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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 1, 2009.

I hereby appoint the Honorable LINCOLN DAVIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rev. Dr. Adam Dooley, Red Bank Baptist Church, Chattanooga, Tennessee, offered the following prayer:

Heavenly Father, we come seeking Your blessing on this hallowed hall and the men and women who serve here. We do so with the full awareness of the Apostle Paul's teaching that ''there is no authority except from God, and those which exist are established by God.''

So Lord, we pray that Your steady hand guide them, Your eternal wisdom inform them, Your compassionate heart encourage them, and Your relentless holiness purify them.

May their decisions preserve America as a city on a hill with a light that cannot be hidden. Forgive us of our sins as we forgive those who sin against us. Bring us to a place of humility before You in order that we might enjoy Your richest blessings.

In Jesus' name we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from New York (Mrs. MCCARTHY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MCCARTHY of New York led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the House of the following title:

H. Con. Res. 186. Concurrent resolution supporting the goals and ideals of Sickle Cell Disease Awareness Month.

WELCOMING REV. DR. ADAM DOOLEY

The SPEAKER pro tempore. Without objection, the gentleman from Tennessee (Mr. WAMP) is recognized for 1 minute.

There was no objection.

Mr. WAMP. I want to welcome this morning to the House of Representatives my pastor, Dr. Adam Dooley, who hails from Berea, Kentucky, graduated from Clear Creek Bible College, and went on to receive his Doctor of Divinity from the Southern Baptist Theological Seminary.

He was the senior pastor at the Red House Baptist Church in Kentucky before he came to my home church of Red Bank Baptist in Red Bank, Tennessee.

Dr. Dooley, his wife, Heather, and their son, Carson, bless our large congregation there in Chattanooga, and today we welcome him to the House of Representatives as the guest chaplain and thank him for that extraordinary opening prayer this morning.

Welcome, Dr. Dooley.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. DEGETTE). The Chair will entertain up to five further requests for 1-minute speeches on each side of the aisle.

MAD AS HELL DOCTORS

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

Mr. KUCINICH. I want to acknowledge the presence in our Capitol of a group of physicians who have traveled across the country rallying public support for a single-payer health care system.

The group, which calls itself the Mad As Hell Doctors, is expressing the concern of millions of Americans about a health care system which is failing to meet the people's needs: that there are 47 million Americans without any health insurance, that 50 million Americans are underinsured, that people are literally going broke, not being able to pay their hospital bills.

We clearly recognize that this system is not sustainable. That's why JOHN CONYERS and I drafted a bill, H.R. 676, that provides for universal single-payer, not-for-profit health care. We're already paying for such a system. It's just that we're not getting it because $1 out of every $3 goes for the activities of the for-profit system for corporate profits, stock options, executive salaries, advertising, marketing, the cost of paperwork.

It's time to take that $800 billion a year and put it into care for people. Everyone is covered then for vision care, dental health care, mental health care, prescription drugs, long-term care. It's time for single-payer.

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CONTRADICTING INTELLIGENCE ON IRAN'S NUCLEAR PROGRAM

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

Mr. KIRK. The United States revealed a secret underground uranium enrichment facility near Qom, Iran. U.S. officials told us they were carefully observing it for ''several years.'' But earlier this year, the Director of National Intelligence, Dennis Blair, provided written congressional testimony that the intelligence community has ''no evidence that Iran has yet made a decision to produce highly enriched uranium.''

There is a glaring contradiction between the administration's revelation and Blair's testimony. I urge Members to cosign the bipartisan Kirk-Berkley letter calling on Director Blair to account for contradictory testimony on the growing Iranian threat.

The 2007 National Intelligence Estimate on Iran downplaying the threat now appears to be a glaring Intelligence failure. According to the Wall Street Journal, the main authors of that NIE, Van Van Diepen, Tom Finger, and Ken Brill, should be accountable, too.

Congress should ensure that key officials get this right, especially on Iran.

ALERT DRIVERS ACT

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

Mrs. MCCARTHY of New York. Madam Speaker, distracted driving is a serious problem in our Nation. One study conducted by Virginia Tech University found that drivers are 23 times more likely to get into an accident when texting. A recent New York Times/CBS News Poll indicated 90 percent of adults agree that texting while driving should be illegal.

This is an issue that rises above political power. This is why the Department of Transportation has dedicated a 2-day summit here in Washington this week to address the rising concerns of distracted driving on our Nation's highways.

H.R. 3535, the ALERT Drivers Act, which I am proud to introduce along with my colleague, Nita Lowey from New York, would ban anyone from writing, sending, or reading text messages while operating a moving vehicle.

Already endorsed by Ford Motors and the Advocates for Highway and Auto Safety, I ask that you join me in curbing preventable accidents on our Nation's roadways and cosponsor the ALERT Drivers Act.

Madam Speaker, we see these accidents all the time. We need to do something.

SMALL BUSINESSES AND HEALTH CARE

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

Mr. BUCHANAN. Madam Speaker, affordable health care is critical to our country, but let's not forget small business. They create 70 percent of the jobs in Florida. Ninety-nine percent of all businesses in Florida are small businesses, but yet in this debate we're looking at charging small businesses an 8 percent tax on payroll. That's like a fixed expense.

They're also looking to raise taxes up to 45 percent, with a 5.4 in sunsetting President Bush's tax. So, again, 45 percent. A lot of that's pass-through income for many of our small companies.

These taxes will kill jobs. The 8 percent alone, they're talking, will put 20 percent of our businesses out of business in Florida. I know. I've been in business for 30 years.

Let's help our small businesses. Small businesses create the jobs. We can cannot afford to tax them to death. It needs to be about the economy and jobs.

SAVE THE OCEANS

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

Mr. INSLEE. Madam Speaker, yesterday, the actor Sigourney Weaver showed a movie in the Capitol which was scarier than her movie The Aliens because it was fact, not fiction, and it was a movie documenting the acidification of the oceans caused by carbon dioxide that we burn that goes in the atmosphere, goes in the water, and makes the oceans acidic. This documentary showed that the waters off the Pacific coast soon will be so acidic that they can actually melt shell life.

The reason I mention this is that yesterday the EPA rolled out proposed rules to do something about these noxious gases. Some have said we shouldn't do that, but those are the same people saying we shouldn't pass a bill. They're saying we shouldn't regulate CO_2 here, there, or anywhere.

I urge all of us to move forward on a bipartisan basis to stop ocean acidification by passing the energy bill we passed in the House. We hope the Senate will pass it. That's a route to do it. But, one way or another, we've got to save the Pacific and Atlantic Oceans.

NATIONAL MEDIA IGNORES MEDIA EVALUATION

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

Mr. POE of Texas. Madam Speaker, if a poll is conducted but no one hears about it, does that poll really exist? Sacred Heart University recently found out that five out of six Americans see the national news media as ''very or somewhat biased.'' But you aren't likely to hear about the Sacred Heart poll from the establishment media.

A search of The New York Times, The Washington Post, the Los Angeles Times, and USA Today yielded zero articles about the poll. Network news programs have also intentionally ignored it.

It seems the establishment media believe that if they simply ignore the poll, it does not exist. It's no wonder that almost half of Americans have stopped watching a news outlet because of the media bias. By ignoring a poll that shows their bias, the establishment media has confirmed the poll's results that most Americans believe the national media is biased.

And that's just the way it is.

CORAL REEFS

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

Mr. KLEIN of Florida. Last week, the House passed critical legislation to protect one of Florida's most treasured national wonders. The Coral Reef Conservation Act Reauthorization and Enhancement, which I strongly supported, will be a key tool in protecting this endangered ecosystem.

The bill will support grants for coral reef conservation and scientific research at our outstanding institutions like the National Coral Reef Institute in Fort Lauderdale, Florida.

Coral reefs are integral to our safety and economy in south Florida. They act as a first line of defense against hurricanes and storm surges and they drive our tourist economy by bringing divers, snorkelers, and fishermen from all over the world to our community. In Broward County alone, coral reefs contribute over $2 billion annually to our local economy.

Madam Speaker, this is not a Democrat or a Republican issue. Protecting our national treasures is something we can all agree on. I'm proud that my colleagues came together to pass this important piece of legislation.

MEDIA SLOW TO REPORT ON ACORN SCANDAL

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

Mr. COBLE. Madam Speaker, in his latest column, New York Times Public Editor Clark Hoyt criticized the Times for its lack of coverage of the ACORN fraud and corruption scandal. Hoyt wrote that the Times showed ''slow reflexes'' and risks appearing ''clueless'' or ''partisan'' if it does not cover similar stories in the future.

The Times wasn't alone. The Washington Post's ombudsman admitted the Post was slow to cover the story as well and speculated that reporters' liberal leanings might have played a part.

Most other national news outlets ignored or downplayed the ACORN scandal. Days passed before the network news programs covered the story, and only one out of five Sunday news show hosts asked the President about ACORN last week.

The national media should report the facts instead of ignoring stories that don't fit their liberal agendas.

HUMAN RIGHTS SITUATION IN VIETNAM

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

Ms. LORETTA SANCHEZ of California. I rise today to call attention to the human rights situation in Vietnam, particularly because today Vietnam will be taking over the Presidency of the United Nations Security Council. I find this development shocking and appalling and unacceptable, especially when we look at Vietnam's human rights record.

Just this past Sunday, the police in Vietnam assaulted over 130 monks and removed them from the Bat Nha Monastery before destroying it. Recently, eight dissidents where imprisoned by the Vietnamese Government for practicing their rights to freedom of speech and expression.

Today, Secretary of State Clinton is planning to meet with the Foreign Minister of Vietnam. I would urge Secretary Clinton to address these ongoing human rights violations in Vietnam and to strongly urge the Government of Vietnam to uphold their promises to respect the rights of their citizens.

The United States must recommit itself to making human rights a diplomatic priority.

□ 1015

NETANYAHU U.N. SPEECH

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

Mr. PITTS. Madam Speaker, last week at the United Nations, Israeli Prime Minister Benjamin Netanyahu gave a powerful address, challenging those who would deny the Holocaust. Speaking from the podium, he held up the documents recording the Nazis' plan for the eradication of the Jews. He held up the original blueprints of the Auschwitz concentration camp, signed by Heinrich Himmler, the infamous head of the Gestapo. He called out those nations who sat by idly as President Ahmadinejad put forth vague insinuations that the Holocaust was just a phony pretext for the establishment of Israel. Ahmadinejad at other times has called the Holocaust ''a lie based on an unprovable and mythic claim,'' and he's called Israel ''a cancerous tumor that must cease to exist.''

I applaud our diplomats and those of many other freedom-loving nations for showing no tolerance for his hate speech by walking out during the Iranian president's tirade. Any nation that denies one of the most horrific and barbaric acts of hatred and murder cannot be trusted to peacefully develop nuclear capabilities.

MOTION TO INSTRUCT CONFEREES ON H.R. 2892, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

Mr. PRICE of North Carolina. Madam Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

Mr. ROGERS of Kentucky. Madam Speaker, I have a motion at the desk.

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

The Clerk read as follows:

Mr. Rogers of Kentucky moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2892 be instructed as follows:

(1) Recede to subsection (a) of section 567 of the Senate amendment (the Detainee Photographic Records Protection Act).

(2) Insist on subsections (b) and (c) of section 552 of the House bill (regarding the inclusion of individuals detained at Naval Station Guantanamo Bay, Cuba on the No Fly list and the prohibition on the provision of immigration benefits for such individuals).

(3) Recede to the Senate position on subsections (a) and (d) of section 552 of the House bill (regarding certain threat assessments and the transfer of individuals detained at Naval Station Guantanamo Bay, Cuba to the United States).

(4) That they shall not record their approval of the final conference agreement (as such term is used in clause 12(a)(4) of rule XXII of the Rules of the House of Representatives) unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 72 hours prior to the time described in such clause.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Kentucky (Mr. ROGERS) and the gentleman from North Carolina (Mr. PRICE) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself such time as I may consume.

