidarity. I would also like to thank my fellow cosponsors.

On May 14, 1948—61 years ago—the Jewish people of Palestine declared their independence as a sovereign state. Across the world, the Jewish people saw a new opportunity to reestablish their ancient homeland—the possibility of living, not as eternal outsiders, but as a nation.

Eleven minutes after this declaration, the United States became the first country to recognize the new state. This began a long, strategic partnership based on shared democratic values, friendship, and respect. To this day, Americans share an affinity with the people of Israel and view their country as a strong and trusted ally.

The new nation provided a refuge to millions who had survived one of the most glaring examples of man's greatest inhumanity to man. These survivors helped to found a democracy that made use of all the freedoms, we, as Americans hold dear ourselves, including freedom of speech, freedom of religion, freedom of association, freedom of the press, and government by the consent of the governed.

Israel continues to serve as a shining model of democrat values by regularly holding free and fair elections, promoting the free exchange of ideas, and vigorously exercising, in the Knesset, a democratic government that is fully representative of its citizens. The leaders in this parliament have, as the times have required, led Israel as the nation defended itself from repeated military and terrorist attacks.

Likewise, when they saw the opportunity, the democratically elected leaders of Israel have worked for peace, as they did with the neighboring governments of Egypt and Jordan to establish peaceful, bilateral relations. These efforts continue to this day—despite the deaths of over 1,000 innocent Israelis over the last several years at the hands of suicide bombers and other terrorists—as the people of Israel continue to seek peace with their Palestinian neighbors, I will continue to work for a two-state solution and the saving of lives in Palestine and in Israel.

This is all to say nothing of the country's many other accomplishments, including significant global contributions in the fields of science, medicine, and technology.

That is why I stand here today—to recognize this simple truth—that the independence of the State of Israel is more than a single event—it is the stabilization of a region, it is the lasting friendship of a like-minded country—and it is the bond of sovereign friendship. That is what this resolution does.

To the administrations and Congresses that have, since its creation, stood by the people of Israel, working for their security and well-being, we give our praise. We further commend our allies who have helped us to strengthen our bilateral relations in recent years in the fields of defense, diplomacy, and homeland security. We also encourage them to continue their cooperation in resolving future mutual challenges, as we resolve, today and always, to continue ours. For that is also in this resolution.

Finally, I extend the warmest congratulations and best wishes to the people of Israel as they celebrate the 61 years of their noble

nation's independence and sovereignty. May they know many more, and thrive as a country.

Mr. MORAN of Kansas. Mr. Speaker, for the past 61 years, the United States and Israel have enjoyed a strategic partnership based on shared democratic values, commitment to freedom, friendship, and respect. I rise today to recognize that relationship and congratulate the people of Israel on the 61st anniversary of Israel's independence.

In addition to congratulating the people of Israel as they celebrate their independence, H. Con. Res. 111, recognizes important events and people who have shaped this nation's history. While Israel's history is marked by proud accomplishments and successes, it is also peppered by instances when Israeli's had to defend their country from outside threats. Sadly, many threats still remain. As Americans join Israeli's in celebrating their country's independence, we should take notice of those threats and renew our commitment to addressing them.

No bigger, more challenging threat exists to Israel than that posed by Iran. Continuing to enrich uranium, Iran now has enough low enriched uranium that if further processed could produce a nuclear bomb. Such a development would be an existential threat to Israel. As one of Israel's closest friends and allies, the United States should take appropriate action to prevent Iran from acquiring nuclear weapons. Congress can begin by approving H.R. 1327, the Iran Sanctions Enabling Act, and H.R. 1985, the Iran Diplomatic Enhancement Act.

By standing with Israel against Iran, we demonstrate the strength of the ties that bind our two nations. Again, Mr. Speaker, I congratulate the people of Israel on the 61st anniversary of their independence and call on my colleagues in Congress to show their support for Israel by passing legislation that will pressure Iran into abandoning its pursuit of nuclear weapons.

Mr. MARKEY of Massachusetts. Mr. Speaker, I rise in strong support of H. Con. Res. 111 recognizing the 61st anniversary of the founding of the State of Israel.

This resolution enjoys bipartisan support, because Americans from across the political spectrum agree that the State of Israel is a great friend of the United States, and we all celebrate the anniversary of its founding today.

As we mark this anniversary, it is fitting that we also note a new American tradition. May 1st of this year marked the beginning of the 4th annual Jewish American Heritage Month, during which we celebrate the many contributions that American Jews have made to the society in which we live and thrive. When the first Jewish settlers came to this land, they sought a place of promise where they could practice their faith in freedom and live in liberty.

The history of Jews in the United States includes the earliest days of the Republic, when in 1790, a member of the oldest synagogue still standing in the United States—the Touro Synagogue in Newport, Rhode Island—wrote to George Washington, expressing his support for Washington's administration and good wishes for the first President. President Washington sent a letter in response, which read in part:

. . . the Government of the United States . . . gives to bigotry no sanction, to persecution no assistance . . . May the children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other Inhabitants; while every one shall sit in safety under his own vine and figtree, and there shall be none to make him afraid. May the father of all mercies scatter light and not darkness in our paths, and make us all in our several vocations useful here, and in his own due time and way everlastingly happy.

These many years later, I encourage all Americans to stop and think about the great gains in medicine, literature, journalism, law, entertainment, and fine arts that have been made due in no small part to the role of our Jewish friends and neighbors have played in American society.

I will also note that as a nation of immigrants, our culture has been enriched by the traditions that settlers from across the globe have been able to incorporate into their daily lives as Americans. In the Jewish culture, the phrase "tikkum olam" directs believers to live their lives to heal the world. There is no better guiding principle in these challenging times, and our shared American culture is stronger because of it.

On the occasion of Israel's 61st anniversary, and as we celebrate the contributions of Jewish Americans in our daily lives, I look forward to the future of our friend and ally, the State of Israel, and to the prospects for peace in the Middle East.

I will remain steadfast in my support of an independent Jewish state, and I am hopeful that we will soon reach the day when children will have to turn to the history books to learn that there ever was conflict in the Middle East.

President Obama has begun the vital work of reengaging the United States in the quest for peace in the Middle East by appointing George Mitchell as Special Envoy for Middle East Peace. As we commemorate the 61 historic years since the founding of the State of Israel, we must also look to the future, and I believe the future for Israel is bright.

I congratulate the State of Israel on its 61st anniversary, and I urge adoption of this Resolution.

Mrs. BACHMANN. Mr. Speaker, today I rise in support of H. Con. Res. 111, a resolution recognizing the 61st anniversary of the founding of the modern state of Israel. I believe it is important on this occasion to highlight the close bond between the United States and Israel. Just as the U.S. is a symbol of hope and freedom around the globe, Israel stands as a symbol of freedom and democracy in an area historically rampant with violence and oppression.

On May 14, 1948, Israel declared its independence, with the United States being the first country to formally recognize the new nation. Since that historic day, the United States and Israel have shared a close relationship of friendship and cooperation that serves as an example to the rest of the world. This relationship is strengthened with each successive year.

One critical aspect of the U.S.-Israeli relationship is the role Israel plays in the pursuit of peace in the Middle East. Indeed, Israel has worked hard to develop friendly working relationships with its neighbors, Egypt and Jordan, setting an example of leadership and peace even as many around them spread hatred and terror. And while recent years have unfortunately been marked by escalating armed conflict between Israel and Hamas, the United States will stand steadfast in its commitment to a free Israel as the Middle East comes to embrace the liberties and freedoms of democratic societies.

Mr Speaker, as a cosponsor of this resolution, it is my honor to recognize and congratulate the success of Israel on its 61st Anniversary. It is vital the United States continue to develop its strong relationship with Israel so that other countries around the world still oppressed and ruled by terror can see the true value of a free and democratic society.

Mr. GALLEGLY. Mr. Speaker, on May 14, Israel will celebrate its 61st anniversary as a sovereign and independent nation. Only eleven minutes after its creation, the United States recognized Israel and was one of the first nations to do so. In these intervening 61 years, the people of Israel have established a unique, pluralistic democracy that includes the freedoms cherished by Americans.

Today, the United States House of Representatives voted on and approved House Concurrent Resolution 111 that states that Congress recognizes the independence of the State of Israel as a significant event in providing refuge and a national homeland for the Jewish people; commends the bipartisan commitment of all United States administrations and United States Congresses since 1948 to stand by Israel and work for its security and wellbeing; congratulates the United States and Israel for the strengthening of bilateral relations in recent years in the fields of defense, diplomacy, and homeland security, and encourages both nations to continue their cooperation in resolving future mutual challenges; and extends warm congratulations and best wishes to the people of Israel as they celebrate the 61st anniversary of Israel's independence.

I am proud to be a cosponsor of House Concurrent Resolution 111 and I have consistently supported efforts to strengthen the relationship between the United States and Israel. As a senior member of the House Foreign Affairs Committee, I will continue to work with members on both sides of the aisle to ensure that our country remains steadfast in our support for Israel and its people.

Mr. CALVERT. Mr. Speaker, as many have said before, friendship is found and tested through adversity. The friendship between the United States and Israel has certainly been tried and proven true. Both our nations confront challenges that are rooted in extremism and terrorism. While America formerly found some comfort in distance, Israel stands as a true testament to freedom and democracy in the Middle East—but Israel does not stand alone. The commitments between Israel and the United States are not born out of mere necessity, but out of mutual respect and the common belief that all of mankind deserves to live in peace and freedom.

On the 61st Anniversary of the Independence of the State of Israel, I offer my gratitude and congratulations to a steady ally and friend.

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

Mr. BOOZMAN. Mr. Speaker, I urge adoption of this very important resolution, and thank the gentleman from New Jersey for bringing it forward. Again, I urge all of our House Members to vote in the affirmative, and I yield back the balance of my time.

Mr. PAYNE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 111.

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. GARRETT of New Jersey. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF MALARIA AWARENESS DAY

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 103) supporting the goals and ideals of Malaria Awareness Day, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 103

Whereas April 25 of each year is recognized internationally as Africa Malaria Day and in the United States as Malaria Awareness Day;

Whereas despite malaria being completely preventable and treatable and the fact that malaria was eliminated from the United States over 50 years ago, more than 40 percent of the world's population is still at risk of contracting malaria;

Whereas, according to the World Health Organization, nearly 1,000,000 people die from malaria each year, the vast majority of whom are children under the age of 5 in Africa;

Whereas malaria greatly affects child health, roughly every 30 seconds a child dies from malaria, and more than 3,000 children die from malaria every day;

Whereas malaria poses great risks to maternal health, causing complications during delivery, anemia, and low birth weights, with estimates by the Center for Disease Control and Prevention that malaria infection causes 400,000 cases of severe maternal anemia and from 75,000 to 200,000 infant deaths annually in sub-Saharan Africa;

Whereas HIV infection increases the risk and severity of malarial illness, and malaria increases the viral load in HIV-positive people, which can lead to increased transmission of HIV and more rapid disease progression, with substantial public health implications;

Whereas in malarial regions, many people are co-infected with malaria and one or more of the neglected tropical diseases, such as hookworm and schistosomiasis, which causes a pronounced exacerbation of anemia and several adverse health consequences;

Whereas the malnutrition and consequent chronic illness that result from childhood malaria leads to increased absenteeism in school and perpetuates cycles of poverty;

Whereas an estimated 90 percent of deaths from malaria occur in Africa and the Roll Back Malaria Partnership estimates that malaria costs African countries $12,000,000,000 in lost economic productivity each year;

Whereas the World Health Organization estimates that malaria accounts for 40 percent of health care expenditures in high-burden countries, demonstrating that effective, long-term malaria control is inextricably linked to the strength of health systems;

Whereas heightened efforts over recent years to prevent and treat malaria are currently saving lives;

Whereas progress and funding to control malaria has increased ten-fold since 2000, in large part due, to funding under the President's Malaria Initiative (a United States Government initiative designed to cut malaria deaths in half in target countries in sub-Saharan Africa), the Global Fund to Fight AIDS, Tuberculosis and Malaria, the World Bank, and new financing by other donors;

Whereas the President's Malaria Initiative has purchased almost 13,000,000 artemisinin-based combination therapies (ACT), protected over 17,000,000 people through spraying campaigns, and distributed over 6,000,000 insecticide-treated bed nets, the Global Fund to Fight AIDS, Tuberculosis and Malaria has distributed 7,000,000 bed nets to protect families from malaria and provided 74,000,000 malaria patients with ACTs, and the World Bank's Booster Program is scheduled to commit approximately $500,000,000 in International Development Association funds for malaria control in Africa;

Whereas public and private partners are developing effective and affordable drugs to treat malaria, with more than 23 types of malaria vaccines in development;

Whereas according to the Centers for Disease Control and Prevention, vector control, or the prevention of malaria transmission via anopheles mosquitoes, which includes a combination of methods such as insecticide-treated bed nets, indoor residual spraying, and source reduction (larval control), has been shown to reduce severe morbidity and mortality due to malaria in endemic regions;

Whereas the impact of malaria efforts have been documented in numerous regions, such as in Zanzibar, where malaria prevalence among children shrank from 20 percent to less than 1 percent between 2005 and 2007, and in Rwanda, where malaria cases and deaths appeared to decline rapidly after a large-scale distribution of bed nets and malaria treatments in 2006; and

Whereas a malaria-free future will rely on consistent international, national and local leadership, and a comprehensive approach addressing the range of health, development, and economic challenges facing developing countries: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and ideals of Malaria Awareness Day, including the achievable target of ending malaria deaths by 2015;

(2) calls upon the people of the United States to observe this day with appropriate programs, ceremonies, and activities to raise awareness and support to save the lives of those affected by malaria;

(3) reaffirms the goals and commitments to combat malaria outlined in the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008;

(4) commends the progress made during the last year by anti-malaria programs including the President's Malaria Initiative and the Global Fund to Fight AIDS, Tuberculosis and Malaria;

(5) recognizes the work of the Roll Back Malaria Partnership and affirms United States support for and contribution toward the achievement of the following targets:

(A) Achieve universal coverage for all populations at risk with locally appropriate interventions for prevention and case management by 2010 and sustain universal coverage until local field research suggests that coverage can gradually be targeted to high-risk areas and seasons only, without risk of a generalized resurgence.

(B) Reduce global malaria cases from 2000 levels by 50 percent in 2010 and by 75 percent in 2015.

(C) End malaria deaths by 2015.

(6) encourages fellow donor nations to maintain their support and honor their funding commitments for Malaria programs worldwide;

(7) urges greater integration between United States and international health programs that target malaria, HIV, Tuberculosis, neglected tropical diseases, and basic child and maternal health; and

(8) commits to continued United States leadership in efforts to reduce global malaria deaths, especially through strengthening health care systems that can deliver effective, safe, high-quality interventions when and where they are needed, and assure access to reliable health information and effective disease surveillance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of this resolution, H. Con. Res. 103, supporting the goals and ideals of Malaria Awareness Day.

April 25 of each year is recognized internationally as Africa Malaria Day and in the United States as Malaria Awareness Day.

I introduced this resolution with my colleague and Congressional Malaria Caucus co-Chair, Congressman JOHN BOOZMAN of Arkansas, a true partner in the fight against malaria and so many other good causes, and I would like to thank him for his partnership and his continued commitment to ending malaria, and to so many other important issues pertaining to Africa.

We introduced this resolution to remind the Congress, the country, and the world that malaria is preventable and is treatable.

Malaria was eliminated from the United States over 50 years ago, yet more than 40 percent of the world's population is still at risk of contracting this disease. The World Health Organization reports that malaria claims the lives of nearly 1 million people each year, the vast majority of whom are children under the age of 5 in Africa.

I ask you to reflect on the statistics: malaria takes the life of a child roughly every 30 seconds. This is simply astounding and unconscionable in 2009. Malaria also causes a great risk to maternal health, causing complications during delivery, anemia, and low birth weight, with estimates by the Centers for Disease Control and Prevention that malaria infection causes 400,000 cases of severe maternal anemia and from 75,000 to 200,000 infant deaths annually in sub-Saharan Africa.

An estimated 90 percent of the deaths from malaria occur in Africa. Malaria also perpetuates poverty. The Roll Back Malaria Partnership estimates that malaria costs African countries $12 billion annually in lost economic productivity.

The malaria burden also weakens governments' abilities to provide services. The World Health Organization estimates that malaria accounts for 40 percent of health care expenditures in high-burden countries, demonstrating that effective, long-term malaria control is inextricably linked to the strength of the health systems.

However, there is good news. Heightened efforts by our own government and by other partner nations have made significant progress in the fight against malaria.

The President's Malaria Initiative has purchased almost 13 million artemisinin-based combination therapies (ACT), which will protect over 17 million people through spraying campaigns, and has distributed over 6 million insecticide-treated bed nets.

□ 1500

The Global Fund to Fight AIDS, Tuberculosis and Malaria has distributed 7 million bed nets to protect families from malaria and provided 74 million malaria patients with ACTs. As the World Bank's booster program is scheduled to commit more than $500 million in International Development Association funds for malaria, this will help to move forward the control of malaria; approximately $500 million by the International Development Association.

Public and private partnerships are developing effective and affordable drugs to treat malaria, with more than 23 types of malaria vaccines in development. Years ago, there were virtually no vaccines in development. And so we have seen that the world has taken a real look at this dread disease and we are moving forward to its elimination.

This resolution calls our attention to Malaria Awareness Day which the Congressional Malaria Caucus marked by holding briefings, a roundtable with African health officials, and will conclude with Special Orders this evening. The resolution also reaffirms the goals and commitments to combat malaria outlined in the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 which provided critical funding, $6 billion, to fight malaria and tuberculosis.

Let us remain committed to ending malaria for the health and wealth of the entire world. I strongly support this resolution and I urge my colleagues to do likewise.

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

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

As co-Chair with Chairman PAYNE of the Congressional Malaria Caucus and an original cosponsor of this resolution brought forth by Chairman PAYNE, I rise in support of H. Con. Res. 103, which supports the goals and ideals of Malaria Awareness Day.

It is widely known that malaria was eradicated in the United States more than a half century ago. Less known is the fact that malaria still affects as many as half a billion people in 109 countries in Africa, Asia and Latin America, and that malaria kills approximately 1 million to 3 million people per year.

Africa has been particularly hard hit. Ninety percent of all malaria deaths occur in Africa. It is the leading cause of death of children under the age of 5, claiming the lives of an estimated 3,000 African children per day. And because even mild cases of malaria can be debilitating, many businesses have been forced to hire two or more employees to fill a single position due to absenteeism. It is estimated that Africa loses $12 billion in productivity each year—all because of a wretched mosquito. But with the commitment of host countries and generous donor support—including through the President's Malaria Initiative; the Global Fund to Fight AIDS, Tuberculosis and Malaria; the World Bank; private donors and nongovernmental organizations, including Malaria No More—we are starting to see the light at the end of the tunnel.

Mass distributions of mosquito nets, indoor residual spraying, and the development and distribution of safe, effective and inexpensive drugs to treat malaria have yielded sharp declines in malaria-related deaths in a number of African countries. According to U.S. Malaria Coordinator, Admiral Tim Ziemer, ''These efforts are bringing newfound hope that malaria is not an intractable problem and giving children a fighting chance to improve their quality of life and build better futures.''

But we still have a long way to go.

Malaria Day serves as a call to arms—a day to mobilize resources and recommit ourselves to the fight against this preventable disease. It reminds us that with the steadfast commitment of donors, host governments, local leaders and the countless heroes who are fighting to roll back this scourge on the ground each and every day, we may live to see the elimination of malaria from the developing world.

I thank the sponsor, and my fellow co-Chair of the House Malaria Caucus, Mr. PAYNE, for introducing this important measure and for agreeing to modest, though critically important changes which enabled us to move the resolution directly to the House floor today. I appreciate the chairman's hard work and leadership combating this disease but also for his chairmanship of the Africa Subcommittee of the Foreign Affairs Committee.

I urge my colleagues to support this resolution.

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

Mr. PAYNE. At this time I yield 1 minute to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. I thank the gentleman for yielding and for this opportunity to speak out in full support of this proposed legislation. Not only am I a cosponsor but I want to commend especially my colleague and friend, the chairman of the House Foreign Affairs Subcommittee on Africa and Global Health.

Mr. Speaker, this issue is serious. Forty percent of the world's population, some 6 billion people living in this world, are still impacted and affected by this serious disease—malaria. On top of that, some 800 million people living on the continent of Africa, 90 percent of the people living in Africa, are also affected by this serious disease.

I want to thank the gentleman from New Jersey for his initiative and leadership in proposing this legislation and sincerely hope that in our efforts in working through the authorizing committees that we will build on what the gentleman, the chairman of our subcommittee, has done to bring to the attention of our colleagues and to the American people the importance of what we need to do as a country to help get rid of this serious disease.

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

Mr. PAYNE. I yield the gentleman 30 additional seconds.

Mr. FALEOMAVAEGA. I want to commend my good friend from New Jersey for working quietly and patiently but with tremendous effort in working with our colleagues in addressing the serious problems of malaria.

With that, Mr. Speaker, I want to again thank my good friend from New Jersey for his leadership and for the work that he has done in trying to get rid of this dreaded disease.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 103, "Supporting the goals and ideals of Malaria Awareness Day" and I would like to thank my colleague Representative PAYNE for introducing this resolution.

Every year, April 25 is recognized internationally as Africa Malaria Day and in the United States as Malaria Awareness Day. Although, malaria is a completely preventable and treatable disease which was eliminated from the United States over 50 years ago, more than 40 percent of the world's population is still at risk of contracting malaria. According to the World Health Organization, nearly 1,000,000 people die from malaria each year,

the vast majority of whom are children under the age of 5 in Africa. I feel that the target of ending malaria deaths by 2015 is an achievable goal that the United States must aid in accomplishing.

As chair of the Congressional Children's Caucus, this resolution is important to me because roughly every 30 seconds a child dies from malaria, and more than 3,000 children die from malaria every day. The malnutrition and consequent chronic illness that result from childhood malaria leads to increased absenteeism in school and perpetuates cycles of poverty. In addition to threatening the lives of children this disease also takes a great toll on women as well. Malaria poses great risks to maternal health, causing complications during delivery, anemia, and low birth weights, with estimates by the Center for Disease Control and Prevention that malaria infection causes 400,000 cases of severe maternal anemia and from 75,000 to 200,000 infant deaths annually in sub-Saharan Africa.

An estimated 90 percent of deaths from malaria occur in Africa and the Roll Back Malaria Partnership estimates that malaria costs African countries $12,000,000,000 in lost economic productivity each year. The World Health Organization estimates that malaria accounts for 40 percent of health care expenditures in high-burden countries, demonstrating that effective, long-term malaria control is inextricably linked to the strength of health systems.

Fortunately, the heightened efforts over recent years to prevent and treat malaria are currently saving lives. Progress and funding to control malaria has increased ten-fold since 2000, in large part, due to funding under the President's Malaria Initiative (a U.S. Government initiative designed to cut malaria deaths in half in target countries in sub-Saharan Africa), the Global Fund to Fight AIDS, Tuberculosis and Malaria, the World Bank, and new financing by other donors. The President's Malaria Initiative has purchased almost 13,000,000 artemisinin-based combination therapies (ACT), protected over 17,000,000 people through spraying campaigns, and distributed over 6,000,000 insecticide-treated bed nets, the Global Fund to Fight AIDS, Tuberculosis and Malaria has distributed 7,000,000 bed nets to protect families from malaria and provided 74,000,000 malaria patients with ACTs, and the World Bank's Booster Program is scheduled to commit approximately $500,000,000 in International Development Association funds for malaria control in Africa.

At the moment, public and private partners are developing effective and affordable drugs to treat malaria, with more than 23 types of malaria vaccines in development. According to the Centers for Disease Control and Prevention, vector control, or the prevention of malaria transmission via anopheles mosquitoes, which includes a combination of methods such as insecticide-treated bed nets, indoor residual spraying, and source reduction (larval control), has been shown to reduce severe morbidity and mortality due to malaria in endemic regions. The impact of malaria efforts have been documented in numerous regions, such as in Zanzibar, where malaria prevalence among children shrank from 20 percent to less than 1 percent between 2005 and 2007, and in Rwanda, where malaria cases and deaths appeared to decline rapidly after a large-scale distribution of bed nets and malaria treatments in 2006.

A malaria-free future will rely on consistent international, national and local leadership, and a comprehensive approach addressing the range of health, development, and economic challenges facing developing countries. It is important that this Congress commits to continued leadership in efforts to reduce global malaria deaths, especially through strengthening health care systems that can deliver effective, safe, high-quality interventions when and where they are needed, and assure access to reliable health information and effective disease surveillance.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 103, as amended.

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

A motion to reconsider was laid on the table.

HONORING RABBI CHARLES H. ROSENZVEIG

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 283) honoring the life, achievements, and contributions of Rabbi Charles H. Rosenzveig, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 283

Whereas Rabbi Charles H. Rosenzveig, Holocaust survivor, scholar, teacher, and founder of the Nation's first free-standing Holocaust Memorial Center, passed away on December 11, 2008, which corresponds to the 14th of Kislev, 5769 of the Hebrew calendar, and was buried in Jerusalem, Israel;

Whereas Rabbi Charles H. Rosenzveig was beloved by friends, family, and congregants and is survived by his wife Helen and four children, Martin Rosenzveig, Rabbi Ely Rosenzveig, Judy Rosenzveig, and Adina Novogrodsky, and ten grandchildren;

Whereas Rabbi Charles H. Rosenzveig was born on November 13, 1920, in Ostrovitz, Poland, to Yente and Eliezer Lippa Rosenzveig;

Whereas Rabbi Charles H. Rosenzveig was educated in the Jewish cheder and prestigious Bialystok Yeshiva, and studied the laws of his faith concerning the importance of good deeds and social justice, and developed exceptional knowledge of the Talmud, the rabbinic interpretation of Jewish Law;

Whereas Rabbi Charles H. Rosenzveig endured and bore witness to the horrific atrocities of the Holocaust, the Shoah, and members of his immediate and extended family perished at the hands of the Nazis;

Whereas Rabbi Charles H. Rosenzveig managed to escape his Nazi persecutors, fled from Poland to the Soviet Union before immigrating to the United States, settling at first in New York City in 1947;

Whereas Rabbi Charles H. Rosenzveig attended the world-renowned Yeshiva University in Manhattan and was ordained in 1951 as a rabbi, leader, and teacher in the Jewish community;

Whereas, upon receiving the rabbinic designation, Rabbi Charles H. Rosenzveig led Congregation Mt. Sinai in Port Huron, Michigan, where he served as spiritual leader until 1993, when he left the pulpit to devote his entire energy and spirit to the Holocaust Memorial Center, a project he had envisioned since his escape from Europe;

Whereas the Holocaust Memorial Center, established in 1984 at the Jewish Community Center in West Bloomfield, Michigan, became the Nation's first free-standing Holocaust Memorial Center;

Whereas the Holocaust Memorial Center is a monument to the memory of the victims of the Holocaust, and an educational institution with a mission to teach the lesson of tolerance to future generations, welcoming millions of visitors from around the world wishing to learn about the horrors of the Holocaust in order to prevent such a tragedy from occurring again;

Whereas other Holocaust centers around the country have been built, many modeled on Rabbi Charles H. Rosenzveig's original Holocaust Memorial Center;

Whereas Rabbi Charles H. Rosenzveig traveled and spoke extensively to raise awareness and grow the Holocaust Memorial Center, allowing the Holocaust Memorial Center to move from its original home in West Bloomfield, Michigan, to a large, state-of-the-art museum in Farmington Hills, Michigan, that also houses the Museum of European Heritage and the International Institute of the Righteous;

Whereas it was Rabbi Charles H. Rosenzveig's vision for the new center to enlighten future generations about the horrors of the Holocaust and nourish a social consciousness whereby the ''righteous acts of the few become the standard of the many''; and

Whereas Rabbi Charles H. Rosenzveig succeeded in providing the tools necessary for the message of ''Never Again'' to be understood by future generations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) mourns the passing of Rabbi Charles H. Rosenzveig and pauses to remember the 6,000,000 Jews killed in the Holocaust and the more than 11,000,000 people murdered in World War II; and

(2) honors the life and accomplishments of Rabbi Charles H. Rosenzveig as a scholar, teacher, rabbi, and Founder and Director of the Holocaust Memorial Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

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

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

There was no objection.

Mr. PAYNE. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

I rise in support of H. Res. 283, a resolution offered by Mr. PETERS of Michigan, honoring the life, achievements, and contributions of Rabbi Charles H. Rosenzveig. Although Rabbi Rosenzveig passed away last December, I think it is extremely and particularly appropriate that the House honor him now after having recently marked Holocaust Remembrance Day.

While Rabbi Rosenzveig will always be remembered as a loving husband and father with a wife, Helen, and four children, one of whom followed in his father's footsteps into rabbinate and became a rabbi, many of us knew him as a path-breaking educator about the Holocaust and the founder of an important Holocaust museum and memorial.

His life story of survival, escape and renewal serves as a model for all of us. Though he escaped the clutches of the Nazis who invaded his native Poland, Rabbi Rosenzveig lost much of his family in the Holocaust. After making his way east through the Soviet Union, he found refuge in the United States in 1947. After attending Yeshiva University in New York City, he became the spiritual leader of Congregation Mount Sinai in Port Huron, Michigan. In 1984, Rabbi Rosenzveig founded the Holocaust Memorial Center, a national freestanding memorial to the horrors of the Holocaust, in Farmington Hills, Michigan. In 1993, he left the pulpit to devote his energies full time to the center. The center serves not only as a memorial to those who perished at the hands of the Nazis but as a Jewish history museum and an educational institution dedicated to tolerance to future generations.

While it is fitting that Rabbi Rosenzveig's memory and his many accomplishments be noted here today, the Nation's other Holocaust museums, many modeled after the center he founded in Farmington Hills, form perhaps the most enduring tribute to his achievements. We mourn the loss of Rabbi Charles H. Rosenzveig and pay our respects to his family and to those who knew him well.

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

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

I rise today in support of H. Res. 283, honoring the life, achievements and contributions of Rabbi Charles Rosenzveig. Rabbi Rosenzveig was a Holocaust survivor, scholar, teacher and founder of the first freestanding Holocaust Memorial Center in the United States. Rabbi Rosenzveig passed away on December 11, 2008, but his lifelong efforts to keep alive the memory of the atrocities committed during the Holocaust and his commitment to teaching the lessons of tolerance to future generations will live on.

After surviving the horrors of the Holocaust, he immigrated to the United States in 1947 where he was ordained as a rabbi, became a respected teacher in the Jewish community and spoke extensively to raise awareness about the Holocaust. Rabbi Rosenzveig made it his personal mission to teach new generations of the lessons of the Holocaust, and he led the efforts in establishing the Holocaust Memorial Center in West Bloomfield, Michigan, the first of its kind in the United States.

The original Holocaust Memorial Center which Rabbi Rosenzveig helped establish in West Bloomfield, which was later moved to a large state-of-the-art museum in Farmington Hills, served as a model for many other Holocaust centers later built throughout the United States.

I would like to thank my colleague from Michigan, Congressman PETERS, for introducing this measure which commemorates those who perished at the hands of the Nazi regime and honors the life and accomplishments of Rabbi Charles Rosenzveig as a scholar, teacher, rabbi, and founder and director of the Holocaust Memorial Center.

I urge all of my colleagues to support this important resolution.

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

□ 1515

Mr. PAYNE. Mr. Speaker, I yield to the sponsor of the resolution, the gentleman from Michigan, Representative PETERS, as much time as he may consume.

Mr. PETERS. I would like to thank the gentleman from New Jersey for yielding time.

Mr. Speaker, I rise in strong support of House Resolution 283, a resolution that I authored to honor the life, achievements and contributions of Rabbi Charles H. Rosenzveig.

The late Rabbi Rosenzveig, who passed away in December, was a scholar, teacher, Holocaust survivor, and a founder of the Nation's first freestanding Holocaust Memorial Center in Oakland County, Michigan, the county which I have lived my whole life and now have the honor to represent here in Congress.

This resolution is important to the people of Michigan and has been sponsored in a thoroughly bipartisan fashion by Representatives LEVIN, CAMP, DINGELL, EHLERS, HOEKSTRA, UPTON, KILDEE, MCCOTTER, MILLER, ROGERS, STUPAK, and SCHAUER.

I would like to commend and thank Chairman BERMAN, Ranking Member ROS-LEHTINEN, and Vice Chairman ACKERMAN for their sponsorship of this resolution and their leadership in moving it through the House Committee on Foreign Affairs.

Rabbi Rosenzveig lost his mother, father, brother and sister in the Holocaust before fleeing to Poland and then the Soviet Union before immigrating to New York City in 1947. He led his class at the prestigious Yeshiva University in Manhattan and was ordained in 1951 as a rabbi.

He served his congregants at Congregation Mt. Sinai in Port Huron, Michigan, for decades before leaving the synagogue to devote his entire energy and spirit to the Holocaust Memorial Center of West Bloomfield, Michigan, which he founded in 1984.

Rabbi Rosenzveig traveled and spoke extensively to raise the awareness of resources needed to grow the Holocaust Memorial Center, allowing the center to move from its original home in West Bloomfield to a large state-of-the-art museum in Farmington Hills, Michigan, that also houses the Museum of European Heritage and the International Institute of the Righteous.

The Holocaust Memorial Center, which has educated millions of visitors, stands to enlighten future generations about the horrors of the Holocaust and nourish a social consciousness whereby, as Rabbi Rosenzveig used to say, the ''righteous acts of the few become the standard of the many.''

Rabbi Rosenzveig was an extraordinary American who devoted his life to serving others. I was fortunate to have the opportunity to meet him, and I was taken by his wisdom, vision, sincerity, and deep sense of caring for all people.

Please join me in paying tribute to a great teacher, scholar, leader, and the founder and director of the Holocaust Memorial Center. I am pleased that the House is considering this bipartisan resolution, and I urge my colleagues to support the passage of House Resolution 283.

Mr. BOOZMAN. I ask my fellow Members to support this resolution commemorating Rabbi Rosenzveig. I also appreciate Chairman PAYNE and the staffs on both sides of the aisle for their hard work in bringing forth several measures today.

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

Mr. PAYNE. Mr. Speaker, I would like to commend and express my appreciation to the gentleman from Arkansas who has worked very closely in a very bipartisan manner on many issues. It is a pleasure to work with him as we continue to move forward the needs of the people, not only of our country, but of the world.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 283.

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

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 19 minutes p.m.), the House stood in recess until 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. HALVORSON) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 230, by the yeas and nays;

H. Con. Res. 111, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

RECOGNIZING THE SIGNIFICANCE OF CINCO DE MAYO

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 230, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 230, as amended.

The vote was taken by electronic device, and there were—yeas 395, nays 0, not voting 38, as follows:

[Roll No. 229]

YEAS—395

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
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
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
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
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—38

Barrett (SC)
Bean
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Capuano
Childers
Conyers
Deal (GA)
DeFazio
Gallegly
Gerlach
Grijalva
Inglis
Israel
Johnson (IL)
Kilpatrick (MI)
Lipinski
Lucas
Maloney
Moran (VA)
Murtha
Napolitano
Neal (MA)
Pascrell
Price (NC)
Rohrabacher
Sánchez, Linda T.
Shuler
Smith (WA)
Stark
Thornberry
Tiberi
Towns
Waters
Westmoreland
Whitfield

□ 1859

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Madam Speaker, on Monday, May 4, 2009, I was absent during rollcall vote No. 229. Had I been present, I would have voted "yea" on the motion to suspend the rules and agree to H.R. 230—Recognizing the historical struggle for independence and freedom of the Mexican people and request the President to issue a proclamation recognizing that struggle and calling upon the people of the United States to observe Cinco de Mayo with appropriate ceremonies and activities.

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

The SPEAKER. The Chair now asks that the House 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 Afghanistan and their families, and of all who serve in our Armed Forces and their families.

IN HONOR OF JACK KEMP, FORMER MEMBER OF CONGRESS

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

Mr. KING of New York. Madam Speaker, it is my duty to inform the House of the death of our friend and former colleague Congressman Jack Kemp.

Madam Speaker, Jack Kemp served in this House for 18 years. Subsequent to that he served in the Cabinet of President Bush. And prior to all that, he played for 13 years as a professional quarterback, achieving the status of All Pro on a number of occasions, being the AFL MVP in 1965, and to this day holds many lifetime records as a quarterback in the AFL.

But Jack Kemp went beyond being a football player, beyond being a congressman, and beyond being a Cabinet Secretary. To all those who knew him, he was an inspiration. He was a man of tremendous energy and enthusiasm and vibrancy. As a Republican, I can say that he revolutionized our party, and,

indeed, his economic policies were the heart and soul of the Reagan Revolution.

But his influence and his friendship went across party lines. He was a man who was beloved by those of his own party and those in the opposition, even though I don't think he ever called them the ''opposition.''

I was fortunate enough to know Jack Kemp for more than 30 years. I'm proud to have considered him a friend. His passing will be mourned by all of us. He was really a truly outstanding American. And certainly my thoughts and prayers go out for his wife, Joanne, and his children, all of whom loved him the way all of us who knew him loved him and cherished him.

And with that I yield to the dean of the New York delegation, Mr. RANGEL.

Mr. RANGEL. I thank the gentleman for yielding.

I would just like to join in by saying those who knew Jack Kemp, you couldn't help but admire and respect him. He wasn't just a quarterback for the Buffalo Bills, but he was a quarterback for America and what's good for America.

It wasn't really working across the aisle when working with him; it was working with someone that was trying to improve the life conditions of people in this country no matter what color or what religion they had. I worked with him on the empowerment zones. I got all the credit; he did all the work. I worked with him on the African Growth and Economic bill. He was one of the first to testify not because of Africa but because it was the right thing to do.

When he became Secretary of HUD, everybody in public housing knew him as the ''godfather.'' He would visit when he was running for Vice President, and in Democratic districts, they would come out to pay respect to a guy that respected people regardless of their color. So he was one of those people that when they asked, ''What can I do for you? What do you need from me?'' it wasn't just an expression. Jack Kemp really meant it.

His wife, Joanne, was a partner. He's got a great family. I know he's in heaven because he lived a straight life. He was a great guy. We all will miss him, especially the New York delegation and those who were honored to work with him and respect the work that he has done.

Mr. KING of New York. Madam Speaker, I ask for a moment of silence for Congressman Jack Kemp.

The SPEAKER. Members will please rise to observe a moment of silence in honor of our colleague, the Honorable Jack Kemp.

ANNOUNCEMENT BY THE SPEAKER

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

There was no objection.

RECOGNIZING THE 61ST ANNIVERSARY OF THE INDEPENDENCE OF ISRAEL

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 111, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mrs. HALVORSON). The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 111, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 0, not voting 39, as follows:

[Roll No. 230]

YEAS—394

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
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
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
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
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Massa
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—39

Barrett (SC)
Bean
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Capuano
Childers
Conyers
Deal (GA)
DeFazio
Gallegly
Gerlach
Grijalva
Inglis
Johnson (IL)
Lipinski
Lucas
Maloney
Marshall
Matheson
Moran (VA)
Murtha
Napolitano
Neal (MA)
Pascrell
Paul
Price (NC)
Rohrabacher
Sánchez, Linda T.
Shuler
Smith (WA)
Stark
Thornberry
Tiberi
Towns
Waters
Westmoreland
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1914

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Madam Speaker, on Monday, May 4, 2009, I was absent during rollcall vote No. 230. Had I been present, I would have voted "yea" on the motion to suspend the rules and agree to H. Con. Res. 111—Recognizing Israel's independence as a significant event in providing refuge and a national homeland for the Jewish people and congratulates Israel's people as they celebrate the 61st anniversary of Israel's independence.

PERSONAL EXPLANATION

Mr. CONYERS. Madam Speaker, due to events in my congressional district, I was unable to vote today. If I were present, I would have voted "yea" to H. Res. 230, recognizing the historical significance of the Mexican holiday of Cinco de Mayo and "yea" to H. Con. Res. 111.

PERSONAL EXPLANATION

Mr. BRALEY of Iowa. Madam Speaker, I was not present for votes on Monday, May 4, 2009, due to health reasons. If I was present I would have voted: "yea" on rollcall 229, H. Res. 230—Reocgnizing the historical significance of the Mexican holiday of Cinco de Mayo and "yea" on rollcall 230, H. Con. Res. 111—Recognizing the 61st anniversary of the independence of the State of Israel.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1214

Mr. ELLISON. Madam Speaker, I ask unanimous consent to be removed as a cosponsor from H.R. 1214.

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

There was no objection.

NUCLEAR POWER VITAL TO ENERGY FUTURE

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

Mr. WILSON of South Carolina. Madam Speaker, the recently passed budget and the upcoming climate change legislation take a direct shot at the strained budgets of South Carolina families. Under an ill-advised cap-and-tax proposal, families will see their electricity bills, gas bills and grocery bills go up.

Meanwhile, South Carolina is the leader in the production of clean, viable and safe alternative nuclear energy. For over 30 years, South Carolina has benefited with over 50 percent of electrical generation by nuclear energy.

President Obama's own Secretary of Energy, Dr. Steven Chu, agrees that nuclear energy ''is going to be an important part of our energy mix.'' Unfortunately, some in Washington still continue to ignore this proven technology.

I hope my colleagues in Congress will listen to Secretary Chu. In the meantime, South Carolina families and citizens throughout our Nation cannot afford a spike in their utility bills, their gas bills or their food budgets.

I am grateful that Santee Cooper and SCE&G are proceeding with two new reactors at Jenkinsville, South Carolina, which will produce clean energy.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

HEALTH CARE FOR ALL

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

Mr. KUCINICH. Madam Speaker, 50 million Americans have no health insurance. Another 50 million are underinsured.

And instead of creating a program that would provide insurance for all Americans, the great debate in Washington is how we can continue to keep the insurance companies in business. Think about it.

America spends $2.4 trillion a year on health care, but 1 out of every $3, $800 billion a year, goes for the activities of the for-profit health insurance companies, corporate profits, stock options, executive salaries, advertising, marketing costs and paperwork.

Now, isn't it time that we took away the profit-making incentive in health care and created a system where there is health care for all, where everything is covered? We have the money to do it.

The question is whether we are going to have health care for the people or whether we are going to have insurance care using our money and our tax dollars to keep the insurance companies in their profits.

NATIONAL FOSTER CARE MONTH

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

Mrs. BACHMANN. Madam Speaker, today I rise in support of H. Res. 391, which recognizes May as National Foster Care Month.

Today there are over 500,000 children in foster care across the United States, and my husband and I were privileged to have raised 23 foster children in our home.

Madam Speaker, as a foster mother, I know too well the challenges. And I am dedicated to changing public policy and to raising awareness related to the very special and individual needs of foster children, so that families who support these children receive the resources they need to help these really great kids receive adequate support to help them to reach adulthood in a positive way.

SAFE ENERGY

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

Mr. POE of Texas. Madam Speaker, since the Nation has no official energy policy, we continue to discuss what shall we do about energy for the future.

The cynics and the critics don't want us to use fossil fuels such as clean coal or oil. They don't want us drilling for even natural gas.

We can never build enough of those gangly windmill eyesores to make much of a difference. Solar energy technology is still lagging behind in development, and we are learning that the corn-based ethanol that was to save us all is too much of a pollutant and a poor use of our own land.

So what are we to do? Are we going to freeze in the dark or bake in the global heat, depending on whether one believes global warming is fact or fiction?

Today I visited the North Anna nuclear power plant in Virginia. I was impressed with their pride for safety, security and competence. This plant, along with 63 others, safely produces 20 percent of our Nation's electricity. But France gets 80 percent of its electricity from nuclear power.

So we should defy the cynics and the critics and produce energy from all safe sources, including actively pursuing more clean nuclear power, or we will eventually be left behind in the darkness of the winter night.

And that's just the way it is.

SPECIAL ORDERS

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

WILDERNESS BATTLE—MAY 5–7, 1864

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. Madam Speaker, May 5, tomorrow, 145 years ago this day, May 5, 1864, 90 miles from where we are today and tonight, Madam Speaker, there were 160,000 troops assembled on one battlefield. Over 100,000 from the North and about 25,000 from the South, and they participated in the 3-day battle called the Battle of the Wilderness.

Madam Speaker, this battle was so intense that the wilderness itself, the woods, caught on fire during the battle and many from both sides burned to death. Casualties were about 30,000.

And if you take the number of men and women we have in Afghanistan and Iraq tonight, 160,000 is approximately the number that we have in those two theatres of war. They were assembled on one battlefield in the great Civil War.

Madam Speaker, during the Civil War there were over 600,000 killed. If we took that and brought it into today's numbers, that would be about 5 million killed.

Today I had the honor to be with my good friend, PETER WELCH of Vermont, and actor Robert Duvall, on this sacred hallowed ground. We were there for several reasons, but the primary reason was to preserve this battlefield.

During the Battle of the Wilderness, Vermonters had especially high casualties. Of the 3,500 that went into battle, 1,234 were killed.

PETER WELCH of Vermont and myself had the privilege to go and see that location, that small area where they were protecting the crossroads. This was the highest percentage of casualties in Vermont history. Most of those that were killed were from the small community of Woodstock.

On the first day of battle, the Union troops were able to push the Southern troops away. On the second day of battle, a Texas brigade, led by General Longstreet, had arrived at the battle after marching all night, 26 miles, at about 6:30 in the morning.

General Robert E. Lee was excited to see the Texas brigade, and he said the Texans always moved them and, yes, they did, they moved the Union forces back a great distance. The general for the Texas Army said that ''the eyes of General Lee are upon you,'' and Lee rode with Texas. About 60 percent of those Texans who went into battle that day were killed.

Madam Speaker, all of the southern States participated in this battle. Eighteen of the northern States participated in this battle, and there are stories like that from all States, this sacred ground, where the Battlefield of the Wilderness, took place.

But today we are faced with another battle, Madam Speaker, because the giant corporation Wal-Mart wants to build a Wal-Mart on that sacred ground. You see, during the battle, blood was spilled so much that one soldier said you can't tell whose blood it was, and that's exactly right, Madam Speaker. Every one of those troops that were killed that day, that fought that day and bled that day, whether North or South, were all Americans.

And that's why PETER WELCH and myself and Robert Duvall were there today to get the attention of Wal-Mart to not build on this sacred ground. Yes, they have the legal right to do so, but they should move down the street, down the road a bit and build the Wal-Mart that they want to build.

Because, you see, this ground is consecrated by the blood of Americans, and we don't want Wal-Mart to pour asphalt over the graves that are known only to God himself. So they should be a good corporate neighbor and build down the street.

You know, they need to put respect for history over love for money. They need to put dignity for the dead over lust for profit, because those that try to destroy history will be tried and convicted by history.

Wal-Mart has got more money than anybody. They can put their store anyplace they wish. So we are asking them to be good patriots rather than those who seek the profit motive and go somewhere else.

PETER WELCH and I are good friends. We probably disagree on everything except this one thing, that this land is consecrated by the lives of Americans who stood for some principle and died for that principle.

He said it best today when numerous people were there. He said the land, the Battlefield of the Wilderness, is the cathedral of sacrifice.

I agree with my good friend from Vermont. It is the cathedral of sacrifice, and we want to remember and preserve our history. We owe the dead that right, and Wal-Mart needs to move away.

And that's just the way it is.

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

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

RISING FORECLOSURES

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

Ms. KAPTUR. Madam Speaker, as unemployment in community after community rises to double digits, and foreclosures similarly rise, Wall Street is at it again, milking both ends of the foreclosure debacle.

As many of the banks who volunteered to do foreclosure moratoriums, along with Freddie Mac and Fannie Mae, have ended those moratoriums, foreclosures are rising again and expected to continue to rise even with administration programs up and running. Between the first of this year and April 22, in my home county of Lucas, the major county I represent, 442 foreclosed properties have been sold.

Now, would you think that's good? Who do you think is buying those homes? The very same institutions that made the liars' loans and subprime loans in the first place, Deutsche Bank, followed by Citigroup, by Wells Fargo, by U.S. Bank, Fifth Third and JPMorgan Chase, HSBC, you know the names, or their subsidiaries.

So, they foreclose, they buy, then they sell, pulling profit each step of the way, while destroying neighborhood after neighborhood, community after community in their wake.

When are we going to stop letting Wall Street make money coming and going while people lose their homes and our communities are destroyed?

□ 1930

Now, who do they sell to? That's interesting. All to absentee investors who don't care or don't even know where we reside. Absentee investors across our country and, in many cases, across the world.

Of the 442 properties sold—get ready for this—93 percent—93 percent—were sold to banks or to absentee investors. I don't call that community reinvestment. I call that community disemboweling, community disinvestment.

These buyers have no connection to Ohio or our community. They have no tie to our people. They merely seek to make more profit off the anguish of places such as where we reside, through the foreclosure process, as unemployment skyrockets. Communities do not have the tools to defend themselves from this predatory pillage.

Realtors from our district are telling us that the same banks purposely are slowing down short sales of properties, pushing off sellers, and leaving properties vacant. Why? To make more money again.

Federal policy should support Main Street families regaining equity and hope. Wall Street is rigging every transaction to laden their pockets—at the expense of the very taxpayers that supported them when they were crashing, and continue to support them as they stabilize. Business as usual for Wall Street—never doing for others, but profiting at everyone else's expense.

Foreclosures weaken communities. Absentee investors do the same. We see home prices fall, which leads to more foreclosures as communities weaken and mortgages go underwater. People in communities are drowning across this country. To jump in and save them will require creative, big picture-thinking that goes beyond the gains of these big banks or the silos of governmental programs and goes beyond the benefit of one institution over another.

We must let the FDIC and SEC deal with troubled banks and their ledgers and our financial system as they are designed to operate. Any Federal agency that deals with housing and foreclosures and jobs must join forces in designing funding mechanisms to radically transform the most hard-hit communities across our country. I would start with those that are now at double-digit in unemployment and foreclosures. Saving them will save more than just those communities. It will begin to breathe life back into our Nation's economy.

It's time Main Street was put ahead of Wall Street. And it's time that this Congress paid attention to what is happening coast-to-coast.

I will place in the RECORD material from the New York Times of this week.

[From the New York Times, May 4, 2009]

AS FORECLOSURES SURGE . . .

The Obama administration sat by last week as 12 Senate Democrats joined 39 Senate Republicans to block a vote on an amendment that would have allowed bankruptcy judges to modify troubled mortgages.

Senator Obama campaigned on the provision. And President Obama made its passage part of his antiforeclosure plan. It would have been a very useful prod to get lenders to rework bad loans rather than leaving the modification to a judge.

But when the time came to stand up to the banking lobbies and cajole yes votes from reluctant senators—the White House didn't. When the measure failed, there wasn't even a statement of regret.

Mr. Obama's plan to keep struggling Americans in their homes now relies on lenders to voluntarily rework bad loans. The plan provides ample incentives, including payments to servicers who successfully modify loans and, in some cases, payments to mortgage investors who agree to modifications. Whether that will be enough remains to be seen.

The administration estimates that its plan will prevent three million to four million foreclosures, but it will take several months before there is enough data to evaluate. In the past, however, voluntary modifications have failed to curb the rise in foreclosures. The number of foreclosure filings in March was very high, with estimates between 290,000 and 341,000.

Even if lenders do agree to modify loans, many Americans will still be in trouble. That's because nearly 14 million homeowners are ''under water''—they owe more on their mortgages than their homes are worth.

In a bankruptcy, such homeowners would likely have their loan principal reduced, lowering their payments and helping them to rebuild equity. In a typical voluntary loan modification, however, the monthly payment is reduced, but not the principal. That puts under-water borrowers at high risk of redefault, because there is no equity to fall back on if a financial setback leaves them unable to make mortgage payments.

The negative feedback loop—foreclosures beget falling home prices, which beget foreclosures, further weakening the banks—is well under way. We hope the president's plan can break the loop, but without bankruptcy reform it is going to be a lot harder.

In fact, last week we lost what one can say was a final hope for some Americans. With their mortgage completely underwater, credit card bills unpaid, home heating or cooling bills unpaid, healthcare bills unpaid and less food on the table . . . they turn to bankruptcy. This is the last chance and last hope for people who have tried everything else humanly possible to crawl out from under their debt. The decision is hard. Their hearts and souls demoralized, they turn to bankruptcy.

Currently, bankruptcy does not include dealing with one's primary residence. The House passed bill H.R. 1106 included "cramdown" provisions. Not ideal. Not what anyone wants to do, but a tool to help some of the most desperate Americans settle debts and begin again.

No such luck . . . the amendment in the Senate to achieve such a path was defeated. The New York Times editorial harkens this to a negative feedback loop. . . .

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

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

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

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

WORLD PRESS FREEDOM DAY

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

Mr. SCHIFF. Madam Speaker, Sunday, May 3, was World Press Freedom Day. Three years ago, in conjunction with World Press Freedom Day, Congressman MIKE PENCE, Senator CHRIS DODD, Senator DICK LUGAR, and I established the Congressional Caucus for Freedom of the Press.

Since then, this bipartisan, bicameral caucus has sought to highlight the importance of free expression around the world. The caucus is a forum where Members of Congress can come together to combat and condemn media censorship and the persecution of journalists worldwide. Our caucus works to send a strong message that Congress will defend democratic values and human rights wherever they are threatened.

We have hosted panel discussions with press freedom experts, journalists, and victims of press freedom crimes; written to leaders of countries which jail journalists, impose censorship, and allow harassment, attacks, and threats to occur with impunity. We have spoken out here on the House floor and in the media to call for reforms in countries that seek to censor freedom of speech and expression.

Just recently, Representative PENCE and I introduced the Daniel Pearl Freedom of the Press Act, H.R. 1861. This bill is named in honor of former Wall Street Journal reporter Daniel Pearl, who was kidnapped and murdered by terrorists in Pakistan just 4 months after the September 11 attacks.

This legislation will establish annual State Department reports on the status of press freedom in every country in the world and create a grant program aimed at broadening and strengthening the independence of journalists and media organizations.

Our government must promote freedom of the press by putting on center stage those countries in which journalists are killed, imprisoned, kidnapped, threatened, censored—and this will do just that.

A free and independent media provides the nourishment for democracies to thrive and grow. Citizens rely upon credible, accurate information from the media to make informed decisions and hold their leaders accountable. Information is power, which is precisely why many governments attempt to control the press to suppress opposition and preempt dissent.

Far too often, the reporters and editors who demand reform, accountability, and transparency find themselves at risk. The censorship, intimidation, imprisonment, and murder of these journalists are not only crimes against these individuals, but they also impact those who are denied access to their ideas and information.

In 2008, the Committee to Protect Journalists reported that 41 journalists were killed in connection with their work. Another 125 were falsely imprisoned for their reporting. Unfortunately, 2009 is shaping up to be a similarly dangerous year, having already seen 11 journalists murdered.

For Americans, this should spur us to consider the role that journalists play in our society and to ponder what our Nation would be like if this cornerstone of our liberty were to be curtailed. Many Americans take the concept of a free press for granted and don't realize that an unfettered press is vital to America's national security and to our democracy here at home.

But much of the world's population is not as fortunate as we are when it comes to access to independent news. Recent national news accounts have highlighted American journalists being detained on trumped-up charges in Iran and North Korea.

However, there are dozens of cases like these across the globe that don't get attention. That is why each year, as co-Chairs of the caucus, we host a Special Order hour to highlight countries whose abuses of press freedom are particularly egregious.

In 2007, we focused on Russia, profiling the 18 journalists murdered in Russia during the administration of Vladimir Putin. Last year, we focused on China and its incarceration of more journalists than any other country.

Later this month, we will host another Special Order hour where we will focus on growing press freedom abuses in Sri Lanka. Threats, attacks, imprisonment, and murders of journalists are becoming all too common in Sri Lanka.

This week is a particularly noteworthy week for press freedom in Sri Lanka. J.S. Tissainayagam, a contributor and editor for a number of print and online publications, will stand trial on Wednesday, and he faces a possible 20-year sentence if he is convicted. He is being prosecuted for allegedly inciting communal disharmony related to articles that he wrote as early as in 2006.

In March of 2008, J.S. was arrested under emergency regulations and held without habeas corpus for more than 5 months before being charged. His trial is set to resume on May 6, but it is our hope the Sri Lankan government will drop these baseless charges and release J.S. before the trial resumes.

So today, Madam Speaker, we recognize World Press Freedom Day and call on nations like Sri Lanka to stop the persecution of innocent journalists. We use this day as an occasion to pay tribute to journalists and to reflect upon their role in advancing fundamental human rights.

I want to thank all journalists around the world, especially those who work in harm's way, for doing all they do to foster democracy and promote freedom. Your work does not go unrecognized, and we appreciate your dedication to this noble profession.

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

(Mr. INGLIS 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 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 Indiana (Mr. BURTON) is recognized for 5 minutes.

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

BIG THREE AUTOMAKERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. I think most people know I spent a little time in the courts of this country. I am going to start off this conversation by saying that I'm not a bankruptcy judge, nor a bankruptcy litigant. And, in fact, I do not claim any expertise whatsoever in the area of bankruptcy. But I have some serious concerns that bother me about some things that are going on, and I would hope at least that the American people have these same concerns, because I really believe that the third branch of our government, the Judiciary, is there for recourse for all citizens, big and small. I think they are the fallback position, where politics should not interfere, but due process should prevail.

I believe that the protection of the minority interests of whatever we may be doing, it is best protected in the courts of our country.

I look at what is going on tonight and have been trying to figure out—and, I'm going to tell you, you're going to hear me ask a lot of questions tonight that I would like someone to give answers to, because I don't understand where things are going. But I'm looking at what is going on with the automobile industry in this country.

You know, the big three automakers in this country have been symbols of corporate greatness for my entire lifetime. We all can have a debate about who made the best car, what is the best car ever made, but most Americans would argue for some form of a GM car or Ford or a Chrysler as the best car they ever drove. Our grandfathers and our fathers have owned these vehicles and they have worked with these companies, and they have been respected and honored across this Nation.

Now, these companies are in trouble. At least two of them seem to be in a lot of trouble—Chrysler and General Motors. At least it has been indicated through the media that Chrysler is going to be seeking recourse in the bankruptcy courts.

The reason I say it has been indicated is because, in the normal course of things, what you normally see is that the board of directors, through its chief executive officer, will have a vote or will discuss the economic situation of the company and will come up with the fact that it's just not going to be viable. That at least they need the reorganization and the cancellation of some of their debts to be able to maintain order within the company and be a viable company.

But, in the case of Chrysler, the announcement was made by President Barack Obama to the media in a speech that he made announcing Chrysler would go into bankruptcy—at least it's my personal opinion that I don't believe at that time Mr. Obama held any position in the corporate structure of Chrysler to speak on their behalf, other than he is the President of the United States and he may have more knowledge than some of the rest of us, but it would be normal for Chrysler to make that announcement.