The motion to instruct conferees is very simple. Madam Speaker. It would prohibit the transfer of Gitmo prisoners to the United States. It ensures the detainee pictures are never made public, and it mandates the conference report is made public at least 72 hours before being considered on the floor. It's that simple. And that's exactly what the Homeland Security appropriation bill is all about, protecting the American people from all threats, including the warped intentions of terrorists and radical extremists.

Let me state my sincere gratitude to Subcommittee Chairman DAVID PRICE for listening to the views of the minority during all of these proceedings, during our preconference deliberations especially over the last few weeks. I truly appreciate his bipartisanship and consideration of our concerns.

Madam Speaker, this motion strengthens the House bill's current restrictions on Guantanamo Bay detainees by ensuring their names have been put on the No Fly List and by clearly prohibiting their transfer to the United States for whatever reason. For 9 months, the Obama administration has insisted the detention facility at Guantanamo Bay be shuttered within the year. But what have we seen during that time in preparation for that? Absolutely nothing, no plan, no idea of how to proceed, no instructions to the Congress, no instructions to the public about where these prisoners would be moved to.

Now we read in the press that the administration is thinking of releasing up to 75 of the detainees there. Where will they go? Europe, Fiji, maybe somewhere closer. Maybe in Michigan, maybe in Kansas, maybe somewhere else in the U.S. Who knows. Certainly the Members in those districts in the U.S. don't know. So this motion prohibits the granting of any immigration benefit for any reason to these detainees. Without such a benefit, there is no legal way to bring these terrorists to American soil and in our constituents' backyards. That means these terrorists cannot be granted the same constitutional rights as American citizens. After all, these detainees are enemy combatants caught on the battlefield. They are not common criminals, and they should not be granted legal standing in our criminal courts by bringing them onto U.S. soil.

From my point of view, we can't waiver on this issue, nor can we be weak. There is no reason these terrorists, who pose a serious and documented threat to this Nation, cannot be brought to justice right where they are in Cuba at Guantanamo Bay. If we want to try them, there is the place. I certainly think that that is where the American people stand on this issue as well. They don't want these terrorists in their hometowns, inciting fellow prisoners in our prisons, abusing our legal system and terrorizing their communities.

In addition, Madam Speaker, this motion insists upon the Senate's language prohibiting the release of detainee pictures, language unanimously adopted in the Senate, supported by this Chamber in June and endorsed by President Obama himself by way of his letter to the Senate on July 29. In that letter, I think the President said it best himself: ''Nothing would be gained

by the release of the detainee photos other than allowing our enemies to paint our troops with a broad, damning, and inaccurate brush.'' I frankly couldn't agree more.

And finally, Madam Speaker, this motion also requires the conference report to be made public at least 72 hours before being brought to the floor for consideration. We want to read the bill before we vote.

So Madam Speaker, the ongoing terrorist investigations ranging from Denver to New York to Dallas over the last few weeks and the persistent attacks by radical extremists upon our citizens, our soldiers and our interests overseas remind us of why there is absolutely no reason to bring a terrorist to American soil or to release images that endanger this great country and its Armed Forces.

I urge support of the motion.

I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Speaker, I rise in opposition to the motion to instruct offered by the gentleman from Kentucky and yield myself as much time as I may consume.

Madam Speaker, I want to begin by echoing the words of the ranking member. We have, indeed, enjoyed fruitful cooperation in formulating this bill and bringing it to this point. Mr. ROGERS is a distinguished ranking member. He was the founding chairman of this subcommittee, and I think on both sides, we take pride in the process that we've developed that involves full consultation and, of course, not always perfect agreement, but a respect for each other's views and a product that can rightfully be called the fruit of our common labor.

Having said that, I do want to oppose this motion to instruct. I don't oppose it in its entirety. It has some positive features, but I want to concentrate in my brief remarks this morning on what leads me to ask for a ''no'' vote. This mainly has to do with some parts of items two and three of this motion.

The motion to instruct would basically prevent us from bringing anyone held in Guantanamo Bay to the United States for the purpose of prosecution. This provision is more restrictive than the House-passed bill, which allowed persons detained at the naval station at Guantanamo Bay to be brought to the U.S. for prosecution.

Accepting a more narrow provision goes against basic American principles, as well as basic American interests. People are to be given due process and access to a fair trial in this country, and it is certainly in this country's interest to bring these people to trial, to dispose of their cases. I must say, this motion also goes against a perfecting amendment that the distinguished ranking member himself voluntarily accepted—in fact, eagerly accepted—in our full committee markup.

So I have to ask, what would have made the other side change its mind all of a sudden? It appears that even when they get ''yes'' for an answer, it's hard to accept ''yes'' for an answer. Without allowing these detainees to come to the United States for prosecution, we're basically saying that our judicial and law enforcement officials are unable to handle these criminals here in the United States, and that our country's core values and interests do not apply in these cases. That's just wrong.

The U.S. has successfully tried dangerous terrorists before—in fact, many times, executing some, putting others behind bars to fade into obscurity. The perpetrators of the 1993 World Trade Center and Murrah Federal Building bombings are perfect examples.

Treating these individuals as though they are so dangerous that we cannot possibly put them on trial or punish them or lock them up and throw away the key, the way we deal with our most savage criminals here in the United States, gives these detainees an exalted status. Why do we want to do that? An exalted status is far from what they deserve.

We can handle this, Madam Speaker. We're up to this challenge, and the last thing we ought to be doing is elevating these Guantanamo prisoners in the eyes of the world. The amendment that was accepted in committee, to permit us to bring these people into the United States for the purpose of prosecution, most certainly should remain.

Finally, Madam Speaker, let me just say a word about the process by which this bill is being brought to the floor. We, of course, want to make certain that Members have ample time to study and understand bills before we vote on them. At the same time, I have to say, this bill has been a long time in the making. There has been a long period of discussion and debate and deliberation, and Members of this body should be assured that a full range of interested parties have been involved in crafting this bill in a bipartisan fashion since we received the budget in May.

Even before receiving the budget, we held 15 days of hearings on a wide variety of topics, including responses to natural disasters, technology and efficiency improvements, immigration enforcement, and border security. We had testimony from DHS as well as GAO and other non-Department sources. So it's a thoroughly vetted bill, and the issues in this bill have been thoroughly examined. They've been given their proper due diligence. There are no surprises, and we are, indeed, ready to go to conference.

With that, I reserve the balance of my time.

□ 1030

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

Mr. PRICE of North Carolina. Madam Speaker, I yield such time as he may consume to the distinguished chairman of our full committee, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I thank the gentleman for the time.

Madam Speaker, from time to time, people in this House know that I quote my old favorite philosopher, Archie the Cockroach, and Archie said, or maybe it was Will Rogers—I've forgotten exactly which—but one of them noted that there is nothing more pitiful than the sight of a flock of politicians in full flight. They can look as panicked as a loon trying to take off from choppy lake water. And if you've ever watched one of those, it takes them a long time, they make a lot of ruckus, and they look like an unjointed turkey in the process. That's the way the Congress has looked, in my judgment, with respect to this Guantanamo Bay issue.

Now, this country has a problem. After September 11 we picked up a lot of bad and dangerous characters and shipped a lot of them to Guantanamo. We also picked up, on the basis of bad information, some who didn't belong there. From what I can tell, it would appear like virtually every single person there now deserves to be there.

But the problem is that the previous administration had no process by which to separate the merely criminal or the merely misguided from the truly evil. And as a result, thanks in part to the unrelated chaos of Abu Ghraib, the United States, which has rightly prided itself on being the principal advocate of due process and human rights in the world, has come to be seen by some these days as a pretty major apologist for torture and imprisonment without review or remedy. I don't think that's what America really stands for.

President Obama has tried to deal with the fact that Guantanamo has become a major liability to this country in the court of world opinion and in some cases has become a recruiting ground for the very forces that we wish to contain.

In the Presidential campaign, to their credit, both candidates called for closing Guantanamo because they recognized the damage being done to our influence and our security. President Obama won that election and announced his intention to close the facility.

Admittedly, the administration did not demonstrate a high degree of skill in implementing that decision. They had a credible goal, but they clearly had not thought through how to get there. That's why this committee insisted in the 2009 supplemental that the administration present its analysis to the Congress before people who were imprisoned in Guantanamo could be shipped elsewhere and before any detainees could be brought to the U.S. or transferred to another country.

Very frankly, the administration has received very little help from Capitol Hill in thinking through this problem. A number of Members have had legitimate concerns, but they could not come up with any reasonable set of criteria by which transfers could be effected.

Now, this motion would have this body declare that no prisoners can be

transferred anywhere in this country even for prosecution, which they so richly deserve. That means the detainees would have to be transferred to other countries or that Guantanamo would have to remain open as a permanent stain on our reputation for due process.

I think we can do better than that.

Has this country, this country that has even tried the worst criminals in the history of the world at Nuremberg, has this country experienced such a pitiful decline of modern thoughtful political leadership that we now have no capacity except to say lock them up forever, no questions asked, and no due process provided under any circumstances? We may want to lock them up. I'm sure we do. But we can do better in the way we do it.

In America we do not provide due process for the benefit of criminals; we provide it for our own safety's sake.

I don't know how many Members are familiar with the play ''A Man for All Seasons'' about Sir Thomas More, who was martyred by King Henry VIII. When More's son-in-law, Richard Roper, in that famous play, said that he would cut down every law in England to get at the devil, More replied, ''And where would you hide then, the laws all being flat? Yes, I give the devil benefit of law, for my own safety's sake.''

That's why it's important that we have a process that will allow us to lock up and throw away the key on everyone in Guantanamo who deserves it; but we cannot tell the world that just because this process is difficult, we are simply going to take the easy road and step over the valleys that make this Nation great.

I refuse to believe, as the gentleman from North Carolina has already indicated, I refuse to believe that our law enforcement officials, our prison officials, and our Justice Department officials are not skilled enough and thoughtful enough to imprison these thugs in high-security facilities at minimal or no danger to our citizens and our communities. Our prisons keep us safe from the likes of Charles Manson; David Berkowitz, the ''Son of Sam'' killer; the World Trade Center bombers; and the Kenyan Embassy bombers, whom I detest because they killed several friends of mine. What we want to propose in conference will be built on the faith that we do have that capacity.

Now, we can either let somebody else deal with our problems, or we can let them fester because we don't want to deal with them and make hard choices ourselves. That's unacceptable, and I think it's time that we face up to that.

What will emerge from conference, I suspect, will be language that any reasonable person will be able to say is a good-faith, effective process by which we can keep Americans safe and still continue to stand for the due process principles that we have always stood for.

I know these people are enemy combatants and they don't deserve it. But we don't make our decisions on the basis of what we think of defendants. We make our decisions on the basis of what we think of ourselves. And that's what makes us the greatest country in the world. And I do not want, as this motion would have us do, to depart from that high standard today.

Again, I thank the gentleman for the time.

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, this motion prohibits the granting of any benefits to the detainees at Guantanamo to be brought here for criminal prosecution.

As Mr. OBEY has just said, these are enemy combatants caught, captured on a battlefield. They are not criminal defendants; they are prisoners in a war. Prisoners in a war.

They can and have been tried by the military tribunals at Guantanamo. My understanding is that there were five military tribunal proceedings ongoing until this administration halted those proceedings, trying to figure out what they want to do next.

But my point is these are not criminal defendants; these are enemy combatants captured on a battlefield. They are prisoners of war and should be treated as such, as they have been at Guantanamo. Do not bring them to the U.S. for any purpose. Why would you bring an enemy captured prisoner of war to your country, give them the Miranda warnings, and proceed to a trial as you would an American citizen? It's beyond any question, I think.

These detainees, many of them, those who posed a minimal security threat, have been shuttled off to other foreign countries, leaving hundreds of suspected terrorists, hardened killers that are unwelcome by any place on Earth to be potentially bound for American soil.

Madam Speaker, we need to take a very serious step back and closely examine what we are thinking of doing.

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

Mr. ROGERS of Kentucky. I yield myself an additional 2 minutes.

This motion clarifies and says they would not be brought here for any, any, purpose, including prosecution.

Now, if you have any doubts about the kind of people we are talking about, read the resumes of these detainees. Read them, and you will have no doubt that these are enemy combatants sworn to kill you and every American they can find. And you want to bring them to the U.S.? It's insane, Madam Speaker. It's insane.