But then it would be normal for the board of directors of Chrysler to fire the executives of their company if they are not doing a good job, and it would be normal for the board of directors of General Motors to do the hiring and firing of executives that they have hired to manage their company.

March 29 of this year, President Obama forced the CEO of General Motors, Rick Wagoner, to resign from his post. As far as anyone can tell, this marks the first time in American history that a United States President has directly intervened in the daily running of an American business.

So we start with that announcement. The CEO, Mr. Wagoner, is fired by the President. Then, the President announces—not the CEO of Chrysler, but the President—announces the bankruptcy of Chrysler.

This bankruptcy, under normal circumstances, would go before a bankruptcy judge. And we have a set of laws that are established in this country—they are called creditors' rights. And we have creditors that stand in different positions when it comes to being repaid on debts, depending on whether they are secured or unsecured creditors, and we have a battery of laws that make that determination, and the bankruptcy court, doing a way more complicated analysis than I just did, comes up with who gets paid what and when and where and how and what happens; what assets are sold, all or part, and these are laws that are on the books that pretty well anybody can go see, and they are from time-to-time changed by the legislative body.

□ 1945

But we understand now from what the newspapers tell us that the Obama administration has announced the deal they expect to be rubber-stamped by the bankruptcy court. That deal is, according to the papers, a 55 percent ownership of Chrysler will be owned by the UAW, United Auto Workers. So the laborers of that company will be owning 55 percent of Chrysler. Then, 35 percent of Chrysler will be owned by Fiat, a foreign company out of Italy, and other places, I am sure. Then, 8 percent of Chrysler will be owned by the United States Government, and 2 percent of Chrysler will be owned by the Canadian Government.

I suppose, if we look at who is normally involved in corporate structure, you would have stockholders and preferred stockholders that are probably in there someplace; and, it looks like, to me, that they are divested of any interest in this trade.

Now, let me say that this should be something that the court makes a decision based upon creditors law, but it seems to be this is being shoved into the hands of the court, with an announcement by the White House saying: This is a settlement these people have agreed to, and you will do it this way.

I wonder, who is looking out for the stockholder? I don't own any Chrysler stock, but if I owned a share of Chrysler stock I would think that at one point in time I owned a portion of the Chrysler Corporation, that I was one of the owners of the business. Because we can cut through all the mystique of a corporate structure, the mystique that many call the bad guys, the big corporations. But big corporations are nothing more than a gathering of people who are called shareholders who invest their hard-earned money into a company, expecting that company to make profits and, in turn, return that value to them by an increase in stock price and possibly a dividend. It is Americans and others investing in America. That is what a corporation is all about.

Now, whether it is a small corporation that is in Round Rock, Texas, where I come from, that maybe has 20 shareholders, or whether it is a giant corporation like the Chrysler Corporation that probably has, who knows, a million shareholders, those people have invested their money and they have some interest in that business, and through their representatives that they elect to the board, they supposedly have a voice in what is going on. Yet, if this deal is the deal we are talking about, I don't see where these shareholders, whether they be preferred or whether they be ordinary stock shareholders, I don't see where they are accommodated at all.

You can hear some criticize and say that the Federal Government is taking over the automobile industry. Of course, I am sure that they would argue: Well, certainly not in the case of Chrysler, because we are not going to own but 8 percent of Chrysler. But their agent, the group that donates 99

percent, by the last report, of their political donations to the Democratic Party, the UAW, owns a controlling interest, 55 percent.

There seems to be an assumption that when this is announced by the White House that this is the deal, even though it seems that some of these preferred creditors have actually stood up a little bit and said, wait a minute, we didn't make this deal. But it seems that these people are then, by the White House, called not cooperative or other things.

In fact, it was reported in the newspapers that they twisted the arms of these preferred creditors to a point where they felt like they were being threatened and not being able to look out for the interest of their people. And, of course, the finger was pointed to them as the big rich preferred creditors, the big rich bondholders, when, in reality, these companies were stepping up and saying: We are not going to be threatened by the administration. We are going to stand firm. Because it is not just the couple of great big rich folks. They have got lots of people, including other people's pension funds, that are invested in their hedge funds and their groups that own this interest.

According to Thomas Lauria, Global Practice Head of the Financial Restructuring & Insolvency Group at White & Case, said that Perella Weinberg Partners was directly threatened by the White House and, in essence, compelled to withdraw its opposition to the Obama Chrysler restructuring deal under the threat that the full force of the White House press corps would destroy its reputation if it continued to fight.

That statement should concern us all. The White House press corps is supposed to be a press corps that is gathering news and making inquiries, not becoming an arm of the White House or the White House's restructuring force that they are putting together to restructure this deal for Chrysler. It should concern every American that the White House is threatening the use of those people who sit in those press conferences supposedly asking the tough questions of the President, they are threatening that they can use them to harm these individual bondholders, these bondholder companies. I think there is something tragically wrong with that.

One of the questions I ask is where are our courts in this situation. I mean, the stockholders are being left with their interests basically dissolved in the Chrysler Corporation. The bondholders are being threatened by the press corps of the White House to the detriment of their shareholders to take possibly 25 cents or less on the dollar as part of the deal, when there are creditors' rights laws that should be looked to by the bankruptcy court. And if you are not getting good recourse from the bankruptcy courts, there are other courts you can go to.

I am very disappointed that there seems to be some weakness that the courts are not standing up for what could be, and in my estimation would be, a large body of people whose defined rights are being forced away from them by the heavy hand of the White House. And the White House heavy hand is a dangerous place to be.

I will remind you that President Harry Truman seized the Nation's steel mills during the Korean war in order to avoid a shutdown during a strike. He could have sought an injunction barring the strike under the Taft-Hartley law, but instead he chose to seize based on his powers as Commander in Chief. He specifically notified Congress of the right to reverse or endorse his action, but Congress chose not to act. The Supreme Court overturned Truman's Executive order.

The legal questions were: Has the Congress granted the President the power to take possession of the property? The answer was ''no.'' Does the Constitution grant the President the power to take possession of the property? The answer was ''no.'' Is Truman's Executive order in compliance with the Constitution? And the answer was ''no.''

The opinion written by Justice Black said: All powers of the Presidency are contained in the Constitution or in subsequent acts of Congress granting specific powers to the Executive. The contention that the aggregate power of the Constitution and acts of Congress create new, more far-reaching powers was rejected by the Court. Under the Taft-Hartley Act of 1947, Congress has addressed the precise issue of labor strikes and national security, and has chosen not to grant the President the right to break a strike.

Likewise, nowhere in the Constitution is the Executive granted the right to seize power. An evaluation says Youngstown was instrumental in reaffirming that the President cannot legislate, only execute legislation passed by the Congress.

Black wrote: The Constitution limits his function in the lawmaking process to recommending of laws he thinks wise and the vetoing of laws he thinks bad. The ruling limits the nature of the Executive order to carrying out the limitation of laws already established by Congress.

Now, I guess the question that we would have in what is going on in the Chrysler case, and to some extent the General Motors case, which we will get to in a little while: Has Congress granted the President the power to take control of the negotiations of a private corporation and attempt to make a settlement to go before the bankruptcy court? I would certainly argue that the Congress has not given the President that power, nor do I think that the Constitution grants President Obama the power to take control of the negotiations to be submitted to a bankruptcy court and to threaten those who choose not to enter into these negotiations with abuse by the White House press corps that would harm their business. I don't think the Constitution in any way, form, or fashion grants that power to the President of the United States. And I think what is going on with the White House and its heavy-handed manipulation of the duties and responsibilities of the bankruptcy court is nowhere granted by Congress or by the Constitution of the United States.

I think Americans ought to be looking at this, and Americans ought to be concerned about this. These are private businesses owned by private people who borrowed money from other groups of people who either are shareholders or lenders in some form or fashion whose rights are defined by law. And for the President of the United States and the White House to intervene to force a settlement to be submitted to the court and then ask the court to basically rubber-stamp that settlement without looking to the protection of these other rights of the other individuals that are involved, to me, these raise questions that we need to be asking; because if the government can do this to the Chrysler Corporation and the millions of stockholders that own Chrysler Corporation, who else could they do it to that stood in the way of their negotiations? And where does the Constitution or the Congress authorize the President of the United States to heavy-handedly negotiate in this private situation? And where does it authorize the turning over of 55 percent of the business to the laborers who work there in the form of the ownership by their union? And why isn't it quid pro quo, when you look at what that union had done?

In 2008, according to reporting that has been done, according to Open Secrets, the UAW gave 99 percent of its political contributions to the Democrats in the 2008 cycle. If you give 99 percent, then you own 55 percent of the company. Is that the way it is supposed to work? Shouldn't some court somewhere ask that question? Shouldn't some courageous litigant somewhere stand up for the rights of the stockholder, stand up for the rights of the bondholders, speak out for those preferred creditors? Shouldn't someone be going to court and speaking out on these people's behalf?

□ 2000

I have real concerns because I start from the premise that I believe that that third branch of government that I served in for 20 years is there for the protection of all Americans. That is what our court system is about. And if we are going to politicize—and as we look now to an appointment of a new Supreme Court Justice—if we are going to so politicize our court system as to take away the ability for the weaker party to have a voice through politics, then there is something wrong.

We, as Americans, need to be asking that question, and I would challenge my colleagues to start thinking about this: At what point in time does the

President have to follow the Constitution, or at least does the Congress have to grant him powers before he can do these things?

That is just Chrysler. Now, the GM deal, President Obama hasn't announced yet that they are going to the bankruptcy court. But they are trying to work out a settlement.

Oh, going back to the Chrysler deal, doesn't it bother anyone that the deal we are making is taking control away from the American stockholders and from the board of directors of Chrysler and giving ownership to the labor union? I don't see any indication that the labor union is making the assumption of any of these debts or contributing any money to this project. They are just being rewarded for being a labor union. Now where is the logic in that? And then what are they going to do? Thirty-five percent of that is going to be Fiat. I have nothing against Fiat. I actually owned one at one time. So let me lay my cards on the table. It was a neat little yellow convertible, and my wife told me I couldn't keep it, but I owned one for a while, and it was fun and a good car.

But now we are basically turning Chrysler over to a foreign company. I don't have anything against foreign companies. We are in an international world. But let's get a reality check here. The President of the United States is putting together a deal to turn Chrysler over to a foreign company in a foreign country. And you can bet your boots that one of these days the word ''Chrysler'' won't be in our vocabulary anymore. I hope and I wish Fiat all the best, but realize that it will be the ''Fiat Company of North America,'' or at least logic would seem to make one think so.

All of this is to make sure that we meet a pledge that the President of the United States made to the UAW that he would protect their benefits and pensions. The government didn't protect the benefits and pensions of the Delta pilots when Delta went bankrupt. So why, all of a sudden, is the government going into ownership of this company and taking direct direction of this company to make sure that it benefits this labor union rather than another labor union? It is a question that we ought to be asking. It is a question some court ought to be looking into. This concerns me.

Before I go any further, I do want to go ahead and lay the supposed GM deal that the White House is telling us looks like this is what they are recommending, and I read this one on the front page of The Wall Street Journal. Fifty percent of General Motors will be owned by the United States Government; 39 percent of General Motors will be owned, again, by the UAW; 10 percent of the company would be owned by the bondholders, so at least the bondholders of General Motors are going to end up with 10 percent ownership. And the stockholders are going to do all right, too. They are going to go from at least more than 1 percent, they are going to go from some percentage of GM down to 1 percent. So if you're the proud owner of GM stock, then all of the stock that is out there is going to be worth 1 percent of General Motors.

One of our Members was telling me that he owned, I forgot what he said, 1,000 shares of General Motors or something like that. The diluted price is estimated to be somewhere between two cents and a nickel a share for General Motors stock—General Motors, that great icon of American industrial might. Many pension funds, teachers' retirement funds and other people invested in them because they were like the American flag. They were American industry at its best. And now all those people and all those funds that invested in stock are going to own 1 percent of a company where they used to own most of the company.

They are going to take the burden, the great burden, of the mistakes made by General Motors and, I would argue, that overwhelming pressure put on by the United Auto Workers to maintain, at all costs, their right of contract. There are written and unwritten contracts, but the contract is sacred in America, and the unions certainly stand up for the rights under their contract. But under creditors' rights, there are rights, too, that are created by law. And a person who does something and buys stock or invests in a bond, those people have the right to rely upon the law to protect them, just like a contract. But it seems that every day as we go forward in the Obama administration, the sanctity of contracts seems to be of less and less importance, and, truthfully, that will be terrible for this Nation.

I am very pleased and blessed to have my friend, a good friend from Iowa, STEVE KING, to be here with me tonight. I will yield to him such time as he may wish to consume.

Mr. KING of Iowa. I thank the gentleman and judge from Texas for taking the lead and coming here to the floor to help convey this message across the country as he addresses you and as I address you, Madam Speaker. As I listen to this, the transition goes, the segue handoff goes to AIG. I happened to look at the AIG story that is there today. ''AIG nears sale of headquarters in Japan for $1 billion.'' We look at the AIG, the big Federal bailout that is there, the effort to block, after the fact, the bonus packages, the retention bonuses that were paid under the contract, the sanctity of the contract, as the judge said. And what happened was this process here in this Congress raced too far too fast. And there was a big TARP bill that passed last fall before the Presidential election. Half of it, $350 billion of that, was made available pretty close to right away. Another $350 billion had to go to the next Congress. Most of that money was going to be spent by a Secretary of the Treasury to be named later by a President to be elected later, Madam Speaker, and that is what happened.

So those $700 billion went forward, the $787 billion on the stimulus plan and the $410 billion on the omnibus spending bill, 1,222 pages stacked up that high. They arrived at 11 o'clock at night and were brought to the floor the following morning. We were asked to read 1,222 pages, or have staff read all that, and figure out what was in it, and then figure out what was not in it and draw a good judgment on all of this. This was pushed through, shoehorned in and rammed through quickly for political reasons, I believe, Madam Speaker.

The AIG loophole was actually written into the bill. We don't quite know yet whether it was the chairman of the Senate Finance Committee or whether it was the White House that actually had the most influence in that. We know there was communications going back and forth between the White House and the Chair of the Finance Committee and the Senate, and they wrote language in there that was a loophole that allowed for major, major bonuses to be paid. First it was $165 million. Then it went up to $200 million. Then it got up to about $240 million that went into bonuses for people who had led a company into disastrous ruin.

So now we are watching some of the spin-offs. This is some of the effort, some of the nationalization that goes on. Fannie Mae and Freddie Mac were nationalized. They were organizations, companies, that should have been capitalized and regulated. We tried to do that on the floor of the House of Representatives, Madam Speaker, and we were blocked at every turn by some effort on the part of Republicans and a big effort on the part of Democrats. They argued, especially right now the chairman of the Financial Services Committee came to this floor and argued, Fannie Mae and Freddie Mac are not in trouble. They don't need to be capitalized. They don't need to be regulated. I don't see any problem there. I'm going to oppose any efforts. The gentleman who is now the Chair undersells his persuasive ability. But many of us tried during that period of time.

This thing unfolded with Fannie Mae and Freddie Mac being nationalized, AIG effectively being nationalized and spinning off the headquarters in Japan for $1 billion or so. And then we heard the gentleman from Texas, the judge, talk about Chrysler, well, formerly Daimler Chrysler, now Chrysler, and this push merger that goes on with Chrysler and Fiat—I never owned a Fiat. I want to make that clear to the gentleman from Texas. But I probably would have enjoyed it if I had had one—and the de facto nationalization of General Motors Company.

Now, that should alarm Americans. It alarms me that there was a poll that went out about 1 month ago that found that only 53 percent of Americans said they believe in capitalism. Now I didn't see the exact text of the question. I

think they have to believe in free enterprise in a bigger number. They might think capitalism is something not quite as clean and pure as free enterprise, but we have got to believe in our market system.

This free enterprise capitalistic system that we have in the United States of America is the engine that defeated the Soviet Union in the Cold War. For 45 years, we fought a Cold War, and we were playing chess and Monopoly on the same board. And the question was, will the Soviet Union checkmate the United States militarily with their ICBM missile endeavor before we bankrupt them economically? On that board, chess and Monopoly on the same board, this American free enterprise system defeated the Soviet Union and won the Cold War without technically firing a shot because our economy has been, and remains, the strongest in the world, the most robust in the world, the most resilient in the world and the most adaptable in the world because it rewards entrepreneurs better than any other in the world and because we have created a favorable tax arrangement and a favorable regulatory arrangement compared to, let's just say, European socialism.

But our President, Madam Speaker, has drawn a different message. He has drawn a different message from the New Deal in the 1930s. The message that he has drawn is that the failed New Deal actually would have succeeded if FDR had not lost his nerve and spent a lot more money. And this President has not lost his nerve. He has spent a lot more money. He has spent so much money that I look for the vibrations and reverberations down there. I would just think that FDR would be rolling over in his grave right now watching the trillions of dollars that have unfolded.

I have expressed this before that when we say ''trillions of dollars,'' these trillions are being discussed across America in the coffee shops as we used to talk about, well, let's just say millions, $1 million here, $1 million there, and pretty soon you have some real money. But trillions work out this way. I don't know how much corn they raise in Texas, but I can tell you how much we raise in Iowa. We will raise about 2¼ billion bushels this year for 2009. And if it is worth a little better than 4 bucks, which it probably is not going to be in this economy, it is about $10 billion worth of corn. That is about what that crop is worth.

Now, if all of our producers took all of their input costs and put all their labor, all their land prices away and they swallowed all that and just gave that corn crop at market prices to help pay down the deficit, let's just say to help pay down $1 trillion, they could take the 2009 crop, the 2010 crop, the 2011 crop, all the corn we raise, give it to the government to pay down $1 trillion, and when they paid down the $1 trillion in real present value, the 2108 crop, 100 years would be how long it takes to accumulate $1 trillion with all the corn that Iowa can raise, an entire century of corn for $1 trillion. And now we can think in these terms: dollars, corn.

Put it in another term here, that is only $1 trillion. I said that into the RECORD, Madam Speaker. All the corn that Iowa can raise in 100 years is only $1 trillion, and it is only compared to a $9.3 trillion deficit approved by this budget that was just passed out of here the other day, 9.3 trillion. Now, how long does it take to pay off $9.3 trillion at present value? That would be—I have to round this a little bit so I can do the math in my head. That would be 1,000 years of all the corn that Iowa can raise with no expenses deducted from it, the gross value of that crop as it comes out of the field and will be delivered, 1,000 years of all the corn Iowa can raise just to offset the deficit created by the budget that was proposed by this White House and passed by this Congress.

□ 2015

And then if we thought we were going to pay off the national debt, that is another $11.5 trillion or $11.8 trillion, and you add that to the $9.3 trillion deficit, and these numbers I am looking at are $20.8 trillion to $23 trillion depending on who you ask for that number. But let us say $20 trillion, the downside, that would be all of the corn at present value and at present yields that we could raise in Iowa for the next 2,000 years. Or if you want to back up, take it back to the birth of Christ. That is what it would take to pay off the national debt and pay off Obama's deficit by his budget. President Obama, I should say.

On top of that, what we have, Madam Speaker, is the nationalization of great American companies. Great companies, companies that grew right out of the entrepreneurship of the can-do spirit of receiving a reward for value invested, invest some dollars and put some investors together, and put together some shareholders, crank out a company that is going to start making cars and sell to the market. And sometimes even go out and create the market, which Henry Ford did. Henry Ford actually created a market for him to sell to.

You have heard the numbers from Judge CARTER.

Today, well, 50 percent of General Motors is owned by President Obama. And representing the United States of America, representing the disenfranchised taxpayers that will be paying off the debt and not receiving any return on this particular investment, 39 percent, you heard the number right, from the UAW, the union, own shares in the company. And what did they pay for those? Maybe they actually did, if the shares are down to a couple of cents, but I don't know those numbers. And the bondholders are reduced down to 10 percent, and the stockholders 1 percent.

This is a nationalized company. Isn't anybody alarmed about this? Didn't anybody see the image down in Central America when we saw the glad-handing and the extra hand up there on the arm of Hugo Chavez, the happiness that showed the big, grinning faces that came from President Obama and Hugo Chavez, sending an image to the world that they are good buddies.

I see two things when I see that image. One of them is Hugo Chavez, standing at the podium at the United Nations the day after President George W. Bush spoke to the United Nations and calling our President in Spanish the devil, El Diablo, and saying there is a stench that still lingered at the podium, to snickers of laughter from the people sitting in the United Nations funded by Americans.

And what is the message that the world gets, glad-handing, big grins, President Obama, President Hugo Chavez? They get the message that there is no penalty for insulting the United States or declaring the United States to be your enemy. There is a reward for it. There is a happy image to send around the world.

The second thing, the second message is the one that I get, and that is two leaders of their representative countries, one of them, the leader of the free world, standing side by side grinning at the cameras, each of them had nationalized at least one important company in their country within a 30-day period of time. And in President Obama's case, he way out did Hugo Chavez when it comes to the socialization of major corporations. He nationalized General Motors and he nationalized Chrysler all in the same day; and he stepped up and took credit for it.

This free enterprise country, this country that forged freedom and settled a continent because we had entrepreneurs that could go out and struggle and receive on their investment for their labor and brains and for their intuitiveness, that is how we settled this country. And now we are to the point where we have the radical nationalization of major American companies, General Motors, Chrysler, on the same day. And you would think if a President thought that he needed to do that in order to save a company, that he would have at least been wise enough to keep his fingerprints off it, but he took credit for it. He took credit for it. He did the press conference. He did the nod. He did the smile.

I am sitting there appalled that there could be such a thing taking place in this country, and with a disregard for what made this a great nation. And one of the central pillars of American exceptionalism is free enterprise capitalism, and you cannot deny that from a historical perspective. But he did that. And he said, I will work to protect your benefits, to the unions.

And NANCY PELOSI, the formal Speaker of this House, said she is not going to give the automakers bargaining leverage over the unions. When

you see the unions are stepping in in ownership, I have to take you back to a Web site that everybody in America should visit, and it is the Democratic Socialists of America, DSA.org. And on that Web site, you can read some things.

One says, ''We are not communists.'' Okay. Well, I need to understand that distinction. So I read that carefully. It says we are not communists because communists believe in the nationalization of everything. They think that they should own all of the properties and all of the companies and tell everybody what to do and what to make and what they are going to make. And socialists are not really like that. They recognize there is merit to have little mom-and-pop shops running around making donuts, probably not selling gas anymore, but running the barber shop and the flower boutique. So they say, we don't want to nationalize everything; we just think that the major corporations should be run for, get this, ''the benefit of the people affected by them.''

What does that tell you? Running major corporations for the benefit of, which is it, the unions or the customers? It sure in the world is not the shareholders and the bondholders. But it is for the unions, the labor unions, the employees, one might say, or the customers.

And so we have now national socialism in America. The nationalization, socialization of these major companies, 50 percent of General Motors to the Federal Government, deemed by the President, 39 percent to the UAW, 10 percent to the bondholders, 1 percent to the stockholders. And watching this happen is a sad, sad tragedy that is not bringing the alarm in this country that I think it ought to bring.

I am greatly disturbed by what I see, and these are not speculations; these are the facts. These are after-the-fact facts that are there. History can't write it any other way unless somehow they wake up tomorrow morning and decide they are going to start selling shares off to some private interest so that the stockholders can start to run the company again, and maybe they can decide whether they want to fire the CEO rather than the President of the United States. And the President of the United States has also decided what people can collect for a salary and what they can't.

And they have put money into the banks, and some of the banks are resisting it. They want to give the money back. The President doesn't want to take the money back. He doesn't want to denationalize the nationalized banks.

That sounds like I might be impugning his motives. And I tell you, I look at the facts. Here is how I draw this conclusion, Madam Speaker. This is the 12 of 14 rule. With the mortgage-backed securities, the toxic mortgage debt that is out there, the proposal that came out about 3 or so weeks ago, it was on a Monday, we get these proposals on a Monday. Work on them all weekend long, Monday morning you get a new idea, and another new idea, and it comes at you over and over again like a cannon going off every Monday morning, sending shock waves through our economy.

But this rule, 12 of 14 rule works out to be like this: If an investor will partner with the President in picking up this toxic debt on these mortgage-backed securities, a regular investor, like Judge CARTER, for example, could lay $1 down on the table and then the Federal Government will match it with one of your tax dollars. So there are $2 on the table. And then there are loan guarantees that are guaranteed for the balance. And this is a $14 package, $12 worth of loan guarantees, guaranteed by President Obama, your tax dollars. So there is $12 worth of skin on the table from the taxpayers that are loan guarantees. There is another dollar on the table from the taxpayer that is matching the $1 that Judge CARTER introduced for his investment. The individual has a 7 percent investment, and the taxpayers will have a 93 percent investment. And so how do you think you might split some kind of an investment like that?

I would think, okay, I will give you 7 percent of the profits for your 7 percent of the investment. But President Obama says no, no, no. I want you to have half of the profit, Judge. You can take half the profit for your 7 percent investment, and the Federal Government, the taxpayers, will take 93 percent of the risk and even that wasn't good enough. Then the President says, why would we want to tax the people who are our partners? So now they don't want to tax 50 percent of the profit that you get for 7 percent of your investment, they want to waive the tax on that.

Now, if we were in desperate condition and we needed to figure out something to do with these toxic debts and mortgage-backed securities, maybe that would be an act of desperation where you put together a package like that, and you can say, I am partnering with the private sector. This really isn't the nationalization of the mortgage industry; I really didn't follow along on what we did to Fannie Mae and Freddie Mac. No, this is a free enterprise endeavor.

Well, it doesn't work out this way. Some of us, and I introduced legislation to do this, would suspend the capital gains tax on those investments that pick up the toxic debt. But we couldn't suspend those. That idea was off the table in a heartbeat. The chairman of the Financial Services Committee swept those things off the table immediately. So we couldn't give a tax break to willing investors, but we would give a tax break if you partner with the Federal Government. We can't suspend income tax on the profits made by most who pick up mortgage-backed securities because that would be, what, free enterprise capitalism that had a favorable tax situation that could come in and rescue this situation with willing investors.

That confirms for me that this President is determined to nationalize, nationalize, nationalize until we become nationally socialized big business in America, exactly verbatim within the model plan that is on the Democratic Socialists of America Web site, dsa.org, where it says we just want to nationalize the big companies and run them for the benefit of the unions and the benefit of perhaps the customers, but not for the benefit of the shareholders.

That is the scenario today. I thank the gentleman for yielding, and appreciate him leading this Special Order.

Mr. CARTER. I thank the gentleman. I want to point out a couple of things so we don't get off into this magic world that has been created by our Democrat friends and the media, that stockholders are some sort of exotic, wealthy billionaires that own all of these companies.

The teachers retirement system of Texas probably owns General Motors stock. I don't know, I haven't looked into it. But back when General Motors was $60 or $70 a share and everybody was proud to be an American, I am sure that pension funds for our teachers around this country invested. So those people would be looking at a 2-cent value or a 3-cent value or a nickel value for stock that they paid $60 or $70 a share for. So don't get into this magic myth that is created by those who would like to socialize this country that we are talking about fat cats. We are not talking about fat cats. We are talking about the ladies down at the Catholic church that got together and decided they would have an investment club. And they all put a little bit of their egg and butter money, as my grandmother used to say, in a little pot and said, now let's sit around and study the stock page in the newspaper and let's buy ourselves some stock.

A lot of them made a whole lot of money and lost a whole lot of money during the dot-com boom of the 1990s. But those were not fat cat investors. Those were little old ladies at the Catholic church, okay, or at the Methodist church or at the Baptist church or the bridge club or whatever. They are your neighbors. They are the people who live next door to you. They are the people your children go to school with, their parents; and even the kids' college funds are invested in things like General Motors and Chrysler.

So when we nationalize these industries, when we take it out of the hands of the people who own it, which is the stockholders, and we don't give them, defend their rights as stockholders, we make a deal through the pressure of the White House.

□ 2030

You know, interesting statement, this is one of the lawyers talking about what happened to the bondholders in

the Chrysler deals. He said, ''One of my clients was directly threatened by the White House and in essence compelled to withdraw his opposition to the deal under threat that the full force of the White House press corps would destroy his reputation if he continued to fight. That was Perella Weinberg,'' Tom Lauria, the head of the bankruptcy department for the top New York City law firm of White & Case, told a WJR 760 radio host.

He goes on to say down here, ''Some of the critics charged that the administration used leverage to provide TARP funds to force banks to comply with this deal. In other words, investors like JPMorgan Chase, who also were bondholders in this Chrysler deal—the old TARP fund deal that we've been talking about now for months—was all of a sudden the twist to make them get in line. And what happened was this group that Mr. Perella Weinberg was involved in, they didn't take any TARP funds, so they didn't have the twist. And they stood up. And what did they do? They threatened them with the White House press corps. I'm sorry, when I was a kid, this doesn't sound like the America that we grew up with. This sounds like the people we used to fight. This sounds like Joe Stalin and some of those people that threatened their way to power.

I am telling you, we ought to be worried about this. And I am deeply worried—although I am happy to see that this New York law firm is involved. I would hope that good litigants—because I believe in the justice system—would use the justice system to protect the rights of these creditors. I would hope they would do that.

I would hope that we would realize that neither this Congress nor the Constitution of the United States has given the White House or the President of the United States the kind of power and authority that he is executing and utilizing on these two car companies. And then we find out that we've got some folks that—they have already said that they would take common stock in the banks, so they want to be stockholders when it comes to the banks. They want to vote that stock and control those banks. They want to take majority interest in our large banks. That is another nationalization of an industry.

And so some of the banks said, you know what? We see the handwriting on the wall. We see that freight train coming down the track right at us. Here's your money back. We don't want your TARP money, take it back. And they are refusing to take the money back and threatening to charge massive penalties if the banks return the money that the American taxpayers provided to bail out banks in this TARP program. If they don't need the money and they want to give it back, what in the world is wrong with that? Except you no longer control the bank when they give the money back. You no longer can control the deals that are made with Chrysler by twisting the arms of the banks. You no longer can control American industry. And that is the kind of thing that these trillions of dollars that we're spending, we, as Americans, should be deathly afraid of, that there are people who would control our Nation with the money that we give them out of our pocket and we permit them to borrow in our name that we are going to have to pay back.

I remember what I told my children as soon as they could understand English: the United States Government, nor any other government, never made a dime; they took it from you.

Mr. KING of Iowa. Will the gentleman yield?

Mr. CARTER. I yield.

Mr. KING of Iowa. I thank the gentleman from Texas.

It just brings to me a number that was reported in the aggregate, the union contributions, political contributions for the last election cycle, 45 billion dollars. And now we see a President and a Speaker of the House, and others, who have decided that they are going to make sure that there are shares in the hands of the workers without a transfer of wealth? But just simply—apparently they are good workers, all right. They think they are good campaign workers, that's what I hear.

This question now troubles me, as I listened to the gentleman discuss this, with the teachers' salary, Teachers Union salary, and perhaps as invested in General Motors and Chrysler. And a big part of that portfolio perhaps is spiraling downward—has spiraled downward. Now, if you take the position that the President has, ''I will protect your benefits,'' and the position that the Speaker is taking, ''I am not going to let the automakers get bargaining leverage over the unions,'' and if that turns it into, Here are some stock shares, and the union can have controlling interest in the company—or at least to break even, half the interest—and broker it, if they can get together with the stockholders that have 51 percent, if that can be the case, this is a Federal Government bailout of a situation where they are setting up jobs for people, not jobs for production for profit. But if that happens—and it has happened—and the taxpayers are there, what happens if the retirement funds for the Teachers Union meet the same end as the value of the stock shares for General Motors and Chrysler? How do you go in and nationalize a retirement fund for a union? I think you don't, except to put the capital in there and just say we are going to guarantee it, just like we will with Social Security or any other entitlement.

By great, huge gulps, this government is swallowing up the private interests, large corporations swallowing up one after another after another and nationalizing them and taking on obligations in the process that are implicit, that go on down the line. If you remember Fannie Mae and Freddie Mac, they didn't have a guarantee from the Federal Government. They just had the implicit full faith and credit of the Federal Government. And we came through, $100 billion here, $100 billion there, $5.5 trillion in contingent liabilities. This can happen with these retirement funds, too. And when they get nationalized, pretty soon everything is government except the barber and the shopkeeper and the little ones. And it is right off the Web page, dsa.org.

Mr. CARTER. And then we have national socialism, which is something we should fear.

Mr. KING of Iowa. We would have national socialism.

Mr. CARTER. Something that we have fought against a lot of time.

I think we are about to wrap this up. I want to thank my friend for coming in here tonight. I want to thank the Speaker for her patience. We are raising questions that we think everybody and Members of this House should be asking each other and should be asking on the floor of this House and in committee and around this town. We didn't sign on to get on the slippery slope to socialism, and it is time for us all to stand up and say so.

CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the majority leader.

Mrs. CHRISTENSEN. Madam Speaker, it is my honor to be here to host this hour on behalf of the Congressional Black Caucus. And we want to talk about health care this evening.

Before the votes, I attended a District of Columbia Black AIDS Leadership Mobilization Summit; it was a town meeting held at the Kaiser Family Foundation. I want to commend the Congressional Black Caucus Foundation, the Black AIDS Institute, the Kaiser Foundation, NAACP, National Urban League, the YWCA, Southern Christian Leadership Conference, the National Council of Negro Women, Us Helping Us, The Women's Collective, Balm in Gilead, the National Black Leadership Commission on AIDS, Phi Beta Sigma, the National Medical Association, and all of the associations which came together to address the epidemic in the District of Columbia and around the country.

On March 16 of this year, the D.C. AIDS Office released its latest HIV surveillance report. And what it showed was that the HIV rate in the Nation's capital is the highest in the country, and that an estimated 3 percent of the population is affected with AIDS. One percent would make it an epidemic, so it is of epidemic proportions here in the District.

The D.C. rate of infection is higher than 28 African countries. The infection rate puts Washington, D.C. on a par with Uganda. So this is an issue

that really must be addressed. This is our Nation's capital. The Congress has responsibility for the capital, Madam Speaker. I made a commitment while I was there that the Congressional Black Caucus would work to ensure that this Congress takes that responsibility seriously and addresses this serious epidemic that exists in the Nation's capital.

I wanted to mention a couple of things this evening, Madam Speaker. Yesterday, Nicholas Kristof wrote a column in the New York Times that ought to give us all pause. In it he addresses an issue that many of us on the Committee on Homeland Security have raised many times—and I am sure Chairman BENNIE THOMPSON continues to work to address—and that is the deficient public health system in this country, especially in rural communities, in poor communities, and communities of color. I raised the issue at the H1N1 hearing in the Health Subcommittee on Energy and Commerce last week. I just want to share a few quotes from the article.

Nicholas Kristof says, ''The flu crisis should be a wake-up call, a reminder that one of our vulnerabilities to the possible pandemic is our deeply flawed medical system.'' And he quotes from Deborah Burger, the co-president of the California Nurses Association, the National Nurses Organizing Committee, who says, ''From SARS to avian flu to the current escalating outbreak of swine influenza, it has become increasingly clear that we are risking a major catastrophe unless we act to restore the safety net.''

Mr. Kristof continues, ''Think of the 47 million Americans who lack insurance. They are less likely to receive flu vaccines''—which might or might not help,'' he says—''less likely to receive prompt care when they get sick, and less able financially to stay home from work. And, thus, they are more likely to both die and spread the virus inadvertently.''

He also goes on to say—which is something that we have brought to the attention of the Department of Health and Human Services and the Department of Homeland Security—''hospitals lack spare beds, ventilators, and staff to cope with an epidemic. One study found that a flu epidemic would mean that 10 million Americans would need to be hospitalized compared with a total of nearly 1 million beds in America, about two-thirds of them occupied.

''Last year, Chairman Waxman ordered a review of surge capacity,'' reports Mr. Kristof, ''in hospitals available for a terror attack. What was the surge capacity? He found that more than half of the emergency rooms studied were already operating above capacity.''

The last quote that I want to bring to your attention from this op-ed is a quote that he uses from Dr. Redlener, the director of the National Center for Disaster Preparedness at Columbia University's Mailman School of Public Health. And Dr. Redlener says, and I agree, ''If a severe pandemic materializes, all of society would pay a heavy price for decades of failing to create a rational system of health care that works for us all.''

A few years ago, we had a Dr. Stephen Wolf from Virginia Commonwealth University come and talk to us about a report that he did on health care and the discrepancies, the disparities, the gaps in health care that the poor rural Americans, Americans of color face. I would like to use this quote and share it with you. He says, ''In the end, however, it all comes down to priorities. Perhaps we have reached a point when progress in providing good care when needed, with compassion and skill and without errors, would impress the public as a more meaningful medical advance than the rollout of the latest device or pill.'' He says, ''failing to establish systems to ensure that everyone receives recommended care is causing greater disease and deaths at levels that can rarely be offset by medical advances.''

So as we look at the spread of H1N1, this is a call to action to really fix the public health system in this country and make sure that every community has the kind of infrastructure it needs to address not only epidemics, but the everyday illnesses that the people in those communities suffer from.

But we do have an opportunity to address this health care system and to address health disparities. The Congressional Black Caucus—which has always had the elimination of health disparities as one of its main priorities—really welcomes the new political and policy dynamics that are currently shaping health care in this country. Because after all of the years and money spent on disease entities, we have only made slight progress. And even where improvements have been made, the gaps between people of color and the white majority have either remained the same or the gaps have widened.

According to testimony given at the Health Subcommittee on Energy and Commerce by Dr. Brian Smedley of the Joint Center for Political and Economic Studies, he says, ''Access to high-quality health care is particularly important for communities of color because deep-held status gaps persist among U.S. racial and ethnic groups.'' He goes on to say, ''While the Nation has made progress in lengthening and improving the quality of life, racial and ethnic health disparities begin early in the life span and exact a significant human and economic toll.'' He gives us some examples: ''The prevalence of diabetes among American Indians and Alaskan natives is more than twice that for all adults in the United States. Among African Americans, the age-adjusted death rate for cancer is approximately 25 percent higher than for white Americans.''

Although infant mortality, he said, ''decreased among all races during the 1980 to 2000 timed period, the black and white gap in infant mortality widened.

□ 2045

''While the life expectancy gap between African Americans and whites has narrowed slightly, African Americans can still expect to live 6 to 10 fewer years than whites and face higher rates of illness and mortality.''

He goes on to say, ''In terms of lives, this gap is staggering. A recent analysis of 1991 to 2000 mortality data concluded that had mortality rates of African Americans been equivalent to that of whites in that time period, over 880,000 deaths would have been averted.''

So we welcome and intend to be a part of shaping health care reform. And, of course, it does start with universal coverage because here are some other statistics:

Racial and ethnic minorities, although we account for about one-third of the U.S. population, account for more than half of the uninsured. Racial and ethnic minorities are more likely than whites to report not seeing a specialist when it was needed, foregoing needed health care because of the costs, and not being insured, they don't have a usual source of care. More than five of 10, 55 percent, Hispanics, four in 10 African Americans were uninsured for all or part of 2007 and 2008, compared with just two in 10, or 25 percent, in whites. In total, more than three in every four people of color, 76 percent, were uninsured for 6 months or more in 2007 and 2008. That data, I believe, comes from Families USA.

So the Congressional Black Caucus is looking at how we would like to see universal coverage provided. Of course, we feel that everyone must have coverage, and we insist that there be a public option. We have joined the Congressional Hispanic Caucus and the Asian Pacific Caucus in calling for a public option, and we will support a bill if it has a public option.

But also, and this is a concern that I have, we also need to ensure that we don't end up with the same kind of two-tiered system that we have today, one for the poor and one for everyone else, even when we have a public system. So we either need to figure out a way that that public system serves the poor and everyone else where the government may pay in for those who are at a certain level of poverty and the others pay in through subsidies that are done on a sliding scale or pay for it fully, or we need to fix the Medicaid program because the care that patients who have Medicaid who actually have access to health care is not equal and the outcomes are poorer than those who are insured, and in some cases it's the same or poorer than even the uninsured.

So ensuring that everyone is covered is critically important. It's critically important for African Americans and other people of color, who bear a disproportionate burden of disease in this

country, but it's important to every American because to the extent that so many people in this country remain uninsured, it adversely affects health care for everyone.

But insurance is just the beginning of what needs to be done to close the health disparities gap. For example, insured African American patients are less likely than insured whites to receive many potentially lifesaving or life-extending procedures such as high-tech care like cardiac catheterization, bypass graft surgery, or even kidney transplantation. And the IOM report of 2002 showed us that even when everything else is equal, educational level, economic level, and insurance, African Americans and other people of color get less care. Black cancer patients fail to get the same combinations of surgical and chemotherapy treatments that white patients with the same disease presentation received. African American heart patients are less likely than white patients to receive diagnostic procedures, revascularization procedures, and thrombolytic therapy, even when they have similar incomes, insurance, and other patient characteristics.

Even routine care suffers. Black and Latino patients are less likely than whites to receive aspirin upon discharge following a heart attack; to receive the appropriate care for pneumonia; and to have pain, such as the kind resulting from broken bones, appropriately treated. Minorities are more likely to receive undesirable treatment than whites, such as limb amputation for diabetes.

To so begin to address these, the TriCaucus, which includes the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Asian and Pacific Island Caucus, will be reintroducing the Health Equity and Accountability Act, which we have introduced in the last three Congresses and for which we had hearings held in both the subcommittees of Ways and Means and Energy and Commerce last year. The bill takes a comprehensive approach and will have budget impact, but we are talking about reforming a broken health care system, one which many call a ''sick care system.'' And I really think it needs more than reforming; it needs a transformation.

Among the provisions, the bill includes those that would bolster efforts to ensure culturally and linguistically appropriate health care and remove language and cultural barriers to health care. It would improve workforce diversity, strengthen and coordinate data collection, ensure accountability and improve evaluation, and improve health care services especially for those diseases that are causing the disparities.

But today, after the limited progress we've made in eliminating these disparities, we know that in addition to doing all of those things, collecting data, increasing the diversity of our workforce, increasing accountability, providing for comprehensive programs of care to address some of those diseases that cause the gaps and cause people to die prematurely from preventable causes, we know that in addition to addressing the gaps in the many disease entities that we also have to turn our country's focus to disparities in its broader context to the pervasive, persistent social determinants or primordial determinants of the poor health of our communities. If we don't address these, the root causes, the totality of the environments in which we live and suffer from this ill health, we will never achieve wellness. So if we are to be healthy and achieve our optimal health, it's here also that change must occur. That is to ensure that the environments in which we live support the elimination of health disparities and support good health and our overall well-being.

I think the country is fortunate, and I know the country also understands how fortunate it is, and I'm blessed to work with the Congressional Black Caucus, where 42 diverse individuals with expertise and focus in many different areas such as health, education, economic development, job creation, workers' rights, environmental justice, housing, and all of the factors that are the underpinnings of our health, as a group, we work as a cohesive unit to improve the well-being of our communities and of all Americans. So I look at our entire Congressional Black Caucus agenda as a health agenda because we work on the broad agenda that is critical to closing the health gap and ensuring that all Americans have access to wellness.

And it's critical that we do this because the real things, the things that underlie our poor health, the things that are really killing us are factors like an overabundance of liquor stores in black and Latino and poor communities; the flooding of everything we see, read, and hear with tobacco advertising; intractable poverty and the way it fosters depression, drug abuse, and crime, creating neighborhoods where it's impossible to go outdoors and exercise, as we know we must; the refusal of businesses, including grocery stores and really medical entities as well, to come into poor and communities of color, where pharmacies that are there stock and dispense less pain medicine, regardless of how much pain the individual is having just because we're in a poor neighborhood that is made up mostly of racial and ethnic minorities; the profiling by the criminal justice system that makes some people wrong just because of the color of their skin or puts the mentally ill into the criminal justice system rather than into treatment; the racism and discrimination that denies racial and ethnic minorities the same quality of health care that I spoke about earlier that others take for granted and that pays less in our neighborhoods and so provides a strong and effective disincentive for hospitals and the other providers we need to come into our communities and stay there; the fact that too many of those providers that we do have don't understand our culture or our language; and all of the many assaults on our very humanity that weakens the well-known strength of spirit and the will to do the things that we know will improve our health and our quality of life. All of this is still not fully on the radar screen of most who set and implement policy, and this is something else that we must change.

Yet communities around the country, with or without our help, are taking on some of these issues and creating miracles and making dramatic changes in people's lives. We intend to help these communities and other communities become agents of change and to develop not just a better system of health delivery but an entire culture and environment of wellness.

Today I introduced the Health Empowerment Zone bill, through which we plan to give these communities the resources and the technical assistance that they need to improve their health and well-being. Through this bill communities can apply. The Department of Health and Human Services would provide the technical assistance and some resources to help that community form a community coalition to identify their health care challenges, to do a community assessment and to develop a strategic plan. Then the community would apply for designation as a health empowerment zone, and if they're so designated, they would have the opportunity to be a priority for programs that already exist in our government.

So this bill will not be a costly bill. We're talking about a little bit of startup money to these communities and, more than that, technical assistance to help them to do their community assessment and do their plan, and the help that they will get to implement that plan and turn around their community and make it a place where people can be well would come from programs that already exist. These communities would just have priority, and this is an attempt for us to address the social determinants of health, which we all know are critical if we are going to eliminate disparities and create healthy communities and a more healthy country. So we intend to help these and other communities, as I said, and we introduced that bill today.

Last week we held our Spring Health Brain Trust with the National Minority Quality Forum, and the messages that came from that meeting were very clear: Our health care system needs not just reform; it needs transformation. It will require an investment that goes beyond providing universal coverage because we have seen through many reports, the IOM and many more research papers, that minorities, people who speak a different language, people of color, even when they are insured, don't get the kind of care that the rest of the population gets. The message

came loud and clear that we need to reform Medicaid and ensure that that access really provides quality health care.

And, lastly, I would say that the message that we'd like to send out of that is that we know that it will cost a fair amount of money, but it's our health that we are talking about. We know that many people think or many of the pundits say that perhaps our President is trying to do too much, but we say we need all of it. And we stand with our President as he calls on us to reform our health care system or, rather, transform our health care system and ensure that quality health care is accessible, available to each and every American.

I just want to close with another quote from the Closing the Gap Report that was written in 2005 that addresses the issue of health inequities, and the quote says: ''Inequities within the health care system and within larger social, environmental, and economic structures persist not because of a dearth of solutions but because of a failure of political will.'' And I call on my colleagues to let us develop that political will. Let us eliminate disparities that are causing the premature death of people of color, poor, and rural Americans in this country, and let's transform our health care system so that everyone has access to quality, comprehensive health care.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CAPUANO (at the request of Mr. HOYER) for today and May 5 on account of illness.

Mr. DEFAZIO (at the request of Mr. HOYER) for today on account of official business in the district.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today on account of official business in district.

Mrs. NAPOLITANO (at the request of Mr. HOYER) for today.

Mr. STARK (at the request of Mr. HOYER) for today and the balance of the week on account of illness.

Mr. WESTMORELAND (at the request of Mr. BOEHNER) for today on account of illness.

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 Mrs. CHRISTENSEN) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SCHIFF, 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. POSEY, for 5 minutes, May 6.

Mr. FORBES, for 5 minutes, May 6.

Mr. MORAN of Kansas, for 5 minutes, May 5 and 6.

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. 615. An act to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction; to the Committee on Foreign Affairs; 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.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 735. An act to ensure States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on April 30, 2009 she presented to the President of the United States, for his approval, the following bills.

H.R. 1626. To make technical amendments to laws containing time periods affecting judicial proceedings.

H.R. 586. To direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

ADJOURNMENT

Mrs. CHRISTENSEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 1 minute p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 5, 2009, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1564. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting an addendum to a certification, transmittal number: DDTC-009-09, of a proposed sale or export of defense articles and/or defense services, pursuant to Public Law 110-429, section 201; to the Committee on Foreign Affairs.

1565. A letter from the Equal Employment Opportunity Director, Farm Credit Administration, transmitting the Administration's annual report for fiscal year 2008 on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1566. A letter from the Acting Chairman, Federal Communications Commission, transmitting the Commission's annual report for fiscal year 2008 on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1567. A letter from the President, Inter-American Foundation, transmitting the Foundation's annual report for fiscal year 2008 on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1568. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's annual report for fiscal year 2008 on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1569. A letter from the Acting Director, Peace Corps, transmitting the Corps' annual report for fiscal year 2008 on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1570. A letter from the Acting EEO Director, Securities and Exchange Commission, transmitting the Commission's annual report for fiscal year 2008 on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1571. A letter from the Acting Administrator, Small Business Administration, transmitting the Administration's annual report for fiscal year 2008 on the Notification and Federal Employee Anti-Discrimination and Retaliation Act; to the Committee on Oversight and Government Reform.

1572. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Displays, Anacostia River, Washington, DC [Docket No.: USCG-2008-0338] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1573. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Main Street Oceanside, Fireworks Display; Oceanside, CA. [Docket No.: USCG-2008-0270] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1574. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone; Wrechage of the M/V NEW CARISSA, Pacific Ocean 3 Nautical Miles North of the Entrance to Coos Bay, OR [Docket No.: USCG-2008-0915] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1575. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Milwaukee River Challenge, Milwaukee River, Milwaukee, WI [Docket No.: USCG-2008-0914] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1576. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Neptune Festival, Atlantic Ocean, Virginia Beach, VA [Docket No.: USCG-2008-0860] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1577. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Robert Mosses Causeway Bridge State Boat Channel, Captree, New York [Docket No.: USCG-2008-0844] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1578. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Founder's Day Fireworks Event, Chesapeake Bay, Hampton, VA. [Docket No.: USCG-2008-0463] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1579. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Paradise Point Resort 4th of July Display; Mission Bay, San Diego, CA. [Docket No.: USCG-2008-0449] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1580. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Ambrose Light, Offshore Sandy Hook, NJ, Atlantic Ocean [Docket No.: USCG-2008-0373] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1581. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Edenton 4th of July Celebration Firework Display, Edenton Bay, Edenton, NC [Docket No.: USCG-2008-0395] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1582. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: 31st Annual Virginia Lakes Festival Fireworks Event, John H. Kerr Lake, Clarksville, VA. [Docket No.: USCG 2008-0471] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1583. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: LST-1166 Safety Zone, Southeastern Tip of Lord Island, Columbia River, Rainier, Oregon. [Docket No.: USCG-2008-0755] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1584. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Washington Township Summerfest, Ottawa River, Toledo, OH. [Docket No.: USCG-2008-0492] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1585. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Shoreacres Country Club Fireworks, Lake Bluff, Illinois [Docket No.: USCG-2008-1055] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1586. A letter from the Acting Director, Office of Policy, Import Admin, Department of Commerce, transmitting the Department's final rule — Steel Import Monitoring and Analysis System [Docket No.: 0809261282-9117-02] (RINl 0625-AA82) received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1587. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — State Parent Locator Service; Safeguarding Child Support Information: Proposed Delay of Effective Date (RIN: 0970-AC01) received April 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1588. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — New clean renewable energy bonds application solicitation and requirements [Notice 2009-33] received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1589. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Request for Comments on Revenue Procedure for 403(b) Prototype Plans [Announcement 2009-34] received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1590. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2009-39] received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1178. A bill to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes; with an amendment (Rept. 111–93 Pt. 1). Ordered to be printed.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 1728. A bill to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes; with an amendment (Rept. 111–94). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 1748. A bill to amend title 18, United States Code, to enhance the investigation and prosecution of mortgage fraud and financial institution fraud, and for other purposes; with an amendment (Rept. 111–95 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on Oversight and Government Reform and Financial Services discharged from further consideration. H.R. 1748 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1178. Referral to the Committee on Homeland Security extended for a period ending not later than June 3, 2009.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. TURNER (for himself, Mrs. SCHMIDT, and Mr. BOEHNER):

H.R. 2226. A bill to rescind certain funds; to the Committee on Appropriations.

By Mr. TIM MURPHY of Pennsylvania (for himself, Mr. ABERCROMBIE, Mrs. CAPITO, Mr. COSTA, Mr. WILSON of South Carolina, Mr. WALZ, and Mr. TERRY):

H.R. 2227. A bill to greatly enhance America's path toward energy independence and economic and national security, to conserve energy use, to promote innovation, to achieve lower emissions, cleaner air, cleaner water, and cleaner land, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Oversight and Government Reform, Energy and Commerce, Ways and Means, Science and Technology, Transportation and Infrastructure, Education and Labor, the Budget, Rules, and 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 Mr. BOOZMAN:

H.R. 2228. A bill to amend the Elementary and Secondary Education Act of 1965 to allow States to count certain students formerly identified as limited English proficient as being within the limited English proficient subgroup, and certain students formerly identified as students with disabilities as being within the students with disabilities subgroup; to the Committee on Education and Labor.

By Mr. BOOZMAN:

H.R. 2229. A bill to amend the Elementary and Secondary Education Act of 1965 to allow States to adopt alternate and modified standards for students with disabilities; to the Committee on Education and Labor.

By Mr. BOOZMAN:

H.R. 2230. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for teachers and principals who work in certain low income schools; to the Committee on Ways and Means.

By Mrs. CAPPS (for herself, Ms. DEGETTE, and Mr. GRIJALVA):

H.R. 2231. A bill to amend the Public Health Service Act to ensure that victims of public health emergencies have meaningful and immediate access to medically necessary health care services; to the Committee on Energy and Commerce.

By Mr. CAPUANO (for himself, Mr. LYNCH, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. MARKEY of Massachusetts, Ms. TSONGAS, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. TIERNEY, Mrs. TAUSCHER, Mr. SERRANO, Mr. CARNAHAN, Mr. GONZALEZ, Ms. NORTON, Mr. PASCRELL, Mrs. MCCARTHY of New York, and Mr. WU):

H.R. 2232. A bill to amend title 23, United States Code, to direct the Secretary of Transportation to establish national tunnel

inspection standards for the proper safety inspection and evaluation of all highway tunnels, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. CHRISTENSEN (for herself, Ms. LEE of California, Mr. MEEK of Florida, Mr. WATT, Mr. JOHNSON of Georgia, Ms. JACKSON-LEE of Texas, Ms. WATSON, Ms. CORRINE BROWN of Florida, Ms. FUDGE, Mr. BISHOP of Georgia, Ms. EDWARDS of Maryland, Ms. CLARKE, Mr. TOWNS, Mr. RUSH, Mr. THOMPSON of Mississippi, Mr. DAVIS of Illinois, Mr. SCOTT of Virginia, Mr. CLYBURN, Mr. BUTTERFIELD, Mr. FALEOMAVAEGA, Mr. RANGEL, Ms. BORDALLO, Mr. LEWIS of Georgia, Mr. HASTINGS of Florida, Mr. PIERLUISI, and Mr. CONYERS):

H.R. 2233. A bill to authorize the Secretary of Health and Human Services to designate health empowerment zones, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself and Mr. BARTLETT):

H.R. 2234. A bill to enhance the energy security of the United States, reduce dependence on imported oil, improve the energy efficiency of the transportation sector, and reduce emissions through the expansion of grid supported transportation; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 2235. A bill to amend part B of title XVIII of the Social Security Act to limit the penalty for late enrollment under part B of the Medicare Program to 10 percent and twice the period of no enrollment, and to exclude periods of COBRA and retiree coverage from such late enrollment penalty; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. HALVORSON:

H.R. 2236. A bill to prohibit health insurance companies from denying individual health insurance coverage or from discriminating in benefits under such coverage because of the receipt of grief counseling; to the Committee on Energy and Commerce.

By Mr. ISRAEL:

H.R. 2237. A bill to amend title 10, United States Code, to direct the Secretary of Defense to carry out a pilot program to determine the feasibility and desirability of equipping turbojet aircraft in the Civil Reserve Air Fleet with a missile defense system; to the Committee on Armed Services.

By Mr. ISRAEL:

H.R. 2238. A bill to direct the Administrator of the Federal Aviation Administration to issue an order regarding secondary cockpit barriers; to the Committee on Transportation and Infrastructure.

By Mr. LOEBSACK (for himself and Ms. MATSUI):

H.R. 2239. A bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce; to the Committee on Education and Labor.

By Mr. MEEK of Florida:

H.R. 2240. A bill to amend the Internal Revenue Code of 1986 to allow a nonrefundable credit for mentoring and housing young adults; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 2241. A bill to provide for the settlement of certain claims against Iraq by victims of torture and terrorism; to the Committee on the Judiciary.

By Mr. SPACE (for himself and Mr. BLUMENAUER):

H.R. 2242. A bill to amend the Internal Revenue Code of 1986 to permanently extend certain expiring provisions relating to education; to the Committee on Ways and Means.

By Mr. CULBERSON:

H. Con. Res. 117. Concurrent resolution commemorating the 40th Anniversary of humanity's first landing on the Moon, celebrating the success of the United States human space flight program, and recognizing the accomplishments of NASA's human space flight centers; to the Committee on Science and Technology.

By Mr. CULBERSON (for himself, Mr. PAUL, Mrs. BLACKBURN, Mr. DUNCAN, Mr. HELLER, Mr. CONAWAY, Mr. MCCAUL, Mr. BILBRAY, Ms. FOXX, Mr. MARCHANT, Mr. DAVIS of Kentucky, Mr. ISSA, Mr. MCCOTTER, Mr. JONES, Mrs. BACHMANN, Mr. SIMPSON, Mr. GARY G. MILLER of California, Mr. STEARNS, Mr. BURTON of Indiana, and Mr. MORAN of Kansas):

H. Res. 394. A resolution expressing disapproval by the House of Representatives of the totalization agreement between the United States and Mexico signed by the Commissioner of Social Security and the Director General of the Mexican Social Security Institute on June 29, 2004; to the Committee on Ways and Means.

By Mrs. MCCARTHY of New York:

H. Res. 395. A resolution supporting efforts to raise awareness, improve education, and encourage research of inflammatory breast cancer; to the Committee on Energy and Commerce.

By Mr. CARDOZA (for himself, Ms. ZOE LOFGREN of California, Mr. NUNES, Mr. BACA, Mr. RADANOVICH, Ms. ROYBAL-ALLARD, Mr. WAXMAN, Mr. COSTA, Mr. MCNERNEY, Mr. SHULER, Mr. BOSWELL, Mr. SCHIFF, Mr. ARCURI, Mr. MICHAUD, Ms. MATSUI, Mr. THOMPSON of California, Mr. BERMAN, Mr. PERRIELLO, Ms. HARMAN, Mrs. TAUSCHER, Mrs. CAPPS, Mr. HONDA, Mr. FARR, Ms. LORETTA SANCHEZ of California, Mr. HEINRICH, Ms. ESHOO, Mrs. BONO MACK, and Mr. BRIGHT):

H. Res. 396. A resolution honoring the graduating Class of 2009 at the University of California, Merced; to the Committee on Education and Labor.