Madam Speaker, I yield 5 minutes to a very distinguished former trial judge in the State of Texas for 21 years, Judge CARTER.

Mr. CARTER. Madam Speaker, this debate goes on, and I hearken back to how did this all start. It started with enemies of the United States killing American citizens on American soil. By the grace of God, they didn't kill the number they were hoping to kill because they were hoping to bring down those towers in New York completely full of people, and potentially hundreds of thousands of people could have died. But because of the braveness of the police force and the fire department and others, we were able to evacuate those buildings and the casualty toll was not in the hundreds of thousands or the tens of thousands. But, still, every single American life lost there we care about.

I think most people thought we're going to war, world war. That's what I thought. That's what the people I was with in Taos, New Mexico, at the time thought. And we wanted to do something about it. The American soldiers in two fields of battle have done something about it. They continue to do something about it today. And through the work of our intelligence people and the American soldier and the American Marine Corps, we have brought many of these terrorists to captivity. They are enemy combatants captured on the battlefield.

We're not talking about people who have rights to Miranda warnings. My Lord, how can you fight a war if you're going to have to have Miranda warnings every time you come in contact with an enemy soldier? It makes no sense. Neither our Founding Fathers nor the Supreme Court, I would say, ever envisioned us giving Miranda warnings on the battlefield.

But I believe and I think Americans believe that these people mean us harm and by their very presence on the sacred soil of the United States they bring harm to this country. Because I would argue, as we all know, the recruiting of radical Islam is going on in our prisons right now. Witness just recently some arrests that were made inside this country and how those American citizens got to be influenced by radical Islam. Much of it comes out of the prison systems. And we are going to put people that are being held properly in Guantanamo, we're going to bring them to our soil, give them the rights of an American defendant and put them in the prison system of this country where they can continue—even if they are in solitary confinement, their very presence can make them a hero of the recruiters inside the prison.

□ 1045

Gangs are bad enough in the prisons without us creating gangs that are part of an international plot to destroy the United States of America. These people have no business being on the sacred soil of the United States. They certainly don't have the rights that are being argued for here. They are in the right place, where they belong. The military justice system is fair and they will get a fair trial, and I would argue that they belong in Guantanamo and they should stay in Guantanamo.

Yes, I agree with my colleagues on the other side of the aisle that we have

maximum security prisons that we could put them in. There is one that was featured in ''60 Minutes'' awhile back in Colorado where we put the worst of the worst; but did anybody listen to how much it costs us to put the worst of the worst in those maximum security prisons?

We are spending enough money around here without going out and spending that kind of money on prisoners where we already have them in a secure facility, where they are being humanely treated, and where they are able to meet with their lawyers and they are able to prepare for the defense of their case. There is no reason on God's green Earth to bring them over here and spend hundreds of thousands of dollars incarcerating each and every one of them in a Federal maximum security prison. It makes no sense in light of the fact that we are practically bankrupting our country with spending in the last 8 months.

So I think Mr. ROGERS has a very good bill here. I think what he is asking in this motion to instruct the conferees is common sense that the American people understand. Now, we get in this political world up here and common sense seems to go out the window. But I think if you stop the average American on the street, they will tell you that these people intend to kill us and as far as we are concerned, we don't care where they stay, but we don't want them in our neighborhood.

I certainly don't want them in Texas, and I would argue that each Member who represents their district in this august body does not want them in their neighborhood. I have a Federal prison that is within 30 miles of my home, and I promise you, my friends and neighbors do not want one of these detainees in that Federal prison because they are evil and they will corrupt those who are already there.

Madam Speaker, we spend most of our time in the courtroom giving people their constitutional rights as criminal defendants. And I have spent, in a criminal case, at least 50 percent of the time spent on every criminal case, my job was to protect those people's rights and make sure that they got every one of them. I did the very best I could. But at some point in time, in a criminal trial, upon the finding of guilt, those rights convert over to the State and to the people to make decisions on punishment.

I would argue these people don't start with those rights, and the American people have in mind what they think should happen to these people that would kill more American citizens on American soil.

Don't we have the courage of our Greater Generation forefathers to stand up to evil when it addresses our country and do something about that evil? Why would we want to coddle people who have a proven track record of being part of the network that attacked the United States of America?

Madam Speaker, I would argue this is an excellent instruction to the conferees, and I believe Mr. ROGERS and what he has stated here has expressed the will of the American people.

To address just one of the other issues about photographs, I think that pretty well has been decided.

But, you know, one more thing, as we bring these people here and we put them into the American justice system, which I treasure, the American justice system, but in turn the defense lawyers will be able to use the discovery process to find out about covert operations of the United States intelligence. We have already put our intelligence folks in bad places by our bad behavior around this place many times before. But to put our intelligence people in the courtroom with everybody to see, and out those people, if you will, would be absolutely a travesty of justice.

So this is a good thing to do, and I support Mr. ROGERS in his effort, and I would hope that everybody who cares about this country will support this motion.

Mr. PRICE of North Carolina. Madam Speaker, I am still trying to process the notion that we have in our high-security prisons a population that is just waiting to be corrupted.

We are all aware of the kind of people who are in these high-security prisons. They are already corrupted and they are dangerous, and we have proven our capacity to deal with them. I don't think that it behooves this body to cast such doubt on our capacities, the capacities of the judicial and penal systems of this country. We are up to this, Madam Speaker, and yet the motion before us would say that we cannot bring these people into this country for prosecution when it is clearly in our interest to do so. It is in our interest to close Guantanamo within a reasonable period of time and to bring these people before the bar of justice.

I would like to yield 30 seconds to our full committee chairman.

Mr. OBEY. I thank the gentleman.

I find it quite humorous to think that we are doing these Guantanamo prisoners a favor by exposing them to the ''gentle niceties'' of the prison population in our high-security prisons. In fact, I would suspect that those prisoners at Guantanamo, if they knew what kind of people they would be finding, would much prefer to stay in Guantanamo than wind up in some of those high-security

Mr. PRICE of North Carolina. Madam Speaker, I yield 5 minutes to the gentleman from New York (Mr. SERRANO).

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

Mr. SERRANO. Madam Speaker, I thank the gentleman for this time.

Every so often an issue comes before Congress where I honestly have to admit I scratch my head and say, Do I fully understand what we are talking about here? Because it makes no sense to me.

On every appropriations bill that we see come before the full committee, there was this notion that we couldn't bring folks from Guantanamo here to be prosecuted. Now, I know how dangerous some of these folks may be. I know how dangerous some of these folks are. I was in New York in my city on September 11. I was not here. Many people forget that was primary day in New York. Many people forget that one of the accomplishments, if you will, of the terrorists was to suspend, in the middle of the day, an election that was taking place in New York. They didn't just attack the symbol of our military power. They didn't just attack the symbol of our financial power. They were not just geared towards attacking, and did not get a chance to do it, to attack the symbol of our legislative power, but they disrupted an election, which is perhaps at the center of our strength, our electoral process.

I was there. I saw the pain. I know that they killed a lot of people, but they didn't defeat us. Let's be clear about that. They killed a lot of Americans, but they didn't defeat us, and they will never defeat us unless we begin to run away from who we are as a people and as a Nation. Unless we begin to throw away and turn our back on the Constitution, on what makes us a unique country, then they have a chance to win.

My friend, and we say this on the floor, but he truly is my friend from Kentucky, says, Why would we want to do that? Why would we want to bring them here? Because we are the United States of America. Because we are a great democracy that is not afraid to bring people to justice when they deserve to come to justice. Because we have nothing to hide.

Ironically, on another issue that I discussed with my friend at length over the years, we want nothing to do with Cuba except to use them to hold people there for trial. Why not bring them to New York where they committed their act, the scene of their crime? Why not let the world know in the middle of our pain, in the midst of all of our anguish over September 11, we are big enough and democratic enough to bring people to trial here within our territory. We have nothing to fear.

As far as whether or not there will be Miranda rights involved and whether the people have rights, why not? What is so difficult to understand about that? There is a contradiction in a country that continuously tells the world we are better, and we are; we are more democratic, and we are; we have a better justice system, and we do, and at the same time says but not for these individuals.

Now, if I was making the argument on behalf of the individuals in Guantanamo, we know how many were detained and eventually released because we have, throughout the last few years, nothing to charge them with. It might be that we have to release some and send them back to their countries, but this fear that somehow they are going

to be watching the streets of Washington, D.C., and eating at local restaurants and planting bombs everywhere, these folks will probably be the most guarded people in the history of the world. But we will do ourselves a great disservice if we continue to say that they cannot be brought to the United States for justice.

Why should they be near our community residents was one of the questions asked. I see it differently. Why not see our system in full bloom? Why not allow the world to see and understand that we are not afraid to bring people here to pay for their crimes, to go before our justice system.

Now, here is another question. So we bring them to justice in Guantanamo. We find them guilty in Guantanamo. Are we going to incarcerate them in Guantanamo? Are we going to keep them in a foreign country for crimes they committed against our country or are we going to bring them to a prison here? If we bring them to a prison here, after convicted, those who are convicted, why not try them here to begin with?

Again, this whole notion that these people have no rights, the terrorists win if we suggest that everybody that comes before us has no rights. That's why I oppose this motion.

Mr. ROGERS of Kentucky. May I inquire of the time remaining.

The SPEAKER pro tempore. The gentleman from Kentucky has 14 minutes. The gentleman from North Carolina has 9½ minutes remaining.

Mr. ROGERS of Kentucky. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Madam Speaker, I would like to express my greatest appreciation to the chairman of the subcommittee and the ranking member for the job they have done on this bill, which will be perfected by this motion to instruct.

Clearly, the work that involves our dealing with these detainees at Guantanamo Bay is very important work. We have been waiting for a long time now for a complete report from the administration giving us an indication as to how they would implement this campaign promise. We find ourselves in a circumstance today where it is apparent that a pretty sizable number of detainees are in plan for release somewhere, perhaps not the continental United States, but foreign countries and otherwise.

It is almost impossible to discuss, in this environment, the most serious concern about these detainees, for much of the information involved is highly classified information. But, needless to say, this is a group of very dangerous people, and a lot of circumstances have changed since the bill has come out of committee and we finally have it here on the floor for consideration by the conference.

Perfecting this package as we go forward by passing this motion to instruct would bring us very close to being in mesh with what is being proposed in the other body. It would appear that the leadership of our committee in the other body feels pretty strongly that we should not be spending funds that would allow these detainees to come to the United States.

This motion to instruct, I believe, will cause our conference to be a much more comfortable conference when we go there. I would urge the Members strongly to support Mr. ROGERS' motion to instruct.

□ 1100

Mr. PRICE of North Carolina. Madam Speaker, I have no further speakers.

Mr. ROGERS of Kentucky. We have no further speakers, Madam Speaker, and I would be prepared to yield to the gentleman for a close.

Mr. PRICE of North Carolina. Madam Speaker, I reiterate my request to our Members to vote against this motion to recommit. The motion is long and complex and by no means totally objectionable. But we have highlighted here today a feature of the Guantanamo provisions which not only is objectionable, but fundamentally runs counter to our country's interest—our country's interest in closing Guantanamo in a timely fashion and bringing the detainees there to trial.

It also, in a strange way, seems to question our country's capacity, the capacity of our judicial system and our penal system, to handle hardened criminals, whereas I think that our capacity to handle even the most dangerous criminals is beyond question. And I believe this motion also risks elevating these criminals in the eyes of the world, suggesting that we can not handle them through our normal processes of justice. For all these reasons, I believe this motion to instruct is unwise, and I urge a ''no'' vote.

I yield back the balance of my time.

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself such time as I may consume. In closing, this is a very simple motion to instruct the conferees on Homeland Security. One, prohibit the transfer of Gitmo prisoners to the U.S., period. Two, insist on the Senate language prohibiting the release of detainee photographs. And three, require that this bill be available at least 72 hours before the bill is brought to the floor so that Members may have a chance to read and consider before they vote on the conference report. That's simple.