By Mr. FORBES (for himself, Mr. MCINTYRE, Mr. LAMBORN, Mr. MCCOTTER, Mr. NEUGEBAUER, Mr. AKIN, Mr. LATTA, Mr. JORDAN of Ohio, Mr. FRANKS of Arizona, Mr. WILSON of South Carolina, Mrs. BLACKBURN, Ms. FOXX, Mr. GINGREY of Georgia, Mr. JONES, Mr. WOLF, Mr. TURNER, Mr. ADERHOLT, Mr. CONAWAY, Mr. SMITH of Texas, Mr. HOEKSTRA, Mr. YOUNG of Florida, Mr. WAMP, Mr. KLINE of Minnesota, Mr. DAVIS of Tennessee, and Mr. BISHOP of Utah):

H. Res. 397. A resolution affirming the rich spiritual and religious history of our Nation's founding and subsequent history and expressing support for designation of the first week in May as ''America's Spiritual Heritage Week'' for the appreciation of and education on America's history of religious faith; to the Committee on Oversight and Government Reform.

By Mr. FORTENBERRY (for himself, Mr. BILIRAKIS, Mr. FALEOMAVAEGA, Mr. MCCOTTER, Mr. INGLIS, and Mr. BACHUS):

H. Res. 398. A resolution recognizing the 60th anniversary of the Berlin Airlift's success; 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. ISRAEL:

H. Res. 399. A resolution honoring the sacrifice of members of the Armed Forces who are also mothers and the support provided by mothers of members of the Armed Forces and mothers who are the spouse of members of the Armed Forces; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. SHUSTER, Mr. CASSIDY, Ms. DEGETTE, Mrs. BLACKBURN, Ms. TSONGAS, and Mrs. MYRICK.

H.R. 43: Mr. FRANK of Massachusetts.

H.R. 55: Ms. MCCOLLUM.

H.R. 104: Mr. MICHAUD.

H.R. 197: Mr. MINNICK and Mr. RODRIGUEZ.

H.R. 265: Mr. FATTAH, Mr. KUCINICH, Mr. SERRANO, and Mr. HINCHEY.

H.R. 270: Mr. JOHNSON of Georgia and Mr. PASTOR of Arizona.

H.R. 295: Mr. POSEY.

H.R. 303: Mr. HALL of New York, Mr. LATTA, and Mr. HOLDEN.

H.R. 327: Mr. TAYLOR.

H.R. 391: Mr. WESTMORELAND, Mrs. BACHMANN, and Mrs. MYRICK.

H.R. 413: Mr. GALLEGLY, Mr. DRIEHAUS, Mr. WAXMAN, Mrs. BIGGERT, Mr. ROSS, Mr. TIBERI, Mr. DOYLE, Ms. SHEA-PORTER, Mr. TIAHRT, Mr. DONNELLY of Indiana, Mr. POMEROY, Mr. PETRI, Mr. GRAYSON, Ms. HIRONO, Mr. SCHIFF, Mr. YOUNG of Alaska, Mr. BERRY, Mr. ALTMIRE, Mr. SHULER, Mr. CARDOZA, Mrs. MCCARTHY of New York, Ms. WOOLSEY, Mr. MILLER of North Carolina, Mr. VISCLOSKY, Mr. UPTON, Mr. MURPHY of Connecticut, Mr. ANDREWS, Mr. SCOTT of Virginia, and Mr. TONKO.

H.R. 444: Mrs. CAPPS, Mr. HODES, Mr. GONZALEZ, Mr. PETERSON, Ms. SHEA-PORTER, Mr. DAVIS of Alabama, and Mr. CLEAVER.

H.R. 466: Mr. HALL of New York.

H.R. 481: Mr. MASSA.

H.R. 503: Mrs. BIGGERT.

H.R. 560: Mr. THORNBERRY.

H.R. 574: Mr. HARPER, Mr. CARNAHAN, Mr. SMITH of Nebraska, Mr. WELCH, and Mrs. MCCARTHY of New York.

H.R. 606: Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. EDWARDS of Maryland, and Mr. KUCINICH.

H.R. 626: Mr. PRICE of North Carolina.

H.R. 668: Mr. PETERSON and Mr. SCHRADER.

H.R. 706: Mr. ANDREWS.

H.R. 745: Mr. FOSTER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. OLVER, Ms. ZOE LOFGREN of California, Mr. MITCHELL, Mr. CALVERT, and Mr. BOCCIERI.

H.R. 775: Mr. SCHRADER, Mr. MCHUGH, Mr. GUTIERREZ, Mr. ROSKAM, Mr. KANJORSKI, Mr. ADERHOLT, Mr. ALTMIRE, Mr. MOLLOHAN, Mrs. CAPITO, Mr. KIND, Mrs. CAPPS, Mr. HARE, Ms. CASTOR of Florida, Mr. LATHAM, Ms. TSONGAS, Mr. BLUMENAUER, and Ms. BEAN.

H.R. 805: Mr. FILNER.

H.R. 823: Mr. KUCINICH.

H.R. 824: Mr. KUCINICH.

H.R. 840: Ms. KILPATRICK of Michigan.
H.R. 847: Mr. ANDREWS.
H.R. 855: Mr. LATHAM.
H.R. 874: Mr. WEINER and Mr. ALEXander.
H.R. 914: Mr. MCCAUL, Mr. HASTINGS of Washington, and Mr. SMITH of New Jersey.
H.R. 948: Ms. TITUS and Mr. SCOTT of Virginia.
H.R. 980: Mr. WEXLER, Mr. TANNER, and Mr. HOLT.
H.R. 998: Mr. POSEY.
H.R. 1021: Mr. WELCH, Mr. JONES, Mr. WAMP, and Mr. PIERLUISI.
H.R. 1032: Mr. CARTER and Mr. PETERSON.
H.R. 1074: Mr. ROSS, Mr. BOREN, Mr. MINNICK, Mr. FLEMING, and Mr. KLINE of Minnesota.
H.R. 1103: Mr. MCINTYRE.
H.R. 1147: Mr. MCNERNEY and Mr. GUTIERREZ.
H.R. 1177: Mr. BOREN.
H.R. 1180: Mr. LATTA.
H.R. 1205: Ms. ZOE LOFGREN of California, Mr. YOUNG of Alaska, Mr. MCHUGH, Mr. LATHAM, Mr. SESTAK, Mr. KILDEE, Mr. MASSA, Mr. COURTNEY, and Mr. WILSON of South Carolina.
H.R. 1207: Mr. MCCARTHY of California, Mr. BARTON of Texas, Mr. HENSARLING, Mrs. MCMORRIS RODGERS, Mr. BILIRAKIS, Mr. MORAN of Kansas, Mr. CASSIDY, Mr. WALDEN, Mr. CRENSHAW, Mr. CAMPBELL, Mr. LOBIONDO, and Mr. MCHUGH.
H.R. 1209: Ms. ZOE LOFGREN of California.
H.R. 1210: Ms. WOOLSEY and Mr. THOMPSON of California.
H.R. 1230: Mr. PLATTS.
H.R. 1238: Mr. SCHOCK.
H.R. 1240: Mr. KUCINICH, Mr. ABERCROMBIE, and Ms. MATSUI.
H.R. 1285: Mr. SCHOCK.
H.R. 1310: Mr. MASSA and Ms. ROYBAL-ALLARD.
H.R. 1335: Ms. SUTTON, Mr. GUTIERREZ, Ms. KOSMAS, Mr. MICHAUD, and Mr. COURTNEY.
H.R. 1337: Mr. GRIJALVA.
H.R. 1339: Mr. WAMP, Mr. JONES, and Mr. GERLACH.
H.R. 1346: Mr. THOMPSON of Mississippi.
H.R. 1362: Ms. DEGETTE, Mr. SOUDER, Mr. DONNELLY of Indiana, Mr. PLATTS, Mr. ROSS, Mrs. BLACKBURN, Mr. COHEN, Mrs. CAPPS, Mr. ABERCROMBIE, Mr. ALTMIRE, Mr. FILNER, Mr. ELLISON, Mr. COBLE, Mr. FORBES, and Ms. ROYBAL-ALLARD.
H.R. 1392: Mr. SARBANES.
H.R. 1400: Ms. DEGETTE.
H.R. 1422: Mr. PAULSEN and Mrs. TAUSCHER.
H.R. 1441: Mrs. MYRICK.
H.R. 1443: Mr. SIRES, Mr. BOUCHER, Mr. CLAY, Ms. LEE of California, Ms. HIRONO, Mr. BOSWELL, and Ms. NORTON.
H.R. 1454: Mr. MILLER of North Carolina, Mr. RANGEL, Mr. KILDEE, Mr. THOMPSON of California, Mrs. CAPPS, Mr. DOGGETT, Ms. BERKLEY, and Mr. PUTNAM.
H.R. 1458: Mr. LATHAM.
H.R. 1460: Mr. CALVERT and Mrs. MCMORRIS RODGERS.
H.R. 1485: Mr. SHADEGG and Mr. RYAN of Ohio.
H.R. 1509: Mr. SCHOCK.
H.R. 1521: Mr. ROGERS of Michigan, Mr. ROSKAM, Mr. STUPAK, and Mrs. BIGGERT.
H.R. 1526: Mr. MOORE of Kansas, Mr. PASTOR of Arizona, Mr. FILNER, Mr. CAPUANO, Ms. NORTON, Mr. SOUDER, Ms. ROYBAL-ALLARD, Mr. HOLT, Mr. SERRANO, Mr. GRAYSON, Ms. FUDGE, and Mr. MASSA.
H.R. 1547: Mr. ETHERIDGE, Mr. CARSON of Indiana, and Mr. LARSEN of Washington.
H.R. 1548: Mr. MELANCON.
H.R. 1560: Ms. FOXX.
H.R. 1605: Mr. KUCINICH.
H.R. 1646: Mr. FILNER, Mr. KLINE of Minnesota, Mr. WAMP, and Mr. PETERSON.
H.R. 1670: Mr. KING of New York, Mr. FILNER, and Mr. KILDEE.
H.R. 1678: Mr. BISHOP of Utah.
H.R. 1680: Mr. SHULER and Mr. BRALEY of Iowa.
H.R. 1690: Mr. GRIJALVA.
H.R. 1700: Mr. FILNER.
H.R. 1701: Mr. LATHAM.
H.R. 1705: Mr. BRADY of Pennsylvania and Mr. WU.
H.R. 1708: Mr. WELCH, Mr. KILDEE, and Mr. COSTELLO.
H.R. 1712: Mrs. MCMORRIS RODGERS.
H.R. 1716: Mrs. BIGGERT.
H.R. 1728: Ms. JACKSON-LEE of Texas.
H.R. 1739: Ms. WASSERMAN SCHULTZ.
H.R. 1740: Mr. MEEKS of New York, Mr. BONNER, Ms. SLAUGHTER, Mr. MCCOTTER, Mr. MCDERMOTT, Mrs. SCHMIDT, Mr. ROSS, Mr. AUSTRIA, Mr. TIBERI, Mr. LEE of New York, and Mr. KING of New York.
H.R. 1742: Mr. MCNERNEY.
H.R. 1760: Mr. GRIJALVA.
H.R. 1763: Mr. HARPER and Mr. LAMBORN.
H.R. 1776: Mr. BRALEY of Iowa.
H.R. 1802: Mr. WAMP and Mr. MCCAUL.
H.R. 1829: Mr. LATHAM and Mr. MURTHA.
H.R. 1844: Mr. SMITH of New Jersey, Mr. ISRAEL, and Mr. MEEKS of New York.
H.R. 1855: Mr. LANGEVIN, Mr. MICHAUD, and Mr. YOUNG of Alaska.
H.R. 1870: Mr. PASTOR of Arizona, Mr. ENGEL, and Mr. WEXLER.
H.R. 1872: Mr. DRIEHAUS and Mr. BLUMENAUER.
H.R. 1894: Mr. ISRAEL, Mr. MOORE of Kansas, and Mr. LARSON of Connecticut.
H.R. 1941: Mr. SHADEGG and Mr. GRIJALVA.
H.R. 1960: Mr. LAMBORN.
H.R. 1977: Mr. YOUNG of Florida and Mr. ROONEY.
H.R. 1985: Mr. COBLE.
H.R. 1987: Mr. BOREN.
H.R. 2000: Ms. ZOE LOFGREN of California, Mr. BLUMENAUER, Ms. SCHAKOWSKY, and Mr. ROTHMAN of New Jersey.
H.R. 2006: Mr. WU and Mr. LATOURETTE.
H.R. 2017: Mrs. BIGGERT and Mr. DAVIS of Alabama.
H.R. 2022: Mr. CRENSHAW.
H.R. 2035: Mr. WITTMAN, Mr. DRIEHAUS, and Mr. RYAN of Ohio.
H.R. 2060: Mr. REYES.
H.R. 2076: Mr. STARK, Mr. HINOJOSA, Mr. FILNER, and Mr. POLIS of Colorado.
H.R. 2083: Mr. CHAFFETZ.
H.R. 2090: Mrs. MCCARTHY of New York.
H.R. 2093: Mr. MILLER of North Carolina and Mr. GRIJALVA.
H.R. 2101: Mr. MARSHALL, Mr. KISSELL, and Mr. LARSEN of Washington.
H.R. 2118: Mr. LEE of New York and Mr. GERLACH.
H.R. 2119: Mr. LEE of New York and Mr. GERLACH.
H.R. 2141: Ms. SCHAKOWSKY.
H.R. 2144: Mr. HENSARLING.
H.R. 2156: Mr. BOCCIERI.
H.R. 2184: Mr. STARK.
H.R. 2194: Mr. KLEIN of Florida and Ms. HARMAN.
H.R. 2201: Mr. SPACE.
H. Con. Res. 16: Mrs. MYRICK, Ms. FOXX, and Mr. WAMP.
H. Con. Res. 84: Ms. BORDALLO, Mrs. MCMORRIS RODGERS, Mr. RODRIGUEZ, Mr. INGLIS, Mr. COURTNEY, Mr. BISHOP of New York, and Ms. EDDIE BERNICE JOHNSON of Texas.
H. Con. Res. 87: Mr. CAO.
H. Con. Res. 89: Mr. HODES.
H. Con. Res. 103: Mr. BISHOP of Georgia, Mr. WAXMAN, Mr. BERMAN, Mr. HASTINGS of Florida, Mr. MILLER of North Carolina, Mr. COHEN, Mr. BOCCIERI, and Mr. SMITH of Washington.
H. Con. Res. 107: Mr. GRIJALVA.
H. Con. Res. 111: Ms. JACKSON-LEE of Texas, Ms. KOSMAS, Mr. ROONEY, Mr. CHAFFETZ, Mr. GENE GREEN of Texas, Ms. FOXX, Mr. SESTAK, Mr. MCCOTTER, Mr. GINGREY of Georgia, Mr. HOEKSTRA, Mr. RADANOVICH, Mr. COSTELLO, Mr. KLINE of Minnesota, Mr. BARRETT of South Carolina, Mr. AUSTRIA, Mr. MARSHALL, and Mr. SCALISE.
H. Con. Res. 116: Mr. SOUDER, Mrs. BACHMANN, and Mr. SAM JOHNSON of Texas.
H. Res. 55: Mr. THOMPSON of California.
H. Res. 111: Mr. PALLONE, Mr. SPACE, and Mr. JOHNSON of Illinois.
H. Res. 192: Mr. HINCHEY, Mr. GUTHRIE, Ms. SHEA-PORTER, Mr. DOGGETT, Ms. CORRINE BROWN of Florida, Ms. CASTOR of Florida, Ms. FUDGE, Mr. STARK, Mr. KAGEN, Mr. BUTTERFIELD, Mr. BURGESS, Ms. BERKLEY, Mrs. CHRISTENSEN, Mr. MARKEY of Massachusetts, Mrs. MCMORRIS RODGERS, Mr. BARTON of Texas, Mr. LARSEN of Washington, Ms. LINDA T. SÁNCHEZ of California, Mr. DENT, Mr. RANGEL, Ms. WASSERMAN SCHULTZ, Mr. KILDEE, Ms. SCHAKOWSKY, Mr. MURPHY of Connecticut, Mr. BRALEY of Iowa, Mr. BLUMENAUER, Ms. BALDWIN, Mr. BARROW, Mr. ROSS, Mrs. BONO MACK, Mr. MCMAHON, Mr. EDWARDS of Texas, and Mr. AL GREEN of Texas.
H. Res. 193: Mr. WAMP, Mr. JONES, Mr. BARRETT of South Carolina, and Mr. MOORE of Kansas.
H. Res. 225: Mr. ROE of Tennessee, Mr. NEUGEBAUER, Mr. HENSARLING, Mr. BROUN of Georgia, and Mr. MANZULLO.
H. Res. 236: Mr. HONDA.
H. Res. 291: Ms. SCHAKOWSKY and Mr. ROONEY.
H. Res. 300: Mr. HIMES.
H. Res. 309: Mr. LEE of New York, Mr. MCCOTTER, Mr. MANZULLO, Mr. ACKERMAN, Mr. POE of Texas, and Mr. MICHAUD.
H. Res. 314: Mr. CHANDLER, Mr. POLIS of Colorado, Mr. SOUDER, Mr. WHITFIELD, Mr. ROGERS of Kentucky, and Mr. DAVIS of Kentucky.
H. Res. 338: Mr. LARSON of Connecticut and Mr. CALVERT.
H. Res. 349: Mr. TIM MURPHY of Pennsylvania, Mr. MARKEY of Massachusetts, and Mr. WAMP.
H. Res. 353: Mr. LARSON of Connecticut.
H. Res. 366: Mr. YOUNG of Florida.
H. Res. 370: Mr. KUCINICH and Mrs. KIRKPATRICK of Arizona.
H. Res. 377: Mr. CONNOLLY of Virginia, Mr. BUYER, Mr. REYES, Mr. MILLER of Florida, Mrs. TAUSCHER, Mr. POE of Texas, Mr. COFFMAN of Colorado, Mr. MCHUGH, and Mr. FORBES.
H. Res. 378: Mr. GARRETT of New Jersey, Mr. BARRETT of South Carolina, Mrs. LUMMIS, Mr. BISHOP of Utah, and Mr. PITTS.
H. Res. 387: Ms. JACKSON-LEE of Texas, Mr. PIERLUISI, Mr. POSEY, Mr. GONZALEZ, Mr. CAO, and Mr. TAYLOR.
H. Res. 388: Mr. MANZULLO, Mr. BOOZMAN, Mr. GARRETT of New Jersey, Mr. DANIEL E. LUNGREN of California, Mr. MCCAUL, Mr. LOEBSACK, Mr. CARTER, Mr. BARRETT of South Carolina, Mr. MARCHANT, Mr. ABERCROMBIE, Mr. JONES, Mr. JORDAN of Ohio, and Mr. COBLE.
H. Res. 391: Ms. BERKLEY, Mr. MEEK of Florida, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. BLUMENAUER, Mr. CALVERT, Mr. CROWLEY, Mr. DAVIS of Alabama, and Mr. COOPER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1214: Mr. ELLISON.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, MONDAY, MAY 4, 2009 No. 67

Senate

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

O, holy God, who has taught us to place our confidence in You, give the Members of this body the power of Your wisdom. In all their duties, empower them to be loyal to You and obedient to Your precepts. Infuse them with faith to believe that You are willing to help them solve the problems they face when they place their trust in You. Lord, be their abiding reality and lead them into the paths of loving service, as they strive to honor You. Open their eyes to the many things they can do to accomplish Your will.

Today, Lord, we thank You for the life and legacy of former Congressman Jack Kemp. Comfort all who mourn his death and give them Your peace.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 4, 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 R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, there will be a period of morning business for up to 1 hour with Senators permitted to speak therein for up to 10 minutes each.

Following morning business, the Senate will resume consideration of the mortgage fraud legislation. At 5 p.m. there will be up to 30 minutes of debate equally divided and controlled between Senators DODD and VITTER or their designees. At 5:30, the Senate will vote on Vitter amendment No. 1016 and, following that vote, 1017. The second vote will be 10 minutes in duration.

Last week the managers of the bill were able to reach an agreement to limit the number of amendments to the bill. It is my understanding that all amendments will not be debated and voted on here. But we will wait and see. We hope to consider the remaining amendments on the list today and tomorrow so we are able to finish passage of this bill tomorrow.

We will work as late as necessary tomorrow to do our best to complete the legislation.

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

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

GITMO

Mr. MCCONNELL. Mr. President, with the administration still unsure of what to do with the detainees at Guantanamo, Attorney General Holder has described its arbitrary closing date as one of his most daunting challenges. Secretary Gates said some would be released or transferred overseas, some tried in American courts, and the administration doesn't know what to do with 50 to 100 who can't be released or tried. Clearly, the administration lacks a plan and a safe alternative for closing Guantanamo. Let me make a suggestion. The administration should reconsider its arbitrary deadline on Guantanamo, as it has reconsidered its commitment to arbitrary withdrawal deadlines in Iraq. Once the administration has a plan to safely detain, prosecute or transfer these detainees, Congress should be consulted and briefed to evaluate the proposal. With no safe alternative, this is the only sensible approach.

No American will penalize the administration for putting safety over symbolism. Europe should not either, since it has been far more critical than helpful. It is increasingly clear that working through the problems related to Guantanamo will require time and close consultation with Congress. The Senate voted 94 to 3 against sending detainees to American soil even if only to prisons. Let me say that again. The Senate voted 94 to 3 against sending detainees to U.S. prisons, not to mention the possibility that they would simply be released into neighborhoods. Secretary Gates has conceded that no one wants these detainees in their communities.

The legal authority for releasing trained terrorists is in question, a concern the administration hasn't publicly

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

Printed on recycled paper.

addressed at all. The administration hasn't decided if it will use the military commissions process that Congress passed on a bipartisan basis at the suggestion of the Supreme Court.

Finally, the administration hasn't said how it plans to deal with the problem of terrorists we release returning to the battlefield even, even as DOD has confirmed that 18 of the prisoners we released have returned to terrorism and that at least 44 are suspected as having done so.

The American people want to keep the terrorists at Guantanamo, out of their neighborhoods and off the battlefield. At this point, the only way we can assure them that neither one of these things will occur is for the administration to keep this secure facility open until it develops a sensible plan for the Congress to evaluate. We remain a nation at war with ground forces in Iraq and Afghanistan. Despite disagreements over the best way to combat international terrorism, the truth remains that we haven't been attacked at home since 9/11. That is a record we wish to continue. Maintaining a safe and secure way to detain terrorists is a critical part of protecting the American people.

I yield the floor.

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 1 hour, with Senators permitted to speak for up to 10 minutes each.

The Senator from Missouri.

IN MEMORY OF JACK KEMP

Mr. BOND. Mr. President, I come to the floor to celebrate the life of a great American, Jack Kemp.

Jack Kemp was many things to many different people. Probably everyone knows the basics about Jack. He was a football player, a Member of Congress, a Cabinet Secretary, and a Vice Presidential nominee. Perhaps he was best known as the coauthor of the Kemp-Roth tax cuts that were the basis of the Reagan economic plan that brought progress out of prosperity and stagflation.

Today's Wall Street Journal said about Kemp:

> He was among the most important Congressmen in U.S. history. He wasn't powerful because he held a mighty post, and he never served in the House majority. He helped to transform the Republican Party though he was never its Presidential standard-bearer. His influence sprang from the power of his ideas, and from the sincerity and enthusiasm with which he spread them.

To millions of Americans, he was much more than a football player, Congressman, and candidate. For minorities who suffered from discrimination, Jack was an olive branch from a party that too often ignored them. As a quarterback and as leader of the football players union, he championed the cause of African-American ball players and fought against segregation. For the poor struggling to rise above their circumstances in the inner city, Jack was hope for a better future. He proposed empowering tenets in public housing, offering vouchers for housing and education. For hard-working families who wanted more freedom from Government, Jack was a crusader for their cause. He believed everyone, especially those in inner cities, should have an opportunity to participate in our economy. His idea of enterprise zones has expanded and developed into many different areas of providing opportunities for those caught in circumstances in which they would otherwise have none.

Jack was all these things and more. Today Jack serves as a role model, I believe, for the future of our party. Known as the happy warrior, Jack always focused on the positive.

Don't get me wrong, Jack never shied away from a fight, and I know that in a couple instances. He called out his fellow party members for protectionism and anti-immigration efforts, believing they were wrong for this country and for the opportunities we seek. No matter how big the adversary, whether it was a linebacker or a powerful committee chair, Jack was a fearless fighter. But as a happy warrior, Jack understood the power of the positive.

Today's Washington Post carried an article by Michael Gershon in which he said:

> Opportunity, [Kemp] argued, is the most important measure of economic justice; capitalism is perfected by the broadest possible distribution of capital; and economic freedom and political freedom are inseparable.

Jack was well known for saying:

> The best way to oppose a bad idea is to replace it with a good one.

You see, Jack was more about solutions than party labels. It is that pragmatism and willingness to work across the aisle to solve problems that all of us would be well advised to embrace today. As a self-described bleeding heart conservative, there are so many examples of Jack Kemp doing that. Jack worked across the aisle on some of the most important issues of our time, from civil rights to safe housing for all families. It was Jack who, along with the esteemed Dr. Benjamin Hooks, brought to the national stage the scourge of lead paint poisoning which was afflicting children and families in many of our cities, particularly older ones. Exposure to lead, particularly by young children, was causing learning disabilities, behavioral problems, slowing growth, and possibly causing seizures, coma and, in some serious instances, death.

Jack Kemp and Dr. Hooks gave this avoidable tragedy a face and a very powerful voice. Thanks to their advocacy, Senator MIKULSKI and I launched a $50 million initiative to remove exposed paint in targeted neighborhoods. What started as an idea and a mission is now a more than $300 million program that has helped countless children and their families. But this is just one example of the ideas that Jack, with his tireless advocacy, turned into action to improve the lives of the most vulnerable and needy in our country. Jack's extraordinary life has made a lasting impact on the generations of conservatives he inspired, on the Republican Party, on the national debate, but, most importantly, on the countless lives and communities which have benefited from his powerful ideas being put into action.

To Joanne and the rest of the Kemp family, Linda and my thoughts and prayers are with you. We shall always remember and treasure the memory of Jack Kemp and the great contributions he made.

I ask unanimous consent to print in the RECORD a copy of the Wall Street Journal piece entitled ''Capitalist for the Common Man'' and the Washington Post column by Michael Gershon entitled ''Head and Heart.''

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

[From the Washington Post]

HEAD AND HEART: REMEMBERING JACK KEMP

(By Michael Gerson)

Some deaths make the world feel old, like they have stolen a part of youth itself. Normally this applies to those who die in their prime. But Jack Kemp's prime was supernaturally long. It is difficult to imagine his bounding arrivals, his shaken-gravel voice, his juice and joy, all stilled and ended. But there it is.

Generations of young conservatives—most of us no longer young—were drawn into Jack's orbit (I worked for him briefly in the 1990s as a speech-writer). We were attracted, in one way or another, to Jack's ''bleeding-heart conservatism,'' with its mix of economic opportunity, social inclusion and ebullience. We came to love Jack's gracious wife, Joanne, and his accomplished children. We hoped and expected that Jack would become president of the United States. In the end, he lacked the consuming focus that quest requires. But in his passion for ideas—and in the affection he inspired—Jack was the most influential modern Republican who never became president.

Jack believed that ideas—not interests or political deals or public passions—rule the world. In this sense, he strangely resembled idealists such as Hegel or Marx, who discerned hidden, powerful currents beneath the surface of history. For Jack, that force was liberal democratic values'' (small ''l'' and small ''d,'' as he invariably added). Economic freedom, in his view, provides the poor with a hope beyond the dreams of socialism or large ''L'' Liberalism—the hope of becoming wealthy themselves. Opportunity, he argued, is the most important measure of economic justice; capitalism is perfected by the broadest possible distribution of capital; and economic freedom and political freedom are inseparable.

This belief in the power of ideas removed all rancor from Jack's political approach. Everyone fell into one of two categories: convert or potential convert. He seemed to believe that if he had just an hour—better yet,

three hours—with anyone, he could change their mind by the force of his ideas. So he gave nearly everyone the benefit of the doubt. He assumed goodwill on the part of his opponents. And he became the rarest kind of public figure—a conviction politician who was also a peacemaker.

The direction of Jack's career was set by two events. In the 1960s, he saw the American civil rights movement from the perspective of sports. As a quarterback and leader of the American Football League players union, he stood up for African American teammates victimized by segregation on their travels. The experience left a deeply rooted impatience with bigotry.

For this reason, Jack criticized the failures of urban liberalism—the high-rise horrors of the projects, the economic desolation of the inner city, the schools that betray minority students without consequence. He became the nation's leading advocate for educational vouchers, housing vouchers and enterprise zones—applications of his philosophy of freedom to the needs of the poor. But Jack was nothing if not consistent. The same impulse led him to assert that the party of Lincoln would never be healthy or complete without the support of African Americans—and to oppose outbreaks of anti-immigrant sentiment among Republicans, often at political cost to himself.

The second event that shaped Jack's career was a stroke of intellectual lightning in the 1970s that became known as supply-side economics. Jack was an amateur economist of broad reading, convinced he knew exactly the way the world works. National wealth depends on productivity, which depends on low tax rates that reward work, enterprise and investment. So as a backbench congressman, he proposed 30 percent across-the-board tax reductions, persuaded Ronald Reagan to embrace them, and helped spur decades of prosperity. Some dispute this version of economic history. Yet few would recommend a return to the 70 percent tax rates and stagflation of America before Jack Kemp.

Jack's ideals and priorities never really changed over the years, as a congressman, as a Cabinet secretary, as a vice presidential nominee. This is a contrast to many Republicans, and former Republicans, who will leave no mark beyond the vague, unpleasant memory of their opportunism. Even in Jack's absence, we know precisely what he would say: You can't divide wealth you don't create. Don't punish the rich, enable everyone to become rich. Value the dreams and contributions of immigrants. Be a happy warrior, not an angry one. And let me tell you about the gold standard.

But as much as we need it, we won't hear that voice again. It left a massive silence when the bleeding heart stopped.

[From the Wall Street Journal]

CAPITALIST FOR THE COMMON MAN

The scene was a low-rent Manhattan auditorium, circa 1978. A young Congressman from Buffalo with a raspy voice and rapid delivery was debating a liberal from central casting about the necessity of tax-cutting to stimulate economic growth and spread prosperity. Here, we thought, was something exciting: A politician who could speak about the benefits of capitalism for the average American. The crowd was mainly hostile, but then Jack Kemp never did confine his free-market evangelizing only to the believers.

Kemp, who died Saturday at age 73, was among the most important Congressmen in U.S. history. He wasn't powerful because he held a mighty post, and he never served in the House majority. He helped to transform the Republican Party though he was never its Presidential standard bearer. His influence sprang from the power of his ideas, and from the sincerity and enthusiasm with which he spread them.

A celebrated pro quarterback, Kemp was an unlikely intellectual. Yet amid the economic troubles of the 1970s, he immersed himself in the details of fiscal and monetary policy. Along with a handful of others, many of whom wrote for this newspaper, Kemp became a champion for the classical economic ideas that challenged the Keynesian orthodoxy of that time. He also had to mount an insurgency inside the Republican Party, which for decades had been dominated by budget-balancers who saw their fate mainly as moderating and paying for liberal excess.

Along with Senator William Roth of Delaware, Kemp proposed a 30% across-the-board tax cut. Though the Democrats who ran Congress, combined with Old Guard Republicans to defeat it during the Carter Presidency, a GOP candidate by the name of Ronald Reagan liked what he saw. Reagan largely adopted Kemp-Roth as his own, campaigned on it in 1980; and the proposal eventually became the basis for the 25% income-tax cuts that finally took effect in 1983 and became the most successful domestic policy achievement of the modern era. The Kemp-Reagan policy mix of lower taxes to lift incentives, sound money to break inflation, and regulatory relief to unleash entrepreneurs became the foundation for the prosperity of the 1980s and 1990s.

. . . and could speak to the concerns of union members. His athletic career exposed him to men of different races and creeds, and he developed the conviction that economic liberty was even more vital for the poorest Americans than for the affluent.

Importantly, however, and unlike many of today's Republicans, Kemp's populism was inclusive. Across his career, he ventured into neighborhoods where Republicans too rarely tread. His policy innovations included enterprise zones; public-housing vouchers and a free-trade pact for all of North America. Also like Reagan, he believed that immigrants made America stronger and more vibrant. His religious faith was strong but never censorious. Kemp's loquacious optimism was contagious, even if he did sometimes get carried away.

One historic imponderable is what might have happened if Reagan had chosen Kemp as his running mate in 1980. The idea had support among the Reagan brain trust, but the Gipper went with the allegedly safer pick of George H.W. Bush as a way to unite the GOP. Mr. Bush had famously described Kemp-Roth as ''voodoo economics,'' but Reagan's success made Mr. Bush the front-runner when he defeated Kemp for the GOP Presidential nod in 1988. Mr. Bush went on to repudiate Reaganomics with his tax increase of 1990 and made himself a one-term President. He also passed over Kemp as a running mate in 1988, and by the time Bob Dole selected Kemp in 1996 as his vice presidential nominee, the GOP ticket was already doomed.

Kemp's ideas and legacy continue to be relevant for today's Republicans, even if few of them seem to recognize it. The financial meltdown and recession have given President Obama a chance to revive a policy mix of higher spending and taxes, intrusive regulation and easy money. If those policies don't result in a sustainable expansion—and history argues that they won't—then Americans will again be looking for other ideas.

Republicans will need to be ready with Kempian proposals to address middle-class economic anxieties and revive broadly shared prosperity. The GOP also needs a rhetoric and a demeanor that invite all Americans to its cause. The Kemp-Reagan Message was rooted in ideas but it also appealed broadly across ages and incomes because of. . . .

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I join my colleagues in mourning the passing of Jack Kemp last Saturday.

Jack was ever the quarterback, leading, inspiring, and winning frequently, it seemed, by sheer optimism and will. In my mind, Jack had three core political beliefs which he consistently promoted throughout his career. First, he was a pure free market enthusiast. He believed in Adam Smith's invisible hand and worked tirelessly to convince everyone else about the benefits of supply-side economics.

His many legislative achievements promoting growth through lower taxes and less regulation are a testament to his indefatigable efforts. Jack understood that free market theory also encompassed support for what he called ''the least of these,'' a reference to the subjects of ''The Good Shepherd.'' He was the original compassionate conservative, making sure always to provide a helping hand to the less fortunate.

His work to expand housing opportunity as HUD Secretary and outreach to minorities and the poor resulted in a political appeal far beyond his conservative roots. Finally, Jack was a passionate advocate for human rights, freedom, democracy, and the military strength to support America's national security requirements. Peace through strength was Jack's mantra.

Three weeks ago, I visited with Natan Sharansky in Israel. Jack had introduced me to Sharansky more than 20 years ago, after he had gotten out of the Soviet gulag. I told him Jack was ill. He asked me to convey his best wishes. When I left a message on Jack's phone, I asked his office to confirm he had gotten it. A couple days later, Jack himself called back, clearly touched by the concern of an old friend half the world away. I will always treasure this last conversation with Jack. He was still fighting.

We will miss Jack: gregarious, indomitable, earnest, always positive. He loved being with his family. He was very proud of his children. He relied on and was supported by his extraordinarily gracious wife of 51 years, Joanne.

Similar to sports, politics can be a great leveler, even of those who seem larger than life. But whether he won or lost, Jack always kept the faith. And so it was in the last battle of his life.

Jack Kemp, No. 15, thank you for your service, your leadership, and friendship. May God bless you and your family.

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

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

(The remarks of Mr. KERRY and Mr. LUGAR pertaining to the introduction of S. 962 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

ORDER OF PROCEDURE

Mr. NELSON of Florida. Mr. President, I understand that morning business will run out in 6 minutes. I ask unanimous consent that I may speak in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

TRIBUTE TO JACK KEMP

Mr. NELSON of Florida. Mr. President, America lost a good friend when former Congressman Jack Kemp passed away over the weekend at the age of 73. He is survived by his wife Joanne, a marriage of 50 years, his 4 children, and 17 grandchildren.

Jack and Joanne have been personal friends of Grace and mine over the years. I will never forget one time; Jack was already a great celebrity when I came into the House of Representatives 30 years ago, in 1979, and on one of the tax bills I actually had the temerity to take him on on the floor. I will never forget the chairman of the Budget Committee walking up to me and saying: You better watch out because he is a fierce debater. Indeed, he was. He was passionate about what he believed in, and he was a strong advocate of what he believed in. That, of course, is a quality all of us admire. It was one of the attributes that drew me to Jack, he reciprocated, and we had a friendship over these last 30 years.

Clearly, the record has been set. Jack, of course, was the star quarterback for the Buffalo Bills. Before that, he was with the San Diego Chargers, and he said that his career in football prepared him well for a career in politics because he had been booed, cheered, cut, sold, traded, and hung in effigy in football. Sooner or later, those of us in politics will experience all of those. And how true a statement that is.

He talked about his career in politics. Jack represented western New York in the House for 9 terms. He ran for President. He served as the Secretary of HUD. He ran for Vice President. It is a great loss.

The one thing I want to call to the attention of the Senate is the letter he wrote to his grandchildren upon the election of Barack Obama as President. This letter was posted online on Jack's company Web site. I want you to listen to what he wrote:

. . . just imagine that in the face of all these indignities and deprivations, Dr. Martin Luther King could say 44 years ago, ''I have an abiding faith in America and an audacious faith in mankind.''

Jack continues to write this letter to his grandchildren:

He described his vision for America, even as he and his people were being denied their God-given human rights guaranteed under our Constitution.

You see, real leadership is not just seeing the realities of what we are temporarily faced with, but seeing the possibilities and potential that can be realized by lifting up people's vision of what they can be.

That is just one snippet of that letter he wrote to his grandchildren.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire letter.

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

A LETTER TO MY GRANDCHILDREN

(by Jack Kemp)

Dear Kemp grandchildren—all 17 of you, spread out from the East Coast to the West Coast, and from Wheaton College in Illinois, to Wake Forest University in North Carolina:

My first thought last week upon learning that a 47-year-old African-American Democrat had won the presidency was, ''Is this a great country or not?''

You may have expected your grandfather to be disappointed that his friend John McCain lost (and I was), but there's a difference between disappointment over a lost election and the historical perspective of a monumental event in the life of our nation.

Let me explain. First of all, the election was free, fair and transformational, in terms of our democracy and given the history of race relations in our nation.

What do I mean?

Just think, a little over 40 years ago, blacks in America had trouble even voting in our country, much less thinking about running for the highest office in the land.

A little over 40 years ago, in some parts of America, blacks couldn't eat, sleep or even get a drink of water using facilities available to everyone else in the public sphere.

We are celebrating, this year, the 40th anniversary of our Fair Housing Laws, which helped put an end to the blatant racism and prejudice against blacks in rental housing and homeownership opportunities. As an old professional football quarterback, in my days there were no black coaches, no black quarterbacks, and certainly no blacks in the front offices of football and other professional sports. For the record, there were great black quarterbacks and coaches—they just weren't given the opportunity to showcase their talent. And pro-football (and America) was the worse off for it.

I remember quarterbacking the old San Diego Chargers and playing for the AFL championship in Houston. My father sat on the 50-yard line, while my co-captain's father, who happened to be black, had to sit in a small, roped-off section of the end zone. Today, we can't imagine the NFL without the amazing contributions of blacks at every level of this great enterprise.

I could go on and on, but just imagine that in the face of all these indignities and deprivations, Dr. Martin Luther King could say 44 years ago, ''I have an abiding faith in America and an audacious faith in mankind.'' He described his vision for America, even as he and his people were being denied their God-given human rights guaranteed under our Constitution.

You see, real leadership is not just seeing the realities of what we are temporarily faced with, but seeing the possibilities and potential that can be realized by lifting up peoples' vision of what they can be.

When President-elect Obama quoted Abraham Lincoln on the night of his election, he was acknowledging the transcendent qualities of vision and leadership that are always present, but often overlooked and neglected by pettiness, partisanship and petulance. As president, I believe Barack Obama can help lift us out of a narrow view of America into the ultimate vision of an America where, if you're born to be a mezzo-soprano or a master carpenter, nothing stands in your way of realizing your God-given potential.

Both Obama in his Chicago speech, and McCain in his marvelous concession speech, rose to this historic occasion by celebrating the things that unite us irrespective of our political party, our race or our socio-economic background.

My advice for you all is to understand that unity for our nation doesn't require uniformity or unanimity; it does require putting the good of our people ahead of what's good for mere political or personal advantage.

The party of Lincoln, i.e., the GOP, needs to rethink and revisit its historic roots as a party of emancipation, liberation, civil rights and equality of opportunity for all. On the other hand, the party of Franklin Roosevelt, John Kennedy and now Obama must put forth an agenda that understands that getting America growing again will require both Keynesian and classical incentive-oriented (supply-side) economic ideas. But there's time for political and economic advice in a later column (or two).

Let me end with an equally great historical irony of this election. Next year, as Obama is sworn in as our 44th president, we will celebrate the 200th anniversary of Abraham Lincoln's birth. I'm serving, along with former Rep. Bill Gray of Pennsylvania, on the Abraham Lincoln Bicentennial Board to help raise funds for this historic occasion. President-elect Obama's honoring of Lincoln in many of his speeches reminds us of how vital it is to elevate these ideas and ideals to our nation's consciousness and inculcate his principles at a time of such great challenges and even greater opportunities.

In fact, we kick off the Lincoln bicentennial celebration on Wednesday, Nov. 19, in Gettysburg, Pa. The great filmmaker Ken Burns will speak at the Soldier's National Cemetery on the 145th anniversary of Lincoln's Gettysburg Address. On Thursday, Nov. 20, at Gettysburg College, we will have the first of 10 town hall forums, titled ''Race, Freedom and Equality of Opportunity.'' I have the high honor of joining Rep. Jesse Jackson Jr., Professor Allen Guezlo and Norman Bristol-Colon on the panel, with Professor Charles Branham as the moderator.

President-elect Obama talks of Abraham Lincoln's view of our nation as an ''unfinished work.'' Well, isn't that equally true of all of us? Therefore let all of us strive to help him be a successful president, so as to help make America an even greater nation.

Mr. NELSON of Florida. Mr. President, this is ''A Letter to my Grandchildren'' by Jack Kemp on November 12, 2008, just a few days after the election of Senator Obama as President of these United States.

CONGRESSIONAL GOLD MEDAL

Mr. NELSON of Florida. Mr. President, I wish to shift gears from that sad note to a celebratory note because

we are approaching the 40th anniversary of the first landing on another celestial body by human beings. A number of our colleagues have joined me to honor two major firsts from the early days of America's space program.

One of those firsts is the lunar landing. We have introduced legislation to bestow the distinguished Congressional Gold Medal, the highest civilian award given by Congress, on the crew of Apollo 11. Neil Armstrong and Buzz Aldrin were the first and second humans to set a footprint on the Moon, while command module pilot Mike Collins orbited above.

In this legislation, which we have termed the ''New Frontier Congressional Gold Medal,'' we also honor the first American who orbited the Earth, Senator John Glenn.

Today at 87 years old, John Glenn is retired from the Senate. He lives in his home State of Ohio. He retains his home in the Washington, DC, area. We get a chance to see John from time to time as he comes back and joins his colleagues on the floor of the Senate.

These are pioneers. They are firsts—Glenn first to orbit the Earth as an American. Remember, we got surprised by the Soviets. They launched Yuri Gagarin for one orbit, and we did not even have a rocket with strong enough thrust to get into orbit.

Shortly after Gagarin, we put Alan Shepard up only into suborbit, followed by another suborbital mission with Gus Grissom. Ten months after Gagarin—and by this time the Soviets had flown a second cosmonaut, Titof, and he had orbited several times—10 months after that fateful first human flight, we took a chance. We took that Mercury capsule that John Glenn climbed into—indeed, he had to shoehorn in to get into it, it was so small—put it on top of an Atlas rocket that we knew had a 20-percent chance of failure, and the rest is history.

Of course, we remember that story. There was an indication that John's heat shield was loose which, had it been, he would have burned up on reentry. The last radio communication we had as he entered that blackout period coming through heat 3,000 degrees Fahrenheit at reentry that creates a blackout situation for radio frequency, the last thing we heard from John Glenn before he went into that blackout period was he was humming the ''Battle Hymn of the Republic.'' Oh, what words those were when suddenly we heard: ''Houston, this is Friendship 7.'' We knew he was alive.

He paved the way for that extraordinary message back to Earth from Neil Armstrong in which he said:

> This is one small step for [a] man, one giant leap for mankind.

This past weekend, I had the occasion to join with a number of our American astronauts on the induction of three more space explorers into the Astronaut Hall of Fame. The inductees were space shuttle veterans—Pinky Nelson, Bill Shepherd, and Jim Wetherbee. They joined the elite ranks of 70 other legendary astronauts, who already include John Glenn, Armstrong, Aldrin, and Collins.

I went to this particular ceremony because I had the privilege of being a crew mate of Pinky's, and Bill Shepherd, otherwise shown as ''Shep,'' was the rookie astronaut who actually strapped us in before launch.

While I was there meeting with and seeing these three new astronauts honored by induction into the Hall of Fame, I thought about the amazing achievements we have made, how strong leadership and bold vision has changed not the space program but all our lives. I think about the true American character of exploration, whether it is the space program or exploration into the inner workings of the mind, the functions of the body, exploration into the climate of this planet, exploration of how we cope each day with all the problems we are facing, our space program being one part of our exploration which did not start just recently. We are a nation of explorers.

We did not just start with exploration. This started way back in our history. We had a frontier then. It was westward. Now that frontier is in so many other areas, including space.

The space program has given us much to improve life on Earth, from fire-resistant material to weather forecasting equipment, to scratch-resistant lenses, to new kinds of laser surgery. It has also given us selfless heroes who put their lives on the line for the benefit of all the rest of us and for the generations to come.

It was Armstrong who made that first step out onto the lunar dust. It was Glenn who paved the way for the rest of Mercury and Gemini and Apollo. It is hard to believe that all these things happened after President Kennedy presented a bold challenge before a joint session of the Congress in which he said: We are going to send a man to the Moon and return him safely to Earth by the end of the decade, and that was within a span of only 9 years.

The space program became the focal point of the Nation coming together. It inspired a generation of kids to get excited about science, math, technology, and engineering. We have seen that generation fulfill President Kennedy's promise, which was science and education have greatly enriched a new knowledge of ourselves, of our universe, and our environment. Life on Earth has improved by leaps and bounds from all the spinoffs from the space program.

Simply put: We all reap the harvest of gains because of exploration and the pioneering endeavors of brave Americans, such as these whom we honor with this gold medal, the highest congressional honor. They deserve this honor because of their significant contributions to planet Earth.

I ask our colleagues to join me in supporting this resolution. There will be ample opportunity for cosponsorships, in addition to those of us who have submitted the resolution.

I yield the floor. I do not have to suggest the absence of a quorum because the great Senator from the State of Delaware is here, and I want him to know what a delight and pleasure he is to serve with.

I yield the floor.

Mr. KAUFMAN. Mr. President, I wish to say it is an honor serving with Senator NELSON. I also commend him for his tribute to Senator Glenn and the astronauts. As usual, he is right on point. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business for 25 minutes.

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

PUBLIC SERVICE RECOGNITION WEEK

Mr. KAUFMAN. Mr. President, today marks the beginning of Public Service Recognition Week. This is a time to recognize the hard-working and devoted men and women who serve in our Federal, State, county, and municipal governments.

I wish to make particular mention of the several programs taking place throughout the week in celebration of our civil servants and their contributions. I know the Partnership for Public Service, an organization with a mission to highlight our finest Government workers and promote public service, will be marking the week by awarding their annual Service to America medals. I congratulate the medal finalists and thank them for their excellence in service to our Nation.

This is an appropriate occasion to address the subject which is so relevant to the way we face the challenges before us as a nation. These challenges have shaken the public's confidence in our financial markets, in our economy, and in our Government. We must work to restore the public's confidence.

So many of the solutions being presented from the rising cost of health care to the multiple threats from overseas, to the mortgage crisis, rely primarily on the work of dedicated and dependable civil servants. The Federal employees who work day in and day out to better our country, often at great private sacrifice, deserve our public's confidence, and that is what this speech will be all about.

In the post-9/11 era of insecurity and following years of political indecision

and divisive partisanship, we are left with an abundance of problems. Our honored veterans complain of diminishing benefits, while the young decry the increases in the cost of education. America's health care system is outdated and leaves millions uninsured. We remain painfully addicted to foreign oil, and auto manufacturers require more public funds to stay afloat. Some of our challenges rise to a level unseen in decades.

Of course, whenever Americans face difficulty, we display that greatest trait of our nature. Service to the common good has been our answer to every hardship since even before the birth of our Republic. One would be hard-pressed to find any public figure of note who does not highly invoke the praise of community service and voluntarism.

Indeed, in every neighborhood in all 50 States, one can find our citizens extending their hands in help to their fellow Americans and to the unfortunate throughout the world. Likewise, no one can refrain from honoring the service and sacrifice of our brave men and women in uniform. Their dedication and diligence ensure our safe borders and sustain our liberty. The hard work of our servicemembers is rightly congratulated.

But, Mr. President, there are those who give so much of themselves and often so many years of their lives, yet receive hardly any share of recognition. In the recent past, the disparagement of our Federal employees—the greatest civil servants in the history of our republican government—has become sadly commonplace. Diminishing their contribution to this Nation is an all-too-frequent exercise.

Federal employees deserve praise for the vital roles they play each day enforcing the laws we pass in this very Chamber. They care for our veterans. They toil in laboratories to create new energy technologies. Our Federal workers safely manage the complex networks of flights crossing our skies day and night. They deliver our mail, regulate fair housing practices, and conduct our diplomacy abroad. They serve in all three branches of Government.

They are, in many ways, silent sentinels of our Nation's well-being.

Indeed, Federal employees have become indispensable to our national life. With a generation of Federal employees nearing retirement, we need to attract our most talented citizens back to public service. Good, honest, responsible government requires the best civil servants.

Throughout our history, great men and women answered the call to serve in the Federal Government—citizens from all walks of life and from every corner of America. There are those who dedicate their entire careers to public service, but there are also so many Americans who enter Federal employment for just a short period. Even the novelist William Faulkner worked part-time as a postmaster when he was a young man.

The nature of our Federal workers today is the same as it was when the French philosopher Alexis de Tocqueville visited in the early 19th century. He observed that:

> Public officers in the United States are commingled with a crowd of citizens; they have neither palaces nor guards, nor ceremonial costumes. This simple exterior of the persons in authority is connected not only with the peculiarities of the American character, but with the fundamental principles of that society.

I, too, was a Federal employee when I worked for 22 years with then-Senator JOE BIDEN, and I can attest as much as anyone that to serve entails responsibility and dedication. During my years in Government work, including 13 years as a member of the Broadcasting Board of Governors, I met so many hardworking, well-qualified, and devoted public servants, most of whom will not be recognized individually by the public for their important contributions.

The American people collectively put their faith in all who work in Government, from those elected to the highest offices, to those, like Faulkner, working part-time for an hourly wage. Our esteemed predecessor in this House, Henry Clay of Kentucky, once declared:

> Government is a trust, and the officers of the government are trustees; and both the trust and the trustees are created for the benefit of the people.

Senator Clay could not have been more correct. Those who serve the Republic carry the heavy responsibility of not working for the benefit of themselves alone but for the good of all.

What should be a source of pride to those who enter employment in the Federal Government has become, all too often, a thankless job. Serving in the Federal Government can be an enriching experience, and we need to do more to promote civil service among young people. I am encouraged that there is a growing desire now, unlike in the past several years, among our best and brightest students to seek Federal jobs.

For so long, the allure of easy wealth on Wall Street and scorn for Government work led our young graduates to overlook positions in civil service. But it should not take a recession and a popular new administration to attract this talent. Our young people are eager to take on responsibility, to prove themselves worthy of others' trust. They want to have a part in what President Obama has called ''repairing the world.'' With more recognition of our Federal workforce and praise for its important contribution, there is no reason we cannot convince these young, idealistic Americans to seek in Government what they so desire—a role in history, a chance to shape their world.

The recent decision by Kal Penn, the young Hollywood star, to accept a position working in the administration advances this effort significantly. Despite a lucrative career in film and on television, Penn—a second-generation American whose parents are immigrants from Mumbai—announced he would take a couple of years off from acting to serve his country in the Federal Government. When asked about his motives, he said:

> It's probably because of the value system my grandparents instilled in me. There's not a lot of financial reward in these jobs. But, obviously, the opportunity to serve in a capacity like this is an incredible honor.

Mr. President, when I was young, it used to be that this honor which Penn speaks of drew young people by the thousands to careers in our civil service. A job in Government was a mark of distinction. It was a privilege to be able to work for the betterment of the American people. However, in recent years, that honor has been eroded by the misconception that our civil service is growing beyond measure and consists of those in Washington who are out of touch with ordinary Americans. But I say this characterization is completely untrue.

The number of Federal employees today has not grown significantly larger than its size in the 1960s. In fact, 85 percent of all Federal employees live and work outside of Washington. They are ordinary Americans, yet they perform extraordinary work.

As De Tocqueville observed more than 150 years ago, the qualities embodied by our civil servants reflect the greatest values we hold dear as Americans. Federal employees display exemplary citizenship, choosing of their own accord to pursue careers that not only provide for their families but benefit the Nation as a whole. This is despite the advantages to private sector employment. Our civil servants are industrious. They work hard, tackle difficult problems affecting millions of their fellow citizens, and do so with grace and humility.

They often need to take risks, not only to make new discoveries in science and engineering or to represent us in unsafe corners of the world, but also to expose unnecessary waste and corruption where it may arise. The history of our civil service is filled with those who choose to uphold the public trust even when at a danger to their own lives and careers. Their work requires great perseverance, and results may take longer than their tenure in office. It requires great care and attention to detail. When the public's faith is bestowed upon you, there can be no halfhearted effort. Most of all, employees in our Federal Government display an unbelievable level of modesty.

You may wonder why I go on about the virtues of our public servants when there are so many pressing matters to be considered by this body. I return, however, to my first point—that no matter what programs we launch to get America back on the right path, they will be carried out by our Federal workers.

Exemplary cases abound, but I want to highlight a few individuals in particular who embody these values and

reflect the excellence of our civil service as a whole. They have each been selected by a blue ribbon panel which includes Senator SUSAN COLLINS, in concert with Partnership for Public Service, to receive a Service to America medal.

When she began her job as Director of the Office of Public Housing Programs in 2002, Nicole Faison inherited a HUD rental system program rated for 13 years as a ''high risk'' program by the Government Accountability Office due to rampant waste, fraud, and abuse. Today, it is recognized for helping more low-income families receive housing assistance without wasting resources. Under Nicole's guidance, the program eliminated over $2 billion in fraudulent payments and earned praise for its streamlined operations.

Since 9/11, there has been much attention on the security of cargo containers entering our country from overseas. Leading the charge to secure our ports, Tracy Mustin serves as Director of the Department of Energy's office of Second Line of Defense. Under Tracy's leadership, her office has installed monitoring devices at more than 100 airports, seaports, and border crossings in over 40 countries which help detect and prevent the trafficking of nuclear or radiological substances. She also oversees the Megaports Initiative, which screens and monitors cargo entering major seaports around the world. In addition to her responsibilities as a civil servant, Tracy is commissioned as a captain in the Navy Reserve.

While Tracy and her team have been fortifying our Nation's second line of defense against terrorism, brave men and women in the Armed Forces remain overseas fighting on the first line of defense. When our wounded warriors return home, they can thank the dedicated civilian employees of our Defense Department for significant advancements in the treatment and care they will receive for their injuries.

Dave Carballeyra, the Air Force's Director of Stereolithography, introduced a new 3–D technology for bone and tissue imaging which has improved treatment and rehabilitation care for wounded veterans. In particular, his work has helped soldiers suffering from severe burns from bombings in Iraq and Afghanistan and those requiring surgery to attach prosthetic devices. These advances have significantly improved their quality of life. Believe it or not, Dave is only 25 years of age.

Another public servant whom I very much want to mention is Dr. Rajiv Jain. Each year it is estimated that 2 million patients develop infections while in U.S. hospitals for routine procedures. One hundred thousand of these patients die as a result, and the elderly and newborn are particularly susceptible. Rajiv and his team at the Veterans Affairs Hospital in Pittsburgh are at the forefront of an effort to reduce these infections. The infection rate at their VA facility has already dropped 60 percent, and the strategy developed by Rajiv to prevent infections has now been adopted by all 153 VA hospitals.

When asked about his work, he commonly explains that ''one infection is too many.''

The final person I will mention, who works for the Department of Energy, has proven wrong those who are convinced that Government can't do something right. At the end of the Cold War, when the former Rocky Flats nuclear weapons plant near Denver was designated as a Superfund site, it was estimated that it would take 70 years and nearly $40 billion to clean it up. Many advocated a permanent quarantine of the site, arguing that its rehabilitation was not worth the cost. Frazer Lockhart took charge of the cleanup effort in 1995 and finished the job in 10 years, spending only $7 billion. Today, 95 percent of the original site has been delisted from the Superfund and been set aside as a 6,200-acre wildlife refuge. Frazer's sound management and perseverance led to the cleanup 60 years ahead of schedule and $30 billion under budget.

Mr. President, these stories are just a few of the countless many. Indeed, there are a great number of exceptional Federal employees, and I hope to continue sharing their stories before the Senate and honoring their service over the coming weeks and months, beginning with this group. I invite my fellow Senators to join me on those or other occasions in doing the same. These men and women daily carry out the work of developing new technologies, protecting our free markets, ensuring a cleaner environment, and advancing our interests around the world.

I believe the Founders foresaw the need for a vibrant and effective civil service and that they would be proud of the Federal employees serving today. When the first Congress convened in New York on March 4, 1789, its first matter of business was to fulfill an obligation set to it by the Constitution. Article VI declares that all public officers are to be bound by an oath or affirmation to support the Constitution, but the document leaves up to Congress to decide on the form.

The first piece of legislation ever to be passed by the United States Congress and signed into law by President Washington codified this simple but poignant oath:

> I do solemnly swear or affirm that I will support the Constitution of the United States.

In the years since, it has been expanded to the oath presently taken by all of us who serve in this Chamber and in the House of Representatives and by every Federal employee. But the underlying point remains unchanged from that original oath. What the Founders intended in their first act of Government, and what we now reaffirm with each taking of our modern oath, is that everyone who serves in our Government is not only obligated to support the Constitution but also entrusted with that responsibility. That trust—the same as was noted by Clay—is the foundation of our civil service. It is the guiding principle of our Federal workers and the reason they deserve the public's confidence.

Careers in Government, we know, frequently pay far less than comparable careers in the private sector, and many times our Federal employees are asked to move across the country or overseas to perform their duties. Many serve for 20 years or more, leaving a lasting impact on communities and on our national policies without special recognition. They never see bonuses like those paid on Wall Street or elsewhere in the private sector. However, after many years of service, when our civil servants retire, they can look back on their careers and know with certainty that when their country needed them, they gave of themselves. They gave to our Nation, and they know their contribution, even if little recognized, has been genuine and significant. This is their bonus, the satisfaction and the knowledge that they have answered the call to duty, that their lives have surely served a meaningful purpose.