These people in Gitmo, if you read their resumes, and study their history, they are not criminal defendants in the sense that most people understand that phrase to be in the U.S. These are hardened killers captured on the battlefield, and they are prisoners of war subject to a military tribunal hearing at Gitmo, which was proceeding until stopped by this administration. They are not criminal defendants. They are hardened criminals on the battlefield captured in the process of trying to kill American soldiers. Pure and simple.

Now, this motion to instruct is in line with Chairman INOUYE in the Senate, who has similar prohibitions in his bill for the Defense appropriations bill. This mirrors what the Senate leadership wants the policy of the country to be. And so I would hope all Members would vote for this motion to instruct conferees and keep our position in line with the Senate in prohibiting prisoners at Gitmo from being brought to the U.S., period.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct conferees will be followed by 5-minute votes on suspending the rules and agreeing to H. Res. 517 and H. Res. 487.

The vote was taken by electronic device, and there were—yeas 258, nays 163, not voting 11, as follows:

[Roll No. 746]

YEAS—258

Aderholt	Carnahan	Goodlatte
Akin	Carter	Gordon (TN)
Alexander	Cassidy	Granger
Altmire	Castle	Graves
Arcuri	Chaffetz	Grayson
Austria	Chandler	Griffith
Bachmann	Childers	Guthrie
Bachus	Coble	Hall (NY)
Barrow	Coffman (CO)	Hall (TX)
Bartlett	Cole	Halvorson
Barton (TX)	Conaway	Harper
Bean	Costa	Hastings (WA)
Biggert	Costello	Heinrich
Bilbray	Crenshaw	Heller
Bilirakis	Cuellar	Hensarling
Bishop (GA)	Culberson	Herger
Bishop (NY)	Dahlkemper	Herseth Sandlin
Bishop (UT)	Davis (AL)	Higgins
Blackburn	Davis (KY)	Hill
Blunt	Davis (TN)	Himes
Boccieri	Deal (GA)	Hodes
Boehner	DeFazio	Hoekstra
Bonner	Dent	Holden
Bono Mack	Diaz-Balart, L.	Hunter
Boozman	Diaz-Balart, M.	Inglis
Boren	Donnelly (IN)	Inslee
Boucher	Dreier	Issa
Boustany	Duncan	Jenkins
Boyd	Ehlers	Johnson (IL)
Brady (TX)	Ellsworth	Johnson, Sam
Bright	Emerson	Jones
Broun (GA)	Fallin	Jordan (OH)
Brown (SC)	Flake	Kanjorski
Brown-Waite, Ginny	Fleming	Kaptur
Buchanan	Forbes	King (IA)
Burgess	Fortenberry	King (NY)
Burton (IN)	Foster	Kingston
Buyer	Foxx	Kirk
Calvert	Franks (AZ)	Kirkpatrick (AZ)
Camp	Frelinghuysen	Kissell
Campbell	Gallegly	Klein (FL)
Cantor	Garrett (NJ)	Kline (MN)
Cao	Gerlach	Kosmas
Capito	Giffords	Kratovil
Cardoza	Gingrey (GA)	Lamborn
	Gohmert	Lance

Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nunes
Nye
Olson
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Rush
Ryan (WI)
Sanchez, Loretta
Scalise
Schauer
Schock
Schrader
Schwartz
Sensenbrenner
Sessions
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Stearns
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Wamp
Westmoreland
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Yarmuth
Young (AK)
Young (FL)

NAYS—163

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E.B.
Kagen
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meeks (NY)
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Sires
Slaughter
Snyder
Speier
Spratt
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Woolsey
Wu

NOT VOTING—11

Adler (NJ)
Barrett (SC)
Capuano
Carney
Maloney
McCarthy (CA)
Neugebauer
Schmidt
Shadegg
Stark
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1140

Messrs. GONZALEZ, CLEAVER, BLUMENAUER, DICKS, HINOJOSA, DAVIS of Illinois, BRADY of Pennsylvania, LEWIS of Georgia, GUTIERREZ, WEINER, OLVER, PAYNE, ENGEL, HARE, VAN HOLLEN, HOLT, SESTAK, Ms. WOOLSEY, Ms. LINDA T. SÁNCHEZ of California, Mrs. McCARTHY of New York, Ms. JACKSON-LEE of Texas, Ms. CORRINE BROWN of Florida, Ms. SLAUGHTER, Ms. EDWARDS of Maryland, Ms. ESHOO, Messrs. DOGGETT and LARSEN of Washington changed their vote from ''yea'' to ''nay.''

Messrs. HERGER, YARMUTH, BILIRAKIS, MOORE of Kansas, WILSON of Ohio and TANNER changed their vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHADEGG. Madam Speaker, on rollcall No. 746, had I been present, I would have voted "yea."

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

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. DEGETTE). Without objection, 5-minute voting will continue.

There was no objection.

CONGRATULATING WOMEN'S COLLEGE WORLD SERIES CHAMPION WASHINGTON HUSKIES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 517, 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 gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 517.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 11, as follows:

[Roll No. 747]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon

McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Adler (NJ)
Barrett (SC)
Capuano
Carney
Maloney
McCarthy (CA)
Neugebauer
Schmidt
Shadegg
Stark
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1149

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHADEGG. Madam Speaker, on rollcall No. 747, had I been present, I would have voted "yea."

RECOGNIZING THE 100TH ANNIVERSARY OF THE STATE NEWS AT MICHIGAN STATE UNIVERSITY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 487, 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 gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 487.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 19, as follows:

[Roll No. 748]

YEAS—413

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

NOT VOTING—19

Adler (NJ)
Barrett (SC)
Berman
Capuano
Carney
Carter
Heller
Maloney
Massa
McCarthy (CA)
Neugebauer
Royce
Rush
Schmidt
Shadegg
Stark
Wexler
Whitfield
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1155

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHADEGG. Madam Speaker, on rollcall No. 748, had I been present, I would have voted "yea."

APPOINTMENT OF CONFEREES ON H.R. 2892, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. PRICE of North Carolina, SERRANO, RODRIGUEZ,

RUPPERSBERGER, MOLLOHAN, Mrs. LOWEY, Ms. ROYBAL-ALLARD, Messrs. FARR, ROTHMAN, OBEY, ROGERS of Kentucky, CARTER, CULBERSON, KIRK, CALVERT, and LEWIS of California.

There was no objection.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 3183, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 788 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 788

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes. All points of order against consideration of the conference report are waived. The conference report shall be considered as read. All points of order against the conference report are waived. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

The SPEAKER pro tempore (Mr. ALTMIRE). The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. MATSUI. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 788.

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

There was no objection.

Ms. MATSUI. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 788 provides for consideration of the conference report for H.R. 3183, the Energy and Water Development Appropriations Act for 2010. The rule is a standard conference report rule. It waives all points of order against the conference report and against the consideration and provides that the conference report shall be considered as read. However, I want to point out that although the rule waives all points of order, the conference report does not violate either clause 9 or 10 of rule XXI. The resolution provides for 1 hour of general debate controlled by the Committee on Appropriations.

Mr. Speaker, I first want to thank Chairman OBEY as well as Mr. PASTOR for their work to bring this conference report before the House today.

When we think of the long-term health of our country, the Energy and Water appropriations bill is one of the most important bills that we consider. The conference report before us today will keep communities safe from flooding, invest in clean energy and renewable technologies, fight nuclear proliferation, and create jobs through infrastructure development.

Without this bill, millions of homes would be exposed to devastating floods, clean energy research that will power the next generation of money-making technologies will stop, nuclear weapons proliferation would pick up again, and the pace of job creation in the clean energy sector would slow to a crawl or even stop altogether. These are the reasons why today's conference report is so important.

In the field of energy, the conference report fulfills Congress's promise to chart a new path for a national energy policy. The conference agreement provides $27 billion for the Department of Energy to help fund clean energy development and perform basic scientific research. It devotes millions of dollars to solar energy development, advanced vehicle technologies, energy-efficient buildings, and biofuels that can be grown right here at home.

When we make our own fuel, Mr. Speaker, we create domestic jobs and also take steps toward becoming energy independent. We recognized this fact in the Energy and Commerce Committee when we wrote the American Clean Energy and Security Act, which is why I'm pleased to see these provisions part of today's conference report.

This appropriations bill also funds a number of applied research grants at the Department of Energy for potentially high-reward activities like fusion energy, high-energy physics, and biological research. Future generations will look back at these investments and thank us for having the foresight to recognize that one generation's long-term research is future generations' short-term gain.

□ 1200

Many of my colleagues would be satisfied to know that the conference report also devotes resources to fossil fuel-based energy that can provide a boost to our energy independence efforts in relatively short order. In it, $672 million is provided for research and development into things like carbon capture and sequestration, natural gas recovery, and unconventional petroleum research activities. This research will benefit independent petroleum producers and can also help make our country more energy independent for the short term.

Also to that end, the conference report takes a responsible approach toward nuclear energy by investing in fuel cycle research and development. By providing more than $700 million for nuclear energy, the conferees made the pragmatic calculation that nuclear will be part of our energy mix in the short term. But no matter how electricity is generated, one challenge we face is delivering it effectively to its destination. For this reason, the conference report provides more than $100 million to modernize and secure our national electricity grid. By almost tripling the amount of funding for grid-connected energy storage and cybersecurity, the conferees have recognized how closely our energy policy is tied to our national security.

The energy portion of this conference report is only half the story though, Mr. Speaker. For my district and for people living in floodplains across the country, this energy and water conference report is a major victory. Funding for the Army Corps of Engineers is increased over both 2009 levels and over the President's request for a total of $5.4 billion. For my constituents, this funding can be a matter of life and death. My district is where the Sacramento and American Rivers converge. As a result, Sacramento is the most at-risk city for major flooding in the United States. More than 440,000 people, 110,000 structures, the capitol of the State of California and up to $58 billion are at risk from flooding in my district alone. Nearly $90 million of vital funding in this conference report will reinforce levees along the American and Sacramento Rivers to keep these national assets safe and dry.

For all of Sacramento, this means safer homes, more secure schools, better protected community centers and a higher quality of life. According to the American Society of Civil Engineers, Federal levees currently provide a 6-to-1 return on flood damages prevented when compared to initial building costs.

But the flood protection funding in this conference agreement is more than just dollars and cents, Mr. Speaker. When I go home and walk along the Sacramento River, and when I look at the houses and schools and parks that sit behind the levees, I'm reminded how vital the Energy and Water bill is. In many parts of the country, it can mean the difference between a thriving city and a disaster area. Flood protection is a regional undertaking though. Floodwaters do not stop and start based on congressional district boundaries. That is why I am pleased that the conference report contains more than $60 million to improve the ability of Folsom Dam to protect my constituents who live below it. This money will also help the Joint Federal Project to provide greater efficiency in managing flood storage in Folsom Reservoir.

Around the whole country, from Sacramento to the Mississippi River Delta, from rural Ohio to the Bronx River Basin, this conference agreement protects our communities by investing in our aging infrastructure. And when we rebuild our infrastructure, we rebuild our economy. The infrastructure funding in this conference report before us today will continue this pattern of creating jobs while investing in public

safety. For that reason, I strongly support the rule and the underlying conference report, and I urge my colleagues to do the same.

Mr. Speaker, again, I want to thank Mr. OBEY and the Appropriations Committee for their hard work on this conference agreement.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I want to thank the gentlewoman from California, my friend, for yielding me the time. I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this closed rule—once again, a closed rule—coming out of the Rules Committee and the process that brought this bill to the floor. My friends on the other side of the aisle for the first time in history shut down the appropriation process by placing extremely restrictive rules on every single appropriation bill that has come to the floor of the House this year. Chairman OBEY set an arbitrary timeline to finish the fiscal year 2010 spending bills, which has forced the Democrat Rules Committee to limit every Republican and Democrat's chance to offer an amendment on the floor.

Why? For what reason? There are hundreds of good amendments which were offered by all of my colleagues which were rejected in this unprecedented fashion. Now that this House has finished all the appropriation bills, you would think that my friends on the other side of the aisle would allow for an appropriate time and an appropriate process for consideration of the conference reports, not just come to this House floor but for Members to be heard from and for us to go back to a process which this House was used to in its precedents for so many years.