Again, please let it be noted that the first week of May each year is Public Service Recognition Week, and it is with great pride that I honor the service and sacrifice of our Federal employees. I thank them, and I urge my colleagues to join me this week and in future weeks to thank them for their continued work in support of our recovery during this challenging time.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 896, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 896) to prevent mortgage foreclosures and enhance mortgage credit availability.

Pending:

> Dodd/Shelby amendment No. 1018, in the nature of a substitute.
>
> Corker amendment No. 1019 (to amendment No. 1018), to address safe harbor for certain servicers.

Vitter amendment No. 1016 (to amendment No. 1018), to authorize and remove impediments to the repayment of funds received under the Troubled Asset Relief Program.

Vitter amendment No. 1017 (to amendment No. 1018), to provide that the primary and foundational responsibility of the Federal Housing Administration shall be to safeguard and preserve the solvency of the Administration.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I am going to take a few minutes to explain. I know the leadership has already made these announcements, but as I have been told, at 5:30 there will be two votes on amendments offered by our colleague from Louisiana, Senator VITTER. I am going to take a few minutes here, once again, to review the underlying proposals Senator SHELBY of Alabama and I have crafted as part of this bill. Then I will take a few minutes to express my views on the two Vitter amendments. I presume Senator VITTER himself may come over and talk about this or others who are interested in the two amendments may show up to express their interest in them as well.

I thank the majority leader, Senator REID, for scheduling the time for the consideration of this bill. Obviously, the importance of foreclosure mitigation is still critical. I still believe, as many do, that the root cause of our financial problems in this country began with the residential mortgage market, the predatory lending that went on with literally millions of people in this country. The Wall Street Journal reported that some 60 to 65 percent of people who were talked into predatory loans, subprime loans, actually qualified for conventional mortgages. Conventional mortgages are far less costly than subprime mortgages, but because there was a greater financial reward for brokers and others who were able to market and sell the subprime mortgages, they were marketed to people. Of course, those mortgages became far more costly. There were adjustable rate mortgages, there were teaser rates with almost no downpayments required and very little interest payments for months on end and then, of course, ballooning to the point that many people could ill-afford them. For many, they could not the afford them at all, to the point that problem migrated to other areas of our economy. As a result, today we find ourselves in a recession, and a deep one at that.

This bill is designed to help families save their homes. That is what it is designed to do. There are a lot of provisions that relate to the smaller banks in the country and how we can be of some help to them to get credit moving.

I did this last week at the close of business, but I thought I would spend a few minutes to review, once again, the major provisions of the bill without going into great detail as to what is included in each provision and then, as I said, address the two Vitter amendments that will be offered later this afternoon.

This amendment we have offered is a substitute amendment that Senator SHELBY and I have before us now, which is S. 896. It expands the number of tools available to try to prevent foreclosures and the ability of homeowners and loan servicers to use those tools. In addition, the bill includes provisions to make the banking system more stable and improve the availability of credit.

Specifically, there are about 8 or 9 or 10 major provisions of the bill.

The first of these provisions expands the ability of the Federal Housing Administration in rural housing to modify loans. I made the point last week that this is absolutely critical. FHA has been a savior in many cases, providing credit when credit has not been available elsewhere to keep a limited housing market open. It is very important that they have the tools to do that—certainly the tools to modify FHA or USDA loans, as they do for non-Government loans they service.

This part of the bill is one that is critically important and can make a huge difference to people. There will be amendments offered to modify this provision of the bill. If we end up undermining the role of the FHA at this critical time, we can make it far more difficult for these foreclosures to be mitigated and decrease the possibility of people remaining in their homes.

Second, it expands access to the HOPE for Homeowners legislation, which makes a number of changes to that bill we adopted last summer. It was a program that was well intended but left a lot of problems in terms of the effectiveness and efficiency of the legislation. This bill will allow for the option to lower fees and streamline the borrower certification requirements. We give the Secretary of the housing agency in our country limited discretion to determine the amount and distribution of future appreciation. We ban the very wealthiest in our country from being involved in this program. It was never intended to be such. We allow for incentive payments to servicers and originators who participate in the program. Again, it is something designed to be of help to the average citizens, working families in this country.

Third, we create more enforcement tools for the FHA to eliminate bad lenders. This was an important provision that provides the tools to the housing and urban development agency to more expeditiously drop lenders that break FHA rules. This was needed to strengthen those provisions and make sure resources go to the areas that need them. They are certainly not to be used by lenders who are violating the rules of FHA.

We then provide for a safe harbor for servicers who would either modify a loan consistent with the Obama foreclosure mitigation program or refinance the borrower into a HOPE for Homeowners loan. This has been a contentious issue between bankers and investors, trying to do something with regard to mitigation. This has been narrowly drawn.

The House-passed bill—and I say this respectfully of the other body—had a broad provision in this area. This was an idea Senator MARTINEZ offered a number of weeks ago. He has since modified this—and I agree with him—to try to restrict time, duration, and circumstances in which a safe harbor would apply.

What is a safe harbor? A safe harbor is designed to encourage the servicers to modify loans, servicers who have had contracts with investors. The investors obviously are somewhat reluctant to watch a modification of any of these things that would deprive them of the ability to take legal action against a servicer who engaged in a modification creating a safe harbor for the servicer. We encourage them—it doesn't mandate but encourages them to modify those loans with the borrower, in the absence of which I doubt any servicer will be willing to step forward do so.

So this is an absolutely critical area. While there are still concerns on the part of some, I believe it is the right step to be taking. It is limited in duration. It is limited to only the Obama foreclosure mitigation and the HOPE for Homeowners, only in those two instances, and therefore would not be as open and broad-based as provisions that have been adopted elsewhere.

So I encourage my colleagues to be supportive. There will be an effort to change this in a way that I think would make it unworkable in terms of achieving the desired results here. Again, with 10,000 foreclosures going on every single day in our country, we need to try to bring closure to that problem where we can. This is not going to solve every foreclosure, but it can certainly make a huge difference. An estimated 1.7 to 2 million foreclosures can be avoided with this kind of proposal in the bill.

With the Obama proposals and HOPE for Homeowners proposals, we think that would make a significant difference, allow people to stay in their homes, and allow the lenders to get some payment back rather than the property falling into foreclosure.

As the Presiding Officer knows, the contagion effect of a foreclosed property in a neighborhood is very daunting. We know for a fact that with one foreclosure in a neighborhood of a one-square-block area, the value of every other property in that square block declines by as much as $5,000 that very day. The last thing you want to see on your block, in your neighborhood, is foreclosed, boarded-up properties deteriorating. If you have a home there and that property is declining in value by the day, obviously everyone is adversely affected.

So while I know this is a contentious issue for some, I am pleased that most

of the consumer groups, the realtors, the Financial Roundtable, and others strongly support the provisions Senator SHELBY and I have in this bill when it comes to the issue of safe harbor. Again, I thank Senator MARTINEZ, my colleague from Florida, for initiating the idea of this proposal.

The next provision authorizes an additional $130 million for foreclosure prevention activities. Senator REID is the author. I mentioned earlier that his support in creating the space and time for this bill to come up has been critically important but also the addition of this language which we now know is terribly effective.

Earlier, Senator SCHUMER and others offered language to provide resources for the support of the prevention activities; that is, counseling activities. It proved very helpful. These can be complicated areas. To get into the issue of modifying a mortgage requires some good counseling. This is not a matter where the average person can just walk in and negotiate by themselves. I think having people who are experienced and knowledgeable, as we now have across the country, who can assist in this process, has been a great asset. These additional resources Senator REID of Nevada has offered here will make a huge difference for people across our Nation, in addition to what has already been allocated.

Then we have some provisions to increase the deposit insurance with the Federal Deposit Insurance Corporation from $100,000 to $250,000. I mentioned earlier how important that is to people to avoid the kinds of runs that can occur when fear grips investors and depositors. Certainly, those who have even a passing knowledge of history, of the Great Depression, know what happened when fear gripped the country and there were great runs on the banks, people running and taking their deposits out of the banks, feeling as though they were going to lose them, and the old notion of hiding it in your mattress was not a joke; people actually did that. They buried their hard-earned money on their property rather than keep it in what they perceived as an unsafe institution where they could lose those resources.

So back in the 1930s, the FDIC was created to provide, among other things, an ability, when a bank is in trouble, to make that transition from a closed bank to one that could open so the people would not loose their resources, as well as providing insurance so that money would not be lost, a full guarantee of up to $100,000.

The world has changed a lot since the 1980s, which is when I believe that provision, the $100,000, was added, over the last 29 or 30 years. Raising it to $250,000 we believed was necessary to assist, providing further guarantee and assistance as well.

We increased borrowing authority in this bill for both the FDIC and the National Credit Union Administration, from $100 billion in the case of the FDIC and $6 billion for the National Credit Union Administration. There is additional authority that requires the approval of a two-thirds vote of the FDIC or National Credit Union Administration, a two-thirds vote of the Federal Reserve Board, and agreement by the Secretary of Treasury in consultation with the President of the United States.

We stretch out the payment of assessments to rebuild bank thrift and credit union deposit insurance funds to 8 years. This was a very important provision; for many of our lending institutions, that period of assessment is absolutely essential. If it is too short, it obviously puts a huge financial burden on these institutions. I believe the 8 years was a provision that was very important to these institutions and one that they are very pleased our legislation includes. I hope that will work as well as we intend it to.

We also improve the FDIC systemic risk special assessment authority. Again, that is a real relief to institutions that would not participate in that program, that would have been assessed anyway. This provision of the bill protects them from that kind of assessment. Again, it is essentially important.

That is a very quick review of the major provisions of the bill. As I mentioned earlier, this legislation enjoys broad-based support in our country, from major groups of people from major consumer groups in our Nation: The National Consumer Law Center, the Independent Community Bankers, the Center for Responsible Lending, along with the Housing Policy Council, the Financial Services Roundtable, the American Bankers Association. Rarely do I find these organizations coming together around a bill.

You will normally have the consumer groups on one side and your financial services sector on the other side. That is normally how it works. But because of the effort made by so many people on our committee and elsewhere, we have put together a piece of legislation which we think will make a difference on foreclosure, provide some needed reform to our major financial institutions, provide counseling and additional support for people who seek that kind of help, as well as attract the kind of support from diverse institutions that watch and care very much about these groups.

Last week I included letters of support. I should add as well that Lenders One, an association of mid-sized independent mortgage brokers, and the Mortgage Bankers Association, have endorsed what Senator SHELBY and I have put together in this bill.

That is a rough summary of the legislation. Of course, anybody who is interested in further information about this, we would welcome them to come over and discuss any provision they have interest in.

Let me, at this point, if I can, address the two amendments which this body will consider at 5:30. The first one I will discuss is the amendment of Senator VITTER of Louisiana No. 1015.

This amendment, as I understand it—obviously Senator VITTER will come and explain his own amendment. I hope I am accurately describing it. Under the Emergency Economic Stabilization Act, currently it requires the Treasury to permit a TARP recipient to repay the financial assistance it receives subject to consultation with the appropriate Federal banking agency. When the assistance is repaid, the recipient must also buy back the warrants it provided to the Treasury at the current market price.

As I understand the Vitter amendment, it would require the Treasury to permit a TARP recipient to repay TARP assistance it received if the institution would be ''well capitalized'' after repaying the funds.

Capitalization of our lending institutions is a critical component, as the Presiding Officer knows, very important, certainly essential, before one would even consider, again, having TARP money come back, the whole idea of insisting upon properly capitalized institutions.

Under the amendment, Treasury could not condition the right of a TARP recipient to repay TARP on an agreement to also buy back the warrants. Under the current law, payback of the TARP money must be accompanied by the repurchase of those warrants.

In fact, the amendment gives the TARP recipient the right to determine when the Treasury must buy back the warrants it received; the TARP recipient is not required to pay market price for them.

I oppose the amendment and urge my colleagues to vote against it, I say respectfully of the author of the amendment, Senator VITTER, a member of our committee. I am concerned this amendment, if adopted, would further destabilize our financial system and could harm taxpayers who, of course, are the ones who put up the TARP money.

Under this amendment, the Treasury would be forced to permit a bank that received TARP money to repay that assistance based on the sole criterion that the bank would remain well capitalized. Again, I emphasize that is an important consideration, but it is not the only one.

If there is one lesson we have learned from this crisis, the definition for what ''well capitalized'' means is inadequate. For example, Citibank and Bank of America are well capitalized according to the standard in the amendment, and despite their obvious troubles, they would be able to return the TARP money they received. The standard the amendment would establish is simply ineffective and not comprehensive enough.

Currently, the regulators can consider the bank's condition in a more complete, holistic way in assessing its

fitness to return TARP funds. The amendment would tie the hands of the regulators to this one particular factor, capital, a very important one but not the only one, a factor that has already proven to be faulty and insufficient to weather today's economic climate.

To get out from under the executive compensation restrictions and other conditions imposed by Treasury, for example, institutions that are in a weakened condition may put themselves and the broader economy at risk. That is why this is important. If we are only talking about one institution, certainly getting the TARP money back is something we would all welcome. But I think we need to look at this beyond just what the effect is on that one institution but what is the effect of the overall financial system. That was the reason why these TARP dollars went out in the first place.

So while being well capitalized is very important, if you limit it to that and that only and allow an institution, such as the ones I have mentioned, to then move beyond that, there could be put at risk the larger economy, which is, of course, the major goal here, to get the overall economy functioning and moving in the right direction.

If banks were allowed to move in that direction merely on that basis alone, then I think we would regret that. Again, I think it is something we ought to be striving for, but this amendment is too narrow, in my view, to limit the decisions strictly on that one criterion. If lending is limited as a result of this amendment, that would mean more businesses closing for lack of financing, more job losses in our country, and a further weakening of the overall economy, delaying even further the recovery we all seek.

It also would mean more foreclosures, which is at the heart of the bill. Foreclosed homes will stay on the market longer because people would not be able to get mortgages to buy these homes.

As my colleagues know, the large banks have gone through the so-called stress tests. Many of them, despite being designated as ''well-capitalized,'' may still be forced to raise more capital, we are told.

It strikes me as unwise that we want to tie Treasury's hands at this important time, right when the results of the stress tests are to be announced.

The amendment would also harm the taxpayer by allowing the TARP recipient to decide when warrants may be exercised and by limiting the Treasury's ability to require the repurchase of warrants when TARP funds have been repaid.

It also harms the taxpayer by eliminating the requirement that Treasury pay market price for the warrants and would allow banks to try to negotiate a better price, thereby reducing the returns to the taxpayers who put up the money in the first place.

In conclusion, I would respectfully oppose this amendment. Current law already allows the banks to repay their TARP funding—in fact, we would encourage it—when it is the right time and safe to do so, examining an array of criteria, not just being well-capitalized. The quicker we can do that, the better off we are going to be. But it will be important that when some of these major institutions repay that, that in so doing they are not going to be jeopardizing the economy at large.

The amendment, however, could cut credit availability at a time when credit is desperately needed; and could put more institutions at risk when stability is needed; and it is a bad deal, further, for the American taxpayer who, ultimately, is the one who put up the resources and hopes to get repaid when this economy begins to recover.

Again, respectfully I say to my colleague and friend from Louisiana, I would oppose that amendment.

The second amendment is No. 1017. This amendment deals with the Federal Housing Administration. The Vitter amendment would establish ''solvency'' as the ''primary foundational responsibility'' of the Federal Housing Administration, the FHA.

The amendment then requires the Secretary to close down any FHA program if it seems ''reasonably likely'' that the FHA might need credit subsidy from Congress. Again, I oppose this amendment because it does exactly the opposite of what we ought to be doing at a moment such as this.

We thank our lucky stars that we have the FHA providing credit at this time. In exactly a moment such as this, you need the FHA out there to provide that credit when credit is so unavailable through the clogged-up financial system in our Nation. First and foremost, this amendment fails to reflect the fact that the primary mission of the Federal Housing Administration is to help create and sustain home ownership for American families.

The mission of the FHA is especially important now, while we are struggling through such troubled economic times. FHA currently insures nearly 30 percent of the mortgage market in our Nation.

If you extend the logic that the amendment proposes, you would shut the doors of Fannie Mae and Freddie Mac right now because both have had to draw on their credit lines from the Treasury. Without them, we would lose the other 70 percent of the mortgage market overnight, turning a housing recession into a deep housing depression.

In my view, if it were not for the Federal Government at this hour, working through FHA and other federally supported institutions, there would be no mortgage credit available at all.

The FHA has a mission. It is to ensure that adequate and affordable mortgage credit is available in every part of our Nation. It is currently fulfilling that mission admirably, while many other sources of credit, as I mentioned earlier, have totally disappeared or almost completely disappeared.

The Federal Housing Administration pushes against the prevailing downward winds in our economy. It is countercyclical. The Senator's amendment would turn the FHA into a procyclical program, withdrawing credit, pulling it back, when credit is so difficult to come by. This change would help deepen the worst housing recession we are experiencing since the Great Depression.

Moreover, I think it is important to know that FHA fund is not at risk. As of the second half of the fiscal year 2009, the sum of FHA's investments and cash on hand is nearly $32 billion. Its net position, assets minus liabilities, on March 31 of this year, was a positive $11.8 billion. Although FHA's capital has fallen to 3 percent, it is still 50 percent above its statutorily mandated level of 2 percent. Falling capital in tough times is to be expected. That is what is going on. We all understand that. That is what you have capital for, to protect yourself in the bad times.

In addition, it is important to remember that FHA has always been a fixed-rate mortgage insurer. It never got involved in the exotic and often predatory practices offered by the subprime lenders. FHA has also required income to be documented and verified.

In fact, because FHA has been known for its solid loan products, more and more people with better credit quality are using FHA today. Over the past 6 months, the average credit score in FHA has increased by nearly 40 points.

Finally, current law already establishes a fiduciary duty ''to ensure that the Mutual Mortgage Insurance Fund remains financially sound.'' The Secretary is already required to make program changes or adjust premiums if FHA's performance is expected to differ substantially from the baseline established by an independent actuarial report.

Secretary Donovan has assured me and the Congress that the Congress would be immediately alerted if he thought the FHA was at risk at all.

In short, I ask my colleagues, again, I say this respectfully of its author, to oppose this amendment. It is not needed. It would be exactly the wrong message, the wrong action to be taking at this critical time. Solvency is not an insignificant issue, but the role of the FHA is not to provide solvency, necessarily, but it is to provide credit at a time when credit is not available.

When as many people as I have indicated by the facts are relying on the FHA at a time when we are trying to encourage home ownership on responsible terms—and the FHA, as I pointed out earlier, was not one of these exotic lenders that was out there with these predatory practices. Quite the contrary. So rather than, in a sense, changing the mission of the FHA, fundamentally altering what its goal is

and ought to be at these times, we need to oppose this amendment.

Again, we need to rely, as we can and must, on the fact that the FHA is in sound shape. If it is not for some reason, we have every reason to believe we can take improvement steps.

Accordingly, again, I would urge our colleagues, when talking about both of these amendments, join me in opposing them, given the difficulty that both these amendments would raise if they were to be adopted.

Again, I will be happy to be in the Chamber for the next hour or so. If people wish to come over and engage in a discussion or debate, I welcome that opportunity. But at 5:30, in a little more than an hour, we will have a vote on both these amendments of our colleague from Louisiana.

Let me say, again, I think we assume this is personal in nature. It is not. I have respect for my colleague. We have a different point of view on matters. That is the nature of the institution and the debate that occurs.

I don't question his motives or the sincerity behind his amendments, but I believe in both cases they would move us in the opposite direction from where we need to be going.

With regard to TARP funding, all of us wish to get the TARP money back to the taxpayers as quickly as we can with interest. But we need to understand it is more than just capitalization when we make that decision. We don't want to do harm to our economy at a critical moment such as this. Secondly, with regard to FHA, solvency is important. The mission of FHA is, of course, to be countercyclical, not procyclical. At a critical time such as this, depriving them of that opportunity to fill a credit gap that does not exist today would be exactly the wrong message and do great damage to a critical component of home ownership.

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

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. 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. BOND. Madam President, I rise today to offer some remarks on the Helping Families Save Their Homes Act of 2009.

The housing foreclosure crisis continues to affect families and communities throughout the Nation. I appreciate the good efforts of Senators DODD and SHELBY and the Banking Committee for trying to tackle this crisis. Until we address these issues head-on and remove the toxic assets that have poisoned not only our financial system but the world's financial system, economic recovery will be difficult to achieve. President Obama himself said, when he addressed us in January, that all the other things happening are not going to get us out of the crisis we are in until we get the toxic assets out of the system.

I particularly appreciate the fact that included in the bill is the Dodd-Crapo-Bond bill as an amendment which will strengthen the power of the Federal Deposit Insurance Corporation to go after institutions which are on the verge of failing. To me, that is the direction this administration and the previous administration should have been following but have not.

But there are some troubling aspects of the Government's action in the FHA area, and I am concerned about the implications of some of the provisions in the bill before us. My biggest concern is the health and solvency of the Department of Housing and Urban Development's Federal Housing Administration, or FHA. I appreciate the work the managers have done to deal with the fraud issues. I also support Senator VITTER's efforts to raise this issue through an amendment he has offered. I think this amendment goes in the right direction. We might want to work on some of the language, but it gets at the problem.

The bottom line is this: The FHA is a powder keg that could explode, leaving the taxpayers on the hook if Congress and the administration continue to overburden the Government agency. As I stated at a recent Transportation, Housing and Urban Development Appropriations Subcommittee hearing, the FHA's health and solvency are at high risk. The signs are troubling in many areas: FHA default rates are at their highest level in several years. FHA's economic value has fallen by almost 40 percent over the past year. FHA approval of new lenders has increased by 525 percent over the past 2 years, and there is evidence that some former subprime lenders and brokers have infiltrated FHA to conduct business. That in itself ought to be an alarm bell that goes off. Fraudulent activity in the mortgage industry has put and is at risk of exposing FHA to more risk. FHA has seen a significant increase in foreclosures, which endangers the stability of communities and neighboring homes. The rise in FHA defaults and foreclosures, especially in areas already victimized by subprime lending, threatens to make a bad problem worse. These troubling signs all point to a powder keg that is waiting to explode.

What does this mean for taxpayers? It means, by law, FHA is required to carry a 2-percent reserve or a 50-to-1 leverage rate. If it falls below that statutory level, FHA must raise the premiums it charges to borrowers or Congress must appropriate funds. That means taxpayers footing more of the bill.

I have a message for my colleagues in Congress and the administration: Americans do not want another bailout. The taxpayer credit card is maxed out.

Luckily, HUD is currently being led by a very capable leader, HUD Secretary Shaun Donovan. However, he alone cannot fix the longstanding problems with HUD and FHA. The Congress and the administration must not make Secretary Donovan's job harder by placing more risk on FHA until the problems of the agency are fixed or the agency will crash.

I read in today's Wall Street Journal an editorial, which I will ask to be printed in the RECORD, that says:

> In a rational world, Congress and the White House would tighten FHA underwriting standards, in particular by eliminating the 100% guarantee. That guarantee means banks and mortgage lenders have no skin in the game; lenders collect the 2% to 3% origination fees on as many FHA loans as they can push out the door regardless of whether the borrower has a likelihood of repaying the mortgage.

Madam President, I ask unanimous consent to have this article printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. BOND. Let me reemphasize, because this is important, if we continue to overburden FHA, this powder keg may explode.

I thank my colleague, Senator VITTER, for highlighting the need to make protecting FHA solvency a priority—so taxpayers are not left on the hook. I ask my colleagues to support that amendment.

Madam President, I yield the floor.

[From the Wall Street Journal, May 4, 2009]

EXHIBIT 1

THE NEXT HOUSING BUST

Everyone knows how loose mortgage underwriting led to the go-go days of multitrillion-dollar subprime lending. What isn't well known is that a parallel subprime market has emerged over the past year—all made possible by the Federal Housing Administration. This also won't end happily for taxpayers or the housing market.

Last year banks issued $180 billion of new mortgages insured by the FHA, which means they carry a 100% taxpayer guarantee. Many of these have the same characteristics as subprime loans: low downpayment requirements, high-risk borrowers, and in many cases shady mortgage originators. FHA now insures nearly one of every three new mortgages, up from 2% in 2006.

The financial results so far are not as dire as those created by the subprime frenzy of 2004–2007, but taxpayer losses are mounting on its $562 billion portfolio. According to Mortgage Bankers Association data, more than one in eight FHA loans, is now delinquent—nearly triple the rate on conventional, nonsubprime loan portfolios. Another 7.5% of recent FHA loans are in ''serious delinquency,'' which means at least three months overdue.

The FHA is almost certainly going to need a taxpayer bailout in the months ahead. The only debate is how Much it will cost. By law FHA must carry a 2% reserve (or a 50 to 1 leverage rate), and it is now 3% and falling. Some experts see bailout costs from $50 billion to $100 billion or more, depending on how long the recession lasts.

How did this happen? The FHA was created during the Depression to help moderate-income and first time homebuyers obtain a mortgage. However, as subprime lending took off, banks fled from the FHA and its business fell by almost 80%. Under the Bush

Administration, the FHA then began a bizarre initiative to ''regain its market share.'' And beginning in 2007, the Bush FHA, Congress, the homebuilders and Realtors teamed up to expand the agency's role.

The bill that passed last summer more than doubled the maximum loan amount that FHA can insure—to $719,000 from $362,500 in high-priced markets. Congress evidently believes that a moderate-income buyer can afford a $700,000 house. This increase in the loan amount was supposed to boost the housing market as subprime crashed and demand for homes plummeted. But FHA's expansion has hardly arrested the housing market decline. The higher FHA loan ceiling was also supposed to be temporary, but this year Congress made it permanent.

Even more foolish has been the campaign to lower FHA downpayment requirements. When FHA opened in the 1930s, the downpayment minimum was 20%; it fell to 10% in the 1960s, and then 3% in 1978. Last year the Senate wisely insisted on raising the downpayment to 3.5%, but that is still far too low to reduce delinquencies in a falling market.

Because FHA also allows borrowers to finance closing costs and other fees as part of the mortgage, the purchaser's equity can be very close to zero. With even a small drop in prices, many homeowners soon have mortgages larger than their home's value—which is one reason FHA's defaults are rising. Every study shows that by far the best way to reduce defaults and foreclosures is to increase downpayments. Banks know this and have returned to a 10% minimum downpayment on their non-FHA loans.

In a rational world, Congress and the White House would tighten FHA underwriting standards, in particular by eliminating the 100% guarantee. That guarantee means banks and mortgage lenders have no skin in the game; lenders collect the 2% to 3% origination fees on as many FHA loans as they can push out the door regardless of whether the borrower has a likelihood of repaying the mortgage. The Washington Post reported in March a near-tripling in the past year in the number of loans in which a borrower failed to make more than a single payment. One Florida bank, Great Country Mortgage of Coral Gables, had a 64% default rate on its FHA properties.

The Veterans Affairs housing program has a default rate about half that of FHA loans, mainly because the VA provides only a 50% maximum guarantee. If banks won't take half the risk of nonpayment, this is a market test that the loan shouldn't be made.

These reforms have long been blocked by the powerful housing lobby—Realtors, homebuilders and mortgage bankers, backed by their friends in Congress. They claim FHA makes money for taxpayers through the premiums it collects from homebuyers. But keep in mind these are the same folks who said taxpayers weren't at risk with Fannie Mae and Freddie Mac.

A major lesson of Fan and Fred and the subprime fiasco is that no one benefits when we push families into homes they can't afford. Yet that's what Congress is doing once again as it relentlessly expands FHA lending with minimal oversight or taxpayer safeguards.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I applaud the work of Chairman DODD on this issue, as on so many others—fighting the terrible problems of credit card abuse, dealing with the home foreclosure mess—and thank him for his work.

(The remarks of Mr. BROWN are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENTS NOS. 1020 AND 1021 TO AMENDMENT NO. 1018

Mr. DODD. Madam President, I know this may confuse some people. I am going to call up a couple amendments for my colleague from Iowa, Senator GRASSLEY. He cannot be here.

I ask unanimous consent to temporarily set aside the pending amendments and call up amendments Nos. 1020 and 1021 on behalf of the Senator from Iowa, Mr. GRASSLEY.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. GRASSLEY, for himself, Mr. BAUCUS, and Ms. SNOWE, proposes an amendment numbered 1020.

The Senator from Connecticut [Mr. DODD], for Mr. GRASSLEY, proposes an amendment numbered 1021.

The amendments are as follows:

AMENDMENT NO. 1020 TO AMENDMENT NO. 1018

(Purpose: To enhance the oversight authority of the Comptroller General of the United States with respect to expenditures under the Troubled Asset Relief Program)

At the end of the bill, add the following:

TITLE V—ENHANCED OVERSIGHT OF THE TROUBLED ASSET RELIEF PROGRAM

SEC. 501. ENHANCED OVERSIGHT OF THE TROUBLED ASSET RELIEF PROGRAM.

Section 116 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5226) is amended—

(1) in subsection (a)(1)(A)—

(A) in clause (iii), by striking ''and'' at the end;

(B) in clause (iv), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(v) public accountability for the exercise of such authority, including with respect to actions taken by those entities participating in programs established under this Act.''; and

(2) in subsection (a)(2)—

(A) by redesignating subparagraph (C) as subparagraph (E); and

(B) by striking subparagraph (B) and inserting the following:

''(B) ACCESS TO RECORDS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, and for purposes of reviewing the performance of the TARP, the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by the TARP, any entity established by the Secretary under this Act, or any entity participating in a program established under the authority of this Act, and to the officers, employees, directors, independent public accountants, financial advisors and any and all other agents and representatives thereof, at such time as the Comptroller General may request.

''(ii) VERIFICATION.—The Comptroller General shall be afforded full facilities for verifying transactions with the balances or securities held by, among others, depositories, fiscal agents, and custodians.

''(iii) COPIES.—The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General deems appropriate.

''(C) AGREEMENT BY ENTITIES.—Each contract, term sheet, or other agreement between the Secretary or the TARP (or any TARP vehicle, officer, director, employee, independent public accountant, financial advisor, or other TARP agent or representative) and an entity participating in a program established under this Act shall provide for access by the Comptroller General in accordance with this section.

''(D) RESTRICTION ON PUBLIC DISCLOSURE.—

''(i) IN GENERAL.—The Comptroller General may not publicly disclose proprietary or trade secret information obtained under this section.

''(ii) EXCEPTION FOR CONGRESSIONAL COMMITTEES.—This subparagraph does not limit disclosures to congressional committees or members thereof having jurisdiction over any private or public entity participating in a program established under this Act.

''(iii) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or amend the prohibitions against the disclosure of trade secrets or other information prohibited by section 1905 of title 18, United States Code, or other applicable provisions of law.''.

AMENDMENT NO. 1021 TO AMENDMENT NO. 1018

(Purpose: To amend chapter 7 of title 31, United States Code, to provide the Comptroller General additional audit authorities relating to the Board of Governors of the Federal Reserve System, and for other purposes)

At the appropriate place insert the following:

TITLE ____—COMPTROLLER GENERAL ADDITIONAL AUDIT AUTHORITIES

SEC. _____. COMPTROLLER GENERAL ADDITIONAL AUDIT AUTHORITIES.

(a) DEFINITION OF AGENCY.—Section 714(a) of title 31, United States Code, is amended by striking ''Federal Reserve Board,'' and inserting ''Board of Governors of the Federal Reserve System (in this section referred to as the 'Board'), the Federal Open Market Committee, the Federal Advisory Council,''.

(b) AUDITS OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM AND THE FEDERAL RESERVE BANKS.—Section 714(b) of title 31, United States Code, is amended by striking the second sentence.

(c) CONFIDENTIAL INFORMATION.—Section 714(c) of title 31, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

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

''(2)(A) Except as provided under paragraph (4), an officer or employee of the Government Accountability Office may not provide to any person outside the Government Accountability Office any document or name described under subparagraph (B) if that document or name is maintained as confidential by the Board, the Federal Open Market Committee, the Federal Advisory Council, or any Federal reserve bank.

''(B) The documents and names referred to under subparagraph (A) are—

''(i) any document relating to—

''(I) transactions for or with a foreign central bank, government of a foreign country, or nonprivate international financing organization;

''(II) deliberations, decisions, or actions on monetary policy matters, including discount window operations, reserves of member banks, securities credit, interest on deposits, and open market operations; or

''(III) transactions made under the direction of the Federal Open Market Committee; or

''(ii) the name of any foreign central bank, government of a foreign country, or non-private international financing organization associated with a transaction described under clause (i)(I).''; and

(3) by striking paragraph (4) (as redesignated by this subsection) and inserting the following:

''(4) This subsection shall not—

''(A) authorize an officer or employee of an agency to withhold information from any committee or subcommittee of jurisdiction of Congress, or any member of such committee or subcommittee; or

''(B) limit any disclosure by the Government Accountability Office to any committee or subcommittee of jurisdiction of Congress, or any member of such committee or subcommittee.''.

(d) ACCESS TO RECORDS.—

(1) ACCESS TO RECORDS.—Section 714(d)(1) of title 31, United States Code, is amended—

(A) in the first sentence, by inserting ''or any entity established by an agency'' after ''an agency''; and

(B) by inserting ''The Comptroller General shall have access to the officers, employees, contractors, and other agents and representatives of an agency or any entity established by an agency at any reasonable time as the Comptroller General may request. The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General determines appropriate.'' after the first sentence.

(2) UNAUTHORIZED ACCESS.—Section 714(d)(2) of title 31, United States Code, is amended by inserting '', copies of any record,'' after ''records''.

(e) AVAILABILITY OF DRAFT REPORTS FOR COMMENT.—Section 718(a) of title 31, United States Code, is amended by striking ''Federal Reserve Board,'' and inserting ''Board of Governors of the Federal Reserve System, the Federal Open Market Committee, the Federal Advisory Council,''.

Mr. DODD. Madam President, let me just say that my offering these amendments should not necessarily indicate we have reached an agreement on these amendments. Senator GRASSLEY's staff and our staff are working together to see if we can achieve an agreement on them. We hope we do. But certainly he has the right to raise those amendments, and I was more than happy to offer them on his behalf.

With that, 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. VITTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENTS NOS. 1016 AND 1017

Under the previous order, the time until 5:30 shall be equally divided prior to a vote in relation to amendments Nos. 1016 and 1017 offered by the Senator from Louisiana, Mr. VITTER.

The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, I rise to again present my amendments coming up for a vote, Nos. 1016 and 1017. I have spoken before on this floor about them, but I want to summarize briefly.

Amendment No. 1016 is very simple and straightforward, but it is very important as well. It says any bank that has accepted taxpayer TARP dollars can repay those dollars, with interest, and get out of the program whenever it wants, as long as it meets all of the safety and soundness criteria, and all the capitalization and liquidity criteria that all of the regulators who regulate that bank have on them. Again, this is a very basic but important idea.

The TARP program was designed to stabilize shaky banks. So if a bank wants to give back the money, with interest, as long as it meets all of the safety and soundness criteria—every one in sight—it should be able to do that.

You would think this would be beyond debate. Unfortunately, it is not and, unfortunately, several folks, starting with the Secretary of the Treasury, Timothy Geithner, are refusing to let this happen. In fact, Secretary Geithner has been very clear that this isn't simply up to those banks; it is up to their new senior partner, the Federal Government. It is sort of like when the mob comes in as your partner in a business; you lose complete control and you cannot decide that it is not time for them to buy you out. After that happens, no, no, no, it is no longer your decision.

As the Wall Street Journal recently reported, with regard to an interview with the Secretary, he indicated that the ''health of individual banks won't be the sole criteria for whether financial firms will be allowed to repay bailout funds.''

What a great, brave, new world we now live in, where individual private institutions cannot set their own course, cannot decide their own destiny, and cannot even give back taxpayer dollars to benefit the taxpayer, benefit the Treasury, with interest, as long as they meet all of the safety and soundness and capitalization and liquidity requirements in sight.

There is also a provision in my amendment that says Treasury cannot force repayment buyback of the warrants at a price they name. That is completely noncontroversial, since a distinguished member of the majority, Senator JACK REED of Rhode Island, is proposing precisely my same language with regard to warrants. This is an important issue regarding our free market system and whether we are going to allow it to get back to a private firm-based free market system.

I urge my colleagues to support this amendment.

Second is my amendment No. 1017. This amendment has to do with the Federal Housing Administration. It simply focuses like a laser beam on the importance of preserving and protecting the fundamental solvency of the FHA. This amendment requires that the first duty of the FHA is to maintain that solvency. It says if the provisions of this underlying bill, or any other existing requirement, cause the FHA to be reasonably likely to need a bailout from Congress—which a lot of folks think is imminent—then the Commissioner shall temporarily suspend that program which is causing a need for a bailout and recommend legislation to Congress to fix the situation.

Many observers, including the Wall Street Journal, think it is a virtual certainty that we are headed toward a crippling blow to the FHA needing a bailout from Congress. Rather than rush there and heap more burdens and more requirements and more need for more money on the FHA, which this underlying bill does, perhaps we should put in place some basic protections to the solvency of the FHA. That is what my amendment does very clearly.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I see my friend from Louisiana is here. I spoke earlier about my colleague's two amendments. I appreciate the spirit and motivation behind them. I will take a couple of minutes to review my concern about them.

First, regarding Senator VITTER's first amendment, No. 1016, dealing with TARP money, I think we all would like money coming back sooner rather than later—getting to a point where these resources come back, with additional interest, to the extent that taxpayers can be made whole as a result of coming up with that money in the first instance and trying to bring stability to the financial markets. There is no debate about that. We agree about that.

There was significant debate that occurred about whether there should be TARP money to begin with. It wasn't all one way. I supported it. I thought it made sense to try to stabilize our economy. I believe most believe that the decision made last September, early October, was the right one. In fact, had we not done that, we probably would have lost major lending institutions in the country over many months. Obviously, this administration inherited a good part of the problem, which didn't begin overnight, and it is trying to grapple with it in a holistic fashion, institution by institution.

My concern with the amendment of my friend from Louisiana is this: He is absolutely correct that, again, if we have an institution that is well capitalized, that is a very important criteria in consideration of when these TARP moneys ought to be repaid. My concern is it is not the only criteria. We have major lending institutions, which I could make a case both in Citi and Bank of America, that are well capitalized but, frankly, they have other issues they are grappling with beyond being well capitalized.

If that was the sole criterion, then we would be able to have the TARP money come back. Citi may want to do that, and Bank of America—and I am not suggesting they do, but they may—

their problems could migrate very quickly to the larger financial problems with which we are trying to deal.

On the one hand, I agree with the motivation, and that is we ought to try to get to the bottom of this as quickly as we can, get the TARP moneys back so the Treasury is replenished with these resources. On the other hand, if we do so prematurely solely on the basis of being well capitalized, we can end up compounding a problem that is already serious and making it far worse.

For that reason, I urge this amendment be rejected. I say that respectfully to my colleague. I don't like getting up and opposing amendments for the simple reason of opposing them. There is a difference here, to have one criteria on which we would depend solely on the determination of returning these dollars, putting the larger issues at risk, I think would not be the right move to make at this point. Therefore, at the appropriate time I will ask for the amendment to be rejected.

Regarding FHA—and, again, I find myself in the awkward position of not disagreeing with my colleague. Solvency is obviously an important issue. Had the rest of the lending institutions in the country been as prudent as FHA, we wouldn't be here talking about this larger problem.

FHA never engaged in the exotic instruments that many others did in the subprime markets with teaser rates and no-doc loans, as they were called, or liar loans. FHA has been a well-run, prudent operation. Today, when very little credit is available for home mortgages, FHA is proving to be vitally important. Thirty percent of the mortgage market today is made up of FHA. If the goal of FHA is strictly the solvency of it—today it is 50 percent above statutorily what it is required to have on a cap of 2 percent, at 3 percent, less than 6 they had a while ago. Obviously, we have to keep an eye on this. But the law statutorily requires the Secretary of the Treasury to notify the Congress when, in fact, there is danger of FHA falling either at or below that 2-percent requirement.

Again, solvency is not insignificant. If that becomes the criteria at a time when we need to be getting more credit out so we begin to get the housing market moving again, I think it is absolutely essential. If FHA is forced to close down just as it is needed most, making it procyclical not countercyclical—which is exactly what we need to be is countercyclical, not procyclical—then we would be turning the recession in the housing area into a depression, which none of us want to see happen.

At this hour, it is very important that we keep FHA moving in that direction, watching, obviously, as my colleague from Louisiana suggests by his amendment, that solvency not be disregarded.

Current statute already requires the Secretary to adjust programs that ensure FHA remains financially sound. In fact, like all housing-focused activities, FHA has lost money in this crisis, but it still has more capital than the law requires, and the quality of its borrowers is improving as we speak. That is to be applauded.

At this very moment, were we to move away from FHA when so much of our housing market depends upon them, I think would be a step in the wrong direction. For that reason, I respectfully ask our colleagues to oppose this amendment. Again, I find myself in the awkward position of not disagreeing with what my colleague talks about in the case of both amendments; that is, getting TARP money back as soon as we can and that solvency is a critically important function at FHA. That is why the statute was written the way it was. I agree with him on those points. I am just concerned if in the first case we set a sole criteria of being well capitalized, and in the case of FHA if solvency is the only value, then we lose the value of FHA at a time when housing is having a hard time finding available credit.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I appreciate the kind comments of my colleague. I note that he never disagrees with me, although, unfortunately, he always opposes my amendments. We will work through that.

I have a few closing comments. First of all, with regard to my first amendment allowing banks to repay the TARP money as long as they are sound and secure, I note that the U.S. Chamber of Commerce strongly supports this amendment. I have a letter from the Chamber.

I ask unanimous consent to have printed in the RECORD the letter from the Chamber of Commerce.

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

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, May 4, 2009.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, supports Vitter Amendment #1 to S. 896, the ''Helping Families Save Their Homes Act of 2009.'' This amendment would remove impediments to the repayment of funds received under the Troubled Asset Relief Program (TARP).

The Chamber supported the passage of the Emergency Economic Stabilization Act (EESA) and the creation of the TARP program. Inadequate credit markets blocked the life blood of the economy forcing thousands of businesses to close and millions of people to lose their jobs. The EESA allows the federal government to undertake temporary measures to stabilize the financial services sector and restore fully functioning credit markets. To bolster the effectiveness of TARP, the Treasury Department requested that otherwise healthy firms enter the program. Those firms have since complied.

While the success and administration of TARP has been hotly debated, the program was always envisioned as a temporary measure. Last week, House Financial Services Committee Chair Barney Frank was quoted in reports that he envisioned the banking sector being TARP-free within a year and that ''it would be good for public confidence'' if banks repay TARP funds. Nevertheless, published reports have stated that impediments may exist, or would be put in place, to make the repayment of TARP funds problematic at best.

The Vitter Amendment would remove any impediments to repaying TARP funds. The repayment of TARP funds is an important element in restoring confidence in the financial services sector and a vital and necessary step on the road to economic recovery.

Accordingly, the Chamber urges you to support Vitter Amendment #1 to S. 896.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

Mr. VITTER. Madam President, I also note a particular line in that letter, which is an excellent point, which is that the repayment of these moneys from TARP banks will actually be an enormously positive confidence-inspiring turn of events, and I think it will do a lot to shore up concern regarding financial institutions that will be correctly perceived as movement in the right direction.

With regard to my second amendment regarding the FHA, I will just note a couple of things. First of all, my amendment does not propose in any way shutting down the FHA under any circumstances. What it says is, if the FHA thinks it is headed toward insolvency, it is going to stop these new mandates on it, these new programs which are pushing it toward insolvency and, at the same time, immediately report to Congress about how we deal with that situation.

Unfortunately, I don't think it is a very well kept secret that this is a grave threat for the FHA to start walking down the path of Fannie and Freddie and everyone else.

Again, the Wall Street Journal wrote in their very prescient article, ''The Next Housing Bust,'' predicting exactly that. There are very many tell-tale signs on the horizon:

According to Mortgage Bankers Association data, more than one in eight FHA loans is now delinquent, nearly triple the rate of conventional non-subprime loan portfolios. Another 7.5 percent of recent FHA loans are in serious delinquency, which means at least 3 months overdue. The FHA is almost certainly going to need a taxpayer bailout in the months ahead.

Let's try to head this off before another collapse, another rattling of the system is upon us and keep the FHA solvent rather than having it shaken, having public confidence rattled once again and having Congress have to act in a complete emergency atmosphere. My amendment would head that off in an effective way.

Madam President, I reserve the remainder of my time to the extent I have any.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I wish to add regarding the FHA amendment,

for my colleague's information, joining me in opposing the amendment are the mortgage bankers, homebuilders, realtors, Lenders One—the people very involved in the residential mortgage market. I note they expressed a concern about the amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 1016, offered by the Senator from Louisiana, Mr. VITTER.

Mr. DODD. Madam President, I think we are both prepared to waive that time. We have talked enough about the amendments, so I am prepared to waive that time and go right to the vote.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to amendment No. 1016.

Mr. VITTER. Madam President, 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 for South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Florida (Mr. MARTINEZ), and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 39, nays 53, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—39

Barrasso	Dorgan	McConnell
Bayh	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Cornyn	Kohl	Voinovich
Crapo	Kyl	Webb
DeMint	Lincoln	Wicker

NAYS—53

Akaka	Cantwell	Gillibrand
Alexander	Cardin	Gregg
Baucus	Carper	Hagan
Begich	Casey	Harkin
Bennet	Conrad	Inouye
Bingaman	Corker	Kaufman
Boxer	Dodd	Kerry
Brown	Durbin	Klobuchar
Burris	Feingold	Landrieu
Byrd	Feinstein	Lautenberg
Leahy	Murray	Stabenow
Levin	Nelson (FL)	Tester
Lieberman	Pryor	Udall (CO)
Lugar	Reed	Udall (NM)
McCaskill	Reid	Warner
Menendez	Sanders	Whitehouse
Merkley	Schumer	Wyden
Mikulski	Specter	

NOT VOTING—7

Coburn	Martinez	Shaheen
Johnson	McCain	
Kennedy	Rockefeller	

The amendment (No. 1016) was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 1017, offered by the Senator from Louisiana, Mr. VITTER.

The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I believe Senator VITTER and I are prepared to waive the 2 minutes equally divided.

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

The question is on agreeing to amendment No. 1017.

Mr. DODD. Does my colleague want a recorded vote?

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. MCCAIN), and the Senator from Oklahoma (Mr. COBURN).

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

The result was announced—yeas 36, nays 56, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—36

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

NAYS—56

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

NOT VOTING—7

Coburn	Martinez	Shaheen
Johnson	McCain	
Kennedy	Rockefeller	

The amendment (No. 1017) was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

KENTUCKY DERBY

Ms. LANDRIEU. Mr. President, I know we are probably going to move forward on discussing the underlying bill. I ask unanimous consent to speak about a resolution I would like to discuss for a moment, about a wonderful event that actually took place in our country this weekend.

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

Ms. LANDRIEU. Mr. President, every year for 135 years, the country has been watching and cheering and celebrating the Kentucky Derby.

While this event is not held in Louisiana—it is held in Kentucky—many people in my State and around the country tune in. Some people have the opportunity to actually attend what has become one of the most extraordinary sporting events in our Nation's calendar year. This weekend was no exception. It was an extraordinary race. Anyone who watched it could attest to the tremendous skill of the Louisiana born-and-bred jockey who rode Mine That Bird to a victory in a heart-pounding, quite shocking and surprising victory. So this resolution just simply says:

Whereas Calvin Borel, born and raised in St. Martin Parish, Louisiana, began riding match horses at the age of 8;—

As my husband says, we just sort of strap them on and let them go, but he most certainly learned at a young age—

Whereas Mr. Borel began his professional career as a jockey at the age of 16;

Whereas [he] has won more than 4,500 career starts;

Whereas [he] won the 135th Kentucky Derby by 6¾ length, the greatest winning margin since 1946;

Where [he] is the first jockey since 1993 to win both the Kentucky Oaks—

Which is the fillies race—

and the Kentucky Derby in the same year;

Whereas in 2 minutes and 2.66 seconds, [he] and Mine That Bird completed the race and placed first, making it [his] second Kentucky Derby victory: Now, therefore, be it

Resolved, That the Senate commends Calvin Borel and Mine That Bird for their extraordinary victory at the 135th Kentucky Derby.

It is sporting events like this and races run like this on a horse that cost $9,500, I understand, that was trailored by the owner and its manager that keeps this sport exciting and open for so many. For all of us in Louisiana, we are very proud of this young jockey from down in the bayou, as we say, and for the pride that he brings to our State and to a wonderful industry.

TAKE OUR DAUGHTERS AND SONS TO WORK DAY

Finally, let me take a moment before the Senator comes back to debate the underlying bill and submit to the RECORD a statement about an event that took place last week on Capitol Hill and actually around the country. It is an event that Senator KAY BAILEY HUTCHISON and I proudly and happily, joyfully sponsor every year for the Senate; that is, Take Our Daughters and Sons to Work Day.

It was started 17 years ago by Ms. Magazine, thinking it might be a good idea for girls, particularly girls between the ages of 10 and 16, to have an opportunity to go to work with their parents because many women, of course, do wonderful work at home raising children and working out of the home. But a lot of important work goes on outside of the home as well. Ms. Magazine thought it would be a great opportunity for girls, particularly, and then, of course, have included boys, to go anywhere where their parents work, whether that work is out of the home or in the home and actually come to appreciate the work that goes into keeping our society moving forward and this country moving forward.

So KAY BAILEY HUTCHISON and I cohosted. The Senator from Texas and I host this every year. I would like to first acknowledge her support, also acknowledge Ms. Magazine that founded this day, and to thank all of our Senators and staffers and workers around the Capitol who participated in that day.

I ask unanimous consent to print in the RECORD the names of the young ladies who joined me that day.

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

Sophie Boudreaux, Meraux, LA, Chalmette High School; Dominique Cravins, Washington, DC, St. Peter's School; Heather Duplessis, New Orleans, LA, Metairie Park Country Day School; Maya English, Baton Rouge, LA, St. George's Episcopal School; Matisse Gilmore, Mitchellville, MD; Monet Gilmore, Mitchellville, MD; Golnaz Kamrad, Washington, DC, Georgetown Day School; Mallory MacRostie, Bethesda, MD, Bethesda Chevy Chase High School; Lily Silva, Washington, DC, Georgetown Day School; Mary Shannon Snellings, daughter of Senator Mary Landrieu, Washington, DC, Georgetown Day School; Mary Agnes Nixon, Washington, DC, Aidan Montessori School; Sydni Rita-Louise Sumas, New Orleans, LA, Ursuline Academy; Kelsey Teo, Bristow, VA, Stonewall Jackson High School; Eliza Warner, daughter of Senator Mark Warner, Alexandria, VA, Potomac School; Brittany Watts, Tickfaw, LA, Hammond High School.

Ms. LANDRIEU. These young ladies and many young men who joined them had a wonderful day, understanding what happens at the Capitol, working in the Senate. I thank them and their parents for making this day special for us and hope and trust that their day was inspirational to them as they think about their career opportunities in the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SCHUMER. Mr. President, I will not offer my amendment at the moment. We are still trying to negotiate it. But I want to discuss an amendment I will offer, hopefully, with agreement. That is an amendment that would require the Secretary of the Treasury, in consultation with the Secretary of HUD and other housing-related Federal agencies, to develop a program to address the rising defaults and foreclosures in multifamily properties.

The program is necessary because the same excesses that occurred in the single-family mortgage market also occurred in the multifamily mortgage market, leading to buildings that are significantly overleveraged with rent rolls that are unable to support basic operational expenses and maintenance. The tenants of these buildings had absolutely no input into the misguided decision of the owners and lenders who mortgaged the property beyond supportable levels, but they are the ones who will face the consequences of this investment and foreclosure, as owners are unable to meet monthly payments and maintain the properties.

In New York City alone, it is estimated that 60,000 units of multifamily housing are at risk of disinvestment and foreclosure. We have similar problems in smaller ways in many upstate cities as well. We have seen buildings in New York where in order to make the loan underwriting work, lenders estimated tenant turnover rates that would double or triple the neighborhood average, rent increases that were not even legal under local law, and expected maintenance costs that were actually less than half of what the owner spent in previous years. This kind of basic underwriting malpractice has left tens of thousands of families in New York State and other States vulnerable. We are not the only ones. New York has the eleventh highest multifamily delinquency rate in the country, according to a recent Deutsche Bank report.

The 15 States with the highest multifamily delinquency rates are not concentrated just in the Northeast or on the west coast. This is a truly national problem. I ask my colleagues to listen because their State may be among the one-third, or close to it, the 15 out of 50. They are Tennessee, Georgia, Florida, Michigan, Nevada, Texas, Illinois, Ohio, Indiana, Connecticut, Oklahoma, New York, Kentucky, Missouri, and Mississippi.

While I am strongly supportive of the administration's efforts to help families across the country obtain loan modifications and other financing options, a similar effort to protect tenants of multifamily properties must be made. It must be made in a way to protect the tenants first and foremost and not let the developers and the investors, who did all the wrong, get away with wrongs.

Housing experts in New York have begun to examine options to assist these buildings. There are a number of different ways that might be effective in addressing this problem. So the bottom line is, we need Federal expertise, leadership, and support to help determine the best course of action and implement a program across the country to ensure that innocent tenants do not have to pay the price for the poor decisions of landlords and lenders.

This should be an easy amendment to support. I am not asking for any new money. We are certainly not asking to bail out any of the bad actors or even giving specific directions to the Treasury Department to take this approach or that one, although I have talked to the Secretary of HUD about this problem and, in fact, we worked on some problems related to this when he was the head of the HPD, the housing department in New York City.

What we are doing in this amendment is simply asking the Congress to direct Treasury to examine this problem and develop a program to address it in whatever way they determine best. My hope is that the Treasury will consult with HUD. It is unfair that tenants of multifamily rental buildings are being left out in the cold while single-family homeowners receive focused attention from their agencies. Single-family homeowners should but so should those in multiple developments.

I urge my colleagues to support the amendment.

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. SCHUMER. 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. SCHUMER. Mr. President, I ask unanimous consent that once the Senate resumes consideration of S. 896 on Tuesday, May 5, the time until 10:50 a.m. be for debate with respect to the Corker amendment No. 1019, with the time equally divided and controlled between Senators DODD and CORKER or their designees; that at 10:50 a.m., the Senate proceed to vote in relation to the amendment, with no amendment in order to the amendment prior to a vote.

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

MORNING BUSINESS

Mr. SCHUMER. 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.

NATIONAL TEACHER DAY

Mr. BROWN. Mr. President, tomorrow is National Teacher Day, granting us all an opportunity—an important opportunity—to honor and thank some of the most dedicated public servants in our land: our teachers. Their tireless devotion to the education of our children is the greatest investment made in the future success of this country. At no time is this more obvious than today. I rise to express my gratitude to those who make a difference in young lives every day.

My mother, who passed away 3 months ago, was a high school English teacher. She grew up in Georgia. She taught in Florida. She taught in Ohio. She always stressed the importance of an education but also impressed upon me and my two older brothers the importance of how we use that education.

So many teachers across the country are like my mother. They impart knowledge while they cultivate wisdom. They teach the facts while they encourage the imagination. Most importantly, our teachers inspire us to achieve our greatest goals while providing us with the foundation we need to do so.

There are over 100,000 Ohio teachers who spend each day devoted to the education and enrichment of our children. There is not one Senator here who does not owe his or her achievement in public service to a teacher who lit that path before us. Let's all take the time to remember that support for our teachers today is the surest way to promote a better tomorrow.

HEALTH INSURANCE REFORM

Mr. BROWN. Mr. President, in the last 2-plus years, I have held almost 150 roundtables around my State, and there is one thing I know for sure: health care reform must include health insurance reform.

Ohioans—as are North Carolinians and people from Connecticut—are tired of trying to get coverage and being rebuffed because they have a ''preexisting health condition.'' They are tired of premiums, deductibles, and copays that keep climbing. They are tired of fighting tooth and nail simply to get their claims paid. They are tired of wondering whether their insurer will pay for them to see the specialist they need, get the medicine they need, have the operation they need. They are tired of health insurance, which is supposed to ease uncertainty, breeding uncertainty instead. If they lose their job, they lose their insurance. If they get sick, they cannot get insurance. If they submit a claim, it may be paid in a month, in 3 months, in 6 months. Sometimes they fight and fight and fight, and the claim is not paid at all. Ohioans are tired of their insurer treating them like unwanted guests rather than paying customers.

To be meaningful, health care reform must be responsive. And to be responsive, health care reform must address insurance affordability, insurance reliability, and insurance continuity. That requires a two-part strategy.

The first strategy is to give Ohioans and every American more options. They should be able to choose whether to keep the coverage they have or purchase coverage backed by the Federal Government. What is the difference between the two?

The federally backed plan—again, an option—would provide continuity; it would be available in every part of the country, no matter how rural, no matter how sparsely populated, its benefits would be guaranteed, and its cost-sharing would be affordable, no ifs, ands, or buts. The federally backed plan would be an option but certainly not the only option. Americans who have employer-sponsored coverage would still have it. Americans who have individual coverage through a private insurer would still have that. The federally backed insurance would be an option, not a mandate. Some people will choose it, others will not.

One reason such an option—a Federal option—is important is because hundreds of thousands of Americans are losing their jobs and have no place to go, have no affordable coverage options. This would give them one. Where would they turn otherwise? If you have ever tried to purchase affordable coverage in the individual insurance market, you understand why a federally backed insurance program is so important. If you live in a rural area where no affordable insurance coverage is available, you know why a federally backed insurance option is so important. There needs to be an option for people who cannot find what they need in the private insurance market—just as Medicare is there for seniors. The federally backed option will give those under 65 a place to turn.

The second strategy is to fix what is wrong with private insurance. Ohioans should not be discriminated against by insurers based on past health care needs. Take, for example, Debra from Summit County, OH, near Akron. She is one of the nearly 50 million Americans locked out of our health care system because she lacks insurance. Her income is too high for Medicaid, and her preexisting conditions—she has a spinal injury and is recovering from two heart attacks—disqualify her from finding affordable insurance in the private market. As a result, she has piled up thousands of dollars in unpaid bills and is in constant pain.

She wrote to me:

> My only option [is] to start paying for my funeral.

Ohioans should not have to go through 100 hoops just to get a claim paid or see the specialist they need. They should not have to wait for months to receive their claims check. They should not have to pay premiums that break the bank. They should not have to pay copays and deductibles so high that coverage, for all intents and purposes, is meaningless. They should not be subjected to huge bills based on the difference between what their provider charges and their insurer's reasonable and customary payments. When an insurer reimburses providers only pennies on the dollar and patients have to pick up the difference, that is not reasonable. That is not real insurance.