But no. Last night the conference report was filed after 6 p.m., I believe 6:17, and the Rules Committee met at 7:15 to report out a rule for floor consideration. Our Democrat colleagues in the committee waived the House rule that requires a 3-day layover of conference reports and scheduled a bill on the floor first thing this morning. Additionally, just last week this House voted to adopt a motion to instruct that stated that the conference report, a bill that we are discussing on the floor here today, should be available online in a searchable format for at least 48 hours before it's voted on.

Well, Mr. Speaker, forget the 3-day rule. Forget the 48-hour motion to instruct; this House was given just less than 24 hours to review the conference report and its changes. I don't know when my Democrat colleagues will allow for the open, honest and ethical Congress that they once called for, but we're on the floor once again saying, We have met the deadline that Chairman OBEY wanted. Can we get back to a normal process now, a normal process that is not good just for Republicans and not just for our Democratic Members but good for this House to follow?

Mr. Speaker, today we are discussing the Energy and Water appropriation conference report for fiscal year 2010. Today it is my intention to focus on the increase in spending over last year's level and destructive initiatives that the Democrat majority continues to pursue that have only killed jobs and led to record deficits. This administration and this Democratic Congress promised the American public jobs, economic growth, economic recovery, health care, a cleaner environment, better education and just a wonderful, wonderful life, all contained within their appropriation bills. And the list goes on and on with other promises.

Yet the only thing up to now that they really have accomplished is record deficits, record spending and record unemployment numbers all across America. The fiscal year 2010 Energy and Water appropriation conference report provides $33.5 billion in total funding, which is hundreds of millions of dollars above last year's level, and this is in addition to the $58.7 billion provided in fiscal year 2009 emergency funding just from a few months ago, mostly from the stimulus bill.

We have seen massive government spending. Now this bill does not represent any commitment to fiscal sustainability. More promises, more spending, more deficit, more record unemployment. Mr. Speaker, the Obama administration promised America, if Congress passed the stimulus bill, that unemployment would not go beyond 8 percent, that it would create and save millions of jobs. Here we are 8 months later with a record 9.7 unemployment rate, the highest in 26 years, and more than 2 million Americans have lost their jobs since the passage of the $1.2 trillion ''stimulus employment plan.''

This summer when discussing the stimulus, Vice President BIDEN said the Obama administration—and I quote—''misread how bad the economy was,'' even though as a candidate for President and Vice President both of them had been all over the country. They had seen firsthand exactly the circumstance this country was in.

The Obama administration got it wrong. They got it wrong when it came to the stimulus, and the American people know they got it wrong also. The American people can no longer afford this Democrat-controlled House, Senate and White House. We've got to start getting it right, not guessing and getting it wrong. Spending hundreds of millions of dollars more in addition to the $58 billion additional spending this year is not a way to fix the problem. In June of this year, my friends on the other side of the aisle passed a cap-and-trade bill that will raise prices on energy, goods, and services, and every single hardworking American across the country will pay that price.

In my home State of Texas, the average household can expect to pay more than $1,100 a year extra as a result of that legislation. Additionally, this legislation could ultimately kill over 1.38 million jobs that are in the manufacturing sector of this economy. That's 1.38 million more jobs.

Mr. Speaker, some time this month the Democrat-controlled House wants to pass sweeping health care reform. Effectively, it will diminish the employer-based insurance market and forces 114 million Americans into a government-run program. This $1.2 trillion package raises taxes once again, raises taxes once again, raises taxes once again, which is what this Democratic-controlled Congress is about. Raise $1.2 trillion in taxes on individuals and small businesses that do not participate in the government plan and $800 billion, which the President talks about will be necessary to fund this massive government takeover and will result in 4.7 to 5.5 million more private-sector jobs being lost in America.

In July, the Congressional Budget Office director stated that the Democratic health care proposal ''significantly expands the Federal responsibility for health care costs.'' Mr. Speaker, I thought that the goal of health reform was to bring costs down for Americans, not to increase the cost, further America toward bankruptcy and to cost 4.7 to 5.5 million more enterprise system jobs. By the way, those are jobs that are not in Washington, D.C.

The American people know that you cannot spend what you don't have, and that's exactly what we are doing here today with the Democratic majority. Earlier this month, the Treasury Department released a statement reporting that the Federal budget deficit reached a record $1.378 trillion and that the national debt reached $11.8 trillion by the end of August. This means that since 2007, this Democratic Congress has increased the Federal deficit by $1.217 billion and increased the national debt by over $3 trillion. What a record.

In closing, Mr. Speaker, I will continue to point out that our friends on the other side of the aisle should not tax and spend not only this country but also hardworking families into a further economic recession.

□ 1215

My Democratic colleagues need to get a handle on the out-of-control spending which they dogged us repeatedly about when we were in the majority at far lesser levels.

Rising unemployment and record deficits cannot be remedied with massive increases in spending by Uncle Sam. Huge energy and health care costs that raise taxes and kill jobs is not what our economy needs right now. Americans need a balance. They need to listen to what is happening in Washington only to see that Washington is the problem, not the answer. Americans are tightening their belts because they get it. Congress should be doing the same thing.

Mr. Speaker, we have talked today about the process. We have talked today about spending. And we have talked about the overall agenda of this

Democratic majority that is about taxing, it is about spending, it is about record unemployment, rather than working on the things that the American people, the people back home who sent us here to do our job, are working on.

I encourage a ''no'' vote on this rule.

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

Ms. MATSUI. Mr. Speaker, I want to remind my colleague on the other side of the aisle that we're not debating the American Clean Energy and Security Act or the health care reform bill. We are dealing today with the conference report for Energy and Water Development.

And I must say that this is a bill, a conference report, that has strong bipartisan support. As far as job creation, this is about infrastructure, spending on public safety projects that will save jobs across America. As I said before, it's a smart investment, the type of smart investment the American people want this Congress to be making at this difficult point in our history.

Our Nation's levees are crumbling, and we're putting public health at risk because of things like that. This is the time to invest in infrastructure like this.

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

Mr. SESSIONS. Mr. Speaker, the thought process here in Washington is that we can solve all the problems that our country has, just trust Washington. I think now more than ever we are seeing at the end of this year that the leadership in Washington, D.C., the bills that are on this floor, the votes which we take virtually every single time, every single vote is about more taxes, more spending, more rules and regulations that are thrown to the American people with this package about how great this is for the American people.

Yet what happens is that Members of Congress, lots of them in our body on both sides, go back home and they listen to the American people. And they listen to the American people talk what I think is a lot of common sense: common sense about how to fix our health care, how to fix our spending, how to fix the unemployment, how to encourage manufacturing rather than deleting it.

Then they look up and see the political agenda of the Democratic Party, that in the three biggest political bills that represent the Democratic Party we will lose almost 10 million jobs in this country; and the political agenda of the Democratic Party, one which this body is barreling down that pathway to meet and match, has resulted in disaster for people back home.

So the Republican Party will continue to come to Washington and be faithful after listening, and we will go to our committees and we will throw our ideas on the floor and ask the committees to vote on them. We will continue to have Members come to the Rules Committee that seek time, permission to speak about ideas that will better the bills.

Yet we find that in these instances before the Rules Committee, it really doesn't matter. It doesn't matter not just for Republicans, but it really doesn't matter to a Democrat either. They will block the best ideas that come from the heartland.

Mr. Speaker, this is not a way to continue. We are once again coming to the floor, as I have done all year, and my colleagues DAVID DREIER, LINCOLN DIAZ-BALART, and VIRGINIA FOXX, as we explain the rules and explain the Rules Committee, explain what is happening: receiving a bill at 3 o'clock in the morning; getting a bill, as we did last night, 1 hour before the meeting; not even following the rules from a resolution we had just the week before about online availability of bills.

Mr. Speaker, no wonder the American people are up in arms and insisting that Members of Congress read the bill first; that every single Member of this body is given a chance every single time to say, I disagree with the direction that the Democratic leadership is taking us.

We need to read the bills. We need to take the ideas from people in the heartland, through their Representatives in committees and up in the Rules Committee, and make these in order and follow a process that the American people, if they were sitting in, would say, Why not take more time? Why not understand the bill? Why not cut spending? Why not make some commonsense directional issues happen in this Congress? This leadership, these bills continue to follow a process that the American people are questioning.

We will continue coming to the floor and politely, on behalf of people back home, say that we would hope that we would go back to regular processes instead of setting a new record every time for closed rules. I think it's important. I think it's important.

We will keep coming to the floor, and we will dutifully keep speaking up, and we will make sure that we are properly representing those people who are talking about better process, better direction, and doing the things that will work.

Mr. Speaker, I thank the gentlewoman for yielding the time, and I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

The rule before us today is a fair rule that is aligned with the customary practice of the House for rules governing debate on conference reports.

After numerous hearings and constructive negotiations with the Senate, the Appropriations Committee has crafted an important and balanced bill. It invests in new technologies, scientific research, and conservation efforts that are critical to the long-term health of our economy and our planet.

Most importantly for my district, this legislation increases funding for the Army Corps of Engineers and the Bureau of Reclamation. Every dollar is crucial for my constituents in Sacramento as we work to improve our water infrastructure, as I know it is to all my colleagues in the House with similar bills.

I want to thank Chairman OBEY and Chairman PASTOR for recognizing how critical this funding is to all of us. We rely upon it to fortify our levees, raise our dams, and keep our communities safe and dry.

This bill also looks to the future by investing in the development of a new smart grid to ensure electricity delivery and energy reliability. And it makes a strong commitment to renewable energy and scientific research.

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

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

The previous question was ordered.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 788 will be followed by 5-minute votes on motions to suspend the rules on H. Res. 692 and H. Con. Res. 151.

The vote was taken by electronic device, and there were—yeas 234, nays 181, not voting 17, as follows:

[Roll No. 749]

YEAS—234

Abercrombie	Conyers	Green, Al
Ackerman	Cooper	Green, Gene
Altmire	Costa	Grijalva
Andrews	Costello	Gutierrez
Arcuri	Courtney	Hall (NY)
Baca	Crowley	Halvorson
Baldwin	Cuellar	Hare
Barrow	Cummings	Harman
Bean	Dahlkemper	Hastings (FL)
Becerra	Davis (AL)	Heinrich
Berkley	Davis (CA)	Herseth Sandlin
Berman	Davis (IL)	Higgins
Berry	Davis (TN)	Hill
Bishop (GA)	DeFazio	Himes
Bishop (NY)	DeGette	Hinchey
Blumenauer	Delahunt	Hinojosa
Boccieri	DeLauro	Hirono
Boren	Dicks	Hodes
Boswell	Dingell	Holden
Boucher	Doggett	Holt
Boyd	Donnelly (IN)	Honda
Brady (PA)	Doyle	Hoyer
Braley (IA)	Driehaus	Israel
Brown, Corrine	Edwards (MD)	Jackson (IL)
Butterfield	Edwards (TX)	Jackson-Lee (TX)
Capps	Ellison	Johnson (GA)
Cardoza	Engel	Johnson, E. B.
Carnahan	Eshoo	Kagen
Carson (IN)	Etheridge	Kaptur
Castor (FL)	Farr	Kennedy
Chandler	Fattah	Kildee
Childers	Filner	Kilpatrick (MI)
Chu	Foster	Kilroy
Clarke	Frank (MA)	Kind
Clay	Fudge	Kirkpatrick (AZ)
Cleaver	Giffords	Kissell
Clyburn	Gonzalez	Klein (FL)
Cohen	Gordon (TN)	Kosmas
Connolly (VA)	Grayson	

Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—181

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

NOT VOTING—17

Adler (NJ)
Barrett (SC)
Capuano
Carney
Gingrey (GA)
Inslee
Lamborn
Luján
Maloney
McCarthy (CA)
Neugebauer
Pascrell
Quigley
Schmidt
Souder
Wexler
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1252

Mrs. BLACKBURN, Mr. OLSON, Mr. SIMPSON and Mrs. BIGGERT changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING TAY-SACHS AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 692, 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. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 692, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 17, as follows:

[Roll No. 750]

YEAS—415

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

Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Adler (NJ)
Barrett (SC)
Capuano
Carney
Gordon (TN)
Lamborn
Luján
Maloney
Markey (CO)
McCarthy (CA)
McNerney
Neugebauer
Pascrell
Quigley
Schmidt
Wexler
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1300

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.

CALLING FOR RELEASE OF LIU XIAOBO

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 151, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 151, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 1, not voting 21, as follows:

[Roll No. 751]

YEAS—410

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

NAYS—1

Paul

NOT VOTING—21

Adler (NJ)
Barrett (SC)
Capuano
Carney
Conyers
Deal (GA)
Ellison
Gohmert
Lamborn
Luján
Maloney
McCarthy (CA)
Miller (NC)
Neugebauer
Pascrell
Quigley
Schmidt
Tiberi
Visclosky
Wexler
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1307

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.

CONFERENCE REPORT ON H.R. 3183, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. PASTOR of Arizona. Mr. Speaker, pursuant to House Resolution 788, I call up the conference report on the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. TIERNEY). Pursuant to House Resolution 788, the conference report is considered read.

(For conference report and statement, see proceedings of the House of September 30, 2009, at page H10150.)

The SPEAKER pro tempore. The gentleman from Arizona (Mr. PASTOR) and the gentleman from New Jersey (Mr. FRELINGHUYSEN) each will control minutes 30 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. PASTOR of Arizona. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the conference report to accompany H.R. 3183.

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

There was no objection.

Mr. PASTOR of Arizona. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present to the House today the conference report on H.R. 3183, the Energy and Water Development Appropriation Act for fiscal year 2010.

The conference agreement before us is a good one, and it merits the support of all of the Members of the House.

The agencies and the programs under the jurisdiction of energy and water development contribute to solving many of the most pressing challenges facing our country, including strengthening and maintaining our water infrastructure, advancing U.S. scientific leadership, combating global climate change with renewable and cleaner energy technologies, and providing security against nuclear threats. I believe the conference agreement provides strong support for these agencies and programs.

The total amount of funding included in the energy and water conference agreement is $35.5 billion. This constitutes an increase of $204 million from the enacted level for fiscal year 2009. While the conference agreement is below the budget request, the primary reason for this difference is the Congressional Budget Office score of the Department of Energy's budget. The conference agreement provides $571 million above the budget request in program scope to further critical energy, water development and related goals.

Mr. Speaker, I want to thank my Senate counterpart, Chairman BYRON DORGAN, and his ranking member, ROBERT BENNETT, for their hard work during this conference. I especially want to extend my appreciation to my ranking member, the Honorable RODNEY FRELINGHUYSEN of New Jersey, for his extraordinary cooperation and insight. I truly value his support and advice and that of all of the members of our Energy and Water Subcommittee. I believe we are all proud of this bipartisan product.

Mr. Speaker, before I conclude, I would also like to thank the staff for their help in shepherding this bill through the House and through conference with the Senate. The subcommittee staff includes Taunja Berquam, Robert Sherman, Joseph Levin, James Windle, Casey Pearce, and our detailee from the Corps of Engineers, Lauren Minto.

I also want to thank Richard Patrick of my staff and Rob Blair and Kevin Jones of the minority staff, and Nancy Fox and Kathleen Hazlett of Mr. FRELINGHUYSEN's staff.

Mr. Speaker, I urge unanimous support in the House for the adoption of this conference report.

Mr. Speaker, I am pleased to present to the House today the conference report on H.R. 3183, the Energy and Water Development Appropriations Act for fiscal year 2010. The agencies and programs under the jurisdiction of Energy and Water Development contribute to solving many of the most pressing challenges facing our country, including strengthening and maintaining our water infrastructure, advancing U.S. scientific leadership, combating global climate change with renewable and cleaner energy technologies, and providing security against nuclear threats. I believe the conference agreement provides strong support for these agencies and programs.

The total amount of funding included in the Energy and Water conference agreement is $33.5 billion. This constitutes an increase of $204 million from the enacted level for fiscal year 2009, and is approximately $929 million below the budget request. While the conference agreement is below the budget request, the primary reason for this difference is a Congressional Budget Office score of $1.5 billion for the Department of Energy's budget request for the Innovative Technology Loan Guarantee Program. The conference agreement provides $571 million above the budget request in program scope.

Title I of this conference report provides funding for the Civil Works program of the U.S. Army Corps of Engineers, including the Formerly Utilized Sites Remedial Action Program. The conference agreement provides the Corps with $5.4 billion in fiscal year 2010, slightly above fiscal year 2009, and $320 million over the budget request. These investments will provide increased transportation efficiency on our nation's waterways, job creation, clean water, and, most importantly, will ensure the safety of our citizens. The conference agreement also recognizes the increasing cost of aging infrastructure through significantly increased funding for the operation and maintenance of existing projects.

The conference agreement continues to limit new contract obligations that require funding from the Inland Waterways Trust Fund due to the insolvency of the Fund. If the revenue stream is not addressed, the level of investment must be adjusted to the available resources—resulting in increased costs to existing projects as they are suspended, as well as the deferral of new projects in need of recapitalization. I would urge the administration and interested parties to pursue this issue with the relevant authorizing committees.

Funding for title II, which includes the Central Utah Project Completion Account and the programs of the Bureau of Reclamation, is $1.13 billion, $12 million above the amount appropriated last year and $67 million above the budget request. The conferees support funding for two projects to alleviate water supply and conservation issues in the California Bay-Delta, as proposed by the House. The conference agreement provides $133 million, $69 million above the request, for rural water projects to bring clean water to tribal and rural communities in Arizona, California, Montana, New Mexico, and South Dakota.

Total funding for title III, the Department of Energy, is $27.1 billion, $318 million above fiscal year 2009 and $1.3 billion below the budget request due to a score by the Congressional Budget Office of $1.5 billion for the Department of Energy's budget request for the Innovative Technology Loan Guarantee Program. This conference agreement, when combined with the $36.6 billion of American Reinvestment and Recovery Act funding, represents a historic investment into energy and science technology, as well as the cleanup of the nation's nuclear legacy. The conference agreement also supports the national security missions of the National Nuclear Security Administration.

Our nation's ongoing energy crisis affects our economy, security, and environment, and the conferees have taken. action with this agreement to develop lasting solutions for our energy challenges. Americans today face rising electricity prices, a transportation system still dependent on foreign oil, and the looming uncertainty of global climate change. A broad portfolio of approaches across energy technologies at the Department of Energy will be required to transform our energy economy and address this energy crisis. To further diversify this portfolio, the conferees provide a prudent level of funding for Energy Innovation Hubs, Hubs, a new research model that will gather a broad array of researchers around critical energy challenges. The conference agreement provides the Department of Energy with the opportunity to establish three Hubs to research the next generation of clean and safe nuclear power, cutting-edge science and technology to convert sunlight to transportation fuels, and systems to reduce energy use in buildings.

The conference agreement provides a record investment of $2.24 billion in renewable energy and efficient energy technologies, $314 million above the fiscal year 2009, to develop and deploy long-term solutions to our energy challenges. By investing in ways to harness energy from solar, wind, geothermal, biomass, and water sources, the conference agreement takes steps to advance technologies that will provide affordable, clean energy from domestic, renewable sources. Although they offer vast, untapped renewable energy resources in the United States, these technologies currently account for less than 3 percent of our electricity generation. Applied research and development for these renewable energy technologies is funded at $620 million, an increase of 17 percent over the fiscal year 2009, to launch our nation into the next generation of clean and secure electricity generation.

To bring electrical power from these new renewable resources to the population centers that use it, and to reduce energy losses during power transmission, the conference agreement boosts funding by 26 percent over 2009 for electricity delivery and energy reliability. In addition to funding research and development for smart grids, energy storage, and other ways to modernize the nation's power transmission and distribution system, the conference agreement more than triples funding over the fiscal year 2009 for cyber security research and development to secure the nation's electric power system as cyber attacks increase worldwide while the grid is becoming increasingly network-connected.

Chronically high fuel prices and dependence on foreign oil continue to hinder our nation's economy and transportation sector. The conference agreement invests nearly $950 million in activities at the Department of Energy to permanently reduce our dependence on petroleum fuels. The agreement provides $311 million for vehicle technologies, $38 million above the fiscal year 2009, to increase vehicle efficiency, advance alternative fuel technologies for next-generation biofuels, and develop electrified vehicles that can run petroleum-free. Further, the conference agreement provides $174 million for hydrogen and fuel cell technologies, to continue the work at the Department of Energy, in conjunction with private industry and research institutions, furthering one of a small handful of pathways that may reduce the need for imported petroleum fuels.

The conference agreement invests $570 million in programs that cost-effectively cut energy consumption now and in the future by developing and deploying efficient energy technologies. Americans will save money and energy in the near-term through $210 million in funding for weatherization assistance grants, a

5 percent increase over the fiscal year 2009. Further, the conference agreement increases funding for Industrial Technologies and Building Technologies to develop innovative technologies that will help our homes, businesses and industries save energy and money while reducing harmful emissions.

The conference agreement is a measured commitment to positioning nuclear energy to play a role in the nation's energy future. The conference agreement provides $787 million for nuclear energy, $5 million below fiscal year 2009 and $10 million above the request. This funding supports the licensing, research, and development of nuclear reactor technologies.

In addition, the conference agreement supports fossil energy funding to emphasize carbon capture and sequestration—the key to enabling the use of our extensive reserves of coal while reducing greenhouse gas emissions. Fossil Energy research and development programs are funded at $672 million, $55 million above the request, of which $404 million is for fuels and power systems and $37.8 million focuses on natural gas and unconventional petroleum research.

There is a legacy of contamination from the past 60 years of nuclear weapons manufacturing and research. This conference agreement is a major investment in mitigating the environmental effects of the nation's nuclear legacy and, for the first time, meets virtually all of the cleanup regulatory compliance milestones at sites around the country. The conference agreement provides $6.4 billion for environmental cleanup, which includes national defense and non-defense sites, as well as Uranium Enrichment Decontamination and Decommissioning (UED&D). Defense sites are funded at $5.6 billion, $147 million above the request. The conference agreement provides non-defense sites with $245 million, $7 million above the request, and $574 million for UED&D, $14 million above the request. The clean-up projects and activities take place around the country, in places like Hanford, Washington; Savannah River, South Carolina; Los Alamos, New Mexico; Oak Ridge, Tennessee; Portsmouth, Ohio; Idaho; and Paducah, Kentucky, among others.

The conference agreement increases funding for the Office of Science 3 percent from fiscal year 2009, progress in these constrained times. The conference agreement provides $394 million for advanced scientific computing research, $25 million above fiscal year 2009. The Office of Science conducts world-leading scientific research and development, both in exploring the fundamental nature of matter and energy, and in laying the technological foundations upon which are found our best prospects of building energy independence and control of climate change.

While the administration is determining national policy regarding how to dispose of high-level radioactive waste and nuclear spent fuel, it is prudent to continue to learn from the investment that has been made to the Yucca Mountain waste repository. For nuclear waste disposal activities, the conference agreement provides a total of $197 million to continue the licensing process at Yucca Mountain. Within these funds, the conference agreement provides $5 million to create a Blue Ribbon Commission to evaluate all alternatives for nuclear waste disposal.

The programs of the National Nuclear Security Administration, NNSA, reduce the threat of nuclear proliferation overseas, maintain the U.S. nuclear weapons stockpile, and provide reliable nuclear propulsion for the U.S. Navy. The conference agreement provides a total of $9.9 billion for the NNSA, which includes $666 million of construction activities for the Mixed-Oxide Fuel Fabrication Facility not funded in the NNSA in fiscal year 2009. Adjusting for the new activities, the conference agreement for the NNSA is $9.2 billion, the same as fiscal year 2009.

Nuclear weapons or material with nuclear weapons potential, in the hands of terrorists are a priority national security threat to the United States and our allies. The NNSA programs address the full spectrum of the proliferation threat by supporting multilateral agreements, securing nuclear materials overseas, detecting illicit trafficking, and researching and developing the leading-edge technology to support nonproliferation. Defense Nuclear Nonproliferation activities are funded at $2.1 billion. The International Nuclear Material Protection and Cooperation program that works in Russia and elsewhere to secure nuclear material and enhance border and port security receives $572 million, $20 million above the request and $172 million above fiscal year 2009. The conference agreement includes funds for the Mixed-Oxide Fuel Fabrication Facility, Waste Solidification Building, and supporting activities at Savannah River, South Carolina.