Long story short: Insurance reform, plus the public option, must be part of health care reform. We cannot claim we have fixed our health care system while leaving a fault-riddled insurance system intact. If we give consumers more options, including the option to purchase federally backed coverage designed to provide affordability, reliability, and continuity, and if we reform the private health insurance system to require insurers to actually do their job instead of skirting their liability, we will have gone a long way toward making the U.S. health care system work for every American.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I compliment our colleague from Ohio for his eloquent statement. I think it is important that we all hear our colleagues as to what goes on in our respective States.

I commend my colleague, who has had around 150 roundtables in his State where he has been listening to his constituents on a wide range of issues. I think we all benefit from his report on those meetings.

I say to my colleague from Ohio, those responses you are hearing from your constituents in Ohio are not any different from what we are hearing from all across the country, as I know my colleague is aware. So we thank our colleague very much for that, and his comments on health care are very important.

KENTUCKY DERBY

Mr. BINGAMAN. Mr. President, even people who don't follow horse racing, and certainly those who do, have been thunderstruck by this year's Kentucky Derby results. The only reason I mention it is that the horse wearing the blanket of roses this year is a gelding from New Mexico. ''Mine That Bird'' swept the field on Saturday, coming from so far behind he was last, to win with nearly seven lengths separating him from his nearest competitor.

We have seen his trainer, Bennie ''Chip'' Woolley, and his owners, Mark Allen and Leonard Blach, talk about this remarkable victory and about the outstanding jockey, Calvin Borel. He took his horse from last to first by the shortest route possible—along the rail. It was a masterful display of ability and skill from all involved, not least the horse, and New Mexicans are delighted that our state is home to this year's Derby winner. It is a first for us.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

I appreciate the opportunity to share my feelings on the outlandish energy circumstances of this great country and her citizens. There is no question that increasing prices have caused my family to rethink our spending habits. Though we are able to fuel the vehicles right now, in an attempt to save a little more we are spending substantially less in any other economic environment. We do not go out to eat anymore. Rarely do we seek entertainment the way we have in the past. Though we will still travel, I can only do that because of credit card points from my business. We are also relying on food storage more so we spend a great deal less at the grocery store. All of these combine to make one statement from our household: Current energy prices and future speculation have and will continue to impact our ability to support a once thriving economy.

For my business, I work with truck drivers: owner-operators. I have lost clients as they have shut down because they cannot afford fuel. More are on the way. Everything costs more. I do not need to belabor this point as I know all are feeling this. What I just do not understand is the stubborn bullheadedness in the legislature of those who work to block everything that could ease the pain. It is as if they want to destroy this country and her citizens—even those citizens who elected them. It is as if there is some conspiracy to destroy this country and such actions makes less than no sense to me. I appreciate the few of you who seem to be working to resolve the problem.

Increasing domestic production is the only immediate resolution and future technology is the only long term resolution. I support green-focused energy but not at the immediate and deadly cost to our society, economy and national security—all of which are on the verge of collapse through our reliance on energy purchased from those who would have us destroyed—enemies foreign and domestic.

Again, thank you for this opportunity.

TROY.

Thank you for allowing us to make our voices heard. I am the mother of six wonderful children. My husband and I have been married almost 15 years. We are raising a beautiful family of good, caring, hard working children. The rising cost of fuel has affected us. We do not even have the option of purchasing a hybrid, or smaller car as our family will not even fit. We will be staying closer to home this summer, though we have family out of town we would love to visit. I do not have a heart-wrenching story to give you, but it affects our family every day. Due to the increasing price of food, clothing, and transportation, we have cut back. We will make it, but it takes money away from savings for college, savings for medical expenses, and just general peace of mind savings. I am a stay-at-home mom, who has thought more than once lately of finding a way to enter the workforce without leaving the upbringing of my six children to someone else.

I would very much like us to open up the resources we have in this great country. It seems ludicrous to me that we have the resources right around us, and yet continue to buy foreign fuels . . . The earth was placed here to support us and we can still take care of it even when tapping into those resources that are so abundant around us. Research alternative energy methods, find ways to harness those things around us to power our lives.

Thank you for listening.

SHEL, *Meridian*.

My husband and I are frustrated with having to spend so much on gasoline these days when the oil companies are making so high a profit that each quarter they set a new record. Why are they charging so high prices at the pump when they are continuously setting new records? I work in downtown Boise and live in southeast Boise near Micron where there are no public transportation services available and impossible to ride a bicycle. So I have no choice but to drive a car to work. Carpooling is not feasible due to my schedule after work.

If it were not for our Economic Stimulus Tax Rebate check, we would have to cancel our summer vacation to Oregon to visit family and the Oregon Coast. Due to gas prices we cannot make a trip to Washington this summer to visit our three other children and their families. Our daughter and son-in-law who live near Belfair, Washington, are faced with the difficulty with wondering how they will afford heat this winter because they have oil heat in their house. They cannot afford to purchase a new electric furnace nor can they afford to have their oil tank refilled with the current prices. A few weeks ago when it was still cold, they ran out of oil and had the tank refilled one-quarter. It costs them approximately $450. A tank does not make it through the winter and they can in no way afford to pay current prices.

These prices are causing difficulty for many people and our government needs to take action to have the prices reduced to affordable levels such as more drilling here at home and not relying on foreign resources and other ways to help save energy. Back in the 70s and early 80s when we had the last fuel crisis, the federal government ordered all states to drop the maximum speed limit to 55 mph so to save fuel. My husband and I find that both of our vehicles get more miles on a tank of gas if we drive under 60 mph so we are doing so. Perhaps the federal government could take this action again because driving 20 miles less per hour is not that difficult when you plan and allow the extra time on a long trip.

BETTY.

I need to express my concerns over the cost of energy. It has affected every part of my life. I drive 40 miles one way to work every day. I do this because I live in the country. My costs have tripled in the last seven years. I am now looking for a job that is closer to home. But, this is my problem. I am 55 years old and the sole support for my husband and I. He got laid off from the INL several years ago after a bad car accident and has not been able to find a job that pays more than $8 a hour. As I am also older and I look closer to home, it will also cause me to find a lower-paying job with less benefits. I am currently spending about $500 a month in gas. If I purchase a newer car that gets better gas mileage, I am not gaining anything because I would have to pay a larger car payment and more insurance which would eat up any savings. There is no public transportation in my area that I can use instead of driving. I have tried carpooling, but those who have ridden with me have not paid so, I am hauling people without any help. I am in an endless circle, and I do not appreciate the position it has put me in. I am an older person who sees that I am not going to be able to retire for a very long time.

What do I expect the government to do? I do not expect them to nationalize the oil companies or discourage business. I would like to see more alternative options than just gasoline. There are autos out there in other countries that are running on compressed air. According to the article I read on the internet, we do not accept them in this country because we do not recognize ''air'' as a fuel. Why not? If it works, let us allow it. Why are we behind other countries. I have heard that we do not have the support system for other resources like hydrogen. Why not? We did not have support for the gasoline engines either but we did it. What happened to the good ole American spirit? We have a can-do attitude and I do not think we should be whipped by the oil companies. Let us give them some competition in other alternative fuels. India uses methane gas to cook with. We have a lot of dairies here in Idaho with a lot of cow ''by product'' that is definitely renewable. So, lets encourage the American Can Do attitude and support ideas promoting renewable resources.

ELAINE.

Gas prices do not affect us in one single way but in hundreds of ways. They make everything more expensive and work to slow the economy as a whole. People travel less and buy less consumer items because they cost more. Therefore, companies buy less, expand less, and spend less on their facilities. It is like a self-fulfilling prophecy.

Please forget about short-term solutions such as the gas tax amnesty. That is a ridiculous idea. Our real solutions are all long-term. Invest now and in ten or twenty years you'll be patting yourself on the back.

Here are my priorities for making the U.S. energy independent:

1. More drilling everywhere, ANWR, the Gulf Coast, etc. Give oil companies more areas to drill.

2. More nuclear production. Please do everything you can to make it easier and cheaper for companies to put in new reactors.

3. More electric and plug-in hybrid cars. Most people do not seem to make the connection that nuclear, coal, wind, etc. produce electricity and without electric and plug-in hybrid cars, gas prices are not going to go down. We have the technology now for both of these types of cars. Let us start producing them! This is probably the quickest and most immediate way to reduce gas prices. We already have all of the infrastructure in place.

4. Clean coal production. Nuclear alone will not cut it. We need to get off of coal but it is going to take several decades.

Low, Low, Priorities:

1. Alternative energy (wind, solar, etc.). It is a ridiculously small percentage of our total power production for several reasons. I know that it is great politically but the technology is generations away. Nuclear is a technology we already have.

2. Hydrogen Vehicles: This technology is a long way off. Also, what about the infrastructure? It would be ridiculously expensive.

I would say this to any politician: Please do what is right for the United States, regardless of what is right for you personally or politically. That is really what we need.

NATHAN, *Idaho Falls.*

You may not like what I have to say. I believe in tough love and tough policies. Current oil prices are causing changes, but they are the types of changes that create a ''correction'' whereby the cost of fuel is real. It is real that foreign oil prices are too high to ignore. Governments getting in the way of a natural rebellion to that real cost does not offer long-term sustainable solutions. Okay, so I become a bit more frugal with the miles I drive; and so I start looking into buying a more fuel-efficient vehicle. These changes cause real and natural consequences like manufacturers dumping more of their money into creating greener options for consumers. Consumers will rebel against costs. Lifestyles will change. Why do not we embrace the positive direction this drives us—away from materialism and consumerism (the hatred of which caused us to be the target of the Taliban in the first place)?

War on terrorism is still war. Showing love to our planet and global community by accepting the consequences of prior mistakes (need I elaborate?) and vowing not to repeat or continue the rape our natural resources: this will heal the hatred. There is something much deeper at stake here than the pocketbooks of the American people. I urge you to dig for that, not for petroleum.

All the issues are as connected as we Americans are to the cultures that span the globe.

SUSAN, *Ketchum.*

I am a disabled Vietnam Veteran; my disability benefits are $914 a month. With the cost of gas now and the rising price of food, I cannot really afford to go anywhere. It takes me three months to save enough extra money to buy a tank of gas to go visit my mother. who is in a home in Jackson, Wyoming. If gas and food prices get any higher, there will be no need for me to even own a car, for I will not be able to afford the insurance and tags.

ROBERT.

I am less concerned about gasoline price than I am about heating fuel. Being recently (involuntarily) placed in the ''fixed income'' category, I am in a position that I do have a fair amount of discretion regarding the number of miles I drive each year, but as both my wife and myself are advancing in age, thus increasingly more sensitive to hyperthermia, I am much less flexible regarding heating. The projected global cooling for the next decade, with return to harsh Idaho winters, simply exacerbates the situation. A few years ago, the highest monthly home energy bill I faced (fuel oil, electricity, and propane) was on the order of $500. Last winter, that cost rose to $1,500. Looking at projected fuel and electricity costs, within a few years that will increase to $3,000. Should that happen, I am faced with the prospect of having to sell my house in order to afford heating it.

In the 1970s, the citizens of this country accepted energy conservation as a stopgap measure to allow the federal government time to devise a self-sufficient and affordable energy infrastructure for the country. The federal government has not only squandered the three decades of grace given it, but has actively blocked all measures attempted by private enterprise to develop a workable domestic energy supply. The only measures that have been taken by the federal government (such as ethanol) have made the situation worse by skyrocketing food costs, which we are only seeing the leading edge of. I raise poultry. A 50-pound bag of turkey finisher (of which corn is a major component) cost $8 in 2004. In February of this year, it was $15, Last month, that same sack of turkey finisher was $30. A 50-pound bag of scratch grain rose from $5 to $15 during that same time frame. Chicken feed ain't chicken feed any more, and although transportation costs have contributed to feed cost, it certainly is not the major contributor. Whatever were you people thinking of when you decided to subsidize competition of this country's energy supply with its food supply?

As far as what I want to see our federal government do, first, dissolve the Department of Energy and replace it with a commission drawn from private enterprise, then task them to correct the total failure of the DOE to devise an effective short-term and long-term energy policy for the USA. Second, remove the hobbles the government has placed on the oil companies for using currently known petroleum reserves, including off-shore and, especially, ANWR. Third, roll back the excessive and crippling regulations the federal government has placed on this country. Quit the insane policy of requiring our dwindling number of refineries to produce dozens of different gasoline and diesel blends. Return to a licensing process that allows a nuclear plant, coal-fired plant, or refinery to be on line within five years of license application. Fourth, immediately start rebuilding our nuclear infrastructure. Even if you take the first three steps I propose, we no longer have the internal capability to build and operate nuclear plants at the scale needed for significant contribution to the energy future of the country. Without the government immediately commencing the domestic equivalent of the Manhattan Project, we will find ourselves contracting with France, Japan, and probably even Iran to build and staff our new reactors.

DARWIN, *Idaho Falls.*

I support the development and utilization of our natural resources including drilling on the north slope and extracting shale oil in Utah, Colorado, and Wyoming. Why would we endanger our sovereignty by relying so heavily on foreign oil anyway? We should be producing our own oil like we did in the 80s when the U.S. reacted to the oil embargo of 1973. OPEC realized that we were capable of being self-sufficient so they lowered the price of their oil. The way to contain energy costs is to keep reminding them that if they are going to take advantage of a free world economy then, they will also have to deal with the natural results of competition. Our founding fathers understood the concept—have we forgotten it? I do not support increased taxes for oil companies or the consumer. Let the oil guys make some money and remove the fetters of exploration, refinement, and drilling. Let us take care of America for a change. Every American should be able to afford to drive—it is part of being free.

DON.

Fewer trips, less fishing, flying when I used to drive—all because the [partisan behavior of politicians]. Most lack plain old 'common sense', lack any business or military horse sense. I believe price of fuel will continue upward until we fix [partisan posturing].

BOB.

I just wanted to take a moment to write to you to let you know how the price of gasoline has affected me and my family and the recent past. I am a student working on my doctorate in Political Science at ISU. This last semester I had to drive down from Rigby to Pocatello five days a week. As you may be aware, that is a one-way distance of about 70 miles. The cost last semester for transportation to and from campus almost broke me. With the prices as they are presently I am lucky that I am only going to have to go to the Pocatello campus one day a week in the fall semester or I would have to drop out because I would not be able to afford the transportation costs simply to get from home to campus and back home again.

My wife works for janitorial service and Idaho Falls as a night supervisor, and part of her job requires her to drive from site to site, delivering supplies, checking on the janitors, and making sure that they have done their job. This means that she spends a good part of her job every night in the car, putting miles on driving from spot to spot. Her job does not pay her for mileage nor for gas used, and does not pay enough for her to be able to deduct her mileage off of her taxes. Since her employer cannot afford to give her a raise and we have no way of being able to recoup the increased costs of her doing her job, we have, in effect, had a cut in income from her. I do not know what can be done and I do not know what should be done, but something needs to change because I know in our case we are falling farther and farther behind simply because of the increased price in gasoline.

There is no doubt in my mind that we cannot drill our way out of this problem. But there is also no doubt that ignoring the option of drilling will make matters that much worse. I believe we need to have a comprehensive energy policy that includes drilling for more oil resources, increased use of natural gas, a reduction in the policies that prohibit the building of nuclear power facilities, and coal liquefaction programs.

Thanks for reading my comments,

JAY, *Rigby.*

ADDITIONAL STATEMENTS

TRIBUTE TO CATHY LEWIS

• Mr. BROWN. Mr. President, today I wish to commend and congratulate Cathy Lewis, who has been chosen by the organization Voices for Ohio's Children to receive the 2009 Champion for Children Award.

Voices for Ohio's Children established the Champion for Children Award in 2005 to recognize local individuals or organizations demonstrating a commitment to improving the well-being of children and their families.

Cathy Lewis, from Cleveland, OH, has been a strong and clear voice for children and their families for many years. Cathy's volunteer and philanthropic works have made a real difference in the lives of thousands of Clevelanders, most of whom she is likely never to meet. But her commitment to see our children get a strong start in life and the nurturing development they deserve has changed lives and our community for the better.

Cathy's life has been one of service to others. As chairperson of the board of directors of the Cleveland Foundation from 2001 to 2003, she was instrumental in starting Cuyahoga County's early childhood initiative, Invest in Children. This successful public/private partnership has helped families and communities provide that nurturing environment that we know is essential for the success of our children.

As Americans we are realizing the depth and breadth of the impact of HIV/AIDS on our communities, Cathy stepped up with others to form the Citizens' Committee on AIDS/HIV. This group created a strategy for addressing AIDS prevention, education, and services that continues to this day as the AIDS Funding Collaborative, which she chaired for 10 years.

Cathy currently serves on the Advisory Committee for the Center for International Child Health at Case Western Reserve University, the board of directors of the Institute for Research on Unlimited Love, cochair of the Strong Families=Successful Children Vision Council at United Way, and is a trustee of the George Gund Foundation, where she serves as cochair of the Communications Committee for Invest in Children.

Cathy richly deserves the 2009 Champion for Children Award, and I thank her for her selfless service to Ohioans in need.●

TRIBUTE TO JOHN PHILLIPS

● Mr. COCHRAN. Mr. President, I am pleased to commend John Phillips of Holly Bluff, MS, for his service and contributions to the State of Mississippi during 2009, through his service as the 74th president of Delta Council.

Delta Council is an economic development organization representing the business, professional, and agricultural leadership of the 18 delta and part-delta counties of Mississippi. This prominent and widely respected organization was formed in 1935 to deal with the challenges which faced the economy and quality of life of this region of our State.

John Phillips has served as president during a period when our Nation, as well as the State of Mississippi, and the Mississippi delta region, have experienced precedent-setting economic challenges.

As a successful businessman and farmer, John has brought an abundance of practical knowledge to the role of Delta Council president. His experience and expertise have enabled him also to be an effective advocate for flood protection in the Yazoo-Mississippi River basin. Additionally, he has demonstrated the foresight to accelerate and expand the efforts of Delta Council in other important areas of interest such as improved access to healthcare, adult literacy, early childhood education, and transportation throughout this region of our State.

John has also proven himself to be an exemplary conservationist by supporting efforts to protect wildlife and other valuable natural resources. He has utilized his year of service as president of Delta Council to advance the economic opportunities of all of the people of the Mississippi delta region. I am confident that John will continue to be an effective leader for the Mississippi delta in the years ahead.

In Mississippi we appreciate John Phillips, and his wife Ann Elise, their son, Jack, and their daughters, Whitney and Reid, for the sacrifices they have made to help improve the quality of life of all who live in the Mississippi delta.●

HONORING THE NEW HAMPSHIRE STUDENT HONOREES IN THE 2009 PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

● Mrs. SHAHEEN. Mr President, I would like to congratulate and honor two young New Hampshire students who have achieved national recognition for exemplary volunteer service in their communities. Edward Zaremba III of Hampstead and Colleen Slein of Salem have just been named State Honorees in the 2009 Prudential Spirit of Community Awards program, an annual honor conferred on only one high school student and one middle school student in each State.

Mr. Zaremba was nominated by Pinkerton Academy for his work in cofounding a club at his school that promotes awareness and inclusion of students with developmental disabilities. The club sponsors social events throughout the year so that classmates with and without disabilities cannot only have fun together, but learn from each other as well.

Ms. Slein was nominated by St. Joseph Regional Catholic School for her work raising money for the Cystic Fibrosis Foundation. She baked cookies and cupcakes every night for 2 months and sold them at school the next day, raising a total of $440 for this very worthy organization.

It is important that we encourage and support the kind of selfless contributions these young people have made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers such as Mr. Zaremba and Ms. Slein are examples to all of us, and I commend them for their service.

I would also like to congratulate two other young people in my State of New Hampshire who were named Distinguished Finalists by the Prudential Spirit of Community Awards for their outstanding volunteer service. Rachel Liff of Bedford prepared a handbook for Special Olympics athletes and volunteers, and Jane Stark of Merrimack raised money to purchase water filtration systems for people living in developing countries.

All these young people have demonstrated a level of commitment and accomplishment that is encouraging in today's world, and they deserve our admiration and respect. Their initiative shows that young Americans can—and do—play important roles in their communities, and that America's community spirit continues to hold great promise for the future.●

TRIBUTE TO JOHN A. GARRETT

● Mr. SHELBY. Mr. President, today I pay tribute to John A. Garrett, an honorable Alabamian and a good friend of mine. On Sunday, May 10, 2009, John A. will celebrate his 100th birthday.

John A. was born in 1909 in Bay Minnette, AL. He graduated from Alabama Polytechnic Institute, now known as Auburn University, in 1936, the same year that he married the love of his life, Katherine Virginia Stowers, at the Snowdoun United Methodist Church in Montgomery. Together, they have two daughters, Kitty Walter Dawson and Mary John, a son-in-law Sim Byrd, three grandchildren, and five great-grandchildren.

Most people in Alabama know John A. for his many contributions to Alabama's agriculture industry. During the 1950s, he served as the State director of commodity services for the Alabama Farm Bureau. Later, he would go on to own and operate Cherokee Builders, an industrial and commercial construction business.

In 1969, he was appointed by President Nixon to serve as the director of the Alabama Farmer's Home Administration, a position he would hold until 1977. In the early 1970s, John A. became a nationally recognized leader on agricultural and water issues. Later, at the age of 68, John A. established the Alabama Rural Water Association, an organization of which he served as executive director for 17 years.

An avid leader, John A. is the recipient of many honors and awards. In 1970, John A. was designated an Honorary State Farmer by the Future Farmers of America. Two years later, he relieved the ACTION Federal Employee Distinguished Voluntary Service Award for his extraordinary volunteer service. In 1985, Auburn University honored John A. for his outstanding services on the Montgomery County Auburn Committee. He was named Alabama Arthritis Foundation Humanitarian of the Year in 1989 and was inducted into the Alabama Senior Citizens Hall of Fame in 1991.

John A. is also known for his wit and wisdom. In addition to authoring numerous poems, John A. penned the secrets to a wonderful life: a positive attitude and thinking, clean living, and ''Toddy Time'' every afternoon. Indeed, Congress should live by his rules.

Today, John A. remains very active in his community. He attends the monthly meetings of the Snowdoun community, Snowdoun Volunteer Fire Department, Montgomery County Alfa, and the Alabama Cattlemen's Association. John A. can also frequently be found greeting the visitors at his gift shop on Mulberry Street or riding on his farm and tending to his cattle.

On the day of his 100th birthday, John A. will be celebrated by his friends and family, and honored for his dedication and many contributions to Alabama. I wish him much luck in his future endeavors, and I ask this entire Senate to join me in recognizing and honoring the life of my good friend John A. Garrett.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:08 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 735. An act to ensure States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs:

Report to accompany S. 414, a bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes (Rept. No. 111–16).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Ivan K. Fong, of Ohio, to be General Counsel, Department of Homeland Security.

*Timothy W. Manning, of New Mexico, to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, Department of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN (for himself and Ms. COLLINS):

S. 961. A bill to authorize the regulation of credit default swaps and other swap agreements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY (for himself and Mr. LUGAR):

S. 962. A bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes; to the Committee on Foreign Relations.

By Mr. ALEXANDER:

S. 963. A bill to amend the Internal Revenue Code of 1986 to provide taxpayers a flat tax alternative to the current income tax system; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. REID, Mr. KOHL, and Mr. KENNEDY):

S. 964. A bill to authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. LaFollette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 965. A bill to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes; to the Committee on Indian Affairs.

By Mr. REID (for Mr. ROCKEFELLER (for himself and Mr. WHITEHOUSE)):

S. 966. A bill to improve the Federal infrastructure for health care quality improvement in the United States; to the Committee on Finance.

By Mr. BINGAMAN:

S. 967. A bill to amend the Energy Policy and Conservation Act to create a petroleum product reserve, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Mr. PRYOR, Mrs. MURRAY, Mr. MENENDEZ, and Mr. BENNET):

S. 968. A bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUYE (for himself, Mr. AKAKA, and Mr. KERRY):

S. Res. 126. A resolution commemorating the 150th anniversary of the arrival of the Sisters of the Sacred Hearts in Hawai'i; considered and agreed to.

By Ms. SNOWE:

S. Res. 127. A resolution recognizing the members of the United States Army and the physicians of Maine Medical Center for the open-heart surgery they performed on a 6-year-old Iraqi girl; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. KOHL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 146, a bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

S. 211

At the request of Mrs. MURRAY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 229

At the request of Mrs. BOXER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 229, a bill to empower women in Afghanistan, and for other purposes.

S. 238

At the request of Mr. WYDEN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 238, a bill to provide $50,000,000,000 in new transportation infrastructure funding through bonding to empower States and local governments to complete significant infrastructure projects across all modes of transportation, including roads, bridges, rail and transit systems, ports, and inland waterways, and for other purposes.

S. 410

At the request of Mrs. LINCOLN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 410, a bill to amend part E of title IV of the Social Security Act to ensure States follow best policies and practices for supporting and retaining foster parents and to require the Secretary of Health and Human Services to award grants to States to improve the empowerment, leadership, support, training, recruitment, and retention of foster care, kinship care, and adoptive parents.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of

S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 475

At the request of Mr. BURR, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Nevada (Mr. ENSIGN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 476

At the request of Mrs. BOXER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 476, a bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care.

S. 546

At the request of Mr. REID, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 566

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 566, a bill to create a Financial Product Safety Commission, to provide consumers with stronger protections and better information in connection with consumer financial products, and to give providers of consumer financial products more regulatory certainty.

S. 581

At the request of Mr. BENNET, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 581, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children.

S. 584

At the request of Mr. HARKIN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Vermont (Mr. SANDERS) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 584, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. 614

At the request of Mrs. HUTCHISON, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 634

At the request of Mr. HARKIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 644

At the request of Mr. THUNE, his name was added as a cosponsor of S. 644, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of nonregular service retired pay.

S. 645

At the request of Mrs. LINCOLN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 682

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 682, a bill to amend the Public Health Service Act to improve mental and behavioral health services on college campuses.

S. 701

At the request of Mr. KERRY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 701, a bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins (IVIG).

S. 714

At the request of Mr. WEBB, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 828, a bill to amend the Energy Policy Act of 2005 to provide loan guarantees for projects to construct renewable fuel pipelines, and for other purposes.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 841

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 846

At the request of Mr. DURBIN, the names of the Senator from Illinois (Mr. BURRIS), the Senator from Alaska (Mr. BEGICH), the Senator from Hawaii (Mr. AKAKA), the Senator from Vermont (Mr. SANDERS) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 866

At the request of Mr. REED, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 866, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 883

At the request of Mr. KERRY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 908

At the request of Mr. BAYH, the names of the Senator from Maine (Ms. SNOWE), the Senator from Washington (Ms. CANTWELL) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 909

At the request of Mr. KENNEDY, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 909, a bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

S. CON. RES. 19

At the request of Mrs. BOXER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Con. Res. 19, a concurrent resolution expressing the sense of Congress that the Shi'ite Personal Status Law in Afghanistan violates the fundamental human rights of women and should be repealed.

S. RES. 76

At the request of Ms. CANTWELL, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. Res. 76, a resolution expressing the sense of the Senate that the United States and the People's Republic of China should work together to reduce or eliminate tariff and nontariff barriers to trade in clean energy and environmental goods and services.

S. RES. 125

At the request of Mr. LAUTENBERG, the names of the Senator from Illinois (Mr. BURRIS), the Senator from Connecticut (Mr. DODD), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 125, a resolution in support and recognition of National Train Day, May 9, 2009.

AMENDMENT NO. 1030

At the request of Mr. THUNE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of amendment No. 1030 intended to be proposed to S. 896, a bill to prevent mortgage foreclosures and enhance mortgage credit availability.

AMENDMENT NO. 1033

At the request of Mr. CASEY, the names of the Senator from Ohio (Mr. BROWN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 1033 intended to be proposed to S. 896, a bill to prevent mortgage foreclosures and enhance mortgage credit availability.

AMENDMENT NO. 1036

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 1036 intended to be proposed to S. 896, a bill to prevent mortgage foreclosures and enhance mortgage credit availability.

AMENDMENT NO. 1038

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 1038 intended to be proposed to S. 896, a bill to prevent mortgage foreclosures and enhance mortgage credit availability.

AMENDMENT NO. 1040

At the request of Mr. REED, the names of the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New York (Mr. SCHUMER), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Illinois (Mr. DURBIN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 1040 intended to be proposed to S. 896, a bill to prevent mortgage foreclosures and enhance mortgage credit availability.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself and Ms. COLLINS):

S. 961. A bill to authorize the regulation of credit default swaps and other swap agreements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEVIN. Mr. President, I am introducing legislation today, along with Senator COLLINS, to strengthen the transparency, accountability, and stability of a key aspect of our nation's financial system. Right now, trillions of dollars in complex financial transactions known as swap agreements are being marketed, traded, and implemented by financial institutions operating in the U.S. without adequate oversight or regulation.

Swaps are typically an agreement between two parties placing a bet on future cash flows. Some swaps bet on whether a stock price, interest rate, commodity price, or currency value will rise or fall; others bet on whether a company will default on payment of a bond. Stock price bets are referred to as equity swaps; bets on whether companies will be unable to pay their debts are referred to as credit default swaps.

As of June 2008, according to data compiled by the Bank of International Settlements, worldwide swaps markets included credit default swaps with a total notional value of $57 trillion; commodity swaps with a notional value of $13 trillion; equity swaps with a notional value of $10 trillion; foreign currency swaps with a notional value of $62 trillion; and interest rate swaps with a notional value of $458 trillion. These multi-trillion-dollar swap transactions are going on full bore, without appropriate U.S. disclosure requirements, clearing requirements, capital or liquidity safeguards, or other measures to protect the U.S. financial system against systemic risk.

Why? Because current law prohibits key Federal financial regulators—including the Securities and Exchange Commission, SEC, and the Commodities Futures Trading Commission, CFTC—from exercising oversight or issuing regulations to ensure the safety and soundness of swap transactions. That prohibition has been in place for nearly 10 years now, since the year 2000; it has never made any sense; it helped cause the financial crisis that is engulfing the American economy; and it ought to be eliminated immediately.

The bill we are introducing today, the Authorizing the Regulation of Swaps Act, would do just that. It would immediately repeal the statutory prohibition on the SEC and CFTC from regulating swaps. In addition, the bill would give authority to federal financial regulators, including bank, securities, and commodities regulators, to oversee and regulate all types of swap agreements, whether traded on an exchange or over-the-counter, including credit default, commodity, equity, foreign currency, and interest rate swaps. The bill would enable financial regulators, for the first time since 2000, to exercise oversight of the now largely hidden and unregulated swaps markets.

To understand why this legislation is needed and should be enacted promptly without waiting for the larger financial reform bill that's coming, I want to review some history. Twelve years ago, in 1997, Brooksley Born, then the head of the CFTC, raised a red flag about the growing use of over-the-counter swaps and other derivatives that were being traded outside of regulated exchanges and outside of normal federal oversight. She called for a study of those over-the-counter transactions and for comments on whether they should be subject to some type of regulation.

Her effort was immediately met with resistance, however, from not only the financial industry that profited from swaps trading, but also other Federal regulators then in office. For example, then Federal Reserve Chairman Alan Greenspan, then Treasury Secretary Robert Rubin, and then SEC Chairman Arthur Levitt all opposed her effort to even examine over-the-counter swap agreements. The dominant view at the time was that regulation was unnecessary and would only slow down a booming market.

In 1998, at the urging of then Chairman Greenspan, Secretary Rubin, Chairman Levitt, and others, Congress enacted legislation which actually barred the CFTC from conducting the study that Chairman Born wanted and from developing any regulatory alternatives for over-the-counter swaps.

In 2000, Congress went farther. In late December, during the final days of the 106th Congress, legislation affecting a range of financial issues was slipped without notice into a conference report of an omnibus appropriations bill. That legislation, called the Commodity Futures Modernization Act, included provisions which together created a flat out prohibition on the regulation of every kind of swap the authors could

think of, including credit default, commodity, equity, foreign currency, interest rate, and even weather swaps. That type of sweeping statutory prohibition had never been included in any bill voted on by the Senate before being inserted into a must-pass appropriations bill in December 2000. That omnibus appropriations bill was approved by the Senate on a voice vote.

Today we are living with the disastrous consequences of that ill-conceived prohibition on the regulation of swaps.

One example says it all: AIG. AIG is a financial holding company that, all by itself, has cost taxpayers more than $150 billion so far. Over a period of years, AIG had issued more than $400 billion in credit default swaps without setting aside sufficient capital or liquidity reserves. After its swaps began losing value, AIG's counterparties required AIG to post multi-billion-dollar collateral to secure payment on those swaps, and a credit rating downgrade threatened to increase its collateral calls, AIG came pleading for a taxpayer bailout. The $150 billion in taxpayer dollars was needed not only to keep AIG afloat, but also to bail out a dozen other large financial institutions that had purchased credit protection from AIG, including Goldman Sachs, Merrill Lynch, and Bank of America.

Apparently, none of those credit default swap exposures had been known to Federal regulators until AIG informed the Federal Reserve on a Friday that it was likely to go out of business the following week unless provided billions in taxpayer support. When regulators understood how far in the hole AIG had fallen and how many financial institutions would be affected by its financial collapse, they determined that they had no choice but to prop up the whole mess with taxpayer dollars.

AIG is not the only financial institution with risky credit default swaps. But even if federal regulators know of other high-risk problems, the law has tied their hands in terms of what steps can be taken in response. Even measures that most experts believe would reduce systemic risks, such as requiring companies to use credit default swap clearinghouses or requiring traders to disclose all credit default swap transactions, cannot be fully implemented, because Federal agencies lack the authority to regulate swaps.

Seven months ago, during a Senate hearing in September 2008, Christopher Cox, then chairman of the SEC, testified that the credit default swap market was ''completely lacking in transparency'' and ''ripe for fraud and manipulation.'' A few days later he called on Congress to take ''swift action'' to give regulators the authority to oversee credit default swaps. But the statutory barriers prohibiting swaps regulation have remained in place.

Giving the regulators what they have asked for is long overdue. It does not make sense for Federal regulators to be statutorily barred from requiring disclosure of swap transactions, mandating use of clearinghouses, or imposing other safeguards particularly in light of the size of the swaps market with trillions of dollars in credit default swap, interest rate, commodity, equity, foreign currency, and other swaps.

Even some past opponents of swaps regulation have rethought their opposition.

Alan Greenspan acknowledged last October that there are ''serious problems'' associated with credit default swaps.

Robert Rubin recently acknowledged that derivatives, which include swaps, ''create systemic risk.''

Arthur Levitt said it was a mistake not to have regulated swap agreements.

Top financial officials in the Obama Administration, including Treasury Secretary Tim Geithner, National Economic Council Chairman Larry Summers, SEC Chair Mary Schapiro, and CFTC nominee Gary Gensler have all called publicly for stronger regulation of over-the-counter transactions, including swap agreements.

Congress and the Administration are now engaged in an effort to enact comprehensive financial reforms to safeguard our economy. While some of those reforms require a lot of time and deliberation to get right, others can—and should—be implemented more quickly. Removing the prohibition on regulating swaps is one of those reforms that can and should be done now, so our regulators can begin, without the hindrance of ill-conceived statutory barriers, to design a sensible regulatory framework for swaps.

Here is what my bill would do. First, it would repeal about a dozen provisions in the Commodity Futures Modernization Act and other laws that prevent federal financial regulators from overseeing and regulating swap agreements. Second, it would give Federal financial regulators, including bank, securities, and commodity regulators, immediate authority to oversee and regulate swaps involving the financial institutions and exchanges that they already regulate. To ensure regulators have sufficient authority, the bill would use the same comprehensive definition of swap agreement that is used in current law to prohibit swaps regulation.

These measures would give regulators immediate authority to acquire swap-related data. That would allow them to evaluate swap risks at specific companies as well as across the financial system. Regulators could then use this data to look into what additional safeguards are needed and what abuses need to be stopped.

One thing the bill would not do is require federal financial regulators to regulate swaps or tell them how to regulate swaps if they decide to do so. That is left for the larger regulatory reform bill coming later this year. The only instruction provided in this bill is that, if any regulator decides to act, it must consult, work, and cooperate with all of the other federal financial regulators to ensure swaps are treated in a consistent way.

I see this bill as a necessary first step to eliminate harmful statutory barriers that tie regulators' hands, impede oversight of the multi-trillion-dollar swaps markets, and create systemic risk. The bill does not take the needed second step of laying out ways to regulate swaps. It does not, for example, specify swaps recordkeeping, disclosure requirements, clearing requirements, capital or liquidity safeguards, or other measures. Senator COLLINS has another bill that, in part, addresses credit default swaps clearinghouses; I have a separate bill that specifies safeguards in the area of commodity swaps. Other colleagues have introduced bills that address a variety of swaps issues. The legislation we are introducing today does not contradict or preclude any of those other approaches it is an interim measure that would clear the way for more specific swaps requirements in subsequent reform legislation.

The Levin-Collins bill offers a limited, commonsense way to restore immediate federal authority over a high-risk, high-dollar financial sector that has operated for too long in the shadows, and whose failure has cost us hundreds of billions of dollars so far. Due to the trillions of dollars and financial risk involved, I urge the Senate to act on this bill as soon as possible.

I would also like to take a moment to extend my thanks and appreciation to the SEC, CFTC, and Treasury officials who took the time to provide technical assistance in drafting this legislation. I hope those agencies, and the Obama Administration as a whole, will announce their support for the bill and work for its enactment.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

SUMMARY OF LEVIN-COLLINS AUTHORIZING THE REGULATION OF SWAPS ACT

The Authorizing the Regulation of Swaps Act, introduced by Senator Carl Levin, D-Mich., and cosponsored by Senator Susan Collins, R-Maine, is intended to give federal financial regulators immediate authority over swap agreements in light of the fact that trillions of dollars in swap transactions continue to be marketed, traded, and implemented in the United States without adequate federal oversight or regulatory authority. Hundreds of billions of taxpayer dollars have already been expended to overcome the failures of firms that engaged in unregulated swaps. The bill contains the following provisions.

Repeal Existing Prohibitions on Regulating Swaps. The bill would repeal over a dozen provisions in existing law, including in the Commodity Futures Modernization Act of 2000, which prohibit federal financial regulators from regulating swap agreements.

Authorize the Regulation of Swaps. The bill would give authority to federal financial

regulators, including bank, securities and commodities regulators, to oversee and regulate all types of swap agreements, including credit default, commodity, equity, interest rate, and foreign currency swaps. The bill uses the same definition of swap agreement that is used in current law to prohibit swaps regulation, and would authorize federal oversight and regulation of all exchange-traded and over-the-counter swaps.

Require Consistent Treatment of Swaps. The bill does not require federal regulators to regulate swap agreements—it merely authorizes such regulation and removes barriers that have prevented this regulation since 2000. Nor does the bill provide any direction to federal financial regulators on how to regulate swaps other than to require them to consult, work, and cooperate with each other to promote consistency in the treatment of swap agreements.

Establish Interim Authority. By removing existing statutory prohibitions and providing federal financial regulators with authority to oversee and regulate swaps, the bill would eliminate harmful statutory barriers, give regulators immediate interim authority over multi-trillion-dollar swaps markets, and clear the way for more specific swaps requirements in subsequent comprehensive financial reform legislation later this year.

By Mr. KERRY (for himself and Mr. LUGAR):

S. 962. A bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes; to the Committee on Foreign Relations.

Mr. KERRY. Mr. President, I rise today to join my colleague, the ranking member of the Foreign Relations Committee, Senator LUGAR, in introducing what we consider to be an important piece of legislation from our committee and an important initiative for the administration and for the Congress and the American people. We are joining today to introduce the Enhanced Partnership with Pakistan Act. I believe the legislation has already been placed at the desk.

This is legislation that will fundamentally change America's policy toward Pakistan, and I hope over time it will fundamentally change America's relationship with the people of Pakistan as well.

I especially thank Senator LUGAR for his partnership in crafting this legislation and for his ongoing leadership on this issue.

It is hard to overstate the importance of Pakistan to our national security. In fact, every day the newspapers are full of events that are transpiring there and of the challenges we face. Pakistan is a nation which could either serve as a force for stability and progress in a volatile region or it could become an epicenter for radicalism and violence on a cataclysmic scale.

This is a nation of striking contradictions and on divergent paths forward.

On one hand, we all know Pakistan is a nation where Osama bin Laden and the leadership of al-Qaida have found sanctuary for the past 7 years—a haven from which they and their confederates have plotted and carried out attacks on their host country, on neighboring countries, and on sites around the globe—a nation that has in recent weeks seen the Taliban advance to within 60 miles of its capital, and a nation with a full arsenal of nuclear weapons and ballistic missiles capable of delivering them anywhere in a 1,000-kilometer range.

On the other hand, Pakistan is also a nation whose 170 million people are overwhelmingly moderate, overwhelmingly committed to democracy and rule of law; a major non-NATO ally that has sacrificed the lives of 1,500 of its soldiers and police in the fight against terrorism and insurgency; and a nation that has lost more of its citizens to the scourge of terrorism than all but a tiny handful of countries throughout the world.

In short, Pakistan has the potential either to be crippled by the Taliban or to serve as a bulwark against everything the Taliban represents. That is why the Obama administration and many of us in Congress see the need for a bold new strategy for Pakistan. The status quo has not brought success, the stakes could not be higher, and we have little choice but to think differently—in fact, to think bigger—about what these challenges are. The Enhanced Partnership With Pakistan Act is the centerpiece of this new approach, which is why President Obama has called on Congress to pass it.

An earlier version of this bill was reported out of the Foreign Relations Committee in July with overwhelming bipartisan support. This version builds upon its predecessor in a number of important ways. First, this new legislation directs $100 million toward an urgent need: police reform and equipping. Second, it mandates strict accountability from the administration as to every dollar that is spent, using benchmarks and metrics to measure and adapt our performance. Third, in light of the acute security challenge on the ground today, this bill gives our Ambassador the flexibility needed to respond to events as they unfold.

We believe this bill is urgently needed. For decades, the United States has sought the cooperation of Pakistani decisionmakers through military aid—almost exclusively military aid—while paying scant attention to the wishes and urgent needs of the population itself. This arrangement is, frankly, rapidly disintegrating. We believe we are paying too much for one thing and getting too little for a broad number of things we really need. When I say ''we,'' I really emphasize the Pakistani people's needs. The desires and aspirations of the Pakistani people have never been adequately focused on or attended to sufficiently in these policies. Most Pakistanis understand that they have been, frankly, left out of the policy in broad terms. As a result, an alarming percentage of the Pakistani population now sees America as a greater threat than al-Qaida. Until we change that perception, there is, frankly, very little chance of ending tolerance for terrorist groups or persuading any Pakistani Government to devote the political capital necessary to deny such groups and to deny them the sanctuary they have been able to receive, particularly in the western part of the country, as well as to deny them the covert material support which they have also been able to get from a number of different sources.

The dangers of inaction are rising almost every day. So when people measure this legislation, that is really what they have to consider. What happens if you do nothing? Well, if you do nothing, it is clear that the march of terror that is taking hold in a number of different places clearly threatens nuclear weapons that might then potentially fall into hands that are completely unpredictable. In fact, to whatever degree they might be predictable, one can only see danger in that kind of eventuality. The dangers of inaction are real. Almost any scenario played out plays against the broader interests of the Pakistani people and of the democratic Government which struggles today to provide services and to govern them.

In the month since President Obama called on Congress to pass the bill we are now introducing, the situation on the ground in Pakistan has deteriorated significantly. The Government struck what many of us believed and said at the time was an ill-advised deal that effectively surrendered the Swat Valley to the Taliban. The deal, predictably—as many of us said—emboldened the Taliban to deploy the same brutal tactics they had used in both Pakistan and Afghanistan and to use their base in Swat to then extend their reach ever closer to the country's heartland.

I emphasize—I know Senator LUGAR will join me in emphasizing this—ultimately, it is not the United States or the policy of the United States that is going to decide what happens in Pakistan. Ultimately, it will be Pakistanis, not Americans, who must determine their nation's future. But we can change the nature of our relationship and we can empower those Pakistanis who are fighting to steer the world's second largest Muslim country onto a path of moderation and stability and regional cooperation. That is the foundation of the bill Senator LUGAR and I are introducing.

Frankly, I have seen firsthand how this approach works. Following the 2005 Kashmir earthquake, the United States spent nearly $1 billion on relief efforts. Having visited places, as I did then, such as Mansehra and Muzaffarabad in the earthquake's aftermath, I can personally attest to the awesome power of the operation we launched. I will never forget flying up in a helicopter to the northwest part of Pakistan, not far from the big Himalayas, where one could see off in the distance, and landing in a small spot by the river and meeting kids in a

tent city because this was the first time those kids had ever come out of the mountains and, in fact, the first time any of those kids had ever gone to school. It was extraordinary to see the sight of American service men and women saving the lives of Pakistani citizens. Frankly, it was invaluable in changing the perceptions of America in Pakistan. At that period of time, while we provided that assistance and while we were visibly involved in saving lives, not in taking them, the fact is that the reputation of the United States in the country as it was measured by polls at the time markedly increased, very dramatically increased.

In the wake of that natural disaster, we weren't the only ones to recognize the need for public diplomacy based in deeds rather than in words. The front group for the terrorist organization Lashkar-e Taiba set up a string of professional relief camps throughout the region trying to mimic what we were doing. But our effort was far more effective, and the permanent gift of the U.S. Army's last mobile Army surgical hospital, or MASH, had a profound impact on the perceptions of people in the region. For a brief period, America was going toe-to-toe with extremists in a true battle of hearts and minds, and we were winning.

It is up to us to recreate this kind of success on a broader scale, without waiting for a natural or even a man-made disaster. The question is, How can we most effectively demonstrate the true friendship of the American people for the Pakistani people?

We believe this bill is an important first step. It is a prime example of what we call ''smart power'' because it uses both economic and military aid to achieve an overall effect that is greater than the sum of its parts. On the economic side, this bill triples non-military aid to $1.5 billion annually for 5 years and urges an additional 5 years of funding. These funds will be used to build schools, roads, and clinics. In other words, they aim to do on a regular basis what we briefly achieved with our earthquake relief and what the Pakistani Government, because of the economic crisis as well as political crisis in the country, has been unable to do to date. But this money will do a great deal more than just good deeds. It will empower the fledgling civilian Government to show that it can deliver the citizens of Pakistan a better life. It will empower the moderates, who will have something concrete to put forward as evidence that friendship with America actually brings rewards, not just perils, and it will empower the vast majority of Pakistanis who reject the terrifying vision of al-Qaida and Taliban but who have been angered and frustrated by the perception that their own leaders and America's leaders don't care about their daily struggle.

To do this right, we must make a long-term commitment. Most Pakistanis think that America has used and abandoned their country in the past, most notably after the jihad against the Soviets in Afghanistan. They fear we will just desert them again the moment the threat from al-Qaida subsides. It is this history and this fear that cause Pakistan to hedge its bets.

If we ever expect Pakistan to break decisively with the Taliban and other extremist groups, then we need to provide firm assurance that we are not just foul-weather friends. By authorizing funds through 2013, and hopefully longer, this bill offers the chance to clearly state America's longer term concerns and interests.

On the security side, the bill places conditions on military aid that will ensure the money is used for the intended purposes, which was not the case over the last 8 years. In order for Pakistan to receive any military assistance, it will need to meet an annual certification that its army and spy services are genuine partners in this endeavor.

In the struggle against al-Qaida and other terrorist groups, including Lashkar-e Taiba—as we all know, Lashkar-e Taiba was the perpetrator of the Mumbai massacre of last November. We also will need a certification of their partnership in the battle against the Taliban and its affiliates who threaten our troops in Afghanistan from their sanctuaries in the Pakistani tribal areas, as well as in the effort to solidify democratic governance and the rule of law in Pakistan. We believe these conditions are eminently reasonable, and they should be easy to meet for any nation receiving American aid.

As important as the economic and military components of the bill are is the question of how they fit together. Making this unequivocal commitment to the Pakistani people enables us to calibrate our military assistance more effectively. In any given year, we may choose to increase it or decrease it or to simply leave its level unchanged, but we will have the flexibility which we haven't had in prior years. For too long, the Pakistani military frankly believed we were bluffing when we threatened to cut funding for a particular weapons system or an expensive piece of hardware because that was the only game, if you will. It was the only money on the table. This bill will change that. Up to now, frankly, they were right about the unwillingness of the United States to take alternative routes. But if our economic aid becomes the centerpiece of our aid policy and it is tripled to $1.5 billion, then we can actually guarantee that we pay more attention to how the military assistance is being spent and what is occurring. We will finally be able to make the choice of expenditure on the basis of both of our natural security interests rather than simply the institutional interests of the security forces in Pakistan.

Let me be clear on the issue of military aid. The bill does not take any position on the level of such assistance deliberately. It is possible to envision a significant increase in military aid, just as easily as one could envision a decrease. The Pakistani army needs more helicopters. It needs more night-vision capability, more training and counterinsurgency techniques. So instead of locking in a figure for future years, what this bill does is provide us the ability to target our military aid directly to the areas that best serve both of our national security interests, which are fighting terrorism, fighting the insurgency, and keeping the people of Pakistan safe from the most dire threats.

Moreover, this bill allows us to fine-tune our approach in response to the level of will and competence displayed by Pakistan's military: When we see the genuine commitment, then we can help increase capabilities, and if we see at any time that commitment is lacking, we have the ability to adjust and redirect assistance rather than permit it to be wasted. We have spent some $10 billion in military aid and compensation over the past 8 years. Still, the militants got within 60 miles of the capital recently and al-Qaida continues to enjoy a sanctuary. So it is long past time we figure out how to work more effectively with the Pakistanis and the Pakistan Government on a more effective approach. That is what we hope this achieves.

This bill is not a short-term fix. It aims for the medium term and especially the long term. It won't drive the Taliban out of Swat Valley next week or next month. Its aim is, once the Taliban is driven from Swat and from Bajaur and from Dir, to help keep them out. To put it in terms of basic counterinsurgency doctrine made familiar by General Petraeus, the Pakistani military is already able to handle the ''clear'' phase of the struggle. The United States will now be assisting this mission through other vehicles. But the bill Senator LUGAR and I are introducing will provide vital help for the ''hold'' and the ''build'' parts of the mission. Nor is this bill intended to be a silver bullet. It provides powerful tools, but these tools are only as effective as the policymakers who wield them. I am confident President Obama and his team will use wisely whatever policy tools are at their disposal.

We need to approach this endeavor with a large dose of humility. The truth is that our leverage is limited.

This bill aims to increase that leverage significantly. But we need to be realistic about what we can accomplish. Americans can influence events in Pakistan, but we cannot and we should not decide them. Ultimately, the decisionmakers are the people and the leaders of Pakistan.

Ask any resident of Lahore, Karachi, or Peshawar what these places used to be like and you will hear a long statement of the reveries of the time that now seems a world away. We need to help Pakistan once again become a nation of stability, security, and prosperity, enjoying peace at home and abroad—a nation, in short, that older

Pakistanis remember from their childhoods.

It is this nation that most Pakistanis desperately wish to reclaim. The bill that Senator LUGAR and I now introduce will help America ensure that Pakistanis have the resources necessary to choose a peaceful, stable future. It offers them a helping hand in getting there. I urge our colleagues to join us in supporting this bill.

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

Mr. LUGAR. Mr. President, I am pleased and honored to join our chairman, JOHN KERRY, in introducing the Enhanced Partnership with Pakistan Act of 2009. Then-Senator JOE BIDEN and I originally introduced this legislation in July 2008. I have been especially pleased to continue the bipartisan effort on this bill with Senator KERRY.

Senators BIDEN and KERRY and I have worked closely over the past year with the State Department, USAID, the Defense Department, and the National Security Council to craft this legislation.

On March 27 of this year, President Obama announced a comprehensive strategy for Afghanistan and Pakistan. In his speech he called on Congress ''to pass a bipartisan bill cosponsored by JOHN KERRY and RICHARD LUGAR that authorizes $1.5 billion in direct support to the Pakistani people every year over the next 5 years—resources that will build schools, roads, and hospitals, and strengthen Pakistan's democracy.''

Chairman of the Joint Chiefs of Staff ADM Mike Mullen and CENTCOM Commander David Petraeus repeatedly advocated expanding foreign assistance to Pakistan as an essential element of our national security. Defense Secretary Robert Gates and Secretary of State Hillary Clinton both have testified that strengthening democracy and countering terrorism in Pakistan go hand in hand. Secretary Clinton said at a Senate Appropriations Committee meeting last week:

> As President Obama has consistently maintained, success in Afghanistan depends on success in Pakistan. We have seen how difficult it is for the government there to make progress, and the Taliban continues to make inroads. Counterinsurgency training is critical. But of equal importance are diplomacy and development to provide economic stability and diminish the conditions that feed extremism. This is the intent of the comprehensive strategy laid out by Senator KERRY and Senator LUGAR, which President Obama has endorsed.

I take the time to detail administration backing for this bill and its concepts because any U.S. policy related to Pakistan will require the cooperation and active support of both the executive and legislative branches of our Government. It also will require that policy toward Pakistan be closely integrated with United States efforts throughout the region.

I do not regard the Kerry-Lugar bill as a congressionally driven initiative in which we are bargaining for support of the administration; rather, Senator KERRY and I are trying to play a constructive role in facilitating a consensus position between branches that will undergird a rational approach to the region with the best chance of success. With this in mind, it is vital that the administration's message on Pakistan be clear and consistent. The administration also must continue to actively consult with Congress on elements of strategy, not just lobby us for funds.

The United States has an intense strategic interest in Pakistan and the surrounding region. The U.S. National Intelligence Estimate last year painted a bleak picture of the converging crises in Pakistan. A growing al-Qaida sanctuary, an expanding Taliban insurgency, political brinksmanship, and a failing economy are intensifying the turmoil and violence in that country. These circumstances are a threat to Pakistan, the region, and the United States of America.

We should make clear to the people of Pakistan that our interests are focused on democracy, pluralism, stability, and the fight against terrorism. These are values supported by a large majority of Pakistani people. If Pakistan is to break its debilitating cycle of instability, it will need to achieve progress on fighting corruption, delivering government services, and promoting broad-based economic growth. The international community and the United States should support reforms that contribute to the strengthening of Pakistani civilian institutions.

This legislation marks an important step toward those goals. While our bill envisions sustained economic and political cooperation with Pakistan, it is not a blank check. It expects that the military institutions in Pakistan will turn their attention to the extremist dangers within Pakistan's borders. The bill subjects our security assistance to a certification that the Pakistani Government is using the money for its intended purpose—namely, to combat the Taliban and al-Qaida. The bill also calls for tangible progress in governance, including an independent judiciary, greater accountability by the central government, respect for human rights, and civilian control of the levers of power, including the military and the intelligence agencies.

In providing substantial resources to enhance a strategic partnership with Pakistan, our bill contains provisions to help ensure that this money is spent effectively and efficiently. The bill stipulates that the administration must provide Congress with a comprehensive assistance strategy before additional assistance is made available. This strategy is expected to detail clear objectives, enumerate projects the administration intends to implement, and identify criteria that the administration will use to measure the effectiveness of our assistance.

Once money begins to flow, the administration must report every 6 months on how the money is spent and what impact it is having. In addition, the bill provides that before the administration spends more than half of the $1.5 billion authorized in any fiscal year, it must certify that the assistance provided to that date is making substantial progress toward the principal objectives contained in the administration's strategy report. We also have asked the Government Accountability Office to review annually the administration's progress on stated goals. To ensure that sufficient resources will be available to oversee our program in Pakistan, we authorize $20 million each year for audits and program reviews by the inspectors general of the State Department, USAID, and other relevant agencies.

I look forward to working with the administration of President Obama and with congressional colleagues on a policy toward Pakistan that builds our relationship with that nation and protects vital interests of the United States.

Again, I thank Senator KERRY for his partnership and leadership on this bill.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 965. A bill to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes; to the Committee on Indian Affairs.

Mr. BINGAMAN. Mr. President, today Senator UDALL and I are introducing a bill that will end an ongoing water rights dispute in northern New Mexico. The bill accomplishes this by authorizing a water rights settlement resolving Taos Pueblo's water rights claims in the Rio Pueblo de Taos, a tributary to the Rio Grande.

The Rio Pueblo de Taos adjudication is a dispute that is almost 40 years old. The parties have been in settlement discussions for well over a decade but it was not until the last 5 years that the discussions took on the sense of urgency needed to resolve the issues at hand. A settlement agreement was signed by the Pueblo, State, and other interested parties in March 2006. Federal legislation was then finalized and introduced last year. Progress was made on the bill, including hearings in both the House and Senate which resulted in the identification of a few more issues which needed to be addressed. The parties negotiated a resolution to these issues and legislation to authorize and implement the settlement is now ready to move forward.

The settlement will fulfill the rights of the Pueblo consistent with the Federal trust responsibility. It will also continue the tradition of sharing precious water resources in a manner necessary to protect the sustainability of traditional agricultural communities. Finally, the Town of Taos and other local entities are assured of accessing the water necessary to meet municipal and domestic needs. In sum, the Taos Pueblo Indian Water Rights Settlement Act represents a commonsense

set of solutions that all parties to the adjudication have a stake in implementing.

This legislation is widely supported in the Taos Valley, probably as close to a consensus as any water-related agreement can get in the West. The State of New Mexico, under Governor Richardson's leadership, deserves recognition for actively pursuing a settlement in this matter and committing financial resources in recognition of the importance of this matter to all water users in the basin.

This bill, as with any water rights settlement, is crucial to New Mexico's future. In an arid State such as ours, the legal system is poorly equipped to allocate water and create the infrastructure needed for its efficient use. Negotiated agreements between the parties, the State Engineer, and the Federal Government are much more likely to lead to long-term solutions that allow for the use of water in a sustainable manner. This legislation builds upon the provisions included in the Navajo water rights settlement enacted into law on March 30, 2009 as part of the Omnibus Public Lands bill. That settlement, and each subsequent one, will help provide more certainty and less conflict with respect to the allocation and use of water in New Mexico. I look forward to working with my colleagues in the Senate, as well as the House of Representatives, to see that this bill gets enacted into law.

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. 965

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Taos Pueblo Indian Water Rights Settlement Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.
Sec. 4. Pueblo rights.
Sec. 5. Pueblo water infrastructure and watershed enhancement.
Sec. 6. Taos Pueblo Water Development Fund.
Sec. 7. Marketing.
Sec. 8. Mutual-Benefit Projects.
Sec. 9. San Juan-Chama Project contracts.
Sec. 10. Authorizations, ratifications, confirmations, and conditions precedent.
Sec. 11. Waivers and releases.
Sec. 12. Interpretation and enforcement.
Sec. 13. Disclaimer.

SEC. 2. PURPOSE.