Given the serious international and domestic consequences of the U.S. initiating a new nuclear weapons production activity, it is critical that the administration lay out a comprehensive course of action before funding is appropriated. Major transformation of the weapons complex can only be produced with significant bipartisan support, lasting over multiple sessions of Congress and multiple Administrations.

The Nuclear Posture Review should inform an enduring strategy and provide the basis of the underlying complex necessary to ensure the nation's nuclear weapons continue to keep our nuclear weapons safe and reliable. The conference agreement provides $32.5 million for a limited study of how to improve the non-nuclear components of the B61 bomb. The agreement also includes direction for the NNSA to commission two independent studies to ensure that the B61–12 is both necessary and technically sound. In particular, the second study will examine whether the B61–12 has sufficient technical advantages to constitute a long-term 21st century weapon, or whether it is likely to need near-term replacement or retirement. Should the Nuclear Posture Review confirm the B61–12 as a national security requirement, the agreement includes a provision allowing the NNSA to reprogram funds from other, limited, activities to address technical issues associated with the non-nuclear portion of this program. In the interim, this agreement maintains B61-related technical expertise while evaluating whether the program is essential for national security.

For Naval Reactors, the conference agreement provides $945 million, $117 million above fiscal year 2009, in order to support the next-generation nuclear reactor for the U.S. Navy.

Funding for title IV, Independent Agencies, is $292 million, a decrease of $16 million from the previous fiscal year and $27 million below the budget request. The conference agreement funded the Appalachian Regional Commission at $76 million and the Delta Regional Authority at $13 million, the same as the request. The conference agreement also provides $12 million for the Denali Commission, the same as the request. Two new commissions have been funded by conference agreement: the Northern Border Regional Commission at $1.5 million and the Southeast Crescent Regional Commission at $250,000. The Nuclear Waste Technical Review Board is funded at $3.9 million, the same as the request, and the Defense Nuclear Facilities Safety Board is funded at $26 million, the same as the request. The Federal Coordinator for the Alaska Natural Gas Transportation Projects is also funded at the budget request level of $4.5 million. Finally, the conference agreement provides $154.7 million for the Nuclear Regulatory Commission, NRC, $29 million below the budget request.

We have a responsibility to do everything possible to address our current energy crisis and the state of our infrastructure. This conference agreement invests in the energy areas that will put us on the long-term path to increased energy independence, reduce the emissions of greenhouse gases, and lead global efforts to confront global climate change. Further, it provides funding to build and maintain our nation's navigation, flood damage reduction projects and water supply facilities to strengthen our economy, protect our citizens and provide those who do not have it, clean water.

I want to thank my Senate counterpart, Chairman BYRON DORGAN, and his Ranking Member, Senator ROBERT BENNETT, for their hard work during this conference. I especially want to extend my appreciation to my Ranking Member, the Honorable RODNEY FRELINGHUYSEN of New Jersey, for his extraordinary cooperation and insight. I truly value his support and advice, and that of all the members of our Energy and Water Subcommittee. I believe we are all proud of this bipartisan product.

Mr. Speaker, before I conclude I would also like to thank the staff for their help in shepherding this bill through the House and through conference with the Senate. The Subcommittee staff includes Taunja Berquam, Robert Sherman, Joseph Levin, James Windle, Casey Pearce, and our detailee from the Corps of Engineers, Lauren Minto. I also want to thank Richard Patrick of my staff, and Rob Blair and Kevin Jones of the minority staff, and Nancy Fox and Kathleen Hazlett of Mr. FRELINGHUYSEN's staff.

I urge the unanimous support of the House for adoption of this conference report.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield myself as much as time as I may consume.

I rise in support of the Energy and Water appropriations conference agreement for 2010. I would like to recognize Vice Chairman PASTOR for his friendship and leadership—it has been a good working partnership—and all members of the committee.

I would also like to thank all of the staff on both sides of the subcommittee as well as in my office and his for their dedication and hard work. On the majority side, Taunja Berquam, the Clerk Bob Sherman, Joe Levin, James

Windle, Casey Pearce, and Lauren Minto. On the minority side, Rob Blair and Kevin Jones. In my personal office, Katie Hazlett and Nancy Fox; and in Mr. PASTOR's personal office, Rich Patrick. All of these individuals worked tirelessly to put together the product before us which meets the needs of every congressional district in the Nation.

Mr. Speaker, the conference agreement totals $33.465 billion, which is $928 million below the President's request, and $167 million, or 0.6 percent, above the fiscal year 2009 enacted level.

However, the conference agreement was preceded by the American Recovery and Reinvestment Act and other emergency stimulus appropriations for the fiscal year 2009, which gave more than $58 billion in new money to the agencies under our jurisdiction. In fact, nearly 39 billion new dollars alone went to the Department of Energy.

So while the growth from the fiscal year 2009 regular appropriation to this conference report is minimal, the Department of Energy is going to have a difficult time spending and accounting for all of the new money it has received.

However, Mr. Speaker, in general, this conference agreement is reasonable and balanced.

I do want to highlight one area in which I have significant concerns: the future of nuclear power in this country and what happens when political science trumps sound science.

During the Republican motion to recommit the House Energy and Water bill, my colleague from Idaho (Mr. SIMPSON) spoke eloquently about the perils of following the President's plan to terminate our current nuclear waste management plant at Yucca Mountain. My biggest regret with this conference agreement is that we were unable to overcome Senator REID's influence, and consequently, the disposal plan is barely on life support.

The amount of funding in this bill for continuing with the Yucca Mountain license application is now half of what is requested, further delaying the progress on the establishment of a national nuclear waste disposal site.

And what will the results be of this decision? Spent nuclear fuel and radioactive waste is being stored on site at 121 locations across 39 States. These are our States; they're our constituents. I am sure this fuel is safe where it is today, but I know many of our constituents want it stored somewhere where the environment will not be affected and where the material will be kept safely.

The President's and the majority leader in the Senate's decision will ensure that the fuel stays where it is for at least 15 or 20 years with each site bearing all of the major costs and responsibilities for management and security of the waste material.

Second, their plan will rob our country of potential jobs and tax revenue. These jobs range from Ph.D.s in physics to pipe fitters, from welders to plumbers. Operating nuclear power plants can sustain 700 permanent jobs while new plants generate as many as 2,400 construction jobs.

Currently, the Nuclear Regulatory Commission has applications for 26 new plants. That's at least 60,000 jobs at stake. I don't understand how the President can push for an economic revitalization and reduce carbon emissions while gutting the single technology which will help accomplish both of those goals.

□ 1315

Our constituents need these jobs and the clean power source that they create.

Third, killing Yucca Mountain would bring billions of dollars of liability against the Federal Government, anywhere from $11 to $22 billion. This is money which the Federal Government owes industry because we have failed to live up to our responsibilities. We've signed contracts with these companies to take the waste off their hands. And because of the political arrangement between the White House and the Senate leader, we have failed, taxpayers and ratepayers must now carry that burden for the foreseeable future.

These are not empty threats or dire predictions. They are facts. Last week, the Nuclear Regulatory Commission had a vote that basically denies the go-ahead for the construction of new nuclear power plants because of the administration's plans to terminate Yucca Mountain.

Those 54,000 jobs I mentioned earlier are on hold. The nuclear waste in our districts is still there and not going anywhere. The billions of liability that our children will have to repay? Well, that's another few billion on top of our current $1.6 trillion deficit.

The one bright side of the conference agreement is that we were able to keep the license application alive, but just barely. Until the American public wakes up to the pitfalls of this political arrangement between the White House and the Senate leader, we will all have to bear the costs.

With that said, Mr. Chairman, I would like to thank Vice Chairman PASTOR for his leadership and friendship. Overall, this is a great conference agreement, and I intend to support it, and I reserve the balance of my time.

Mr. PASTOR of Arizona. I wish to yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of the conference report for the Energy and Water appropriations bill.

This bill commits $180 million in Federal funding for critical Everglades restoration projects. While it is less than the administration request and the House-funded level, it represents a firm commitment from this Congress. To be clear, we must move boldly forward in saving this unique national treasure. Time is our enemy, and we have delayed too long.

In 2000, Congress authorized the Comprehensive Everglades Restoration Plan as a State-Federal partnership to restore the ailing River of Grass. However, to date, the State has outspent the Federal Government by more than 2 to 1.

Finally, after 8 years of inaction, we are beginning to meet our commitment—and I can't thank Chairman PASTOR and Chairman OBEY enough for their steadfast support of funding to restore the Florida Everglades to its once pristine state—with significant funding in the FY09 bill, the American Recovery and Reinvestment Act as well, and now in the FY10 legislation.

Chairman OBEY, Chairman VISCLOSKY and Chairman PASTOR, your leadership on this effort will not be forgotten. It will preserve a national treasure for years and years to come so that my children and my children's children can enjoy the Florida Everglades. Today's bill is a positive step forward for the Everglades, and I hope it will spur further action in the next fiscal year.

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Tennessee (Mr. WAMP), a member of the committee.

Mr. WAMP. I thank the chairman, and I thank the ranking member and the Speaker. It's my 15th year here. I have been on this committee for 13 years, and I inherited a district that is really heavy in this bill, and I know that. I represent Oak Ridge, Tennessee.

The committee has been incredibly good through the years to recognize the needed investments in science, energy research, national security and environmental management, and yet again this conference report recognizes those critical priorities on behalf of our country, and I'm grateful for that. But much like Paul Revere, I have come to the committee, the subcommittee, and the House again today to say we have a huge problem at the Chickamauga Lock on the Tennessee River.

We began construction of the replacement lock a few years ago. The cofferdam is complete. Inside this cofferdam, we will dry out the Tennessee River in the next few months to test that the cofferdam works. The cofferdam is about the size of this entire building, the Capitol Building, in the middle of the Tennessee River.

We are ready now to begin pouring the foundations in the middle of the river to replace the lock. The current lock will close. I just had the briefing today from the Corps.

Yesterday at the conference committee closing this out, and I signed the conference report, I offered an amendment to put language and up to $14 million in the bill to make sure we can move the project forward. It failed on a 10–8 vote. I appreciate LINCOLN DAVIS, the only member of the majority for voting ''yes.'' Everyone in the minority voted ''yes.'' This is a critical problem.

I say to the administration, you only made a $1 million funding request. It's not sufficient to move it along. The current lock will close. The Corps just briefed us again today. They cannot keep it open. It will be the largest inland waterway system in the history of our country to close.

The current lock was set to close at 2014. We are not building the lock yet. The cofferdam is complete. The Kentucky lock only got $1 million, but their stimulus money allows them to start construction. We could not. I made this case at the subcommittee, at the full committee, and on the House floor Mr. PASTOR helped us. We put $14 million in, and just like happens in this place, somehow by the time we got to the conference meeting, it was taken back out. We tried to restore it yesterday, change of support, went down virtually party lines.

I'm telling you, we got a problem. We need help. And it's not me. It's the entire eastern system. It's the largest inland waterway system in the country. It is going to close. We've got to do something.

Please, to the committee, to the Senate, to the House, both parties, administration, when there is an emergency supplemental, let's get together ahead of time and fix the Inland Waterway Trust Fund problem. This is a crisis for all the inland waterway system, and the first big failure will be Chick Lock unless we exert the leadership that we are elected to do. It's a can that has been kicked down the road too long.

I plead with you on behalf of the constituents, not just in my district, not just in my State, but in the entire eastern part of our country. From Peoria to south Georgia, you will have truckloads of cargo and goods, 150,000 18-wheelers a year added to carry the cargo that currently goes through this lock, and it is about to close because we're not doing our job. That's the truth. And I hate it. And I have done my best, but I am only one. I need help. Our people need help. Our country needs help. We need leadership.