The purposes of this Act are—

(1) to approve, ratify, and confirm the Taos Pueblo Indian Water Rights Settlement Agreement;

(2) to authorize and direct the Secretary to execute the Settlement Agreement and to perform all obligations of the Secretary under the Settlement Agreement and this Act; and

(3) to authorize all actions and appropriations necessary for the United States to meet its obligations under the Settlement Agreement and this Act.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE NON-PUEBLO ENTITIES.—The term ''Eligible Non-Pueblo Entities'' means the Town of Taos, El Prado Water and Sanitation District (''EPWSD''), and the New Mexico Department of Finance and Administration Local Government Division on behalf of the Acequia Madre del Rio Lucero y del Arroyo Seco, the Acequia Madre del Prado, the Acequia del Monte, the Acequia Madre del Rio Chiquito, the Upper Ranchitos Mutual Domestic Water Consumers Association, the Upper Arroyo Hondo Mutual Domestic Water Consumers Association, and the Llano Quemado Mutual Domestic Water Consumers Association.

(2) ENFORCEMENT DATE.—The term ''Enforcement Date'' means the date upon which the Secretary publishes the notice required by section 10(f)(1).

(3) MUTUAL-BENEFIT PROJECTS.—The term ''Mutual-Benefit Projects'' means the projects described and identified in articles 6 and 10.1 of the Settlement Agreement.

(4) PARTIAL FINAL DECREE.—The term ''Partial Final Decree'' means the Decree entered in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896–BB (U.S. D.N.M.) and 7939–BB (U.S. D.N.M) (consolidated), for the resolution of the Pueblo's water right claims and which is substantially in the form agreed to by the Parties and attached to the Settlement Agreement as Attachment 5.

(5) PARTIES.—The term ''Parties'' means the Parties to the Settlement Agreement, as identified in article 1 of the Settlement Agreement.

(6) PUEBLO.—The term ''Pueblo'' means the Taos Pueblo, a sovereign Indian Tribe duly recognized by the United States of America.

(7) PUEBLO LANDS.—The term ''Pueblo lands'' means those lands located within the Taos Valley to which the Pueblo, or the United States in its capacity as trustee for the Pueblo, holds title subject to Federal law limitations on alienation. Such lands include Tracts A, B, and C, the Pueblo's land grant, the Blue Lake Wilderness Area, and the Tenorio and Karavas Tracts and are generally depicted in Attachment 2 to the Settlement Agreement.

(8) SAN JUAN-CHAMA PROJECT.—The term ''San Juan-Chama Project'' means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96, 97), and the Act of April 11, 1956 (70 Stat. 105).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(10) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the contract dated March 31, 2006, between and among—

(A) the United States, acting solely in its capacity as trustee for Taos Pueblo;

(B) the Taos Pueblo, on its own behalf;

(C) the State of New Mexico;

(D) the Taos Valley Acequia Association and its 55 member ditches (''TVAA'');

(E) the Town of Taos;

(F) EPWSD; and

(G) the 12 Taos area Mutual Domestic Water Consumers Associations (''MDWCAs''), as amended to conform with this Act.

(11) STATE ENGINEER.—The term ''State Engineer'' means the New Mexico State Engineer.

(12) TAOS VALLEY.—The term ''Taos Valley'' means the geographic area depicted in Attachment 4 of the Settlement Agreement.

SEC. 4. PUEBLO RIGHTS.

(a) IN GENERAL.—Those rights to which the Pueblo is entitled under the Partial Final Decree shall be held in trust by the United States on behalf of the Pueblo and shall not be subject to forfeiture, abandonment, or permanent alienation.

(b) SUBSEQUENT ACT OF CONGRESS.—The Pueblo shall not be denied all or any part of its rights held in trust absent its consent unless such rights are explicitly abrogated by an Act of Congress hereafter enacted.

SEC. 5. PUEBLO WATER INFRASTRUCTURE AND WATERSHED ENHANCEMENT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, shall provide grants and technical assistance to the Pueblo on a nonreimbursable basis to—

(1) plan, permit, design, engineer, construct, reconstruct, replace, or rehabilitate water production, treatment, and delivery infrastructure;

(2) restore, preserve, and protect the environment associated with the Buffalo Pasture area; and

(3) protect and enhance watershed conditions.

(b) AVAILABILITY OF GRANTS.—Upon the Enforcement Date, all amounts appropriated pursuant to section 10(c)(1) or made available from other authorized sources, shall be available in grants to the Pueblo after the requirements of subsection (c) have been met.

(c) PLAN.—The Secretary shall provide financial assistance pursuant to subsection (a) upon the Pueblo's submittal of a plan that identifies the projects to be implemented consistent with the purposes of this section and describes how such projects are consistent with the Settlement Agreement.

(d) EARLY FUNDS.—Notwithstanding subsection (b), $10,000,000 of the monies authorized to be appropriated pursuant to section 10(c)(1)—

(1) shall be made available in grants to the Pueblo by the Secretary upon appropriation or availability of the funds from other authorized sources; and

(2) shall be distributed by the Secretary to the Pueblo on receipt by the Secretary from the Pueblo of a written notice, a Tribal Council resolution that describes the purposes under subsection (a) for which the monies will be used, and a plan under subsection (c) for this portion of the funding.

SEC. 6. TAOS PUEBLO WATER DEVELOPMENT FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Taos Pueblo Water Development Fund'' (hereinafter, ''Fund'') to be used to pay or reimburse costs incurred by the Pueblo for—

(1) acquiring water rights;

(2) planning, permitting, designing, engineering, constructing, reconstructing, replacing, rehabilitating, operating, or repairing water production, treatment or delivery infrastructure, on-farm improvements, or wastewater infrastructure;

(3) restoring, preserving and protecting the Buffalo Pasture, including planning, permitting, designing, engineering, constructing, operating, managing and replacing the Buffalo Pasture Recharge Project;

(4) administering the Pueblo's water rights acquisition program and water management and administration system; and

(5) for watershed protection and enhancement, support of agriculture, water-related Pueblo community welfare and economic development, and costs related to the negotiation, authorization, and implementation of the Settlement Agreement.

(b) MANAGEMENT OF THE FUND.—The Secretary shall manage the Fund, invest amounts in the Fund, and make monies available from the Fund for distribution to

the Pueblo consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001, et seq.) (hereinafter, ''Trust Fund Reform Act''), this Act, and the Settlement Agreement.

(c) INVESTMENT OF THE FUND.—Upon the Enforcement Date, the Secretary shall invest amounts in the Fund in accordance with—

(1) the Act of April 1, 1880 (21 Stat. 70, ch. 41, 25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (52 Stat. 1037, ch. 648, 25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) AVAILABILITY OF AMOUNTS FROM THE FUND.—Upon the Enforcement Date, all monies deposited in the Fund pursuant to section 10(c)(2) or made available from other authorized sources, shall be available to the Pueblo for expenditure or withdrawal after the requirements of subsection (e) have been met.

(e) EXPENDITURES AND WITHDRAWAL.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—The Pueblo may withdraw all or part of the Fund on approval by the Secretary of a tribal management plan as described in the Trust Fund Reform Act.

(B) REQUIREMENTS.—In addition to the requirements under the Trust Fund Reform Act, the tribal management plan shall require that the Pueblo spend any funds in accordance with the purposes described in subsection (a).

(2) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the requirement that monies withdrawn from the Fund are used for the purposes specified in subsection (a).

(3) LIABILITY.—If the Pueblo exercises the right to withdraw monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the monies withdrawn.

(4) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Pueblo shall submit to the Secretary for approval an expenditure plan for any portions of the funds made available under this Act that the Pueblo does not withdraw under paragraph (1)(A).

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts remaining in the Fund will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act.

(5) ANNUAL REPORT.—The Pueblo shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(f) FUNDS AVAILABLE UPON APPROPRIATION.—Notwithstanding subsection (d), $15,000,000 of the monies authorized to be appropriated pursuant to section 10(c)(2)—

(1) shall be available upon appropriation or made available from other authorized sources for the Pueblo's acquisition of water rights pursuant to Article 5.1.1.2.3 of the Settlement Agreement, the Buffalo Pasture Recharge Project, implementation of the Pueblo's water rights acquisition program and water management and administration system, the design, planning, and permitting of water or wastewater infrastructure eligible for funding under sections 5 or 6, or costs related to the negotiation, authorization, and implementation of the Settlement Agreement; and

(2) shall be distributed by the Secretary to the Pueblo on receipt by the Secretary from the Pueblo of a written notice and a Tribal Council resolution that describes the purposes under paragraph (1) for which the monies will be used.

(g) NO PER CAPITA DISTRIBUTIONS.—No part of the Fund shall be distributed on a per capita basis to members of the Pueblo.

SEC. 7. MARKETING.

(a) PUEBLO WATER RIGHTS.—Subject to the approval of the Secretary in accordance with subsection (e), the Pueblo may market water rights secured to it under the Settlement Agreement and Partial Final Decree, provided that such marketing is in accordance with this section.

(b) PUEBLO CONTRACT RIGHTS TO SAN JUAN-CHAMA PROJECT WATER.—Subject to the approval of the Secretary in accordance with subsection (e), the Pueblo may subcontract water made available to the Pueblo under the contract authorized under section 9(b)(1)(A) to third parties to supply water for use within or without the Taos Valley, provided that the delivery obligations under such subcontract are not inconsistent with the Secretary's existing San Juan-Chama Project obligations and such subcontract is in accordance with this section.

(c) LIMITATION.—

(1) IN GENERAL.—Diversion or use of water off Pueblo lands pursuant to Pueblo water rights or Pueblo contract rights to San Juan-Chama Project water shall be subject to and not inconsistent with the same requirements and conditions of State law, any applicable Federal law, and any applicable interstate compact as apply to the exercise of water rights or contract rights to San Juan-Chama Project water held by non-Federal, non-Indian entities, including all applicable State Engineer permitting and reporting requirements.

(2) EFFECT ON WATER RIGHTS.—Such diversion or use off Pueblo lands under paragraph (1) shall not impair water rights or increase surface water depletions within the Taos Valley.

(d) MAXIMUM TERM.—

(1) IN GENERAL.—The maximum term of any water use lease or subcontract, including all renewals, shall not exceed 99 years in duration.

(2) ALIENATION OF RIGHTS.—The Pueblo shall not permanently alienate any rights it has under the Settlement Agreement, the Partial Final Decree, and this Act.

(e) APPROVAL OF SECRETARY.—The Secretary shall approve or disapprove any lease or subcontract submitted by the Pueblo for approval not later than—

(1) 180 days after submission; or

(2) 60 days after compliance, if required, with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), or any other requirement of Federal law, whichever is later, provided that no Secretarial approval shall be required for any water use lease or subcontract with a term of less than 7 years.

(f) NO FORFEITURE OR ABANDONMENT.—The nonuse by a lessee or subcontractor of the Pueblo of any right to which the Pueblo is entitled under the Partial Final Decree shall in no event result in a forfeiture, abandonment, relinquishment, or other loss of all or any part of those rights.

(g) NO PREEMPTION.—

(1) IN GENERAL.—The approval authority of the Secretary provided under subsection (e) shall not amend, construe, supersede, or preempt any State or Federal law, interstate compact, or international treaty that pertains to the Colorado River, the Rio Grande, or any of their tributaries, including the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quantity of those waters.

(2) APPLICABLE LAW.—The provisions of section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any water made available under the Settlement Agreement.

(h) NO PREJUDICE.—Nothing in this Act shall be construed to establish, address, prejudice, or prevent any party from litigating whether or to what extent any applicable State law, Federal law, or interstate compact does or does not permit, govern, or apply to the use of the Pueblo's water outside of New Mexico.

SEC. 8. MUTUAL-BENEFIT PROJECTS.

(a) IN GENERAL.—Upon the Enforcement Date, the Secretary, acting through the Commissioner of Reclamation, shall provide financial assistance in the form of grants on a nonreimbursable basis to Eligible Non-Pueblo Entities to plan, permit, design, engineer, and construct the Mutual-Benefit Projects in accordance with the Settlement Agreement—

(1) to minimize adverse impacts on the Pueblo's water resources by moving future non-Indian ground water pumping away from the Pueblo's Buffalo Pasture; and

(2) to implement the resolution of a dispute over the allocation of certain surface water flows between the Pueblo and non-Indian irrigation water right owners in the community of Arroyo Seco Arriba.

(b) COST-SHARING.—

(1) FEDERAL SHARE.—The Federal share of the total cost of planning, designing, and constructing the Mutual-Benefit Projects authorized in subsection (a) shall be 75 percent and shall be nonreimbursable.

(2) NON-FEDERAL SHARE.—The non-Federal share of the total cost of planning, designing, and constructing the Mutual-Benefit Projects shall be 25 percent and may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to completing the Mutual-Benefit Projects.

SEC. 9. SAN JUAN-CHAMA PROJECT CONTRACTS.

(a) IN GENERAL.—Contracts issued under this section shall be in accordance with this Act and the Settlement Agreement.

(b) CONTRACTS FOR SAN JUAN-CHAMA PROJECT WATER.—

(1) IN GENERAL.—The Secretary shall enter into 3 repayment contracts by December 31, 2009, for the delivery of San Juan-Chama Project water in the following amounts:

(A) 2,215 acre-feet/annum to the Pueblo.

(B) 366 acre-feet/annum to the Town of Taos.

(C) 40 acre-feet/annum to EPWSD.

(2) REQUIREMENTS.—Each such contract shall provide that if the conditions precedent set forth in section 10(f)(2) have not been fulfilled by December 31, 2015, the contract shall expire on that date.

(3) APPLICABLE LAW.—Public Law 87–483 (76 Stat. 97) applies to the contracts entered into under paragraph (1) and no preference shall be applied as a result of section 4(a) with regard to the delivery or distribution of San Juan-Chama Project water or the management or operation of the San Juan-Chama Project.

(c) WAIVER.—With respect to the contract authorized and required by subsection (b)(1)(A) and notwithstanding the provisions of Public Law 87–483 (76 Stat. 96) or any other provision of law—

(1) the Secretary shall waive the entirety of the Pueblo's share of the construction costs, both principal and the interest, for the San Juan-Chama Project and pursuant to that waiver, the Pueblo's share of all construction costs for the San Juan-Chama Project, inclusive of both principal and interest shall be nonreimbursable; and

(2) the Secretary's waiver of the Pueblo's share of the construction costs for the San Juan-Chama Project will not result in an increase in the pro rata shares of other San

Juan-Chama Project water contractors, but such costs shall be absorbed by the United States Treasury or otherwise appropriated to the Department of the Interior.

SEC. 10. AUTHORIZATIONS, RATIFICATIONS, CONFIRMATIONS, AND CONDITIONS PRECEDENT.

(a) RATIFICATION.—

(1) IN GENERAL.—Except to the extent that any provision of the Settlement Agreement conflicts with any provision of this Act, the Settlement Agreement is authorized, ratified, and confirmed.

(2) AMENDMENTS.—To the extent amendments are executed to make the Settlement Agreement consistent with this Act, such amendments are also authorized, ratified, and confirmed.

(b) EXECUTION OF SETTLEMENT AGREEMENT.—To the extent that the Settlement Agreement does not conflict with this Act, the Secretary shall execute the Settlement Agreement, including all exhibits to the Settlement Agreement requiring the signature of the Secretary and any amendments necessary to make the Settlement Agreement consistent with this Act, after the Pueblo has executed the Settlement Agreement and any such amendments.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) TAOS PUEBLO INFRASTRUCTURE AND WATERSHED FUND.—There is authorized to be appropriated to the Secretary to provide grants pursuant to section 5, $30,000,000, as adjusted under paragraph (4), for the period of fiscal years 2010 through 2016.

(2) TAOS PUEBLO WATER DEVELOPMENT FUND.—There is authorized to be appropriated to the Taos Pueblo Water Development Fund, established at section 6(a), $58,000,000, as adjusted under paragraph (4), for the period of fiscal years 2010 through 2016.

(3) MUTUAL-BENEFIT PROJECTS FUNDING.—There is further authorized to be appropriated to the Secretary to provide grants pursuant to section 8, a total of $33,000,000, as adjusted under paragraph (4), for the period of fiscal years 2010 through 2016.

(4) ADJUSTMENTS TO AMOUNTS AUTHORIZED.—The amounts authorized to be appropriated under paragraphs (1) through (3) shall be adjusted by such amounts as may be required by reason of changes since April 1, 2007, in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(5) DEPOSIT IN FUND.—Except for the funds to be provided to the Pueblo pursuant to section 5(d), the Secretary shall deposit the funds made available pursuant to paragraphs (1) and (3) into a Taos Settlement Fund to be established within the Treasury of the United States so that such funds may be made available to the Pueblo and the Eligible Non-Pueblo Entities upon the Enforcement Date as set forth in sections 5(b) and 8(a).

(d) AUTHORITY OF THE SECRETARY.—The Secretary is authorized to enter into such agreements and to take such measures as the Secretary may deem necessary or appropriate to fulfill the intent of the Settlement Agreement and this Act.

(e) ENVIRONMENTAL COMPLIANCE.—

(1) EFFECT OF EXECUTION OF SETTLEMENT AGREEMENT.—The Secretary's execution of the Settlement Agreement shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this Act, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(f) CONDITIONS PRECEDENT AND SECRETARIAL FINDING.—

(1) IN GENERAL.—Upon the fulfillment of the conditions precedent described in paragraph (2), the Secretary shall publish in the Federal Register a statement of finding that the conditions have been fulfilled.

(2) CONDITIONS.—The conditions precedent referred to in paragraph (1) are the following:

(A) The President has signed into law the Taos Pueblo Indian Water Rights Settlement Act.

(B) To the extent that the Settlement Agreement conflicts with this Act, the Settlement Agreement has been revised to conform with this Act.

(C) The Settlement Agreement, so revised, including waivers and releases pursuant to section 11, has been executed by the Parties and the Secretary prior to the Parties' motion for entry of the Partial Final Decree.

(D) Congress has fully appropriated or the Secretary has provided from other authorized sources all funds authorized by paragraphs (1) through (3) of subsection (c) so that the entire amounts so authorized have been previously provided to the Pueblo pursuant to sections 5 and 6, or placed in the Taos Pueblo Water Development Fund or the Taos Settlement Fund as directed in subsection (c).

(E) The Legislature of the State of New Mexico has fully appropriated the funds for the State contributions as specified in the Settlement Agreement, and those funds have been deposited in appropriate accounts.

(F) The State of New Mexico has enacted legislation that amends NMSA 1978, section 72–6–3 to state that a water use due under a water right secured to the Pueblo under the Settlement Agreement or the Partial Final Decree may be leased for a term, including all renewals, not to exceed 99 years, provided that this condition shall not be construed to require that said amendment state that any State law based water rights acquired by the Pueblo or by the United States on behalf of the Pueblo may be leased for said term.

(G) A Partial Final Decree that sets forth the water rights and contract rights to water to which the Pueblo is entitled under the Settlement Agreement and this Act and that substantially conforms to the Settlement Agreement and Attachment 5 thereto has been approved by the Court and has become final and nonappealable.

(g) ENFORCEMENT DATE.—The Settlement Agreement shall become enforceable, and the waivers and releases executed pursuant to section 11 and the limited waiver of sovereign immunity set forth in section 12(a) shall become effective, as of the date that the Secretary publishes the notice required by subsection (f)(1).

(h) EXPIRATION DATE.—

(1) IN GENERAL.—If all of the conditions precedent described in section (f)(2) have not been fulfilled by December 31, 2016, the Settlement Agreement shall be null and void, the waivers and releases executed pursuant to section 11 and the sovereign immunity waivers in section 12(a) shall not become effective, and any unexpended Federal funds, together with any income earned thereon, and title to any property acquired or constructed with expended Federal funds, shall be returned to the Federal Government, unless otherwise agreed to by the Parties in writing and approved by Congress.

(2) EXCEPTION.—Notwithstanding subsection (h)(1) or any other provision of law, any unexpended Federal funds, together with any income earned thereon, made available under sections 5(d) and 6(f) and title to any property acquired or constructed with expended Federal funds made available under sections 5(d) and 6(f) shall be retained by the Pueblo.

(3) RIGHT TO SET-OFF.—In the event the conditions precedent set forth in subsection (f)(2) have not been fulfilled by December 31, 2016, the United States shall be entitled to set off any funds expended or withdrawn from the amount appropriated pursuant to paragraphs (1) and (2) of subsection (c) or made available from other authorized sources, together with any interest accrued, against any claims asserted by the Pueblo against the United States relating to water rights in the Taos Valley.

SEC. 11. WAIVERS AND RELEASES.

(a) CLAIMS BY THE PUEBLO AND THE UNITED STATES.—In return for recognition of the Pueblo's water rights and other benefits, including but not limited to the commitments by non-Pueblo parties, as set forth in the Settlement Agreement and this Act, the Pueblo, on behalf of itself and its members, and the United States acting in its capacity as trustee for the Pueblo are authorized to execute a waiver and release of claims against the parties to New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896–BB (U.S.6 D.N.M.) and 7939–BB (U.S. D.N.M.) (consolidated) from—

(1) all claims for water rights in the Taos Valley that the Pueblo, or the United States acting in its capacity as trustee for the Pueblo, asserted, or could have asserted, in any proceeding, including but not limited to in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896–BB (U.S.6 D.N.M.) and 7939–BB (U.S. D.N.M.) (consolidated), up to and including the Enforcement Date, except to the extent that such rights are recognized in the Settlement Agreement or this Act;

(2) all claims for water rights, whether for consumptive or nonconsumptive use, in the Rio Grande mainstream or its tributaries that the Pueblo, or the United States acting in its capacity as trustee for the Pueblo, asserted or could assert in any water rights adjudication proceedings except those claims based on Pueblo or United States ownership of lands or water rights acquired after the Enforcement Date, provided that nothing in this paragraph shall prevent the Pueblo or the United States from fully participating in the inter se phase of any such water rights adjudication proceedings;

(3) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking) in the Rio Grande mainstream or its tributaries or for lands within the Taos Valley that accrued at any time up to and including the Enforcement Date; and

(4) all claims against the State of New Mexico, its agencies, or employees relating to the negotiation or the adoption of the Settlement Agreement.

(b) CLAIMS BY THE PUEBLO AGAINST THE UNITED STATES.—The Pueblo, on behalf of itself and its members, is authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees relating to claims for water rights in or water of the Taos Valley that the United States acting in its capacity as trustee for the Pueblo asserted, or could have asserted, in any proceeding, including but not limited to in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896–BB (U.S.6 D.N.M.) and 7939–BB (U.S. D.N.M.) (consolidated);

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of

water or water rights (including but not limited to damages, losses or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion or taking of water or water rights, or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) in the Rio Grande mainstream or its tributaries or within the Taos Valley that first accrued at any time up to and including the Enforcement Date;

(3) all claims against the United States, its agencies, or employees for an accounting of funds appropriated by the Act of March 4, 1929 (45 Stat. 1562), the Act of March 4, 1931 (46 Stat. 1552), the Act of June 22, 1936 (49 Stat. 1757), the Act of August 9, 1937 (50 Stat. 564), and the Act of May 9, 1938 (52 Stat. 291) as authorized by the Pueblo Lands Act of June 7, 1924 (43 Stat. 636) and the Pueblo Lands Act of May 31, 1933 (48 Stat. 108) and for breach of trust relating to funds for water replacement appropriated by said Acts that first accrued before the date of enactment of this Act;

(4) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Pueblo's water rights in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896–BB (U.S.6 D.N.M.) and 7939–BB (U.S. D.N.M.) (consolidated); and

(5) all claims against the United States, its agencies, or employees relating to the negotiation, Execution or the adoption of the Settlement Agreement, exhibits thereto, the Final Decree, or this Act.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this Act, the Pueblo on behalf of itself and its members and the United States acting in its capacity as trustee for the Pueblo retain—

(1) all claims for enforcement of the Settlement Agreement, the Final Decree, including the Partial Final Decree, the San Juan-Chama Project contract between the Pueblo and the United States, or this Act;

(2) all claims against persons other than the Parties to the Settlement Agreement for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water rights (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within the Taos Valley arising out of activities occurring outside the Taos Valley or the Taos Valley Stream System;

(3) all rights to use and protect water rights acquired after the date of enactment of this Act;

(4) all rights to use and protect water rights acquired pursuant to State law, to the extent not inconsistent with the Partial Final Decree and the Settlement Agreement (including water rights for the land the Pueblo owns in Questa, New Mexico);

(5) all claims relating to activities affecting the quality of water including but not limited to any claims the Pueblo might have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including but not limited to claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those Acts;

(6) all claims relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights (including but not limited to hunting, fishing, gathering, or cultural rights); and

(7) all rights, remedies, privileges, immunities, powers, and claims not specifically waived and released pursuant to this Act and the Settlement Agreement.

(d) EFFECT OF SECTION.—Nothing in the Settlement Agreement or this Act—

(1) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including but not limited to any laws relating to health, safety, or the environment, including but not limited to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing such Acts;

(2) affects the ability of the United States to take actions acting in its capacity as trustee for any other Indian Tribe or allottee;

(3) confers jurisdiction on any State court to—

(A) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of Federal agency action; or

(4) waives any claim of a member of the Pueblo in an individual capacity that does not derive from a right of the Pueblo.

(e) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) December 31, 2016; or

(B) the Enforcement Date.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) LIMITATION.—Nothing in this subsection precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

SEC. 12. INTERPRETATION AND ENFORCEMENT.

(a) LIMITED WAIVER OF SOVEREIGN IMMUNITY.—Upon and after the Enforcement Date, if any Party to the Settlement Agreement brings an action in any court of competent jurisdiction over the subject matter relating only and directly to the interpretation or enforcement of the Settlement Agreement or this Act, and names the United States or the Pueblo as a party, then the United States, the Pueblo, or both may be added as a party to any such action, and any claim by the United States or the Pueblo to sovereign immunity from the action is waived, but only for the limited and sole purpose of such interpretation or enforcement, and no waiver of sovereign immunity is made for any action against the United States or the Pueblo that seeks money damages.

(b) SUBJECT MATTER JURISDICTION NOT AFFECTED.—Nothing in this Act shall be deemed as conferring, restricting, enlarging, or determining the subject matter jurisdiction of any court, including the jurisdiction of the court that enters the Partial Final Decree adjudicating the Pueblo's water rights.

(c) REGULATORY AUTHORITY NOT AFFECTED.—Nothing in this Act shall be deemed to determine or limit any authority of the State or the Pueblo to regulate or administer waters or water rights now or in the future.

SEC. 13. DISCLAIMER.

Nothing in the Settlement Agreement or this Act shall be construed in any way to quantify or otherwise adversely affect the land and water rights, claims, or entitlements to water of any other Indian tribe.

Mr. UDALL of New Mexico. Mr. President, today I join Senator BINGAMAN in introducing a bill to complete the Abeyta water settlement in northern New Mexico. Introduction of this bill represents a major milestone in the resolution of Taos Pueblo's water rights claims in the Rio Pueblo de Taos. Years of work and negotiation have gone into the settlement, and I am pleased that the tribes, village, city, county, acequias, and community groups involved were able to come to an agreement that is mutually beneficial to all the users of this tributary to the Rio Grande.

New Mexico is a State rich with tradition and culture, where the water resources are scarce and precious. As is common in most of the arid West, this vital but limited commodity can foster conflict between communities and individuals, and in a State where the history is long and complex, disputes over water are uniquely complicated. But, despite the complications surrounding water tenure, New Mexicans are united in a common respect for this resource. From the pueblos and tribes of New Mexico, to the historic acequias and growing communities, water is fundamental to both survival and cultural traditions, and is respected as such. The Abeyta settlement is an example of communities and the tribe coming together to resolve their differences and find a way to ensure that everyone has access to this precious and respected resource.

The Abeyta settlement establishes the water claims of the Pueblo of Taos, the Taos Valley Acequia Association, the Village of El Prado, and the Town of Taos. These communities depend heavily on agriculture and irrigation for both traditional practices and subsistence. The settlement ensures water for both agricultural and domestic use, and facilitates the rehabilitation of irrigation infrastructure. Additionally, the settlement helps to protect the quality of water in the watershed by protecting and recharging the wetlands areas of the Taos Pueblo's buffalo pasture. After years of negotiation, the parties involved in this important settlement have come to an agreement based on respect for cultural practices and a commitment to live as good neighbors sharing a common resource. I invite my colleagues to take note of the unprecedented level of cooperation, negotiation, and mutual support manifest in this settlement.

It has been said that the wars of the future will be fought over access to water. In New Mexico, we are setting a different precedent—a precedent of respect and compromise. One that will help us move into the future with well-established partnerships and a commitment to conserve and manage this vital resource to the benefit of all. I am honored to join Senator BINGAMAN today in introducing this legislation that will bring the Pueblo of Taos and the surrounding community one step closer to establishing a secure water future.

By Mr. REID (for Mr. ROCKEFELLER (for himself and Mr. WHITEHOUSE)):

S. 966. A bill to improve the Federal infrastructure for health care quality improvement in the United States; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today with my colleague, Senator WHITEHOUSE of Rhode Island, to introduce the National Health Care Quality Act, legislation that makes health care quality a national priority. We have before us an overwhelming opportunity to make sweeping changes to our health care system. The dramatic change we need to improve America's health care delivery system requires a solid coordinated infrastructure to guide quality improvement; however this infrastructure does not exist today. The lack of a coordinated effort to improve health care quality has hindered our nation's ability to improve patient health outcomes and reduce inefficiencies in our health care system. In order to achieve our goals for true delivery system reform, health care quality must be elevated as a national priority.

As the cost of health care in America continues to increase, the quality of care Americans receive continues to decrease. The average cost of health insurance premiums has doubled in the last nine years, from $5791 in 1999 to $12,680 in 2008. However, less than half of adults receive recommended care. More is spent per person on health care in the United States than in any other nation in the world, and yet America has some of the worst health outcomes. Wide-spread inefficiencies plague our health care system. The Congressional Budget Office, CBO, estimates that 30 percent of annual health care spending, or as much as $700 billion, could be eliminated with little to no impact on the system. Additionally, the Commonwealth Fund estimates that more than 100,000 American lives could be saved annually by improving health care quality to the level of performance achieved in other nations.

Several entities contribute to health care quality improvement in the U.S., including numerous federal departments, several key Federal agencies within those departments, and additional private-sector partners. While there has been some progress to coordinate efforts among these entities and create a framework for navigating quality improvement efforts, there is no defined structure in place to guide the process of quality improvement, prioritize limited resources, and provide oversight to ensure these efforts reflect the best interests of all patients. Therefore, legislation is needed to modernize our health care structure to create better coordination of quality efforts, and make certain the decisions about reimbursement and coverage will allow the government to effectively deliver care that is of the highest quality.

The National Health Care Quality Act would create a sensible infrastructure for health care quality improvement by creating an accountable entity—a new Office of National Health Care Quality Improvement within the Executive Office of the President—to set health care quality priorities for the nation. This office will be led by a new Director of National Health Care Quality, who will work with public and private stakeholders to establish and routinely update health care quality priorities for the nation based on a number of mandatory considerations, including the needs of children and the void in pediatric quality measures.

This legislation also puts forth a construct to coordinate health care quality improvement efforts across all federal agencies involved in purchasing, providing, studying, or regulating health care services. The bill statutorily re-establishes the Quality Interagency Coordinating Council, QuICC, first created during the Clinton administration, within the Office of National Health Care Quality Improvement. The purpose of the Quality Interagency Coordinating Council is to coordinate health care quality improvement efforts across all relevant Federal departments and agencies involved in health care services. It also provides a framework for the development and implementation of Department- and agency-specific quality improvement strategies.

Lastly, the legislation enhances health care quality improvement efforts within the Department of Health and Human Services, HHS, by expanding the authority of the Agency for Healthcare Research and Quality and elevating the role of the Director of AHRQ to a Senate-appointed position. By building on and improving the public-private process for health care quality measure development, AHRQ can also help to streamline the implementation of quality improvement measures within federal health programs under the jurisdiction of HHS. AHRQ will establish a standardized method for reporting quality measures and data to all federal health programs. Lastly, AHRQ would be required to develop and launch a public education campaign, aimed at both providers and consumers of health care, about health care quality improvement.

It is my belief that the multi-pronged approach provided in the National Health Care Quality Act will lead to vast improvements in the coordination of quality efforts and, most importantly, patient health outcomes. Given the current problems in the health care system, Congress has a responsibility to the American people to guarantee individuals have access to high quality, safe and effective care, and I urge my colleagues to join us in support of this important bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 966

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 ''National Health Care Quality Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) HEALTH CARE QUALITY.—The term ''health care quality'' means the degree to which health services for individuals and populations increase the likelihood of desired health outcomes and are consistent with current professional knowledge, based upon the following criteria:

(A) EFFECTIVENESS.—Health care services should be provided based upon scientific knowledge of all who could benefit.

(B) EFFICIENCY.—Waste, including waste of equipment, supplies, ideas, and energies, should be avoided.

(C) EQUITY.—The provision of health care should not vary in quality because of personal characteristics of the individuals involved.

(D) PATIENT-CENTEREDNESS.—Health care should be responsive to, and respectful of, individual patient preferences.

(E) SAFETY.—Injuries to patients from the health care that is supposed to help them should be avoided.

(F) TIMELINESS.—Waiting times and harmful delays in providing health care should be reduced.

(2) HEALTH CARE QUALITY MEASURE.—The term ''health care quality measure'' means a national consensus standard for measuring the performance and improvement of population health or of institutional providers of services, physicians, and other clinicians in the delivery of health care services, consistent with the health care quality criteria described in paragraph (1).

(3) MULTI-STAKEHOLDER GROUP.—The term ''multi-stakeholder group'' means, with respect to a health care quality measure, a voluntary collaborative of public and private organizations representing persons interested in, or affected by, the use of such health care quality measure, including—

(A) health care providers and practitioners, including providers and practitioners primarily serving children and those with long-term health care needs;

(B) health care quality entities;

(C) health plans;

(D) patient advocates and consumer groups;

(E) employers;

(F) public and private purchasers of health care items and services;

(G) labor organizations;

(H) relevant departments or agencies of the United States;

(I) biopharmaceutical companies and manufacturers of medical devices; and

(J) licensing, credentialing, and accrediting bodies.

SEC. 3. DEPARTMENT AND AGENCY QUALITY REVIEW.

Each relevant department and agency of the Federal Government shall review the statutory authority of such department or agency, effective on the date of enactment of this Act, administrative regulations, and policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act. Each department and agency shall, not later than July 1, 2010, propose to the President such measures as may be necessary to bring the authority and policies and procedures of such department or agency into conformity with the intent, purposes, and provisions set forth in this Act.

SEC. 4. NATIONAL HEALTH CARE QUALITY PRIORITIES.

(a) ESTABLISHMENT OF THE OFFICE OF NATIONAL HEALTH CARE QUALITY IMPROVEMENT.—There is established within the Executive Office of the President an Office of National Health Care Quality Improvement (''NHCQI'') (referred to in this section as the ''Office''). The Office shall be headed by a Director of National Health Care Quality (referred to in this section as the ''Director'') who shall be appointed by the President and shall report directly to the President.

(b) DIRECTOR.—

(1) RESPONSIBILITIES.—The Director shall perform the duties of the Office, described in paragraph (3), in a manner consistent with the development of a nationwide health care quality infrastructure that—

(A) coordinates and implements health care quality research, measurement, and data collection and reporting across all Federal agencies involved in purchasing, providing, studying, or regulating health care services;

(B) incorporates proven public and private quality improvement best practices;

(C) includes public and private quality improvement strategies to address activities other than health care quality measurement, such as provider payment models, alternative care models, licensing, professional certification, medical education, alternative staffing models, and public reporting; and

(D) leads to improved health care outcomes for patients across the United States.

(2) QUALIFICATIONS.—The President shall, by and with the advice and consent of the Senate, appoint a Director. The President shall select an individual who has—

(A) national recognition for expertise in health care quality improvement;

(B) experience addressing health care quality improvement in more than one health care setting, such as inpatient care, outpatient care, long-term care, public programs, and private programs; and

(C) experience addressing health care quality as it applies to vulnerable populations, including children, underserved populations, rural populations, individuals with disabilities, the elderly, and racial and ethnic minorities.

(3) DUTIES OF THE DIRECTOR.—The Director shall—

(A) advise the President on the quality of health care in the United States, including priorities and goals for the future;

(B) in coordination with public and private stakeholders, determine national priorities for improving health care quality, in accordance with subsection (c);

(C) establish annual benchmarks for each relevant Federal department and agency to achieve national priorities for health care quality improvement;

(D) develop an annual report card on the state of the Nation's health as it relates to health care quality;

(E) in coordination with the heads of other relevant agencies and as part of the annual budget request of Congress, submit funding requirements, in accordance with subsection (d);

(F) serve as the chairperson of the Quality Interagency Coordinating Council (QuICC), established under section 4; and

(G) in consultation with the National Coordinator of Health Information Technology, develop an open source framework for Federal quality communication to create and maintain a standardized, electronic language or interface that enables all relevant Federal entities to communicate information or make requests regarding quality research, definitions, activities, or regulations, or to provide any other functionality, as the Director determines.

(c) NATIONAL PRIORITIES FOR HEALTH CARE QUALITY IMPROVEMENT.—

(1) IN GENERAL.—Not later than January 1, 2010 and at least every 5 years thereafter, the Director, in coordination with public and private stakeholders, shall establish national priorities for health care quality improvement.

(2) DEVELOPMENT OF PRIORITIES.—In establishing the national priorities for health care quality improvement under paragraph (1), the Director shall consider—

(A) health care outcomes in the United States in comparison to health outcomes in other World Health Organization member countries;

(B) the burden of disease, including the prevalence, incidence, and cost of disease to the United States;

(C) demographics;

(D) variability in practice norms;

(E) potential to eliminate harm to patients;

(F) improvements with the potential for the greatest impact on morbidity, mortality, performance, and a focus on the patient;

(G) quality measures that may be coordinated across different health care settings, including impatient and outpatient measures, primary care, and specialty care;

(H) the specific quality improvement needs and challenges of rural areas; and

(I) the unique quality improvement needs disparities and challenges of vulnerable populations, including children, the elderly, individuals with disabilities, individuals near the end of life, and racial and ethnic minorities.

(3) INITIAL PRIORITIES.—The first set of national priorities established under this subsection shall include as a priority pediatric health care quality improvement, for children up to age 21.

(4) COLLABORATION WITH MULTI-STAKEHOLDER GROUPS.—

(A) IN GENERAL.—The Director shall convene and collaborate with multi-stakeholder groups in establishing and updating the national priorities under paragraph (1).

(B) TRANSPARENCY.—All collaboration between the Director and multi-stakeholder groups shall be conducted through an open and transparent process.

(C) STATUTORY CONSTRUCTION.—Notwithstanding any other provision in this paragraph, the Director shall have the final authority to decide whether to accept the recommendations provided by such multi-stakeholder groups.

(5) AGENCY- AND DEPARTMENT-SPECIFIC STRATEGIC PLANS.—Not later than October 1, 2010 and annually thereafter, the Director, in consultation with the heads of relevant Federal agencies and departments, shall develop agency- and department-specific strategic plans for health care quality improvement to achieve national priorities, including annual benchmarks.

(d) ANNUAL BUDGET REQUEST FOR RESOURCES.—As part of the annual budget request made by the President to Congress, beginning with such budget request made in calendar year 2011, the Director, in consultation with the heads of relevant Federal departments and agencies, shall include—

(1) a description of the agency- and department-specific strategic plans for health care quality improvement; and

(2) the level of Federal funding required for implementing or maintaining the quality improvement strategic plans described under paragraph (1).

(e) MONITORING.—

(1) IN GENERAL.—The Director shall institute mechanisms for monitoring the progress on achieving national health care quality priorities under subsection (c)(1) as well as department- and agency-specific strategic plans under subsection (c)(5), including objectives, metrics, and benchmarks for the following:

(A) The benefits and drawbacks of specific quality improvement efforts for public programs and for the health care system at large.

(B) Coordination and communication of efforts to achieve interagency goals, including information exchange.

(C) Interagency coordination progress for national quality efforts.

(D) Methods for ensuring awareness and recognition among health care providers and the public at large of the significance of health care quality improvement.

(2) REPORTING.—

(A) REPORTING.—Not later than December 31, 2011, and by the end of each calendar year thereafter, the Director shall submit to the President and to Congress a report regarding the progress of Federal agencies in achieving the quality improvement priorities under paragraphs (1) and (5) of subsection (c), and shall make such report publicly available through the Internet.

(B) ANNUAL NATIONAL HEALTH CARE QUALITY REPORT CARD.—Not later than January 31, 2011, and annually thereafter, the Director shall publish a national health care quality report card, which shall include—

(i) the considerations for national health care quality priorities described in subsection (c)(2);

(ii) an analysis of the progress of the department- and agency-specific strategic plans under subsection (c)(5) in achieving the national health care quality priorities established under subsection (c)(1), and any gaps in such strategic plans;

(iii) the extent to which private sector strategies have informed Federal quality improvement efforts; and

(iv) a summary of consumer feedback regarding how well current quality improvement practices work for such consumers and additional ways to improve health care quality.

(f) WEBSITE.—Not later than July 1, 2010, the Director shall create a website to make public information regarding—

(1) the national priorities for health care quality improvement established under subsection (c)(1);

(2) the department- and agency-specific strategic plans for health care quality described in subsection (c)(5);

(3) the annual national health care quality report card described in subsection (e)(2)(B);

(4) ongoing health care quality research efforts;

(5) new and innovative health care quality improvement practices in the public and private sectors;

(6) a consumer feedback mechanism; and

(7) other information, as the Director determines to be appropriate.

(g) STAFF; EXPERTS AND CONSULTANTS; VOLUNTARY AND UNCOMPENSATED SERVICE.—

(1) STAFF.—The Director may employ such officers and employees as may be necessary to enable the Office to carry out its functions under this Act, and may employ and fix the compensation of such officers and employees as may be necessary to carry out its functions under this Act.

(2) EXPERTS AND CONSULTANTS.—The Director may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (without regard to the last sentence).

(3) VOLUNTARY AND UNCOMPENSATED SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the Office may accept and use voluntary and uncompensated services, as the Director determines necessary.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this section $50,000,000 for fiscal years 2010 through 2014.

SEC. 5. NATIONAL HEALTH CARE QUALITY COORDINATION.

(a) ESTABLISHMENT.—As of the date of enactment of this Act, there is established within the Office of National Health Care Quality Improvement, the Quality Interagency Coordinating Council (referred to in this section as the ''QuICC'').

(b) PURPOSE.—The purpose of the QuICC is to coordinate health care quality improvement efforts across all Federal agencies involved in purchasing, providing, studying, or regulating health care services in order to achieve the common goal of improving patient health outcomes.

(c) ORGANIZATION OF THE QUICC.—

(1) CO-CHAIRPERSONS.—The Director of National Health Care Quality (referred to in this section as the ''Director'') and the Secretary of Health and Human Services shall serve as co-chairpersons of the QuICC, and the Director shall manage day-to-day operations of the QuICC.

(2) FEDERAL MEMBERS.—The Federal members of the QuICC, each of whom shall have equal standing in the QuICC, shall include—

(A) the Administrator of the Centers for Medicare & Medicaid Services;

(B) the Director of the National Institutes of Health;

(C) the Director of the Centers for Disease Control and Prevention;

(D) the Commissioner of Food and Drugs;

(E) the Administrator of the Health Resources and Services Administration;

(F) the Director of the Agency for Healthcare Research and Quality;

(G) the Assistant Secretary of the Administration for Children and Families;

(H) the Secretary of Labor;

(I) the Secretary of Defense;

(J) the Secretary of Veterans Affairs;

(K) the Under Secretary for Health of the Veterans Health Administration;

(L) the Secretary of Commerce;

(M) the Director of the Office of Personnel Management;

(N) the Director of the Office of Management and Budget;

(O) the Commandant of the United States Coast Guard;

(P) the Director of the Federal Bureau of Prisons;

(Q) the Administrator of the National Highway Traffic Safety Administration;

(R) the Chairman of the Federal Trade Commission; and

(S) the Commissioner of the Social Security Administration.

(d) GOALS.—The goals of the QuICC shall be to achieve the following:

(1) Collaboration between Federal departments and agencies with respect to developing goals, models, and timetables that are consistent with—

(A) reducing the underlying causes of illness, injury, and disability;

(B) reducing health care errors;

(C) ensuring the appropriate use of health care services;

(D) expanding research on effectiveness of treatments;

(E) addressing over-supply and under-supply of health care resources; and

(F) increasing patient participation in their care.

(2) Collaboration between Federal departments and agencies with respect to the development and utilization of quality improvement strategies, including quality measurement, for public sector programs that are flexible enough to respond to changing health care needs, technology, and information, while being sufficiently standardized to be comparably measured.

(3) Cooperation between Federal departments and agencies in the development and dissemination of evidence-based health care information to help guide practitioners' actions in ways that will improve quality and potentially reduce costs.

(4) Cooperation between Federal departments and agencies in the development and dissemination of user-friendly information for both consumer and business purchasers that facilitates meaningful comparisons of quality performances of health care plans, facilities and practitioners.

(5) Consultation with multi-stakeholder groups, where appropriate, in order to develop interdepartmental and interagency models for quality improvement.

(6) Avoidance of inefficient duplication of ongoing health care quality improvement efforts and resources, where feasible and appropriate.

(7) Coordination and implementation by Federal departments and agencies of a streamlined process for quality reporting and compliance requirements to reduce administrative burdens on private entities who administer, oversee, or participate in the Federal health programs.

(e) WORKGROUPS.—

(1) IN GENERAL.—Not later than 30 days after the establishment of the QuICC, the Director shall establish within the QuICC workgroups for each of the national health care priorities established under section 4(c)(1).

(2) PURPOSE.—Each such workgroup shall focus on achieving the goals of the QuICC (described in subsection (d)) for one such priority and shall—

(A) coordinate the implementation of such priority across all relevant Federal agencies and departments; and

(B) identify opportunities to improve the process of implementing such health care priority.

(3) MEMBERSHIP.—

(A) LEADERSHIP.—Each workgroup shall be led by 2 relevant Federal departments or agencies, as determined by the Director.

(B) REPRESENTATION.—Each of the Federal members listed in subsection (c)(2) may appoint 1 or more representatives to each workgroup.

(4) REPORTING.—

(A) REPORT.—Not later than December 31, 2010, and annually thereafter, the co-chairpersons of the QuICC shall submit a report to the relevant committees of Congress describing—

(i) the QuICC's progress in meeting the goals described in subsection (d);

(ii) recommendations for legislation to improve the processes of health care quality coordination and prioritization; and

(iii) recommendations for new and innovative quality initiatives.

(B) PUBLICATION.—Not later than December 31, 2010, and annually thereafter, the co-chairpersons shall publish the report described in subparagraph (A) on the website of the Office of National Health Care Quality Improvement.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal years 2011 through 2014.

SEC. 6. INCREASED AUTHORITY OF THE AGENCY FOR HEALTHCARE RESEARCH AND QUALITY WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) DIRECTOR OF THE AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.—Section 901(a) of the Public Health Service Act (42 U.S.C. 299(a)) is amended by striking ''by the Secretary'' and inserting ''by the President, by and with the advice and consent of the Senate''.

(b) NATIONAL HEALTH CARE QUALITY PRIORITIES.—Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended by adding at the end the following:

''PART E—NATIONAL HEALTH CARE QUALITY PRIORITIES

''SEC. 940. DEFINITIONS.

''In this part:

''(1) HEALTH CARE QUALITY.—The term 'health care quality' means the degree to which health services for individuals and populations increase the likelihood of desired health outcomes and are consistent with current professional knowledge, based upon the following criteria:

''(A) EFFECTIVENESS.—Health care services should be provided based upon scientific knowledge of all who could benefit.

''(B) EFFICIENCY.—Waste, including waste of equipment, supplies, ideas, and energies, should be avoided.

''(C) EQUITY.—The provision of health care should not vary in quality because of personal characteristics of the individuals involved.

''(D) PATIENT-CENTEREDNESS.—Health care should be responsive to, and respectful of, individual patient preferences.

''(E) SAFETY.—Injuries to patients from the health care that is supposed to help them should be avoided.

''(F) TIMELINESS.—Waiting times and harmful delays in providing health care should be reduced.

''(2) HEALTH CARE QUALITY MEASURE.—The term 'health care quality measure' means a national consensus standard for measuring the performance and improvement of population health or of institutional providers of services, physicians, and other clinicians in the delivery of health care services, consistent with the health care quality criteria described in paragraph (1).

''(3) MULTI-STAKEHOLDER GROUP.—The term 'multi-stakeholder group' means, with respect to a health care quality measure, a voluntary collaborative of public and private organizations representing persons interested in, or affected by, the use of such health care quality measure, including—

''(A) health care providers and practitioners, including providers and practitioners primarily serving children and those with long-term health care needs;

''(B) health care quality entities;

''(C) health plans;

''(D) patient advocates and consumer groups;

''(E) employers;

''(F) public and private purchasers of health care items and services;

''(G) labor organizations;

''(H) relevant departments or agencies of the United States;

''(I) biopharmaceutical companies and manufacturers of medical devices; and

''(J) licensing, credentialing, and accrediting bodies.

''(4) the term 'health care quality measure' means a national consensus standard for measuring the performance and improvement of population health or of institutional providers of services, physicians, and other clinicians in the delivery of health care services; and

''(5) the term 'multi-stakeholder group' means, with respect to a health care quality measure, a voluntary collaborative of public and private organizations representing persons interested in, or affected by, the use of such health care quality measure, including—

''(A) hospitals and other health care settings;

''(B) physicians, including pediatricians;

''(C) health care quality alliances;

''(D) nurses and other health care practitioners;

''(E) health plans;

''(F) patient advocates and consumer groups;

''(G) employers;

''(H) public and private purchasers of health care items and services;

''(I) labor organizations;

''(J) relevant departments or agencies of the United States;

''(K) biopharmaceutical companies and manufacturers of medical devices; and

''(L) licensing, credentialing, and accrediting bodies.

''SEC. 941. RESEARCH PRIORITIES.

''The Director, in consultation with the heads of agencies within the Department of Health and Human Services shall ensure that the health care quality improvement priorities identified by the Director of the Office of National Health Care Quality Improvement, established under section 4 of the National Health Care Quality Act, are taken into consideration in all applicable research conducted under the Department of Health and Human Services, including the National Institutes of Health and the demonstration projects.

''SEC. 942. QUALITY MEASURES.

''(a) APPLICATION OF QUALITY MEASURES TO PROGRAMS UNDER THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

''(1) IN GENERAL.—The Director, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, and a consensus-based entity (as such term is used in section 1890 of the Social Security Act), shall define uniform health care quality measures, which shall apply to Federal health programs under the Department of Health and Human Services, including the following Federal programs, in order of priority:

''(A) The Medicare program under title XVIII of the Social Security Act, the rural health and pharmacy programs of the Health Resources and Services Administration, and the health programs of the Administration on Aging.

''(B) The Medicaid program under title XIX of the Social Security Act, the Children's Health Insurance program under title XXI of such Act, the health programs of the Administration for Children and Families, and the maternal and child health programs of the Health Resources and Services Administration.

''(C) The Indian Health Service.

''(D) The Substance Abuse and Mental Health Services Administration.

''(E) Programs of the Health Resources and Services Administration other than those described in subparagraph (B).

''(F) Centers of the Food and Drug Administration.

''(2) PRIORITIZATION.—The Director shall apply the health care quality measures under this section to the Federal programs in the order of priority described in paragraph (1).

''(3) CONSIDERATIONS REGARDING QUALITY MEASURE APPLICATION.—Before applying the health care quality measures described in paragraph (1), the Director shall consider—

''(A) the potential of such measures to improve patient outcomes;

''(B) the ease of integration as a factor in health care provider reimbursement;

''(C) the applicability of such measures across health care settings;

''(D) the unique quality improvement needs of vulnerable populations, including children, the elderly, individuals with disabilities, individuals near the end of life, and racial and ethnic minorities;

''(E) the burden of disease, including the prevalence, incidence, and cost of disease to the United States; and

''(F) payment distortions that encourage certain practice norms which may not lead to greater patient health outcomes.

''(4) UPDATING OF THE APPLICATION OF QUALITY MEASURES.—The Director, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, and a consensus-based entity (as such term is used in section 1890 of the Social Security Act), shall develop a process for updating the health care quality measures defined under paragraph (1) as new research and evidence become available.

''(b) QUALITY MEASURE REPORTING TO FEDERAL HEALTH PROGRAMS.—The Director, in cooperation with the Administrator of the Centers for Medicare & Medicaid Services, the National Coordinator for Health Information Technology, the Administrator of the Health Resources and Services Administration, the Director of the Centers for Disease Control and Prevention, and the Commissioner of Food and Drugs, shall create a streamlined process for health care providers to report quality measures to the heads of relevant agencies and departments for the purpose of quality improvement in the Federal health programs described in subsection (a)(1).

''(c) DEVELOPMENT OF ADDITIONAL QUALITY IMPROVEMENT STRATEGIES.—The Director, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, and multi-stakeholder groups, shall develop quality improvement strategies to address activities other than health care quality measurement that lead to improved patient outcomes, such as alternative care models, licensing, professional certification, medical education, alternative staffing models, and public reporting.

''SEC. 943. PUBLIC EDUCATION CAMPAIGNS.

''(a) IN GENERAL.—The Director shall conduct a public education campaign, designed to educate health care providers and consumers of health care about health care quality improvement.

''(b) CONSUMER EDUCATION CAMPAIGNS.—

''(1) IN GENERAL.—The Director, in coordination with the Administrator of the Centers for Medicare & Medicaid Services and the Director of the Centers for Disease Control and Prevention, shall create a consumer education campaign to develop accurate and reliable information about health care quality. In compiling the information for the consumer education campaign, the Secretary may use mechanisms and sources of information that are available through other Federal agencies.

''(2) REQUIREMENTS.—The consumer education campaign shall include information regarding—

''(A) the importance of quality in health care decisions;

''(B) the ways in which health care experts define and identify quality in health care;

''(C) the variance of quality among health insurance plans, health care facilities, health care organizations, and health care providers; and

''(D) the role of consumers in improving the quality of health care.

''(3) PUBLICATION.—The Director shall make the information described in paragraph (1) available to the public through the Internet.

''(4) GRANT PROGRAM.—The Director shall award grants to States and private nonprofit organizations to assist with the creation and dissemination of the information described in paragraph (1).

''(c) QUALITY RESOURCE CENTER FOR HEALTH CARE PROVIDERS.—

''(1) IN GENERAL.—The Director, in coordination with the Administrator of the Centers for Medicare & Medicaid Services, shall create a National Quality Resource Center (referred to in this subsection as the 'NQRC')for health care providers to assist with the understanding and implementation of quality improvement initiatives for health care providers.

''(2) DUTIES.—The national resource center developed under paragraph (1) shall—

''(A) inform providers about quality improvement techniques and the value of such techniques to improving quality;

''(B) accelerate the transfer of lessons learned from other initiatives in the public and private sectors, including those initiatives receiving Federal financial support;

''(C) provide a forum for exchange of knowledge and experience among health care providers;

''(D) provide technical assistance to health care providers for implementing quality improvement efforts; and

''(E) provide a forum for feedback from health care providers concerning the effect of the efforts under subparagraphs (A) through (D).

''(3) NATIONAL QUALITY SUPPORT EXTENSION GRANT PROGRAM.—

''(A) IN GENERAL.—The Director, in coordination with the NQRC, shall award National Quality Support Extension grants (referred to in this paragraph as 'NQSE grants' or the 'NQSE grant program'), on a competitive basis, to eligible entities for the purpose of supporting and facilitating local health care quality improvement efforts throughout the United States.

''(B) PURPOSES.—The purposes of the NQSE grant program are—

''(i) to assist qualified eligible entities in carrying out projects related to health care quality improvement activities among the provider community to help test and acclimate to new, innovative quality improvement activities;

''(ii) to facilitate communication among local health care quality groups regarding the best practices in the area of quality improvement and prevention in the clinical setting; and

''(iii) to enable, empower, support, and assist local health care quality improvement efforts, particularly those that facilitate collaboration between independent providers.

''(C) ELIGIBLE ENTITIES.—An entity desiring a grant under this paragraph shall—

''(i) be a public or private nonprofit entity engaged in health care quality improvement;

''(ii) submit to the Director a program design that describes the purpose of the plan for which the entity seeks a grant and the community leadership that will support the entity in carrying out such plan; and

''(iii) submit to the Director an application at such time, in such manner, and containing such information as the Director may require.

''(4) IMPLEMENTATION ASSISTANCE.—The Health Information Technology regional extension centers under section 3012(c) shall operate as extension centers for the NQRC, for the purposes of implementation assistance.

''(5) TECHNICAL ASSISTANCE FOR HEALTH CARE PROVIDERS WORKING WITH VULNERABLE POPULATIONS.—In carrying out this subsection, the Director shall give particular attention to the technical assistance that

health care providers who serve vulnerable populations need.

"SEC. 944. FUNDING.

''(a) TRUST FUNDS.—For purposes of funding the activities under this part, the Secretary shall provide for the transfer from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t), including the Medicare Prescription Drug Account in such Trust Fund, in such proportion as determined appropriate by the Secretary, of $150,000,000 for each of fiscal years 2010 through 2014.

''(b) AMERICAN RECOVERY AND REINVESTMENT FUNDS.—At the end of the recession adjustment period (as defined in section 5001(h)(3) of the American Recovery and Reinvestment Act (Public Law 111-5; 123 Stat. 496), the Secretary of the Treasury shall transfer any funds appropriated under such Act and not otherwise expended to the Agency for purposes of carrying out this part.

''(c) MEDICAID AND MEDICARE IMPROVEMENT FUNDS.—For purposes of funding the activities under this part for fiscal year 2014, the Secretary shall provide for the transfer of $100,000,000 from the Medicaid Improvement Fund under section 1898 of the Social Security Act (42 U.S.C. 1395iii), and $100,000,000 from the Medicare Improvement Fund under section 1941 of such Act (42 U.S.C 1396w–1).''.

(c) TECHNICAL AMENDMENT.—Section 937(b) of the Public Health Service Act (42 U.S.C. 299c-6(b)) is amended by inserting ''except for part E,'' after ''this title''.

(d) DEVELOPMENT OF QUALITY MEASURES FOR FEDERAL HEALTH PROGRAMS.—

(1) PERIOD OF CONTRACT.—Section 1890(a)(3) of the Social Security Act (42 U.S.C. 1395aaa(a)(3)) is amended—

(A) by striking ''4 years'' and inserting ''4 years, in the case of the first contract entered into under such paragraph, and 3 years in the case of each subsequent contract entered into under such paragraph''; and

(B) by inserting ''for a period of 3 years'' after ''renewed''.

(2) PRIORITY SETTING PROCESS.—Section 1890(b)(1) of the Social Security Act (42 U.S.C. 1395aaa(b)(1)) is amended—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''an integrated national strategy and priorities for''; and

(ii) by inserting ''in a manner consistent with the national priorities for health care quality improvement (as defined in section 4(c)(1))'' after ''settings'';

(B) in subparagraph (A)—

(i) by redesignating clauses (i) through (iii) as clauses (ii) through (iv), respectively; and

(ii) by inserting before clause (ii), as so redesignated, the following new clause:

''(i) that are consistent with such national priorities for health care quality improvement;''.

(3) ANNUAL REPORT TO CONGRESS.—Section 1890(b)(5) of the Social Security Act (42 U.S.C. 1395aaa(b)(5)) is amended—

(A) by redesignating clauses (i) through (iii) as clauses (ii) through (iv); and

(B) by inserting before clause (ii), as so redesignated, the following new clause:

''(i) the extent to which the priorities set and the quality improvement measures endorsed by the entity under paragraphs (1) and (2), respectively, are consistent with the national priorities for health care quality improvement (as so defined);''.

(4) FUNDING.—Section 1890(d) of the Social Security Act (42 U.S.C. 1395aaa(d)) is amended by inserting ''and, for purposes of carrying out this section under a new or renewed contract, there are authorized to be appropriated such sums as are necessary, taking into consideration the results of the study contained in the 18 month report submitted to Congress under section 183(b)(2) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), for each of fiscal years 2013 through 2015'' before the period at the end.

SEC. 7. REPORTS TO CONGRESS.

(a) EVALUATION OF THE CONSUMER EDUCATION CAMPAIGN.—Not later than 18 months after the establishment of the quality resource center under section 943(c) of the Public Health Service Act (as added by section 6), the Comptroller General of the United States shall submit to Congress a report describing—

(1) the effectiveness of the quality resource center for health care providers under such section 943(c); and

(2) the effectiveness of the consumer education program under section 943(b) of such Act (as added by section 6).

(b) QUALITY DISSEMINATION STRATEGIES.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality, shall submit a report to Congress that includes—

(1) a description of the efforts made to translate clinical information regarding health care quality improvement into reasonable clinical practice;

(2) the processes through which the Secretary disseminated the information described in paragraph (1); and

(3) recommendations for the most effective methods for translating and disseminating information concerning health care quality, and required statutory changes to implement the recommended methods.

(c) IOM REPORT TO CONGRESS REGARDING THE VALUE OF QUALITY MEASURE REPORTING.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with the Director of the Institute of Medicine requiring that, not later than 18 months after the date of enactment of this Act, the Director submit to Congress a report regarding the value of quality measure reporting in improving patient health outcomes.

(2) CONSIDERATIONS.—In preparing the report described in paragraph (1), the Director of the Institutes of Medicine shall consider—

(A) specific instances in the history of existing public health care programs within the Federal Government in which quality measure reporting has been shown, through peer-reviewed studies or literature, to result in improved patient health outcomes; and

(B) instances in which quality measure reporting has been shown to improve existing health disparities among vulnerable populations, including children, underserved populations, rural populations, individuals with disabilities, the elderly, and racial and ethnic minorities.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(d) GAO STUDY AND REPORTS.—Section 183(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275; 122 Stat. 2586) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(3) by inserting after subparagraph (B) the following:

''(C) any negative effect on patients, particularly on patients in underserved or vulnerable populations; and

''(D) any negative effect on health care providers, particularly health care providers in rural and underserved areas.''.

SEC. 8. DATA COLLECTION.

(a) IN GENERAL.—Not later than January 1, 2011, and at least every 5 years thereafter, the Comptroller General of the United States (referred to in this section as the ''Comptroller General'') shall conduct evaluations of the implementation of the data collection processes for quality measures used by the Federal health programs administered through the Department of Health and Human Services.

(b) CONSIDERATIONS.—In conducting the evaluations under subsection (a), the Comptroller General shall consider—

(1) whether the system for the collection of data for quality measures provides for validation of data in a manner that is relevant, fair, and scientifically credible;

(2) whether data collection efforts under the system—

(A) use the most efficient and cost-effective means in a manner that minimizes administrative burden on persons required to collect data;

(B) adequately protects the privacy the personal health information of patients; and

(C) provides data security;

(3) whether standards under the system provide for an opportunity for health care providers and institutional providers of services to review and correct any inaccuracies with regard to the findings; and

(4) the extent to which quality measures—

(A) assess outcomes and the functional status of patients;

(B) assess the continuity and coordination of care and care transitions, including episodes of care, for patients across providers and health care settings;

(C) assess patient experience and patient engagement;

(D) assess the safety, effectiveness, and timeliness of care;

(E) assess health disparities, including disparities associated with race, ethnicity, age, gender, place of residence, or language;

(F) assess the efficiency and use of resources in the provision of care;

(G) are designed to be collected as part of health information technologies supporting better delivery of health care services; and

(H) result in direct or indirect costs to users of such measures.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for fiscal years 2010 through 2014.

By Mr. BINGAMAN:

S. 967. A bill to amend the Energy Policy and Conservation Act to create a petroleum product reserve, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to introduce The Strategic Petroleum Reserve Modernization Act of 2009. This bill will ensure that the Strategic Petroleum Reserve will continue to fulfill the goal that its creators envisioned for it in 1975, which is to protect Americans from the economic consequences of oil supply disruptions.

This bill includes two key provisions. First, it creates a refined petroleum product component within the existing SPR. The Department of Energy is required to hold at least 30 million barrels of the total 1 billion barrel SPR inventory in refined petroleum products, such as gasoline and diesel fuel.

In the 1970s, the U.S. was vulnerable to supply disruptions in crude oil, as it was a significant and growing importer of crude oil. In 1973, major oil exporting nations embargoed oil exports to the United States in retaliation for U.S. support for Israel during that year's Arab-Israeli War. The embargo and resulting oil price spikes wreaked havoc on the U.S. economy. Preventing a recurrence of this kind of geopolitical oil supply disruption was the primary goal of the SPR. Because the country then held significant surplus refinery capacity, SPR managers decided to hold only crude oil in the SPR.

In 2009, our domestic oil market has changed. While we are more dependent on imported crude oil than ever before, we also import more refined petroleum products and have considerably less spare refinery capacity. When U.S. refinery operations are disrupted, we require imported products from other countries to fill the gap.

We have also learned in the last 34 years that weather-related events are the most frequent source of oil supply disruptions. In history, the SPR has been used in connection with only on geopolitical event, during the 1990–1991 Iraqi invasion of and removal from Kuwait, while it has been used several times in response to hurricanes or other weather events, such as dense fog halting tanker traffic in the Houston Ship Channel.

These more frequent weather events are usually as disruptive, if not more disruptive, to U.S. refinery operations as to crude oil production and imports. Hurricanes Gustav and Ike in September 2008 took much of the U.S. Gulf Coast infrastructure offline, and shortages of gasoline and diesel were experienced throughout the Southeast through October of that year. The SPR was of limited use in mitigating these shortages because the refineries affected by the storms were not able to process SPR crude oil into gasoline and diesel.

Including a small volume of refined petroleum products in the SPR, as required by The Strategic Petroleum Reserve Modernization Act of 2009, would provide a cushion to affected markets while damaged infrastructure were brought back online, or until imported gasoline and diesel could arrive to service the area.

The second key provision included in the Strategic Petroleum Reserve Modernization Act of 2009 authorizes the Secretary of Energy to release emergency oil from the SPR. Under current law, only the President of the United States can authorize an emergency sale of SPR oil. Experts believe that this requirement creates a disincentive to use SPR oil for the purposes for which it is intended, as the President does not want to alarm the public by announcing that the country is in an oil supply emergency.

Moving the SPR drawdown authority to the Secretary of Energy would allow SPR policy decisions to be made closer to the oil markets that the SPR serves. I believe that many of my colleagues share my disappointment that recent discussions about when and how to use the SPR have become so political that sound decisions, based on the reality of our country's oil market, have not been possible.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 967

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 ''Strategic Petroleum Reserve Modernization Act of 2009''.

SEC. 2. PETROLEUM PRODUCT RESERVE.

(a) STRATEGIC PETROLEUM RESERVE.—Section 154(a) of the Energy Policy and Conservation Act (42 U.S.C. 6234(a)) is amended by striking ''1 billion barrels of petroleum products'' and inserting ''1,000,000,000 barrels of petroleum products (including at least 30,000,000 barrels of refined petroleum products)''.

(b) PLAN.—Title I of the Energy Policy and Conservation Act is amended by inserting after section 154 (42 U.S.C. 6234) the following:

''SEC. 155. PLAN.

''Not later than 180 days after the date of enactment of this section, the Secretary shall submit to the President and, if the President approves, to Congress, a plan to include refined petroleum products in the Strategic Petroleum Reserve, including a description of—

''(1) the disposition of refined petroleum products that shall be stored in the Reserve, which shall be selected—

''(A) to alleviate shortages that might be expected to result from hurricanes, earthquakes, or other acts of nature; and

''(B) to minimize the number of different kinds of refined petroleum products that shall be stored;

''(2) the method of acquisition of refined petroleum products for storage in the Reserve, which shall—

''(A) be intended to minimize both the cost and market disruption associated with the acquisition; and

''(B) include—

''(i) an analysis of the option of exchanging crude oil from the Reserve for refined petroleum products; and

''(ii) the anticipated time requirement for building the inventory of refined petroleum products;

''(3) storage facility options for the storage of refined petroleum products, including the anticipated location of existing or new facilities;

''(4) the estimated costs of establishment, maintenance, and operation of the refined petroleum product component of the Reserve;

''(5) efforts the Department will take to ensure that distributors and importers are not discouraged from maintaining and increasing supplies of refined petroleum products; and

''(6) actions that will be taken to ensure quality of refined petroleum products in the Reserve, including the rotation of products stored.''.

(c) DRAWDOWN AND SALE.—Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended—

(1) by striking subsection (d) and inserting the following:

''(d) LIMITATION ON DRAWDOWN AND SALE.—

''(1) IN GENERAL.—The drawdown and sale of petroleum products from the Strategic Petroleum Reserve may not be made unless the Secretary determines that—

''(A) the drawdown and sale are required by—

''(i) a severe energy market supply interruption; or

''(ii) obligations of the United States under the international energy program; or

''(B) in the case of the refined petroleum product component of the Reserve, a sale of refined petroleum products will mitigate the impacts of weather-related events or other acts of nature that have resulted in a severe energy market disruption.

''(2) SEVERE ENERGY MARKET DISRUPTION.—For purpose of this subsection, a severe energy market supply disruption shall be considered to exist if the Secretary determines that—

''(A) an emergency situation exists and there is a disruption in global oil markets of significant scope and duration;

''(B) a severe increase in the price of petroleum products has resulted, or is likely to result, from the emergency situation; and

''(C) the price increase is likely to cause a major adverse impact on the national economy.''; and

(2) in subsections (h)(1) and (i), by striking ''President'' each place it appears and inserting ''Secretary''.

By Mr. REID (for himself, Mr. PRYOR, Mrs. MURRAY, Mr. MENENDEZ, and Mr. BENNET):

S. 968. A bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, in our global economy, a high school diploma has become the minimum qualification necessary for a good job. Yet only about a third of the students who enter 9th grade each fall will graduate 4 years later prepared for college or the workforce.

Another third will leave high school with a diploma, but without the skills and knowledge they need to succeed. Yet another third will not graduate from high school within four years, if at all.

This trend, across thousands of our Nation's schools, robs millions of young Americans—particularly poor and minority students—of their best chances to succeed.

Students in Nevada are hit particularly hard. Less than 70 percent of high school students in my home state graduate on time. For African American and Latino students, that number is closer to 50 percent. Nearly 20,000 students in Nevada who started school with the class of 2008 did not graduate with their peers.

Leaving these students behind hurts our economy in both the short- and long-run. These students will cost the State's economy an estimated $5.1 billion in lost wages over the course of

their lifetimes, and will earn an average of almost $10,000 less each year compared to their classmates who finished high school.

Almost 90 percent of the fastest-growing and best-paying jobs require some postsecondary education. We can no longer afford to ignore our unacceptable graduation rates. We can no longer afford to look the other way while more and more students remain unprepared to compete in the global economy. It is not right for these students, and it is not right for our economy.

That is why Senators MURRAY and PRYOR and I are introducing the Secondary School Innovation Fund, a bill to improve the education our students get in America's secondary schools. Our future competitiveness depends on our ability to transform our Nation's middle- and high-schools to meet the needs of the 21st century. This legislation aims to address some of these challenges.

Many of our high schools are too large and impersonal. They lack the rigor and high expectations that we must set for all of our students. Of course, many of the problems that lead students to lose interest or drop out of school begin at the middle-school level.

To meet the challenges of this economy and prepare our young people for life after high school, we must give our middle and high schools the opportunity to try new ideas and approaches that will improve students' performance and their graduation rates.

We must take proven ideas and put them in the schools that need them the most like extending the school day or year; dividing large urban schools into smaller, more personal learning academies; expanding summer learning opportunities for middle-school students; or partnering schools with colleges and universities to allow high school students to take and receive credit for college-level courses.

The good news is that schools throughout my home state of Nevada, and across the country, have already started implementing these sorts of innovative strategies:

The Clark County Schools District in southern Nevada—the Nation's 5th largest and one of the fastest growing—has opened some of the most cutting-edge career and technical academies in the country. With programs in engineering and design, medical occupations, and media communications, a visitor to one of these new academies might think they were on a university campus.

In northern Nevada, the Washoe County School District has teamed up with one of the local community colleges. The Truckee Meadows Community College High School now allows students to take a combination of college and high school courses, and they get credit on both levels. Not only do these students complete more challenging, college-level coursework, but they are laying the groundwork for success after high school.

Encouraging our secondary schools to meet new, demanding and competitive requirements requires replicating these types of school models. But they need adequate Federal support to do so. The Secondary School Innovation Fund gives them just that.

President Obama and Secretary Duncan know this as well. The budget we passed last week proposes a similar fund that would promote innovation and excellence in America's schools. And the economic recovery plan that we passed earlier this year includes unprecedented funding for improving and reforming our education systems. It also creates a $5 billion ''Race to the Top Fund'' that rewards states and districts for innovation.

This bill would give states, districts, schools, institutes of higher education, businesses and community-based organizations $500 million in competitive grants in each of the next 6 years to reform in our Nation's secondary schools. By supporting a variety of strategies for innovation and creating evidence-based, systemic and replicable models of reform, we will improve student achievement and prepare them to succeed in school and then in the workforce.

We also know that every dollar we spend belongs to the American people. That is why we will only help programs that can demonstrate that their students are improving.

Democrats are committed to expanding educational opportunities for all Americans and preparing them to succeed in the global economy. We must give them the best chance to achieve their full potential, and this bill will help make that possible. I hope my colleagues will join me in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 968

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 ''Secondary School Innovation Fund Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Since almost 90 percent of the fastest growing and best paying jobs now require some postsecondary education, a secondary school diploma and the skills to succeed in postsecondary education and the modern workplace are essential.

(2) Only ⅓ of all high school students in the United States graduate in 4 years prepared for a 4-year institution of higher education. Another ⅓ graduate, but without the skills and qualifications necessary for success in postsecondary education or the workplace, and the rest will not graduate from high school in 4 years, if at all.

(3) Dropouts from the class of 2008 will cost the United States more that $319,000,000,000 in reduced earnings.

(4) The Nation's failure to meet the increasing demand for skilled workers means that American companies cannot fill a large number of jobs. 81 percent of American manufacturing companies report experiencing a moderate to severe shortage of qualified workers.

(5) The education system of the United States should support critical thinking, creativity, and innovative approaches to problem-solving—all skills that cannot easily be outsourced. The Program for International Student Assessment is an international assessment that measures these high-demand skills. Unfortunately, when the results on this assessment of students from the United States are compared to those of students from 27 other countries, many of which are economic competitors of the United States, the United States students rank 24th in problem-solving, 21st in scientific literacy, and 25th in mathematical literacy.

(6) As the bar for success continues to be raised, the responsibility to engender these attributes with progressive programs and original models lies squarely with the education system. It is imperative that the United States develop and implement new, innovative approaches to fully prepare every student for the 21st century.

(7) Realigning the education system to meet new, demanding requirements and face intensifying competition requires effective, systemic reform. Identifying effective, replicable models that achieve this goal is a critical step towards enhancing the prospects of all students entering the modern workforce.

SEC. 3. SECONDARY SCHOOL INNOVATION FUND.

(a) SECONDARY SCHOOL INNOVATION FUND.—Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating part I as part J; and

(2) by inserting after section 1830 the following:

''PART I—SECONDARY SCHOOL INNOVATION FUND

''SEC. 1851. PURPOSES.

''The purposes of this part are—

''(1) to improve the achievement of at-risk secondary school students and prepare such students for postsecondary education and the workforce;

''(2) to create evidence-based, replicable models of innovation in secondary schools at the State and local level; and

''(3) to support partnerships to create and inform innovation at the State and local level to improve learning outcomes and transitions for secondary school students.

''SEC. 1852. DEFINITIONS.

''In this part:

''(1) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that includes—

''(A) not less than 1—

''(i) State educational agency; or

''(ii) local educational agency that is eligible for assistance under part A; and

''(B) not less than 1—

''(i) institution of higher education;

''(ii) nonprofit organization;

''(iii) community-based organization;

''(iv) business; or

''(v) school development organization or intermediary.

''(2) ELIGIBLE SCHOOL.—The term 'eligible school' means a public secondary school served by a local educational agency that is eligible for assistance under part A.

''(3) HIGH SCHOOL.—The term 'high school' means a public school, including a public charter high school, that provides secondary education, as determined under State law, in 1 or more of grades 9 through 12.

''(4) MIDDLE SCHOOL.—The term 'middle school' means a public school, including a public charter middle school, that provides

middle or secondary education, as determined under State law, in 1 or more of grades 5 through 8.

"SEC. 1853. SECONDARY SCHOOL INNOVATION FUND.

''(a) PROGRAM AUTHORIZED.—

''(1) GRANTS TO ELIGIBLE PARTNERSHIPS.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to pay the Federal share of the costs of implementing innovative strategies described in subsection (f) to improve the achievement of at-risk students in secondary schools.

''(2) SUBGRANTS TO ELIGIBLE SCHOOLS.—An eligible partnership that receives a grant under this part may use the grant funds to award a subgrant to an eligible school to enable the eligible school to implement innovative strategies described in subsection (f) to improve the achievement of at-risk students at the eligible school.

''(3) DURATION OF GRANT PERIOD.—A grant awarded under paragraph (1) shall be for not longer than a 5-year period.

''(b) RESERVATION OF FUNDS.—The Secretary shall reserve 5 percent of the amounts appropriated under this part for a fiscal year for the evaluation described in subsection (h).

''(c) APPLICATION.—

''(1) IN GENERAL.—An eligible partnership desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) CONTENTS.—The application described in paragraph (1) shall include—

''(A) a description of the eligible partnership, the partners forming the eligible partnership, and the roles and responsibilities of each partner, and a demonstration of each partner's capacity to support the outlined roles and responsibilities;

''(B) a description of how funds will be used to improve the achievement of at-risk students in secondary schools;

''(C) a description of how the activities funded by the grant will be innovative, systemic, evidence-based, and replicable;

''(D) a description of each subgrant the eligible partnership will award to an eligible school, including a description of the eligible school;

''(E) a description of how the eligible partnership will measure and report improvement using the data collected under subsection (g) and additional indicators of improvement proposed by the partnership, such as—

''(i) student attendance or participation;

''(ii) credit accumulation rates;

''(iii) core course completion rates;

''(iv) college enrollment and persistence rates; or

''(v) number or percentage of students taking—

''(I) Advanced Placement (AP), International Baccalaureate (IB), or other postsecondary education courses;

''(II) rigorous postsecondary education preparatory courses; or

''(III) registered apprenticeship and workforce training programs; and

''(F) a description of the planning phase of not more than 90 days that the eligible partnership will undertake for the grant, including—

''(i) the activities and goals of the planning phase; and

''(ii) how each partner in the eligible partnership will participate in the planning phase.

''(d) APPLICATION REVIEW AND AWARD BASIS.—

''(1) GRANT REVIEW AND APPROVAL.—The Secretary shall—

''(A) establish a peer review process to assist in the review of the grant applications and approval of the grants under this section; and

''(B) appoint to the peer review process—

''(i) individuals who are educators and experts in—

''(I) secondary school reform;

''(II) accountability;

''(III) secondary school improvement;

''(IV) innovative education models;

''(V) postsecondary education preparation and access; and

''(VI) workforce preparation;

''(ii) not less than 1 parent or community representative; and

''(C) ensure that each grant award is of sufficient size and scope to carry out the activities proposed in the grant application, including the evaluation required under subsection (g)(3).

''(2) AWARD BASIS.—In awarding grants under this part, the Secretary shall ensure, to the extent practicable—

''(A) diversity in the type of activities funded under the grants, including statewide and local initiatives;

''(B) an equitable geographic distribution of the grants, including urban and rural areas and small and large school districts; and

''(C) that the grants support activities—

''(i) that target different grade levels of students at the secondary school level;

''(ii) in a variety of types of secondary schools, including middle schools and high schools; and

''(iii) in secondary schools of varying sizes, including small and large schools.

''(e) FEDERAL SHARE, NON-FEDERAL SHARE.—

''(1) FEDERAL SHARE.—The Federal share of a grant under this part shall be not more than 75 percent of the costs of the activities assisted under the grant.

''(2) NON-FEDERAL SHARE.—The non-Federal share shall be not less than 25 percent of the costs of the activities assisted under the grant, of which not more than 10 percent of the costs of the activities assisted under the grant may be provided in-kind, fairly evaluated.

''(f) USE OF FUNDS.—An eligible partnership receiving a grant under this part, or an eligible school receiving a subgrant under this part, shall use grant or subgrant funds, respectively, to carry out 1 or more of the following effective models or innovative programs:

''(1) EFFECTIVE SCHOOL MODELS.—

''(A) MULTIPLE EDUCATION PATHWAYS.—A model creating a range of academically rigorous multiple education pathways, based on the analysis of student data, that lead to a secondary school diploma, that are consistent with readiness for postsecondary education and the workforce, and that offer students a range of educational options designed to meet the students' needs and interests, including through the creation of new schools. Such pathways may include—

''(i) an effective dropout prevention and recovery model that—

''(I) prepares students for postsecondary education and career readiness;

''(II) uses re-engagement and recuperative strategies based in youth development;

''(III) uses innovative strategies for credit recovery and acceleration, such as flexible hours or online access to curricula, courses, assessments, resources, and supports;

''(IV) provides competency-based instruction and performance-based assessment to improve educational outcomes for various populations of overaged or undercredited students or students who have previously dropped out of secondary school, such as—

''(aa) students not making sufficient progress to graduate with a regular secondary school diploma in the standard number of years;

''(bb) students who need to work to support themselves or their families;

''(cc) pregnant and parenting teens; and

''(dd) students returning from the juvenile justice system; and

''(V) combines rigorous academic education with career training for students that are not making sufficient progress to graduate from secondary school in the standard number of years;

''(ii) a career and technical education program;

''(iii) a career academy or other model that delivers high quality, college preparatory curriculum in the context of a rigorous technical core; and

''(iv) creating a more personalized and engaging learning environment for secondary school students, such as—

''(I) establishing smaller learning communities;

''(II) creating student advisories and developing peer engagement strategies;

''(III) creating mechanisms for increased educator collaboration around individual student needs;

''(IV) involving students and parents in the development of individualized student plans for secondary school success and graduation and transition to postsecondary education; and

''(V) creating mechanisms for increased student participation in school improvement efforts and in decisions affecting the students' own learning, including students leading guidance activities, mentoring, or tutoring efforts.

''(B) EARLY COLLEGE AND DUAL ENROLLMENT SCHOOLS.—An early college high school or other dual enrollment learning opportunity that provides a course of study that enables a student to earn a secondary school diploma and either an associate degree or not more than 2 years of transferable postsecondary education credit toward a postsecondary degree or credential.

''(C) SECONDARY SCHOOLS USING EARLY WARNING SYSTEMS.—A secondary school that enables at-risk students to graduate from secondary school ready to succeed in postsecondary education and the workforce, through use of an early warning indicator and intervention system that combines—

''(i) research-based whole school reform focused on improving attendance, behavior, and course performance;

''(ii) targeted interventions provided by trained teams of adults working full-time in the school, which may include—

''(I) participants or volunteers under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) or the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.);

''(II) student and family advocates; and

''(III) college and career access and success counselors;

''(iii) integrated student services and case-managed interventions for students requiring intensive supports; and

''(iv) an on-track indicator system to identify students in need of additional support and to monitor the effectiveness of the interventions described in clause (ii).

''(2) INNOVATIVE PROGRAMS.—

''(A) EXPANDED LEARNING-TIME OPPORTUNITIES.—The creation of an expanded learning-time opportunity, which may include—

''(i) establishing a mandatory expanded day, for all students transitioning into the first year of high school, for academic catch-up and enrichment;

''(ii) providing arts, service-learning (as defined in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511), or youth development opportunities with community-based cultural and civic organizations;

''(iii) providing higher education and work-based exposure, experience, and credit-bearing learning opportunities in partnership with postsecondary education institutions and the workforce;

''(iv) providing technology-enabled collaboration and access for students to receive assistance from content experts, instructors, and peers and to utilize resources for remediation and enrichment; or

''(v) providing quality summer experiences, which may include youth development.

''(B) SUCCESSFUL TRANSITIONS TO HIGH SCHOOL.—A program improving student transitions from middle school to high school and ensuring successful entry into high school, which may include—

''(i) establishing summer transition programs for students transitioning from middle school to high school to ensure the students' connection to the students' new high school and to orient the students to the study skills and social skills necessary for success in the high school;

''(ii) providing for the sharing of data between high schools and feeder middle schools;

''(iii) establishing early warning indicator and intervention programs in high school for students transitioning into the students' first year of high school so that such students do not become truant or fall too far behind in academics;

''(iv) increasing the level of student supports, including academic and nonacademic supports that meet the comprehensive needs of struggling students;

''(v) aligning academic standards, curricula, and assessments between middle and high schools; and

''(vi) providing electronic access to detailed information on student performance and all content and skill areas to students transitioning into high school and their parents.

''(C) SUCCESSFUL TRANSITIONS TO POSTSECONDARY EDUCATION AND THE WORKFORCE.—Improvements to assist student transition from secondary school to postsecondary education and the workforce, which may include—

''(i) providing for the sharing of data between secondary schools and institutions of higher education, including data on remediation and completion rates;

''(ii) enabling dual enrollment and postsecondary credit-bearing learning opportunities;

''(iii) creating new opportunities to better utilize grades 11 and 12 and creating better connections to postsecondary education, which may include internships, externships, job shadowing, and technology-enabled collaboration;

''(iv) providing enhanced planning and counseling for postsecondary education, including financial aid counseling; and

''(v) aligning the academic standards of secondary school with the academic standards of postsecondary education and the requirements and expectations of the workforce, including partnering with local industry to align technical curricula to workforce needs.

''(D) INCREASED SCHOOL AUTONOMY AND FLEXIBILITY.—A program of providing secondary schools with increased autonomy and flexibility, which may include—

''(i) establishing a process whereby existing schools can apply for flexibility in such areas as scheduling, curricula, budgeting, and governance; and

''(ii) starting new small public secondary schools that are guaranteed such autonomy.

''(E) RURAL OPPORTUNITIES.—A program to improve learning opportunities for secondary school students in rural schools, including through the use of distance-learning opportunities and other technology-based tools.

''(F) MIDDLE GRADE IMPROVEMENTS.—A program to improve learning opportunities for students in the middle grades—

''(i) to prevent student disengagement and improve achievement; and

''(ii) to better respond to early warning signs that students are at risk of dropping out of school, such as poor attendance, poor behavior, or course failure, through the use of an early warning indicator system and interventions.

''(G) IMPROVING TEACHING AND ACADEMICS.—A program of improving teaching and increasing academic rigor at the secondary school level, which may include—

''(i) improving the alignment of academic standards with the requirements and expectations of postsecondary education and the workforce;

''(ii) improving the teaching and assessment of 21st century skills, including through the development of formative assessment models;

''(iii) providing high-quality professional development on data literacy, including on use of data to inform classroom instruction;

''(iv) addressing the learning needs of various student populations, including students who are limited English proficient, late entrant English language learners, and students with disabilities; and

''(v) developing value-added measures for use in determining teacher ability and effectiveness, including for use in recruitment and hiring decisions.

''(H) IMPROVED COMMUNITY AND PARENTAL INVOLVEMENT.—A program improving community and parental involvement, which may include—

''(i) increasing community involvement, including leveraging community-based services and opportunities to provide every student with the academic and comprehensive nonacademic supports necessary for academic success; and

''(ii) increasing parental involvement, including providing parents with the tools to navigate, support, and influence their child's academic career and choices through secondary school graduation and into postsecondary education and the workforce, including through electronic access to student data.

''(g) DATA COLLECTION AND EVALUATION.—

''(1) COLLECTION OF DATA.—Each eligible partnership receiving a grant under this part shall collect and report annually to the Secretary such information on the results of the activities assisted under the grant as the Secretary may reasonably require, including information on—

''(A) the number and percentage of students who—

''(i) are served by the eligible partnership;

''(ii) are assisted under this part; and

''(iii) graduate from secondary school with a regular secondary school diploma in the standard number of years;

''(B) the number and percentage of students, at each grade level, who are—

''(i) served by the eligible partnership;

''(ii) assisted under this part; and

''(iii) on track to graduate from secondary school with a regular secondary school diploma in the standard number of years;

''(C) the number and percentage of students, at each grade level, who—

''(i) are served by the eligible partnership;

''(ii) are assisted under this part; and

''(iii) meet or exceed State challenging student academic achievement standards in mathematics, reading or language arts, or science, as measured by the State academic assessments under section 1111(b)(3);

''(D) information consistent with the additional indicators of improvement proposed by the eligible partnership in the grant application; and

''(E) other information the Secretary may require as necessary for the evaluation described in subsection (h).

''(2) REPORTING OF DATA.—Each eligible partnership receiving a grant under this part shall disaggregate the information required under paragraph (1) in the same manner as information is disaggregated under section 1111(h)(1)(C)(i).

''(3) EVALUATION.—

''(A) IN GENERAL.—Each eligible partnership receiving a grant under this part shall, immediately after the receipt of grant funds, enter into a contract with an outside evaluator to enable the evaluator to conduct—

''(i) an evaluation of the effects of the grant after the third year of implementation of the grant; and

''(ii) an evaluation of the effects of the grant after the final year of the grant period.

''(B) DISTRIBUTION.—Upon completion of an evaluation described in subparagraph (A), the eligible partnership shall submit a copy of the evaluation to the Secretary in a timely manner.

''(h) EVALUATION; BEST PRACTICES.—

''(1) IN GENERAL.—From amounts reserved under subsection (b), the Secretary shall—

''(A) enter into a contract with an outside evaluator to enable the evaluator to conduct—

''(i) a comprehensive evaluation after the third year of implementation on the effectiveness of all grants awarded under this part;

''(ii) a final evaluation following the final year of the grant period—

''(I) with a focus on the improvement in student achievement and the indicators described in subsection (g)(1) as a result of innovative strategies; and

''(II) to the extent practicable, that compares the relative effectiveness of different types of programs and compares the relative effectiveness of variations in implementation within types of programs; and

''(B) disseminate, and provide technical assistance regarding, best practices in improving the achievement of secondary school students.

''(2) PEER REVIEW.—

''(A) IN GENERAL.—An evaluator receiving a contract under this subsection shall—

''(i) establish a peer-review process to assist in the review and approval of the evaluations conducted under this subsection; and

''(ii) appoint individuals to the peer-review process who are educators and experts in—

''(I) research and evaluation; and

''(II) the areas of expertise described in subclauses (I) through (VI) of subsection (d)(1)(B)(i).

''(B) RESTRICTIONS ON USE.—The Secretary shall not distribute or use the results of any evaluation described in paragraph (1)(A) until the results are peer-reviewed in accordance with subparagraph (A).

''(i) CONTINUATION OF FUNDING.—An eligible partnership that receives a grant under this part shall only be eligible to receive a grant payment for a fourth or fifth year of the grant if the Secretary determines, on the basis of the evaluation of the grant under subsection (h)(1)(A)(i), that the performance of the eligible partnership under the grant has been satisfactory.

''(j) RULE OF CONSTRUCTION REGARDING DISCRIMINATION.—Nothing in this section shall be construed to permit discrimination on the

basis of race, color, religion, sex, national origin, or disability in any program or activity funded under this part.

"SEC. 1854. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this part $500,000,000 for fiscal year 2010 and for each of the succeeding 5 years.''.

(b) CONFORMING AMENDMENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 note) is amended—

(1) by striking the item relating to Part I and inserting the following:

''PART J—GENERAL PROVISIONS''; AND

(2) by inserting after the item relating to section 1830 the following:

''PART I—SECONDARY SCHOOL INNOVATION FUND

''Sec. 1851. Purposes.
''Sec. 1852. Definitions.
''Sec. 1853. Secondary school innovation fund.
''Sec. 1854. Authorization of appropriations.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 126—COMMEMORATING THE 150TH ANNIVERSARY OF THE ARRIVAL OF THE SISTERS OF THE SACRED HEARTS IN HAWAI'I

Mr. INOUYE (for himself, Mr. AKAKA, and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 126

Whereas the Sisters of the Sacred Hearts, also known as the Sisters of the Congregation of the Sacred Hearts of Jesus and Mary, in 2009 are celebrating the 150th anniversary of their arrival in Hawaii on May 4, 1859, to provide Catholic education to the children of Hawaii;

Whereas, during the past 150 years, through the devotion and dedication of the Sisters of the Sacred Hearts, thousands of youth in Hawaii, California, Massachusetts, and New Jersey have received the benefit of a well-rounded education based on Christian principles and moral living at the following educational institutions: Sacred Hearts Convent at Fort Street, Honolulu; Sacred Hearts Academy, Kaimuki, Honolulu; St. Anthony Home, Kalihi, Honolulu; Sacred Hearts Convent, Nuuanu, Honolulu; St. Theresa School, Honolulu; Our Lady of Peace School, Honolulu; Immaculate Conception School, Lihue, Kauai; St. Patrick School, Kaimuki, Honolulu; Maria Regina School, Gardena, California; Bishop Amat High School, West Covina, California; Sacred Hearts Academy, Fairhaven, Massachusetts; St. Joseph School, Fairhaven, Massachusetts; Sacred Hearts School, Fairhaven, Massachusetts; and St. Andrew School, Avenel, New Jersey;

Whereas, during the past 101 years, the Sisters of the Sacred Hearts have served communities in Fairhaven, Fall River, and Mt. Rainier, Massachusetts, and in Avenel, New Jersey, and continue to serve communities in Fairhaven, Massachusetts;

Whereas, during the past 50 years, the Sisters of the Sacred Hearts have served communities in Gardena, West Covina, and San Bernardino, California, and in Artesia, New Mexico, and continue to serve communities in Artesia, New Mexico; and

Whereas the people of the United States wish to convey their sincerest appreciation to the Sisters of the Sacred Hearts for their service and devotion: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 150 the anniversary of the arrival of the Sisters of the Sacred Hearts in Hawaii; and

(2) honors and praises the Sisters of the Sacred Hearts Pacific Province for their good works in the education of the youth of the United States and in service to the people of Hawaii, California, Massachusetts, New Jersey, and New Mexico, and for the Sisters' pursuit of educational, social, and economic equality of all persons.

SENATE RESOLUTION 127—RECOGNIZING THE MEMBERS OF THE UNITED STATES ARMY AND THE PHYSICIANS OF MAINE MEDICAL CENTER FOR THE OPEN-HEART SURGERY THEY PERFORMED ON A 6-YEAR-OLD IRAQI GIRL

Ms. SNOWE submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 127

Whereas 6-year-old Tiba and her mother, Sareea traveled from the countryside of Iraq to Maine so that Tiba could receive open-heart surgery;

Whereas the bravery of a young child and the phenomenal service of the courageous soldiers in the United States Army are inspiring and place a human face and a human heart at the center of one of the most war-torn areas in the world;

Whereas Kim Block of WGME channel 13 in Portland, Maine professionally produced and broadcast a heartwarming story on this case;

Whereas all of Maine feels a boundless sense of pride for the tremendous commitment and contribution of Dr. Reed Quinn who led the team of physicians at Maine Medical Center in the 8-hour open-heart surgery procedure that saved Tiba's life; and

Whereas such surgery was made possible by the compassion of the Maine Foundation for Cardiac Surgery, and was a mission fulfilled by a team of genuine heroes: Now, therefore, be it

Resolved, That the Senate recognizes the soldiers, doctors, nurses, and hospital staff at Maine Medical Center for their compassionate service, and Tiba and Sareea for their remarkable courage.

Ms. SNOWE. Mr. President, today I introduced a Senate Resolution recognizing the United States Army and the physicians of Maine Medical Center for saving the life of a 6-year-old Iraqi girl.

My Maine constituents and I are bursting with pride over the tremendous commitment and contribution of Dr. Reed Quinn and the team of health professionals at Maine Medical Center who recently conducted an eight-hour open heart surgery procedure which saved young Tiba's life. The procedure was made possible by the compassion of the Maine Foundation for Cardiac Surgery, and the mission was fulfilled by a team of genuine American heroes, led by the U.S. Army.

I am particularly touched by the bravery of a young child and the outstanding service of our courageous soldiers in the U.S. Army. I will always remember this story because it places a human face at the center of a war-torn area.

After viewing the moving news series reported by Kim Block of WGME Channel 13 in Portland on ''Operation Good Heart,'' I thought it was fitting to recognize the story of 6-year-old Tiba and her mother, Sareea, and their journey from their village in Iraq to Maine. Tiba suffered a dangerous heart condition and was transported by the U.S. Army from Iraq to Maine for life-saving open-heart surgery performed by the talented physicians of Maine Medical Center.

I hope my colleagues will join me in commending the dedicated soldiers of the U.S. Army, the superlative professionals of Maine Medical Center, the generous folks at the Maine Foundation for Cardiac Surgery, the good people of Channel 13, and—above all—the brave mother and daughter who traveled across the globe. This is a heartwarming story about wonderful people who make America great, and I urge adoption of the Resolution.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. KAUFMAN. 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 Monday, May 4, 2009, at 5:30 p.m.

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

COMMEMORATING THE 150TH ANNIVERSARY OF THE ARRIVAL OF THE SISTERS OF THE SACRED HEARTS IN HAWAI'I

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 126, submitted earlier today.

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

The bill clerk read as follows:

A resolution (S. Res. 126) commemorating the 150th anniversary of the arrival of the Sisters of the Sacred Hearts in Hawai'i.

There being no objection, the Senate proceeded to consider the resolution.

Mr. INOUYE. Mr. President, today, I rise in support of a Senate resolution commemorating the 150th anniversary of the arrival of the Sisters of the Sacred Hearts in Hawaii. I am pleased to have Senators Daniel Akaka and John Kerry as original cosponsors of the resolution.

The first Catholic missionaries to the Hawaiian Islands were members of the Congregation of the Sacred Hearts of Jesus and Mary and of Perpetual Adoration of the Most Blessed Sacrament of the Altar.

The Congregation was founded by Pierre Coudrin and Henriette Aymer de la Chevalerie in Poitiers, France, on Christmas Eve 1800.

In 1825, the Congregation responded to a request of Pope Leo XII for missionaries to the Pacific Rim, then known as Oceania.

The Sacred Hearts Priests and Brothers arrived in Hawaii in 1827; the Sisters, in 1859.

Today, through the missionary zeal of its members, of which a noteworthy exemplar in Hawaii is Blessed Damien de Veuster, the Brothers and Sisters of the Congregation of the Sacred Hearts of Jesus and Mary are present in 40 countries and on all continents.

The Sisters of the Sacred Hearts Pacific Province is the administrative center of communities of Sisters currently serving in Hawaii, New Mexico, and Massachusetts. In observance of the 150th anniversary of the Sisters' arrival to Hawaii, I urge my colleagues to support this resolution recognizing the Sisters' dedication through these years to the education of the children of Hawaii, Massachusetts, California, and New Mexico.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 126) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 126

Whereas the Sisters of the Sacred Hearts, also known as the Sisters of the Congregation of the Sacred Hearts of Jesus and Mary, in 2009 are celebrating the 150 anniversary of their arrival in Hawaii on May 4, 1859, to provide Catholic education to the children of Hawaii;

Whereas, during the past 150 years, through the devotion and dedication of the Sisters of the Sacred Hearts, thousands of youth in Hawai'i, California, Massachusetts, and New Jersey have received the benefit of a well-rounded education based on Christian principles and moral living at the following educational institutions: Sacred Hearts Convent at Fort Street, Honolulu; Sacred Hearts Academy, Kaimuki, Honolulu; St. Anthony Home, Kalihi, Honolulu; Sacred Hearts Convent, Nuuanu, Honolulu; St. Theresa School, Honolulu; Our Lady of Peace School, Honolulu; Immaculate Conception School, Lihue, Kauai; St. Patrick School, Kaimuki, Honolulu; Maria Regina School, Gardena, California; Bishop Amat High School, West Covina, California; Sacred Hearts Academy, Fairhaven, Massachusetts; St. Joseph School, Fairhaven, Massachusetts; Sacred Hearts School, Fairhaven, Massachusetts; and St. Andrew School, Avenel, New Jersey;

Whereas, during the past 101 years, the Sisters of the Sacred Hearts have served communities in Fairhaven, Fall River, and Mt. Rainier, Massachusetts, and in Avenel, New Jersey, and continue to serve communities in Fairhaven, Massachusetts;

Whereas, during the past 50 years, the Sisters of the Sacred Hearts have served communities in Gardena, West Covina, and San Bernardino, California, and in Artesia, New Mexico, and continue to serve communities in Artesia, New Mexico; and

Whereas the people of the United States wish to convey their sincerest appreciation to the Sisters of the Sacred Hearts for their service and devotion: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 150th anniversary of the arrival of the Sisters of the Sacred Hearts in Hawaii; and

(2) honors and praises the Sisters of the Sacred Hearts Pacific Province for their good works in the education of the youth of the United States and in service to the people of Hawaii, California, Massachusetts, New Jersey, and New Mexico, and for the Sisters' pursuit of educational, social, and economic equality of all persons.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Republican leader, pursuant to P.L. 110–229, the appointment of the following to be a nonvoting member of the Commission to Study the Potential Creation of a National Museum of the American Latino: Sandy Colon Peltyn of Nevada.

ORDERS FOR TUESDAY, MAY 5, 2009

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, May 5; 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 that the Senate resume consideration of S. 896, the Helping Families Save Their Homes Act of 2009; further, I ask unanimous consent that the Senate recess from 12:30 until 2:15 to allow for the weekly caucus luncheons.

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

PROGRAM

Mr. SCHUMER. Mr. President, Senators should expect rollcall votes in relation to amendments prior to the caucus recess.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:37 p.m., adjourned until Tuesday, May 5, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MERCEDES MARQUEZ, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE SUSAN D. PEPPLER, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

KATHY J. GREENLEE, OF KANSAS, TO BE ASSISTANT SECRETARY FOR AGING, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE JOSEFINA CARBONELL, RESIGNED.

GENERAL SERVICES ADMINISTRATION

MARTHA N. JOHNSON, OF MARYLAND, TO BE ADMINISTRATOR OF GENERAL SERVICES, VICE LURITA ALEXIS DOAN, RESIGNED.

DEPARTMENT OF HOMELAND SECURITY

PHILIP MUDD, OF VIRGINIA, TO BE UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

FEDERAL ELECTION COMMISSION

JOHN J. SULLIVAN, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2013, VICE ELLEN L. WEINTRAUB, TERM EXPIRED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOSEPH F. DUNFORD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WALTER E. GASKIN, SR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RICHARD C. ZILMER

EXTENSIONS OF REMARKS

WALTER PETERSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Walter Peterson who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Walter Peterson is a sophomore at Arvada West High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Walter Peterson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Walter Peterson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

IN HONOR OF THE POLISH AMERICAN CONGRESS AND POLISH CONSTITUTION DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of the Polish American Congress, Ohio Division, as they join together on May 3 to celebrate Polish Constitution Day—a day when the Americans of Polish heritage reflect on the struggles for freedom and celebrate the victories, customs and history of their beloved Polish homeland and share their cultural gifts with the entire Greater Cleveland Community.

The first written European constitution, the Governmental Statute of Poland, was instated on May 3, 1791. Poland's Constitution was the result of nearly five centuries of struggle and perseverance by the people of Poland to diminish the power of the King and to create facets and institutions of government vital to the foundation of a constitutional government. An important document in the world history of democracy, the Polish Constitution established the separation and balance of powers, freedom of religion, and social justice by abolishing key elements of serfdom.

Formed in 1949, the Polish American Congress is a national umbrella organization representing over ten million Americans of Polish descent and origin, and serves as a unifying force for both Polish Americans and Polish citizens living in America. The Polish American community in Cleveland is deeply rooted in their commitment to the values of family, faith, democracy, hard work and fulfillment of the American dream.

Since its founding, the Polish American Congress has created programs to successfully integrate people of Polish decent in the U.S., including the Displaced Persons Program, which allowed almost 150,000 Polish immigrants to enter the U.S. after World War II. The Polish American Congress has a legacy within our Cleveland community and across the nation of offering services of support to veterans, families and individuals. As in years' past, the Greater Cleveland Community will join in celebration of Poland's rich history and culture by joining Cleveland's Polish community in attending events such as the Polonia Ball, the Grand Parade and the Photographic Exhibition.

Madam Speaker and colleagues, please join me in honor and celebration of the leaders and members of the Polish American Congress, as they celebrate Polish Constitution Day. Their collective and individual efforts in sharing, preserving and promoting their heritage, history and culture with Greater Cleveland serves to strengthen and illuminate the textured and diverse fabric of our community.

HONORING THE VOLUNTEER SERVICE OF DARRIEN GISH

HON. WALT MINNICK

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. MINNICK. Madam Speaker, I would like to congratulate and honor a young student from my district who has achieved national recognition for exemplary volunteer service in his community. Darrien Gish of Nampa has just been named one of the top honorees in Idaho by the 2009 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each State and the District of Columbia.

Mr. Gish is being recognized for his work with the Canine Companions for Independence. He is devoting fourteen months of his own time to train and care for the puppy Delphia. He also earned his own money to fund Delphia's health care. Mr. Gish spends time every day working with Delphi on basic skills so that eventually she can assist people with disabilities perform everyday tasks like turning on lights and opening doors.

In light of numerous statistics indicating that Americans today are less involved in their communities, it's vital that we encourage and support the kind of selfless contributions this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers life Mr. Gish are inspiring examples to all of us and are among our brightest hopes for tomorrow.

Mr. Gish should be extremely proud to have been singled out from the thousands of dedicated volunteers who participated in this year's program. I heartily applaud him for his initiative in seeking to make his community a better place to live, and for the positive impact he has had on the lives of others. He has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. His actions show that young Americans can—and do—play important roles in our communities and that America's community spirit continue to hold tremendous promise for the future.

HONORING THE INDUCTION OF ENCARNACION ''CARNY'' GUERRA INTO THE 2009 CLASS OF THE LAREDO BUSINESS HALL OF FAME

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. CUELLAR. Madam Speaker, I rise today to celebrate the induction of Encarnacion "Carny" Guerra into the Laredo Business Hall of Fame. Carny Guerra has always been hard working, ambitious, a knowledgeable businessman, and it has shown through his work in Laredo, Texas.

Carny Guerra's business know-how first emerged while attending a dance in Laredo, Texas. While waiting in line and watching a great number of people pay their entrance fee he got the idea that he should enter the ballroom business. Soon after he purchased a building and with the help of his five daughters Cynthia, Sylvia, Judith, Belinda, and Elaine the Casa Blanca Ballroom was born.

As every new business encounters initial problems Carny had trouble booking bands and he decided that the best way to solve this would be to use local South Texas bands. As he found new bands he began to record their music and promote them to local radio stations. These local bands soon became celebrities in the area, thus selling out the Casa Blanca Ballroom performance after performance. Working with bands and radio stations on a daily basis Carny saw his next step to be the purchase of a radio station which furthered the popularity of both his ballroom and the bands.

Now some years later Carny Guerra's business has flourished and become Guerra Communications, which now owns a Tejano, hip-hop, and country radio station. In Addition, Carny is credited with giving many of today's popular bands their start.

Carny, after many years of hard work, is now enjoying his retirement and the company of his 5 daughters, 17 grandchildren and 1 great grandchild.

Madam Speaker, I am proud to have had this opportunity to recognize the accomplishments and honor the inductee to the Laredo Business Hall of Fame Encarnacion "Carny" Guerra.

RICARDO MUNOZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Ricardo Munoz who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Ricardo Munoz is a senior at Wheat Ridge High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Ricardo Munoz is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Ricardo Munoz for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes:

Mr. BACA. Mr. Chairman, I rise in support of H.R. 627, the Creditcard Holders' Bill of Rights Act of 2009.

Now more than ever, working families need strong, fair lending and credit laws.

H.R. 627 curbs some of the most abusive and unfair credit card lending practices that trap consumers in an unending, costly debt.

The credit card companies' tricks and traps that are addressed by H.R. 627 have always been unfair, but in this time of growing economic uncertainty for the average family, the financial hardship can be overwhelming.

Companies should not be allowed to randomly hike the interest rate on a consumer's existing balance if they make their payments on time just because of an ''anytime—any reason'' clause in the contract. This practice is un-fair and un-American.

Equal access to credit is a vital step in helping racial and ethnic minority families move out of poverty, into the middle class and be given a real shot at the American dream.

Much like the targeting and discrimination that occurs with home loans, our minority communities are steered toward credit cards with the highest fees and interest rates and most complicated payment terms.

According to the National Council of La Raza, one report showed that 15 percent of African-American and 13 percent of Latino card users have cards with interest rates over 20 percent, compared to only 7 percent of White card users.

More than one-third of Latinos use their credit cards to make ends meet.

As low-income Latinos use credit cards for safet-net purposes, they are more likely to get behind in their bills and become buried in unmanageable debt.

Instead of providing relief or a financial bridge, credit cards with abusive features and practices often create vicious cycles of debt.

The passage of this bill would be a historic victory for consumers of all backgrounds and ethnicities across the country.

I urge my colleagues to support this bill and the long over due consumer protections that it provides.

A TRIBUTE TO MATTHEW POLITE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Matthew Polite, a leader in his community and an inspiration to all of New York.

Matthew Polite was born in 1905 on the Island of St. Helena, off the coast of South Carolina. The only son of a former slave, Matthew understands well how freedom is a cherished gift to be used in the service of your fellow man.

Matthew Polite and his wife, Netha, were wed in 1926. They moved to Savannah, Georgia, where he worked as a baker in Wholesome Bakery. After some years, they moved again to Miami, Florida where he continued as a baker. Matthew and his family moved to New York City in 1954. There he became the Deacon for the Orange Baptist Church in the Bronx, forging a lifelong relationship with the congregation. He served the church community with honor and distinction for many years until his retirement in 1969, when he returned to his hometown in Stavenhagen, South Carolina.

Matthew Polite has since returned to New York City, surrounded by his friends and family, including his four children, nine grandchildren, twenty great grandchildren, fourteen great-great grandchildren, and two great-great-great grandchildren.

Madam Speaker, I would like to recognize Matthew Polite, a shining example of dedication to community service for all of New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to Matthew Polite.

HONORING RANDY SIEFKIN

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. CARDOZA. Madam Speaker, I rise today to honor Randy Siefkin, a long time political icon of Modesto, California. Randy has spent a majority of his days as a Professor of Political Science at Modesto Junior College, but behind the scenes he has proven effective in getting countless candidates elected to local office.

Randy Siefkin's first hint at political interest may have been in 1952, when at age 10 he helped arrange an ice cream hour for Dwight D. Eisenhower. He furthered his hunger for politics by working on campaigns for Nixon and Rockefeller—and eventually made a career by steadfastly serving as Professor of Political Science at Modesto junior College from 1970 to 2001. From that day in 1952 right up to this very hour, Randy is actively collecting political buttons from every corner of the earth.

Thirty one years of educating students left little time for much else, but somehow Randy managed to devote himself to a number of community groups and civic organizations. Ranging from serving on the Board for the Muir Trail Girl Scouts to directing the Modesto Film Society to participating with North Modesto Rotary, Randy has shown a genuine devotion to his community.

Politics and civic duties have not only been a passion for Randy, but his family is equally devoted to giving back as well. Randy Siefkin is married to Stanislaus County Superior Court Judge Susan J. Siefkin and they have two children—Nelson, a Cultural Resources Specialist for the National Park Service, and Kristen, a Public Relations professional.

Madam Speaker, it is an absolute honor to share a little bit about Randy Siefkin and to thank him for his selfless devotion to his family, his community, and his country.

JOEY MEYER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Joey Meyer who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Joey Meyer is an 8th grader at North Arvada Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Joey Meyer is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Joey Meyer for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

MEDIA EXAGGERATE PRESIDENT'S APPROVAL NUMBERS

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. SMITH of Texas. Madam Speaker, in their stories assessing President Obama's first 100 days in office, the national media have been quick to tout the President's supposedly high approval rating.

But the facts are otherwise.

A Rasmussen poll released yesterday showed the President's approval rating at 55 percent and his disapproval rating at 43 percent.

Fewer than half of voters say the President is doing a good job handling the economy.

And only a third of voters think the President is governing on a bi-partisan basis.

These are hardly impressive figures.

The fact is that many Americans are not happy with the direction of the country under President Obama.

The national media should take a break from patting the President on the back and report the facts objectively.

RECOGNIZING THE OUTSTANDING ACHIEVEMENTS OF CARLOS V. MEJIA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. CUELLAR. Madam Speaker, I rise today to recognize Mr. Carlos Mejia for his dedication to the Laredo community and the State of Texas. Mr. Mejia has given so much of his time and effort in order to make his community a better place.

After graduating from Texas A&M in 1963, Mr. Mejia attended the University of Southern California where he earned his Master of Science Degree in Civil Engineering. In 1978, he became the City Engineer for the city of Laredo, Texas. He served this post until 1981 and has since then been instrumental in many of Laredo's major infrastructure projects. He was the civil engineer for the design of the main runway, parallel taxi ways, airplane parking apron, and all landslide improvements for the Laredo International Airport. He was also the lead civil engineer for the preparation of the Master Plan for Texas A&M International University.

His constant dedication to his work and his community have led Mr. Mejia to be honored with the Community Partner of the Year Award for 2008 presented by Habitat for Humanity. Just this past year he was selected to the Laredo Junior Achievement Hall of Fame for 2009.

Madam Speaker, please join me in honoring a great resident of Laredo and a great American in Mr. Carlos Mejia. Through his hard work and tireless dedication Laredo has seen significant improvements over the years and for that we recognize you today Mr. Mejia.

ANGELICA PEREA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Angelica Perea who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Angelica Perea is an 8th grader at North Arvada Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Angelica Perea is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Angelica Perea for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

HONORING CHARLOTTE WILLIAMS CONABLE

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. LEE of New York. Madam Speaker, it is with great pride that I rise today to honor one of my most prestigious constituents, Charlotte Williams Conable. A longtime resident of Alexander, New York, Charlotte has made it her life's work to advance the status of women around the world.

A longtime advocate of women's rights, Charlotte enlisted in the women's studies masters' program at George Washington University as an adult student. It was during her time there that she wrote Women at Cornell: The Myth of Equal Education, a novel that explores the origins of coeducation and discusses the role Cornell University had in bringing women into the collegiate system. In 1981, Charlotte penned another book, Older Women: The Economics of Aging. As a graduate of Cornell University, Charlotte was one of only a few women who went on to earn a position on Cornell's prestigious Board of Trustees. Due to her extensive work in the literary field, Charlotte rightfully earned a spot in Feminists Who Changed America, 1963–1975.

As the wife of the late Congressman and World Bank president Barber Conable, Charlotte spent her life with a man who was voted by his colleagues the ''most respected'' member of Congress. Charlotte often accompanied Barber on his trips all over the world. She served as his eyes and ears, often splitting up from the group in order to give Barber a more accurate description of the conditions on the ground.

On May 9, 2009, Charlotte will be recognized by the YWCA of Genesee County as a Fabulous Female for her lifetime achievement. As a lifetime supporter of the local YWCA, Charlotte will become a recipient of the very award she is receiving. She is certainly deserving of this high honor.

Madam Speaker, in recognition of the lifetime achievements of Charlotte Williams Conable, I ask this Honorable Body to join me in honoring Charlotte Williams Conable for her dedication to furthering the equality of women throughout the world.

WHITNEY NELSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Whitney Nelson who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Whitney Nelson is an 8th grader at Oberon Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Whitney Nelson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Whitney Nelson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

HONORING MARYLAND AND MASONIC HOME

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor the Maryland Masonic Home on the celebration of its 75th Anniversary as a retirement community for Master Masons and their families.

The Maryland Masonic Home has provided exceptional service to its residents since 1934. After purchasing the property called Bonnie Blink, the Masons converted the farm and mansion into the Maryland Masonic Home. It was created as a housing facility for Masons and their families who were either elderly, or of declining health.

The Masonic Home has grown over the years from a simple dormitory, to an active community with a wide range of services. From dining rooms and recreational facilities, to health care practices and scheduled activities, that Masonic Home presents opportunities for its residents to maintain a vibrant lifestyle. For the past week, the Maryland Masonic Home has been celebrating this truly remarkable milestone with various events and activities for its residents.

Over the last 75 years, they hay lived up to their mission, ''To provide excellent care in a safe, affordable, dignified, quality environment for eligible Masons and their families, in keeping with Masonic Principles, providing for expansion, while maintaining financial viability.''

Madam Speaker, I ask that you join with me today to honor the Maryland Masonic Home on the celebration of its 75th Anniversary. As a fellow Mason, it is with great pride that I congratulate the entire organization on this incredible accomplishment.

RACHEL OLSSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Rachel Olsson who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Rachel Olsson is an 8th grader at Faith Christian Academy and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Rachel Olsson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Rachel Olsson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

A TRIBUTE TO JUSTICE SANDRA DAY O'CONNOR

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. SCHIFF. Madam Speaker, I rise today to honor Justice Sandra Day O'Connor, on the occasion of her recognition as a ''Person of the Century'' by the Rotary Club of Los Angeles in celebration of their Centennial year.

In a year where we witnessed the first African-American assume the Office of the President of the United States, it is especially appropriate to honor a woman who shattered the marble ceiling of the United States Supreme Court some 28 years ago and served as an important role model for so many in this Nation.

Born in El Paso, Texas in 1930, Sandra Day O'Connor spent several of her early years growing up on her family's ranch in Arizona. Later, in 1950, she graduated from Stanford University with a bachelor's degree in economics, followed by a juris doctorate in 1952. In 1952, she married John Jay O'Connor, III, and they have three sons. After working for a time in both California and Germany, Sandra Day O'Connor again took up residence in the state of Arizona.

In Arizona, O'Connor held positions in both law and politics, working as an Assistant Attorney General and serving in the State Senate, appointed by the Governor to fill a vacancy. After twice winning reelection to the State Senate, she ran for the position of Judge in the Maricopa County Superior Court of Arizona in 1974. While a judge she gained a reputation for being firm but just, and she would later be appointed to the Arizona Court of Appeals.

In 1981, Sandra Day O'Connor made history after being nominated by President Ronald Reagan for the position of Associate Justice of the United States Supreme Court. She received unanimous Senate approval, becoming the first woman to serve on the Supreme Court.

During her tenure on the Court, Justice O'Connor gained a reputation for approaching each case with an open mind and for seeking out practical solutions to complex legal issues. Her pragmatic and centrist approach had an important moderating influence on the Court, and her independent philosophy had an important impact on a number of seminal cases. In 2006, Justice O'Connor retired after serving over 24 years on the Court.

Justice O'Connor and I have a shared belief in the need for an independent judiciary and a shared desire to improve relations between our branches of government. As founder and Co-Chair of he Congressional Caucus on the Judicial Branch, I had the distinct pleasure of hosting Justice O'Connor in the U.S. Capitol, just before her retirement, for an event designed to jointly promote these common goals.

I consider it an honor to recognize Justice Sandra Day O'Connor and ask my colleagues to join me in commending her on the occasion of her recognition as a Rotary Club of Los Angeles ''Person of the Century.''

IN HONOR OF BRIGADIER GENERAL BRUCE THOMPSON

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Bruce Thompson for his recent promotion to the rank of Brigadier General. Through years of relentless hard work and determination, General Thompson ascended to Brigadier General, a rank that only a few will obtain in their lifetime. I am proud that this man serves the state of Delaware, as well as the United States of America.

A native of Westchester, Pennsylvania, General Thompson's military career began when he received his commission through the Air National Guard Academy of Military Science in 1980. He quickly earned his pilot wings a year later, and became an Instructor and Standardization/Evaluation Pilot for the C–130 Aircraft with 32 combat sorties and 197 combat support sorties. He served as the 166th Airlift Wing Commander and is a veteran of Operations Desert Shield, Desert Storm, Noble Eagle, Enduring Freedom and Iraqi Freedom. General Thompson is a command pilot with over 4,500 hours in the C–130A, C–130H2, T–37 and T–38. During his service thus far, General Thompson has earned numerous awards and decorations, including the Legion of Merit and the National Defense Service Medal. I fully expect that he will continue to earn awards and citations under his new rank.

I commend Bruce Thompson upon receiving this great honor and for his years of extraordinary service and countless contributions to the Delaware Air National Guard. General Thompson is an exemplary citizen, and on behalf of all Delawareans I would like to thank him and his family for the many sacrifices they have made during the past twenty-nine years. His promotion to the rank of Brigadier General is an appropriate milestone in a truly remarkable career.

DAMION MILES

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Damion Miles who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Damion Miles is an 8th grader at Arvada Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Damion Miles is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Damion Miles for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

IN HONOR OF KENDAL GUNLICKS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Kendal Gunlicks, upon the occasion of his retirement as Director of Music at Independence High School. Mr. Gunlicks leaves behind a legacy of kindness, sincere concern for every student and dedication to fostering an atmosphere where creativity and teamwork flourished.

Over the course of a career spanning 35 years, he led his students through band camp, half-time shows, parades, Madrigal Dinners, musical theater productions, outdoor community concerts and memorable trips to Florida. But for Mr. Gunlicks, teaching was far more than a job. It was an avocation. He consistently went above and beyond the call of duty, working to establish successful mentoring relationships with all students. Through the powerful medium of music, he inspired his students, encouraged their participation and strengthened their self-confidence. His students trusted, respected and admired him, and he was always willing to help with a problem or provide fatherly guidance and advice.

Mr. Gunlicks' belief in musical opportunities for all is evidenced throughout his tenure at Independence High School. As Director of the Vocal Program, Mr. Gunlicks made room in his programs for all interested students. Students who wanted to participate but who weren't confident enough in their talents as singers were encouraged to join the chorus, without having to audition. Under his leadership, the marching band grew steadily over the years, from 26 members in 1974 to more than 100 band members today.

Madam Speaker and Colleagues, please join me in honor of Mr. Kendal Gunlicks, whose passion for music and unwavering dedication to his students has served as a source of inspiration, joy, and camaraderie

within the hearts and minds of every student who has walked through the band room doors. His tenure as Music Director has had an impact on the lives of countless students; he served as a wonderful role model for each of them to emulate—in the classroom and in life. Mr. Gunlicks' passion for music, humble approach and unwavering dedication to his profession has enriched the fabric of our entire community, connecting us all through the universal language of music.

ANISSA MILLER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Anissa Miller who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Anissa Miller is a 7th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Anissa Miller is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Anissa Miller for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

IN PRAISE OF THE TRANSATLANTIC LEGISLATORS' DIALOGUE MEETINGS HELD LAST MONTH IN PRAGUE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. BERMAN. Madam Speaker, I would like to call the attention of my colleagues in the Congress to a successful meeting of the Transatlantic Legislators' Dialogue (TLD) that was held in Prague, Czech Republic, from April 18–20, 2009. Chairwoman SHELLEY BERKLEY, the gentlelady from Nevada, continues to provide this important interparliamentary exchange with enthusiastic leadership and a strong commitment to strengthening relations with our European allies. I commend this bipartisan delegation—which included PAUL KANJORSKI (D–PA), DANA ROHRABACHER (R–CA), LORETTA SANCHEZ (D–CA), JOHN R. CARTER (R–TX), PHIL GINGREY (R–GA), VIRGINIA FOXX (R–NC), STEVE COHEN (D–TN), and RON KLEIN (D–FL)—for their contributions to an informed and productive exchange of views with Members of the European Parliament.

The Transatlantic Legislators' Dialogue serves as the formal response of the European Parliament and the U.S. Congress to the commitment in the New Transatlantic Agenda of 1995 to enhance legislative ties between the European Union and the United States. The TLD involves bi-annual meetings between American and European legislators in order to exchange views on topics of mutual interest and foster transatlantic discourse. I welcome the discussion held by members at the Prague session about ways in which to deepen the dialogue and increase their communication beyond these formal meetings.

Given the recent transition in the U.S. administration and the upcoming European Parliament elections, it is essential that legislators continue their collaboration on the important issues facing citizens on both sides of the Atlantic. The financial crisis was a central topic at the Prague meeting, with presentations by European experts as well as representatives of the EU and U.S. administrations. The TLD emphasized the need for a strong and coordinated transatlantic policy response, while reiterating the importance of the Transatlantic Economic Council (TEC) as a framework for cooperation. Members also addressed pressing foreign policy issues. Particular attention was devoted to Afghanistan and Pakistan, as TLD participants engaged in a dialogue with Richard Boucher, U.S. Assistant Secretary for South and Central Asian Affairs, about President Obama's comprehensive new strategy. Other foreign policy debates focused on the status of diplomatic initiatives regarding the Iranian nuclear threat, the Middle East peace process, and relations with Russia. In addition, the delegates talked about the challenge of climate change, the importance of energy security, and President Obama's decision to close the Guantanamo detention facility.

Madam Speaker, I would like to commend Representative BERKLEY for bringing the American delegation to Estonia and Lithuania in advance of the TLD meeting for important bilateral visits with these important NATO and EU allies. In both countries the delegation met with the President, Prime Minister, Speaker and parliamentarians to reaffirm our country's friendship and support for the Baltic states. These high level discussions focused on regional security, responses to the global financial crisis, and the importance of energy diversification. In Estonia, members raised the issue of citizenship laws and the importance of good relations between ethnic Russians and Estonians. In Lithuania, U.S. members thanked political leaders for their valuable contributions to the NATO mission in Afghanistan. They pressed them on the need to resolve longstanding problems with Jewish property restitution, protect a historic Jewish cemetery site, and cease investigations of Jewish partisans regarding their World War II activities. The delegation also spoke with a group of Belarusian opposition leaders who traveled to Vilnius from Minsk to brief members on the political and human rights situation in Belarus. The U.S. delegation assured them of our ongoing support of their brave efforts.

In conclusion, I would like to enter into the CONGRESSIONAL RECORD the joint statement that was agreed upon by American and European legislators at the 66th TLD meeting held in Prague. This document highlights the importance of continued transatlantic dialogue and cooperation in addressing pressing financial and foreign policy crises.

TRANSATLANTIC LEGISLATORS' DIALOGUE
JOINT STATEMENT

Shelley Berkley, Chairwoman, United States Congress Delegation, Phil Gingrey, Acting Vice Chairman, United States Congress Delegation, Ron Klein, Acting Vice Chairman, United States Congress Delegation, and Jonathan Evans, MEP, Chairman, European Parliament Delegation.

We, the Members of the European Parliament and the United States House of Representatives, held our 66th Interparliamentary meeting (Transatlantic Legislators' Dialogue) in Prague, Czech Republic, on 18–20 April 2009.

Building on the joint statement issued following our last meeting in Miami on 6–8 December 2008, we stressed the importance of regular dialogue on a range of political, social and economic issues that affect all of our citizens. We agreed to report back to our parent bodies on the content and outcome of our discussions, particularly in the areas where joint efforts are likely to result in positive outcomes.

We discussed with Czech Minister of Foreign Affairs and Council President-in-office Karel Schwarzenberg the Summit held in Prague on 5 April 2009 between President Obama and the 27 EU Heads of State and Government. We welcomed its outcome and expressed our trust that this meeting will provide a strong impetus for strengthening the transatlantic relationship and furthering a common agenda.

The Transatlantic Legislators' Dialogue agreed that we should build on this political momentum to improve and renew the framework of the transatlantic relationship. In this context, we called for greater collaboration between legislators in the US House of Representatives and the European Parliament on issues of common concern and legislation that affects each side of the Atlantic. We also expressed our intention to have increased communication between our biannual meetings, using mechanisms such as periodic video conferences and the formation of working groups to address specific topics in greater detail.

With regard to foreign policy and security issues discussed during our TLD meeting, we agreed that joint action is the most effective way to approach problems which affect both sides of the Atlantic. In particular, we considered that:

a) peace in the Middle East requires a durable ceasefire, an end to attacks on Israel from Hamas and other terrorists, a functioning and effective government in the Palestinian Territories. We also expressed our support for the appointment of George Mitchell as Special Envoy to the Middle East Peace Process;

b) the comprehensive new strategy for Afghanistan and Pakistan announced by President Obama on 27 March 2009 constitutes a good basis for a regional approach to security, combating terrorism, and economic development. The EU and the US should enhance their cooperation and support, work to improve the coordination and effectiveness of Provincial Reconstruction Teams (PRTs), and seek to help build critical infrastructure across Afghanistan;

c) the dialogue affirmed that a nuclear armed Iran is unacceptable. We also agreed that relations with Iran should involve both incentives for Iran to build constructive ties with the international community as well as concerted pressure on Iran if it continues to fail to comply with its international obligations in the nuclear area and human rights; and

d) relations with Russia should involve constructive cooperation on challenges, threats and opportunities of mutual concern, including security matters, disarmament and non-proliferation, and respect for democratic principles including human rights standards, and adherence to international law. The dialogue expressed concerns about

Russia's recent behaviour in regards to the recent conflict with Georgia and energy dispute with Ukraine. We also cited the need to enhance mutual trust between the transatlantic partners and Russia.

On energy and climate change, we stressed that the EU and the US should work together to address these issues at the UN negotiations in Copenhagen later this year. We discussed cap-and-trade systems and the feasibility of setting up mutually compatible systems. We noted the link between tackling climate change and addressing energy security and economic growth, recognizing that the fight against climate change could also be an opportunity to create new jobs and sustain economic growth.

We examined the consequences of the global economic and financial turmoil. We agreed that the crisis requires a strong and coordinated policy response by the US and the EU. Recovery plans currently being adopted are critical in mitigating the effects of the crisis: approaches chosen should be compatible, avoid protectionist measures, and not give rise to distortions of competition in the transatlantic market place. We considered that global financial regulation and supervision should be strengthened, including better crisis prevention and management, and that EU and US should cooperate on the reform of international financial institutions.

We stressed the importance of the Transatlantic Economic Council (TEC), including its utility as a framework for macro-economic cooperation between both partners. We welcomed the progress made over recent months in promoting transatlantic economic integration, including investment, accounting standards, regulatory issues, the safety of imported products, and the enforcement of intellectual property rights.

We insisted that transatlantic economic cooperation must be more accountable and transparent. In particular, the schedules of TEC meetings, agendas, roadmaps and progress reports should be agreed upon between the core stakeholders as early as possible and then made public. Such measures are crucial to developing a clear and transparent process for setting the agenda of the TEC, extending the TEC to new sectors, and establishing a long-term roadmap of activities. We called on the EU and US executive branches to facilitate more active participation by members of the US Congress and the European Parliament in the TEC process, in particular via the TLD.

We considered that both partners should use the full potential of the TEC in order to overcome the existing obstacles to economic integration. To this effect, legislators on both sides of the Atlantic should convey their views on legislative and bureaucratic obstacles to the TEC leadership and conduct a regular review of the situation. We emphasized once more the concerns raised by the 100 percent cargo scan requirement, as well as the need to resolve remaining disputes with regard to the REACH regulation and access to the EU market for American poultry.

We discussed President Obama's signing of an executive order leading to the closure of the Guantanamo detention facility within a year. We also considered that the US and the EU Member States should cooperate in finding solutions wherever necessary, including accepting Guantanamo inmates in the European Union.

The dialogue also focused on the negotiations between the US and the EU Member States to extend access to the US visa waiver programme. We welcomed the extension of the programme to seven EU Member States, and encouraged the EU and US executive bodies to continue activities with regard to the Member States not yet included.

Finally, the dialogue took note of a 2008 European Commission report on legislation passed by the US Congress in 2006. The report found that the legislation was not in compliance with World Trade Organization policies as they apply to internet gambling. The TLD expressed strong support for ongoing discussions between the US and EU to resolve the situation in an effort to avoid potential sanctions against the US and the loss of export markets for US business sectors.

In conclusion, both sides renewed their commitment to make the TLD's work more relevant to the European Parliament and to the U.S. House of Representatives. We also agreed to further improve the effectiveness of our dialogue in order to realize the full potential of our interparliamentary relationship.

MATT MILLER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Matt Miller who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Matt Miller is a junior at Arvada West High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Matt Miller is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Matt Miller for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

IN RECOGNITION OF DRS. CATHIE SCHUMACHER AND K.C. KALTENBORN

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. YOUNG of Alaska. Madam Speaker, the Shining Lights Award is presented to individuals who demonstrate dedication to public service and the highest level of character, integrity and ethics. Anchorage Project Access, Drs. Kaltenborn and Schumacher have themselves by embodying the Jewish value of Tikkun Olam for their selfless work in bringing medical care to Anchorage's most impoverished residents and have been selected as the 2009 recipients of the Shining Lights Award.

In today's economic climate, many people are forced to choose between food, rent, and their health. Anchorage Project Access (APA) is a volunteer network of 405 medical professionals designed to address the needs of over 15,000 people in our community who are uninsured and fall 200% below the poverty line. since 2005, APA has united health care providers, hospitals and ancillary organizations in an effort to provide basic medical care to those on a limited income. APA strives to reduce health care costs for all of us by promoting a model of health through ongoing care, reducing the unnecessary use of local emergency rooms.

Husband and wife team Drs. Cathie Schumacher and K.C. Kaltenborn were deeply involved in founding APA and continue to dedicate their time and energy to making this worthwhile project successful. Their tireless efforts to establish and nurture APA have benefited the entire Anchorage community and the State of Alaska.

I encourage everyone to reflect on their exemplary devotion to public service as an inspiration to use their own talents for the good of our community. Congratulations to Drs. Schumacher and Kaltenborn and thank you for all that you do!

HONORING THE VOLUNTEER SERVICE OF KARISSA TATOM

HON. WALT MINNICK

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. MINNICK. Madam Speaker, I would like to congratulate and honor a young student from my district who has achieved national recognition for exemplary volunteer service in her community. Karissa Tatom, 17, of Meridian, a senior at Cole Valley Christian Schools, has been named one of the top honorees in Idaho by the 2009 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state and the District of Columbia.

Ms. Karissa Tatom is being recognized as a Distinguished Finalist by the program's judges, and will receive a bronze medal. Ms. Tatom learned how to knit so she could make hats and scarves for the "Mad Hatter" organization, which provides hats to women and children who have suffered hair loss due to chemotherapy.

In light of numerous statistics indicating that Americans today are less involved in their communities, it's vital that we encourage and support the kind of selfless contributions this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Karissa Tatom are inspiring examples to all of us and are among our brightest hopes for tomorrow.

Ms. Tatom should be extremely proud to have been singled out from the thousands dedicated volunteers who participated in this year's program. I heartily applaud her for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can—and do—play important roles in our communities and that America's community spirit continues to hold tremendous promise for the future.

RECOGNIZING THE OUTSTANDING ACHIEVEMENTS AND CONTRIBUTIONS OF NORBERT DICKMAN

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. CUELLAR. Madam Speaker, I rise today to recognize Norbert Dickman. As the General Manager of Fasken Business, Mr. Dickman has contributed so much to the Laredo community and the State of Texas.

Norbert Dickman was born in 1943 in Chicago where he would grow up and attend Quigley Preparatory Seminary. He would later move to California to attend St. Joseph's College where he earned an AA Degree and then a B.A. Degree in Philosophy from St. Patrick's Seminary. After traveling and attending school in Europe, Mr. Dickman settled again in California where he would study law at Hastings College of Law in San Francisco. After practicing in Larkspur, California he dedicated his service to Mrs. Barbara Fasken and made numerous trips to the Laredo and Midland areas to help her with her oil and gas companies as well as her ranch.

In 1988, Mr. Dickman moved to Midland and became the General Manager of Mrs. Fasken's business where he continues to serve today. He is a valued member of the community who dedicates numerous hours of his time to non-profit boards in the area including the Samaritan Counseling Center, the Executive Council of the Boy Scouts, UTPB Advisory Board, Permian Basin Area Foundation, Trinity School (where he was Board President from 1995 to 1997), and Casa de Amigos, where he was Board President for three years and is currently resident of the Endowment Board.

As the General Manager of Fasken busines interests, Mr. Dickson currently oversees many oil, gas, aid ranching operations in Webb County. He and his business have made many contributions to the city of Laredo and the state of Texas. His foundations have donated nearly 600,000 to the area over the past few years and his business has helped to revitalize the community.

Madam Speaker, please join me in honoring Mr. Norbert Dickman for his contributions and hard work over the years to the State of Texas.

MEGAN OLLER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Megan Oller who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Megan Oller is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Megan Oller is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Megan Oller for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

PERSONAL EXPLANATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, on rollcall No. 207 I was absent on the evening of April 27, 2009, because I was attending a public meeting at the Allegheny National Forest in Warren, Pennsylvania, regarding the pending Supplemental Environmental Impact Statement (SEIS), ongoing litigation, and the proposed "settlement." Recent Forest Service actions on the Allegheny have created adverse economic distress in my rural district and are unfairly denying my constituents access to their legally owned subsurface mineral rights.

Had I been present, I would have voted "Yea."

TRIBUTE TO DR. SIDNEY J. PARNES

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. HIGGINS. Madam Speaker, I am honored to pay tribute to Sidney J. Parnes, one of the great practitioners and researchers in the field of creativity and a co-founder of the Osborn-Parnes Creative Problem Solving Process.

In honoring Dr. Parnes as a pioneer in the worldwide understanding of creative thinking, the House of Representatives adds their appreciation to those that will be expressed by his family, friends, students and colleagues as they gather at Daemen College on May 8–9, 2009 for "Unlocking the Magic: A Tribute and Celebration with Sidney J. Parnes."

Dr. Sidney J. Parnes is co-founder of the International Center for Studies in Creativity, housed at my alma mater, Buffalo State College, and remains the only place in the world where you can receive a Masters of Science degree in Creativity. His contributions have added to the city of Buffalo's significant reputation as a dynamic arts community.

Dr. Parnes' passionate belief that creativity is a result of a balance between divergent and convergent thinking and that everyone can be taught to apply creative behavior in their personal and professional lives has led to his well-earned recognition as the world's leading expert in the field for more than a half century.

A life-long creativity researcher and author, world-class educator and Professor Emeritus of Creative Studies at the State University of New York College at Buffalo, Dr. Parnes co-founded CPSI (Creative Problem Solving Institute) with Dr. Alex Osborn in 1955. The CPSI became an international gathering for the more than 50 years it was held annually in Buffalo when, at times, 700 people representing 36 countries were in attendance.

A life-long researcher and author, this world—renowned educator is responsible for assembling the most comprehensive library on creativity at the University with over 2,400 volumes and launched the scholarly Journal of Creative Behavior in 1967 which includes the latest research, tools and techniques on creativity, innovation and creative problem solving.

From 1967 to 1984, Dr. Parnes served as president of the Creative Education Foundation, presenting countless workshops on creativity and creative problem-solving for leaders in business, education and government throughout North and South America, Europe, Asia, Africa and Australia.

He is a recipient of the State University of New York College at Buffalo "President's Award for Excellence" and is a member of the Creative Education Foundation Hall of Fame as well as the American Creativity Association's Hall of Fame. He has also been recognized by the Innovation Network with a Lifetime Achievement Award for his unprecedented accomplishments to further the creative movement worldwide.

Our congratulations extend to his wife, Bea Parnes, whom Dr. Parnes called "my indispensable colleague, my life companion and dearest friend." Along with their collaborative educational research, they have served as board members of People Inc. for many years and provided numerous workshops for social agencies.

Our good wishes extend to his children and grandchildren who influenced and participated in Dr. Parnes pursuits as he has noted "I'm proud of my family and their achievements, especially their receptivity to creative problem solving and willingness to apply it from their earliest days to family issues and challenges."

I am pleased and honored to send the best wishes of the United States House of Representatives to Dr. Sidney J. Parnes and to his family and friends as they gather to celebrate his life, leadership and legacy of outstanding contributions to the creative life of those whose lives he has so greatly influenced and to the City of Buffalo, the "Cradle of Creative Studies."

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PENCE. Madam Speaker, on Thursday, April 29, 2009, I was unavoidably detained and missed rollcall vote No. 228 on final passage of the Credit Cardholders Bill of Rights Act of 2009. Had I been present, I would have voted "no."

IN HONOR OF TAIWAN'S PARTICIPATION IN THE WORLD HEALTH ASSEMBLY

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. MARCHANT. Madam Speaker, I rise today to celebrate the announcement of Taiwan's participation as an observer in the World Health Assembly, WHA, to be held in Geneva, Switzerland. This announcement is the culmination of more than a decade of efforts by the Taiwanese people to be included in the assembly. Additionally, many of my congressional colleagues and I have been active in supporting Taiwan's participation in the WHA. I am delighted that after years of work in both Taipei and Washington, DC, these efforts have finally paid off and that Taiwan will be able to send a delegation to the WHA later this month under the nomenclature of ''Chinese Taipei.''

With the outbreak of the H1N1 virus sweeping across the United States and several countries, Taiwan's inclusion as an observer in the WHA is especially crucial in coordinating global responses to epidemics. Diseases do not stop at national borders, and Taiwan's long absence from the WHA meant that a coordinated global response to outbreaks was not as effective as it could be with Taiwan's inclusion.

I congratulate the Taiwanese people on finally winning inclusion in the WHA and look forward to continuing the good relations between Taiwan and the United States.

PERSONAL EXPLANATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, on rollcall No. 209, I was absent on the evening of April 27, 2009, because I was attending a public meeting at the Allegheny National Forest in Warren, Pennsylvania, regarding the pending Supplemental Environmental Impact Statement, SEIS, ongoing litigation, and the proposed ''settlement.'' Recent Forest Service actions on the Allegheny have created adverse economic distress in my rural district and are unfairly denying my constituents access to their legally owned subsurface mineral rights.

Had I been present, I would have voted ''aye.''

BIRTHDAY GREETINGS TO MALINDA WRIGHT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PAUL. Madam Speaker, Malinda Smith Wright will turn 100 on May 17, 2009. Malinda was born and raised in Brazoria County, TX, which is in my congressional district, and has spent all of her life there.

Malinda was married to Alex C. Wright for over seventy years. Together, Malinda and Alex raised six children. A lifelong lover of reading, Malinda continues to read the newspaper every day, and I understand that she is particularly interested in the stock market.

Madam Speaker, I am pleased to take this opportunity to extend my congratulations and best wishes to Malinda Wright as she prepares to celebrate her 100th birthday with her friends and family.

HONORING THE LIFE OF JACK KEMP

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. KING of New York. Madam Speaker, today I rise to honor the life of Jack Kemp who left us this past Saturday.

While his passing saddens all of us, Jack lived a full life that was truly remarkable. In addition to being a wonderful husband and father, Jack achieved outstanding success as a professional quarterback, United States Congressman, Cabinet Secretary, and Vice Presidential candidate. This is a man who excelled both personally and professionally. His economic policies formed the heart of the Reagan Revolution. Even after his political career ended, he made sure to continue his public service by writing, speaking, and continuing to tackle some of America's greatest problems. Jack Kemp always had ideas to offer and he was most often right.

Jack not only shined but took a leadership role in everything he did. Whether it was on the football field leading his team to victories or being a driving force in the House of Representatives, he was always in the middle of the action. Jack Kemp certainly embodied what Theodore Roosevelt said about the ''man in the arena.'' His was the face that was [literally] ''marred by dust and sweat and blood'' during his many athletic and political battles over the years.

And even though he was able to achieve so much during his time here, we grieve for what he still had to contribute. This is a man who continuously pushed himself in whatever profession he found himself in.

I was proud to know Jack Kemp for more than thirty years and to be his friend.

My thoughts and prayers go out to Joanne, his wife of more than fifty years, his four children, Jeff, Jennifer, Judith, and Jimmy, and his seventeen grandchildren.

Jack Kemp was a great man and a true public servant who touched so many lives in a positive way during his life. He will be sorely missed.

PERSONAL EXPLANATION

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. BERRY. Madam Speaker, I was unavoidably absent on the afternoon of April 29, 2009, and on April 30, 2009. Had I been present, I would have voted ''no'' on rollcall vote 223, against final passage of H.R. 1913. Had I been present, I would have voted ''aye'' on rollcall vote 228, for final passage of H.R. 627.

PRESIDENT NURSULTAN NAZARBAYEV OF KAZAKHSTAN

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to commend President Nursultan Nazarbayev on his offer to host a nuclear fuel bank in Kazakhstan administered by the International Atomic Energy Agency (IAEA), which the United States would expect to meet the highest international standards for safety, security and safeguards. It is my understanding that the U.S. Department of State has welcomed President Nazarbayev's announcement, and is prepared in principle to support this offer. In fact, even today, Secretary Hillary Clinton is meeting with Kazakhstan's Foreign Minister Marat Tazhin, and I understand that this important measure is on their agenda.

I am pleased by these series of events, especially in view of history. From 1949 to 1991, the Soviet Union used Kazakhstan as its nuclear testing ground, exploding more than 500 nuclear bombs and exposing more than 1.5 million Kazakhs to nuclear radiation. When the Soviet Union collapsed in 1991, Kazakhstan inherited the world's fourth largest nuclear arsenal and the second largest nuclear test site. While Kazakhstan could have retained enough highly enriched uranium to produce 20 nuclear bombs, President Nursultan Nazarbayev, in cooperation with the United States, and under the auspices of the Nunn-Lugar Cooperative Threat Reduction (CTR) program, voluntarily dismantled and shut down the nuclear test site at Semipalatinsk.

Kazakhstan has since signed with the United States amendments to a bilateral agreement on the nonproliferation of weapons of mass destruction which has moved the two nations towards a new level of cooperation in preventing the threat of bio-terrorism.

As a Pacific Islander, I have a special affinity for President Nazarbayev and the people of Kazakhstan. From 1946 to 1958, the United States detonated 66 nuclear weapons in the Republic of the Marshall Islands (RMI) including the first hydrogen bomb, or Bravo shot, which was 1,000 times more powerful than the bomb dropped on Hiroshima. Acknowledged as the greatest nuclear explosion ever detonated, the Bravo test vaporized six islands and created a mushroom cloud 25 miles in diameter. If one were to calculate the net yield of tests conducted by the U.S. in the RMI, it would be equivalent to the detonation of 1.7 Hiroshima bombs every day for 12 years. Regrettably, the U.S. has never fully made right the suffering of Pacific Islanders who, then and now, face severe health problems and even genetic anomalies for generations to come.

Through His Excellency Kanat Saudabayev, now Secretary of State for the Republic of Kazakhstan, I learned of President Nazarbayev's historic leadership in the cause of nuclear nonproliferation and, since my visit to Semipalatinsk, I stand with him in calling for

a nuclear weapons free world. Of all nations, Kazakhstan has the most legitimate voice, as no other nation has been courageous enough to disarm. Frankly speaking, when it comes to strengthening the global partnership for a nuclear weapons free world, President Nazarbayev has set the standard for other nations to follow.

As Strobe Talbott, President of the Brookings Institution, recently noted, ''the goal of eventually abolishing nuclear weaponry is written into the Nuclear Nonproliferation Treaty (NPT), which the U.S. Senate ratified nearly 40 years ago.'' And yet what have the members of the nuclear club done to disarm? In many ways, the five permanent members of the UN Security Council, which includes the United States, the United Kingdom, France, Russia, and the People's Republic of China are the worst examples of how the world should deal with nuclear challenges, but I remain hopeful that the U.S., under the leadership of President Obama, will form a strong alliance with Kazakhstan in moving the world forward on this issue.

Kazakhstan has also made great strides towards democracy, earning the support of 56 member nations to head the OSCE in 2010. Today, Kazakhstan has become the most stable and prosperous nation in Central Asia, and is the first country in the Commonwealth of Independent States to be granted market economy status by the United States. With more than 130 ethnic groups and 40 faiths living in peaceful coexistence, Kazakhstan is also a model for religious tolerance.

By its actions, Kazakhstan has proven itself to be a key ally of the United States and, as such, I welcome Foreign Minister Marat Tazhin's visit to Washington, D.C.

REMEMBERING THE LIFE OF LIEUTENANT JAMES THOMAS, FIREFIGHTER

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. CUMMINGS. Madam Speaker, on June 28, 2000, the Baltimore City Fire Department (BCFD)—and indeed, the entire Baltimore community—lost a dedicated and passionate advocate and brother, Mr. James Thomas. He had retired from BCFD in 1992 after nearly 37 years of dedicated service.

Mr. Thomas started his career in 1956 with Engine No, 6, three years after African Americans were allowed to be employed by the fire department. In 1962, as member of Engine No. 8, Jim was promoted to the rank of Lieutenant, which made him the first African American Officer within the BCFD. Jim took on many responsibilities and leadership positions within the BCFD, serving as a fire and safety inspector.

However, as it is widely known firefighters do not ever retire. They just stop going to the fire house everyday and this was also the case for Mr. Thomas. After his retirement, firefighter cadets and those with years of experience often sought out Jim for his advice, guidance, and instruction or simply to listen to his experiences within the BCFD.

Madam Speaker, in addition to being a dedicated firefighter, Jim above all else was a devoted husband to his wife Maureen and a man of faith. Although he passed away nearly nine years ago, his life remains an inspiration to us all, speaking volumes for what can be accomplished when a person's faith and determination are synchronized with his conduct. It is my hope that the family and friends of Mr. James Thomas continue to hold on to the fond memories they shared with him.

PERSONAL EXPLANATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, on rollcall no. 208 I was absent on the evening of April 27, 2009 because I was attending a public meeting at the Allegheny National Forest in Warren, Pennsylvania regarding the pending Supplemental Environmental Impact Statement (SEIS), ongoing litigation, and the proposed ''settlement.'' Recent Forest Service actions on the Allegheny have created adverse economic distress in my rural district and are unfairly denying my constituents access to their legally owned subsurface mineral rights.

Had I been present, I would have voted ''yea.''

WORLD PRESS FREEDOM DAY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 2009

Mr. PENCE. Madam Speaker, I come to the floor today in support of World Press Freedom Day, celebrated on the 3rd day of May each year. I do so with a profound sense of humility and with a sense of privilege about being able to come to the floor to speak in support of freedom of the press around the world.

World Press Freedom Day has been observed for 16 years now and serves as a reminder to us all of the vital importance of this core freedom. It is a day in which we celebrate the indispensable role played by journalists in exposing abuses of power, while at the same time we sound the alarm about the growing number of journalists that are still being silenced by death or jailed as they attempt to report on important issues of the day and bring to light information in the public interest.

Since this day was first celebrated, 692 journalists have been killed. The majority of victims were local reporters covering topics such as crime, corruption, and national security in their home countries. Adding to this tragic figure are the hundreds more each year who face intimidation, censorship, and arbitrary arrest—guilty of nothing more than a passion for truth and a tenacious belief that a free society depends on an informed citizenry. In every corner of the globe—from Iran to Zimbabwe, Burma to Pakistan, Cuba and Venezuela—there are journalists being actively harassed and exercising self-censorship because of threats and intimidation from repressive regimes.

As part of combating this intimidation and censorship, Mr. ADAM SCHIFF of California and I recently introduced the Daniel Pearl Freedom of Press Act. As many will remember, Daniel Pearl was kidnapped and murdered by terrorists in Pakistan, just 4 months after the September 11th attacks.

At the time of his kidnapping, Pearl served as the South Asia Bureau Chief of the Wall Street Journal, and was based in Mumbai, India. He went to Pakistan as part of an investigation into the alleged links between Richard Reid, the shoe bomber, Al Qaeda and Pakistan's Inter-Services Intelligence, ISI. He was subsequently beheaded by his captors. This legislation is dedicated to Daniel Pearl, the many that have gone before him, and those that still face such dangers today. The legislation seeks to highlight and promote freedom of the press by establishing an annual State Department report on the status of press freedom in every country in the world and create a grant program aimed at broadening and strengthening the independence of journalists and media organizations.

Now, more than ever, the defense of the freedom of the press must continue. Here at home, the Constitution of the United States provides: ''Congress shall make no law . . . abridging the freedom of speech, or of the press.'' Not since those words were adopted has this body passed a law to ensure the freedom of the press. Last month, the House passed the Free Flow of Information Act of 2009, legislation I was honored to introduce with Representative RICK BOUCHER of Virginia. The bill provides a qualified privilege of confidential sources to journalists—which is sadly missing in Federal law—and enables reporters to shield sources in most instances from disclosure. I urge its swift passage by our colleagues in the Senate.

While it is my great hope that a Federal Media Shield bill will soon be signed into law here at home, the struggle for freedom of the press is much more primitive in its evolution in many parts of the world. And for that reason we must stand in solidarity with all those around the globe who love freedom and continue to strain at the bonds of tyranny and oppression on this day of remembrance.

On this day, we remember reporters like Roxana Saberi. Miss Saberi is a 31-year-old American journalist who was arrested in February 2009, and is being held in Iran on charges of espionage, which her lawyer and the U.S. Department of State call baseless. Saberi is a freelance journalist who moved to Iran 6 years ago and reports for NPR, the BBC, and other news organizations. A true representative of this melting pot that is America, she grew up in Fargo, North Dakota, the daughter of Reza Saberi, who was born in Iran, and Akiko Saberi, who is from Japan.

As we learn of cases like Miss Saberi, we understand the stakes that are at risk here. We understand why oppressive regimes like that of Iran want so desperately to muzzle the unfiltered reporting of journalists like Saberi. And we understand why it is so important to cherish and protect freedom of the press as a vital check on abuses of power. Today, we call on the government of Iran to free Miss Saberi, hospitalized in her desperate attempt to win her freedom with a hunger strike that might appeal to the conscience of her oppressor where her valid legal arguments did not.

As a conservative who believes in limited government, I believe the only check on government power in real time is a free and independent press. A free press ensures the flow

of information to the public, and let me say, during a time when the role of government in our lives and in our enterprises seems to grow every day—both at home and abroad—ensuring the vitality of a free and independent press is more important than ever.

I salute the bravery of reporters and press outlets around the world. I urge you to stand firm and take heart. The U.S. House of Representatives stands firmly behind your right to increased freedoms; soon we hope to see this right enshrined in our public law, and stand in solidarity with those on the front lines of the worldwide fight for freedom of the press.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 5, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 6

9 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine the range of innovative, non-geologic applications for the beneficial reuse of carbon dioxide from coal and other fossil fuel facilities.
SD–192

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine regulating and resolving institutions considered to be too big to fail.
SD–538

Foreign Relations
To hold hearings to examine engaging Iran, focusing on obstacles and opportunities.
SD–419

Veterans' Affairs
To hold hearings to examine the nominations of Roger W. Baker, of Virginia, to be Assistant Secretary for Information and Technology, William A. Gunn, of Virginia, to be General Counsel, Jose D. Riojas, of Texas, to be Assistant Secretary for Operations, Security, and Preparedness, and John U. Sepulveda, of Virginia, to be Assistant Secretary for Human Resources, all of the Department of Veterans Affairs.
SR–418

10 a.m.
Energy and Natural Resources
Business meeting to consider pending legislation on siting of interstate electric transmission facilities, energy finance, and nuclear energy.
SD–366

Judiciary
To hold an oversight hearing to examine the Department of Homeland Security.
SD–226

2 p.m.
Aging
To hold hearings to examine solutions to stop Medicare and Medicaid fraud from hurting seniors and taxpayers.
SH–216

2:15 p.m.
Armed Services
Strategic Forces Subcommittee
To receive a closed briefing to examine space issues.
SVC–217

2:30 p.m.
Commerce, Science, and Transportation
Communications and Technology Subcommittee
To hold hearings to examine the future of journalism.
SR–253

Foreign Relations
European Affairs Subcommittee
To hold hearings to examine NATO post-60, focusing on institutional challenges moving forward.
SD–419

MAY 7

Time to be announced
Environment and Public Works
Business meeting to consider the nominations of Mathy Stanislaus, of New Jersey, to be Assistant Administrator, Office of Solid Waste, Cynthia J. Giles, of Rhode Island, to be Assistant Administrator for Enforcement and Compliance, and Michelle DePass, of New York, to be Assistant Administrator for International Affairs, all of the Environmental Protection Agency.
Room to be announced

9:30 a.m.
Armed Services
To hold hearings to examine the report of the Congressional Commission on the Strategic Posture of the United States.
SH–216

10 a.m.
Appropriations
Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee
To hold hearings to examine the 2009 H1N1 virus.
SD–124

Appropriations
Commerce, Justice, Science, and Related Agencies Subcommittee
To hold an oversight hearing to examine funding of the Department of Justice.
SD–192

Energy and Natural Resources
To hold hearings to examine a joint staff draft related to cybersecurity and critical electricity infrastructure.
SD–366

Finance
To hold hearings to examine auctioning under cap and trade, focusing on design, participation, and distribution of revenues.
SD–215

Health, Education, Labor, and Pensions
To hold hearings to examine the nominations of Seth David Harris, of New Jersey, to be Deputy Secretary, and M. Patricia Smith, of New York, to be Solicitor, both of the Department of Labor.
SD–430

Judiciary
Business meeting to consider S. 417, to enact a safe, fair, and responsible state secrets privilege Act, S. 257, to amend title 11, United States Code, to disallow certain claims resulting from high cost credit debts, S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 327, to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections, and the nominations of William K. Sessions III, of Vermont, to be Chair of the United States Sentencing Commission, and John Morton, of Virginia, to be Assistant Secretary of Homeland Security.
SD–226

10:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the nominations of Krysta Harden, of Virginia, and Pearlie S. Reed, of Arkansas, both to be an Assistant Secretary, Rajiv J. Shah, of Washington, to be Under Secretary for Research, Education, and Economics, and Dallas P. Tonsager, of South Dakota, to be Under Secretary for Rural Development, all of the Department of Agriculture.
SD–106

2 p.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the nomination of Margaret A. Hamburg, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services.
SD–430

2:15 p.m.
Indian Affairs
To hold hearings to examine the nomination of Larry J. Echo Hawk, of Utah, to be Assistant Secretary of the Interior for Indian Affairs.
SD–628

2:30 p.m.
Energy and Natural Resources
Energy Subcommittee
To hold hearings to examine net metering, interconnection standards, and other policies that promote the deployment of distributed generation to improve grid reliability, increase clean energy deployment, enable consumer choice, and diversify our nation's energy supply.
SD–366

Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2010 for the Office of the Architect of the Capitol, and the Office of Compliance.
SD–138

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine recruitment in the federal government.
SD–342

Banking, Housing, and Urban Affairs
Securities, Insurance and Investment Subcommittee
To hold hearings to examine strengthening the Securities and Exchange

Commission's enforcement responsibilities.

SD–538

MAY 8

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment situation for April 2009.

SD–106

10 a.m.

Finance

To hold hearings to examine the nomination of Neal S. Wolin, of Illinois, to be Deputy Secretary of the Treasury.

SD–215

MAY 13

10 a.m.

Commerce, Science, and Transportation

Competitiveness, Innovation, and Export Promotion Subcommittee

To hold hearings to examine tourism in troubled times.

SR–253

Banking, Housing, and Urban Affairs

Economic Policy Subcommittee

To hold hearings to examine manufacturing and the credit crisis.

SD–538

MAY 21

9:30 a.m.

Veterans' Affairs

Business meeting to markup pending legislation.

SR–418

POSTPONEMENTS

MAY 7

10 a.m.

Commerce, Science, and Transportation

Science and Space Subcommittee

To hold hearings to examine the consequences of a gap in human space flight.

SR–253

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate

Chamber Action

Routine Proceedings, pages S5045–S5086

Measures Introduced: Eight bills and two resolutions were introduced, as follows: S. 961–968, and S. Res. 126–127. **Page S5065**

Measures Reported:

Report to accompany S. 414, to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers. (S. Rept. No. 111–16) **Page S5065**

Measures Passed:

Sisters of the Sacred Hearts in Hawai'i 150th Anniversary: Senate agreed to S. Res. 126, commemorating the 150th anniversary of the arrival of the Sisters of the Sacred Hearts in Hawai'i. **Pages S5085–86**

Measures Considered:

Helping Families Save Their Homes Act: Senate resumed consideration of S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability, taking action on the following amendments proposed thereto: **Pages S5051–59**

Rejected:

By 39 yeas to 53 nays (Vote No. 176), Vitter Amendment No. 1016 (to Amendment No. 1018), to authorize and remove impediments to the repayment of funds received under the Troubled Asset Relief Program. **Pages S5052, S5057–59**

By 36 yeas to 56 nays (Vote No. 177), Vitter Amendment No. 1017 (to Amendment No. 1018), to provide that the primary and foundational responsibility of the Federal Housing Administration shall be to safeguard and preserve the solvency of the Administration. **Pages S5052, S5057–59**

Pending:

Dodd/Shelby Amendment No. 1018, in the nature of a substitute. **Page S5051**

Corker Amendment No. 1019 (to Amendment No. 1018), to address safe harbor for certain servicers. **Page S5051**

Dodd (for Grassley) Amendment No. 1020 (to Amendment No. 1018), to enhance the oversight authority of the Comptroller General of the United States with respect to expenditures under the Troubled Asset Relief Program. **Page S5056**

Dodd (for Grassley) Amendment No. 1021 (to Amendment No. 1018), to amend Chapter 7 of title 31, United States Code, to provide the Comptroller General additional audit authorities relating to the Board of Governors of the Federal Reserve System. **Pages S5056–57**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 10 a.m., on Tuesday, May 5, 2009, and that the time until 10 a.m. be for debate relative to Corker Amendment No. 1019 (to Amendment No. 1018) (listed above), with the time equally divided and controlled between Senators Dodd and Corker, or their designees; provided further, that at 10:50 a.m., Senate vote on or in relation to the amendment, with no amendment in order to the amendment, prior to a vote. **Pages S5060, S5086**

Appointments:

Commission to Study the Potential Creation of a National Museum of the American Latino: The Chair announced, on behalf of the Republican Leader, pursuant to P.L. 110–229, the appointment of the following to be a non-voting member of the Commission to Study the Potential Creation of a National Museum of the American Latino: Sandy Colon Peltyn of Nevada. **Page S5086**

Nominations Received: Senate received the following nominations:

Mercedes Marquez, of California, to be an Assistant Secretary of Housing and Urban Development.

Kathy J. Greenlee, of Kansas, to be Assistant Secretary for Aging, Department of Health and Human Services.

Martha N. Johnson, of Maryland, to be Administrator of General Services.

Philip Mudd, of Virginia, to be Under Secretary for Intelligence and Analysis, Department of Homeland Security.

John J. Sullivan, of Maryland, to be a Member of the Federal Election Commission for a term expiring April 30, 2013.

3 Marine Corps nominations in the rank of general. **Page S5086**

Messages from the House: **Page S5065**

Executive Reports of Committees: **Page S5065**

Additional Cosponsors: **Pages S5065–67**

Statements on Introduced Bills/Resolutions: **Pages S5067–85**

Additional Statements: **Pages S5063–65**

Authorities for Committees to Meet: **Page S5085**

Record Votes: Two record votes were taken today. (Total—177) **Page S5059**

Adjournment: Senate convened at 2 p.m. and adjourned at 6:37 p.m., until 10 a.m. on Tuesday, May 5, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5086.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the nominations of Ivan K. Fong, of Ohio, to be General Counsel, and Timothy W. Manning, of New Mexico, to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, both of the Department of Homeland Security.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 17 public bills, H.R. 2226–2242; and 7 resolutions, H. Con. Res. 117; and H. Res. 394–399 were introduced. **Pages H5095–96**

Additional Cosponsors: **Pages H5096–97**

Reports Filed: Reports were filed today as follows:

H.R. 1178, to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, with an amendment (H. Rept. 111–93, Pt. 1);

H.R. 1728, to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices and to provide certain minimum standards for consumer mortgage loans, with an amendment (H. Rept. 111–94); and H.R. 1748, to amend title 18, United States Code, to enhance the investigation and prosecution of mortgage fraud and financial institution fraud, with an amendment (H. Rept. 111–95, Pt. 1). **Page H5095**

Speaker: Read a letter from the Speaker wherein she appointed Representative Edwards (MD) to act as Speaker Pro Tempore for today. **Page H5065**

Recess: The House recessed at 12:36 p.m. and reconvened at 2 p.m. **Page H5068**

Suspensions: The House agreed to suspend the rules and agree to the following measures:

Recognizing the historical significance of the Mexican holiday of Cinco de Mayo: H. Res. 230, amended, to recognize the historical significance of the Mexican holiday of Cinco de Mayo, by a ⅔ yea-and-nay vote of 395 yeas with none voting "no," Roll No. 229; **Pages H5069–73, H5081**

Recognizing the 61st anniversary of the independence of the State of Israel: H. Con. Res. 111, amended, to recognize the 61st anniversary of the independence of the State of Israel, by a ⅔ yea-and-nay vote of 394 yeas with none voting "no," Roll No. 230; **Pages H5073–77, H5082–83**

Supporting the goals and ideals of Malaria Awareness Day: H. Con. Res. 103, amended, to support the goals and ideals of Malaria Awareness Day; and **Pages H5077–79**

Honoring the life, achievements, and contributions of Rabbi Charles H. Rosenzveig: H. Res. 283, amended, to honor the life, achievements, and contributions of Rabbi Charles H. Rosenzveig. **Pages H5079–80**

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 H5081**

Moment of Silence: The House observed a moment of silence in honor of Jack Kemp, former Member of Congress. **Pages H5081–82**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H5068.

Senate Referrals: S. 615 was referred to the Committee on Foreign Affairs and the Committee on Armed Services. **Pages H5068, H5094**

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of today and appear on pages H5081 and H5082. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 9:01 p.m.

Committee Meetings

INTELLIGENCE COMMUNITY RESEARCH AND DEVELOPMENT

Committee on Appropriations: Select Intelligence Oversight Panel met in executive session on Intelligence Community Research and Development. Testimony was heard from following officials of the Office of the Director of National Intelligence: Scott P. Sarlin, Acting Director, Science and Technology; and Lisa Porter, Director, Intelligence Advanced Research Projects Activity.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, MAY 5, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine ongoing efforts to combat piracy on the high seas, 9:30 a.m., SR–325.

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine, to hold hearings to examine piracy on the high seas, focusing on protecting our ships, crews, and passengers, 3 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine the nominations of Daniel B. Poneman, to be Deputy Secretary, David B. Sandalow, to be Assistant Secretary for International Affairs and Domestic Policy, both of the Department of Energy, and Rhea S. Suh, to be Assistant Secretary, and Michael L. Connor, to be Commissioner of Reclamation, both of the Department of the Interior, 9:45 a.m., SD–366.

Committee on Finance: to hold hearings to examine expanding health care coverage; to be followed by a business meeting to consider the nomination of Alan Krueger, to be Assistant Secretary of the Treasury for Economic Policy, 10 a.m., SD–106.

Committee on Foreign Relations: to hold hearings to examine the global implications of a warming arctic, Time to be announced, SD–419.

Full Committee, business meeting to consider S. 345, to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2012, to rename the Tropical Forest Conservation Act of 1998 as the ''Tropical Forest and Coral Conservation Act of 2009'', S. 954, to authorize United States participation in the replenishment of resources of the International Development Association, S. 955, to authorize United States participation in, and appropriations for the United States contribution to, the African Development Fund and the Multilateral Debt Relief Initiative, to require budgetary disclosures by multilateral development banks, to encourage multilateral development banks to endorse the principles of the Extractive Industries Transparency Initiative, S. 838, to provide for the appointment of United States Science Envoys, S. Res. 49, to express the sense of the Senate regarding the importance of public diplomacy, S. Res. 84, urging the Government of Canada to end the commercial seal hunt, and the nominations of Harold Hongju Koh, of Connecticut, to be Legal Adviser, and Johnnie Carson, of Illinois, to be Assistant Secretary for African Affairs, both of the Department of State, Ivo H. Daalder, of Virginia, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, Susan Flood Burk, of Virginia, to be Special Representative of the President for Nuclear Non-Proliferation, Luis C. de Baca, of Virginia, to be Director of the Office to Monitor and Combat Trafficking, and routine lists in the Foreign Service, 2:15 p.m., S–116, Capitol.

Committee on the Judiciary: Subcommittee on Terrorism and Homeland Security, to hold hearings to examine the passport insurance process, focusing on ending fraud, 2:30 p.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 3:30 p.m., S–407, Capitol.

House

Committee on Agriculture, Subcommittee on Livestock, Dairy, and Poultry and the Subcommittee on Emerging Threats, Cybersecurity, and the Science and Technology of the Committee on Homeland Security, joint hearing to review the National Animal Identification System, 2 p.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Legislative Branch, to continue appropriation hearings, 10 a.m., H–144 Capitol.

Committee on Armed Services, Subcommittee on Air and Land Forces, hearing on the Army National Guard and Air National Guard equipment programs, 2 p.m., 2118 Rayburn.

Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on Cyberspace as a Warfighting Domain: Policy, Management and Technical Challenges to Mission Assurance, 3:30 p.m., 2212 Rayburn.

Committee on Education and Labor, Subcommittee on Higher Education, Lifelong Learning and Competitiveness, to continue hearings on New Innovations and Best Practices under the Workforce Investment Act, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing on the following bills: H.R. 2221, Data Accountability and Trust Act; and H.R. 1319, Informed P2P User Act, 2 p.m., 2123 Rayburn.

Committee on Financial Services, hearing entitled ''The Effect of the Lehman Brothers Bankruptcy on State and Local Governments,'' 10 a.m., 2128 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled ''The Role of Inspectors General: Minimizing and Mitigating Waste, Fraud and Abuse,'' 2 p.m., 2128 Rayburn.

Committee on Foreign Affairs, hearing on From Strategy to Implementation: The Future of the U.S.-Pakistan Relationship, 12:15 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on the Federal Arbitration Act: Is the Credit Card Industry Using It To Quash Legal Claims? 10 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Insular Affairs, Oceans and Wildlife, hearing on the following bills: H.R. 509, Marine Turtle Conservation Reauthorization Act of 2009; H.R. 556, Southern Sea Otter Recovery and Research Act; and H.R. 1454, Multinational Species Conservation Funds Semipostal Stamp Act of 2009, 10 a.m., 1324 Longworth.

Subcommittee on National Parks, Forests and Public Lands, hearing on H.R. 980, Northern Rockies Ecosystem Protection Act, 2 p.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Government Management, Organization, and Procurement, hearing entitled ''Cybersecurity: Emerging Threats, Vulnerabilities, and Challenges in Securing Federal Information Systems,'' 2 p.m., 2154 Rayburn.

Committee on Rules, to consider H.R. 1728, Mortgage Reform and Anti-Predatory Lending Act, (General Debate Rule) 3 p.m., H–313 Capitol.

Committee on Science and Technology, Subcommittee on Energy and Environment, hearing on Expanding Climate Services at the NOAA: Developing the National Climate Service, 10 a.m., 2318 Rayburn.

Subcommittee on Investigations and Oversight, hearing on Follow the Money Part II: Government and Public Resources for Recovery Act Oversight, 2 p.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, hearing on Tracking Hearing #2:GSA Stimulus Funds-Up, Out, and Creating Jobs, 2 p.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on Intelligence for the U.S. Marine Deployment to Afghanistan, 1 p.m., 304 HVC.

Subcommittee on Oversight and Investigations, executive, briefing on Peru, 2 p.m., 304 HVC.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the economic outlook, 10 a.m., SH–216.

Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED ELEVENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

EXECUTIVE DATA ON LEGISLATIVE ACTIVITY

January 6 through April 30, 2009

	Senate	*House*	*Total*
Days in session	64	55	..
Time in session	441 hrs., 2′	378 hrs., 16′	..
Congressional Record:			
Pages of proceedings	4,997	5,064	..
Extensions of Remarks	..	1,044	..
Public bills enacted into law	6	9	..
Private bills enacted into law	..	..	..
Bills in conference	..	..	..
Measures passed, total	121	265	386
Senate bills	19	7	..
House bills	10	100	..
Senate joint resolutions	4	2	..
House joint resolutions	1	2	..
Senate concurrent resolutions	9	3	..
House concurrent resolutions	12	22	..
Simple resolutions	66	129	..
Measures reported, total*	40	88	128
Senate bills	15	1	..
House bills	..	44	..
Senate joint resolutions	..	..	..
House joint resolutions	..	..	..
Senate concurrent resolutions	2	..	..
House concurrent resolutions	..	4	..
Simple resolutions	23	39	..
Special reports	10	2	..
Conference reports	..	2	..
Measures pending on calendar	41	14	..
Measures introduced, total	1,100	2,774	3,874
Bills	940	2,217	..
Joint resolutions	14	48	..
Concurrent resolutions	22	116	..
Simple resolutions	124	393	..
Quorum calls	1	1	..
Yea-and-nay votes	175	147	..
Recorded votes	..	80	..
Bills vetoed	..	..	..
Vetoes overridden	..	..	..

DISPOSITION OF EXECUTIVE NOMINATIONS

January 6 through April 30, 2009

Civilian nominations, totaling 198, disposed of as follows:	
Confirmed	71
Unconfirmed	123
Withdrawn	4
Other Civilian nominations, totaling 736, disposed of as follows:	
Confirmed	10
Unconfirmed	726
Air Force nominations, totaling 4,733, disposed of as follows:	
Confirmed	2,193
Unconfirmed	2,540
Army nominations, totaling 1,103, disposed of as follows:	
Confirmed	906
Unconfirmed	197
Navy nominations, totaling 195, disposed of as follows:	
Confirmed	85
Unconfirmed	110
Marine Corps nominations, totaling 1,471, disposed of as follows:	
Confirmed	1,450
Unconfirmed	21

Summary

Total nominations carried over from the First Session	0
Total nominations received this Session	8,436
Total confirmed	4,715
Total unconfirmed	3,717
Total withdrawn	4
Total returned to the White House	0

Next Meeting of the **SENATE**

10 a.m., Tuesday, May 5

Senate Chamber

Program for Tuesday: Senate will continue consideration of S. 896, Helping Families Save Their Homes Act, and vote on or in relation to Corker Amendment No. 1019 (to Amendment No. 1018) at 10:50 a.m.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10:30 a.m., Tuesday, May 5

House Chamber

Program for Tuesday: Consideration of the following suspensions: (1) H.R. 774—The ''Geraldine Ferraro Post Office Building'' Designation Act; (2) H.R. 1397—The ''Caroline O'Day Post Office Building'' Designation Act; (3) H. Res. 299—Expressing the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week; (4) H.R. 1271—The ''Elijah Pat Larkins Post Office Building'' Designation Act; (5) H. Res. 382—Supporting the goals and ideals of National Charter Schools Week, to be held May 3 through May 9, 2009; (6) H. Res. 338—Supporting the goals and ideals of National Community College Month; (7) H. Res. 348—Congratulating the University of North Carolina men's basketball team; (8) H. Res. 353—Supporting the goals and ideals of Global Youth Service Days; (9) H.R. 1107—To enact certain laws relating to public contracts as title 41, United States Code, ''Public Contracts''; (10) H. Res. 313—Supporting the goals and ideals of National Public Works Week; (11) H. Res. 269—Supporting the goals of Motorcycle Safety Awareness Month; (12) H. Res. 367—Supporting the goals and ideals of National Train Day; (13) H. Res. 391—Recognizing May as ''National Foster Care Month''; and (14) S. 386—Fraud Enforcement and Recovery Act of 2009.

Extensions of Remarks, as inserted in this issue

HOUSE

Baca, Joe, Calif., E1046
Berman, Howard L., Calif., E1049
Berry, Marion, Ark., E1052
Cardoza, Dennis A., Calif., E1046
Castle, Michael N., Del., E1048
Cuellar, Henry, Tex., E1045, E1047, E1051
Cummings, Elijah E., Md., E1053
Faleomavaega, Eni F.H., American Samoa, E1052
Higgins, Brian, N.Y., E1051
King, Peter T., N.Y., E1052
Kucinich, Dennis J., Ohio, E1045, E1048
Lee, Christopher John, N.Y., E1047
Marchant, Kenny, Tex., E1052
Minnick, Walt., Idaho, E1045, E1050
Paul, Ron, Tex., E1052
Pence, Mike, Ind., E1051, E1053
Perlmutter, Ed, Colo., E1045, E1046, E1046, E1047, E1047, E1048, E1048, E1049, E1050, E1051
Ruppersberger, C.A. Dutch, Md., E1047
Schiff, Adam B., Calif., E1048
Smith, Lamar, Tex., E1046
Thompson, Glenn, Pa., E1051, E1052, E1053
Towns, Edolphus, N.Y., E1046
Young, Don, Alaska, E1050

Congressional Record The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.