Let's keep the Chickamauga Lock open. If there's an emergency supplemental that moves, we need to step up and fix this problem before the 2011 cycle. I'm going to do everything I can. I've been here long enough to know how to cooperate, how to get it done and sometimes how to keep the trains from going any further until the right things are done. That's not a warning. I need your help. That's a plea.

Mr. PASTOR of Arizona. Mr. Chairman, this is the first time I've done this bill, and I have to tell you that one of the lessons I learned is that the inland waterway is of great value to our country, and we have not paid enough attention to it. So I would agree with my colleague that it's a problem that we need to solve.

The Inland Waterway Trust Fund is the vehicle which would construct and maintain these locks. But at this point, we haven't been able to solve that problem. And the gentleman is right. We did help him here in the House when we passed this bill, but I have to tell him with great regret that in the conference we found very little support from the Senate in this particular lock, and in working out the conference bill, we had to go back to the $1 million.

At this moment, I would like to yield 3 minutes to my colleague from Texas (Mr. EDWARDS).

Mr. EDWARDS of Texas. Mr. Speaker, this bipartisan bill will greatly improve our Nation's water infrastructure, robustly fund vital energy research and help protect our Nation from the threat of nuclear terrorism. The bottom line is that it will create jobs, strengthen our economy and protect our Nation.

The bill provides $5.4 billion for the U.S. Army Corps of Engineers to address our Nation's vitally important water infrastructure needs. It moves us forward in funding the construction and maintenance of our Nation's ports and navigational waterways, which are crucial to our economy and international trade.

H.R. 3183 also makes great strides in protecting our communities from natural disasters by providing $2 billion for flood protection efforts. Also included is $27.1 billion to fund the Department of Energy's efforts to decrease our reliance on foreign sources of oil and increase our investment in technologies that use energy more efficiently and to expand energy sources right here at home.

While providing $2.2 billion for research into energy efficiency and renewable energy efforts such as solar, wind, biofuels and hydrogen, this bill also invests in conventional energy sources by providing $787 million for nuclear energy research and $672 million for fossil energy research.

Mr. Speaker, there is no more important mission for our country, for this Congress, than preventing nuclear weapons from falling into the hands of terrorists, and this bill provides $2.1 billion for our Nation's nuclear nonproliferation efforts at home and abroad. Why? To keep the American family safe.

Our Nation's communities, national economy and security are strengthened by this bill, which is why I urge all of my colleagues, Republicans and Democrats alike, to support it.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California (Mr. CALVERT), a member of our committee.

Mr. CALVERT. I thank the gentleman.

Mr. Speaker, the conference report that we are considering today addresses a number of issues affecting the energy and water infrastructure of our country. However, when it comes to the ongoing water crisis in California, the conference report comes up short.

The ongoing water crisis in California has exacerbated the economic downturn up and down my State. Statewide, the unemployment rate has risen to more than 12 percent. In the Central Valley, regional unemployment has now reached 20 percent, with some communities' unemployment now over 40 percent. California's water crisis is the result of severe drought conditions on top of the federally imposed pumping restrictions that have been placed on our State's critical water infrastructure.

While the conference report does provide some funding for a number of California's mid- and long-term water resource management projects, many of the projects are years away from completion and will not provide any assistance to Californians that are suffering today. Many of the most affected communities have made it clear they are not looking for a handout. They want their water and their jobs back.

During the markup of this bill in the Appropriations Committee, I offered an amendment to do exactly that, by ending the federally imposed pumping restrictions. Sadly, most of my colleagues on the other side of the aisle rejected my amendment and voted to protect a 3-inch fish instead of protecting jobs and the people of California. Similar efforts by my colleague, Mr. NUNES, have been rebuffed by the Democratic majority.

The fact remains that the flaws and shortcomings of the Endangered Species Act have tied the hands of judges and water resource planners, creating a manmade drought that is killing jobs, destroying livelihoods and hurting families in California.

I realize this issue should be addressed by the authorizing committee, but if the Democratic leadership will not force the committee of jurisdiction to act, the members of the minority have no other option. If this Congress and this administration fail to take the bold steps necessary to address this crisis in the near future, the people of California will know exactly who is responsible for their mounting job losses and economic suffering.

Mr. PASTOR of Arizona. Mr. Speaker, when we were doing this bill, and in fact, when this bill was on the floor, we assisted, to the best of our ability, in terms of providing authorization and also money, and in some cases we waived matching restrictions so that we would have both the authority and the financial resources to deal with the problem.

What the previous speaker had asked us to do was to waive the environmental impact statements that were required, and we did not have the ability to do it, and the authorizing committee would not allow us to do it. So we did not have that ability to do it. But we did try, and it was kept in the conference to provide the authorization and the financial resources to continue to, in the short term, deal with the water shortages in central California.

At this point, I would like to yield 3 minutes to my friend and a member of

the subcommittee, the gentleman from Colorado (Mr. SALAZAR).

□ 1330

Mr. SALAZAR. I want to thank the chairman and ranking member for their wonderful leadership on this subcommittee.

I rise today to support what I consider to be my best legislative accomplishment since I came to Congress in 2004, but let me first say how important the investments that we are making in this bill are.

The nearly $2.5 billion for renewable energies will play a vital role in reducing carbon emissions, creating jobs, and producing clean energy. I especially want to point out the $225 million included for solar energy. The Third Congressional District of Colorado already has some of the largest solar farms in the world, and my constituents are already recognizing the very benefits of the solar industry.

The $1.13 billion included for the Department of the Interior and the Bureau of Reclamation are so vitally important to the Western United States. As other speakers have mentioned, water continues to be a damper to the livelihood of many Westerners, and this investment in our Nation's water infrastructure from dams, canals, treatment plants, and rural water projects is extremely important to our rural citizens as they face crisis after crisis, from Colorado all the way to California.

This bill included several desperately needed dollars for rural water projects in Colorado. The $1.75 million for the Jackson Gulch Rehabilitation Project in Mancos, Colorado, and the $600,000 for the Platoro Reservoir in the San Luis Valley will help provide major assistance to improving these rural water districts.

Lastly, and most importantly, I want to thank the chairman and ranking member and all the staff of the subcommittee for taking a step that has not been taken for 50 years.

The roots of the Arkansas Valley Conduit stretch back to 1962, when President Kennedy signed the authorization by Congress, which was part of the Fryingpan-Arkansas Project, which included the construction of Lake Pueblo. The Federal project was the end result of years of work by Pueblo and southern Colorado leaders who wanted to make better use of the region's water.

''This is the best news I've heard in a long time,'' said Bob Rawlings, publisher of the Pueblo Chieftain and an avid fighter for water rights in Colorado.

I am happy to say to the people of southeastern Colorado you will no longer have to wait for clean drinking water. Clean drinking water is on the way.

Mr. FRELINGHUYSEN. I yield 3 minutes to the gentleman from Florida (Mr. ROONEY).

Mr. ROONEY. I rise today in support of the Energy and Water appropriations bill. This bill contains support for various projects within my district that will help with the continued restoration and preservation of the south Florida ecosystem.

I'm pleased with the funding for the continued restoration of the Hoover Dike. This earthen dike is currently undergoing a massive rehabilitation project that will continue to ensure the health and human safety of Pahokee, South Bay, Okeechobee, Belle Glade, Clewiston, Moore Haven, and the surrounding communities.

However, while I'm grateful to the committee for its support of these projects, I must express my great disappointment with the Senate for stripping out most of the vital construction funding for the Indian River Lagoon. This project was originally authorized in the 2007 Water Resources Development Act as a component of the Comprehensive Everglades Restoration Plan.

While some in the upper body argued that the Indian River Lagoon was a new project and a ''new start'' and therefore not deserving of funding, I argue it's not a new start, as it is a component of the overall ongoing Everglades Restoration project. By cutting the majority of its vital funding, we are only kicking the can further down the road for not getting this vital project started.

It's time for the Federal Government to live up to its financial commitment to this project. My only hope now is that the lagoon will receive funds, however minimal, and our colleagues in the Senate will now agree that this is not a new start and therefore deserves to be fully funded next year.

Every year that goes by, however, without adequate funding, further damage is done to our fragile ecosystem there in the Indian River Lagoon, making recovery that much harder.

I'd like to thank my fellow Florida colleagues, especially Congresswoman WASSERMAN SCHULTZ, for their tireless work and support for these projects, and the House committee for including funding in the original House bill. I look forward to continuing the good work that we have started.

Mr. PASTOR of Arizona. In response to the comment from my friend from Florida, all new starts in this bill—and there were a few, and the Everglades got two. We have the number of 100,000, but that was to signify that a new start is available for this project. By designating the new start for the Everglades, that means that recovery money can be used now for the purpose that you spoke about.

Secondly, the Corps will now be able to reprogram moneys that now you designated as a new start, can reprogram moneys to continue the efforts on this lagoon.

And so we thought that the new start was not a cutback in money but was a vehicle that would make more money available so that the Everglades program could go forward. That's how we attempted to solve this problem. Hopefully, that will be the result.

Mr. Speaker, at this time I'd like to yield 3 minutes to the distinguished chairman of the Transportation Committee, the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I'm proud to stand today in support of the fiscal year 2010 Energy and Water appropriations conference report. I'd like to thank Chairman PASTOR and Ranking Member FRELINGHUYSEN for their great work on this legislation, and I praise them for their cooperation and bipartisanship. Because of their work and the excellent work of our subcommittee staff, we have before us a comprehensive, fair, and targeted bill that makes significant investments in our country's future and in the goal of achieving energy independence. They have been able to do this with only a slight increase of $200 million over last year's funding level; yet these investments will build on the success of the American Recovery and Investment and Recovery Act in developing a clean-energy economy and creating more American jobs.

I'm particularly grateful that this bill increases by more than 10 percent the funding for the Department of Energy's Energy Efficiency and Renewable Energy Program. This program, funded at $2.2 billion, invests in producing cleaner and more efficient energy technologies to produce inexpensive energy from domestic sources.

Included are $225 million for research to harness the vast amount of solar energy reaching the Earth every day, $311 million to improve vehicle and battery technology, and $200 million for research into improving energy efficiency in commercial and residential buildings, which currently consume about 40 percent of our Nation's total energy usage.

As a scientist, I'm pleased to see $4.9 billion for the Office of Science's basic and applied science research program. Such investments are critical to maintaining America's place as a leader in the world economy.

Additionally, this legislation supports President Obama's historic commitment to nuclear nonproliferation by providing $2.1 billion for securing vulnerable nuclear material. This will protect Americans from the risk of nuclear material falling into terrorist hands by securing stockpiles in the former Soviet Union. The money will also improve our ability to stop nuclear and radiological materials from being smuggled into the U.S.

Again, I strongly support this bipartisan legislation, and I urge my colleagues to vote ''yes'' on final passage.

Mr. FRELINGHUYSEN. Mr. Speaker, I'm pleased to yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I want to thank the gentleman from New Jersey for yielding.

Mr. Speaker, I rise in opposition to this conference report. There was language in this bill that was stripped in the conference report that would have directed the Corps of Engineers to pursue a much safer level of flood protection for the New Orleans region.

Our entire delegation, Republicans and Democrats, were unanimous in support of the language that was in the bill, and the conference report stripped out that language, which would have directed the Corps to pursue a much safer option than the one they're currently pursuing.

If we have learned anything from the lessons of Katrina, it's that the Federal levees that failed us before cannot be rebuilt the same way they were the last time that they failed. There's too much taxpayer money that's been put at stake for us to get this wrong. And so we much more support the option that would have actually made sure that the Corps gets it right for all the money that's being spent as opposed to the route that they're choosing right now.

Option 2a, which was the language that we would have directed the Corps to pursue, is known as Pump to the River. According to the Corps's own report, Pump to the River, this option 2a that's being thrown out by this report, is more technically advantageous than the one they're pursuing. It's more operationally effective than the one the Corps is pursuing. It provides greater reliability, and, most importantly, it further reduces the risk of flooding.

That's the option that our entire State delegation, that our Governor's office, that all the people back home—the city of New Orleans, the parish of Jefferson—fully support; an option that reduces the risk of flooding. That's what we should all support after what we saw happen during Hurricane Katrina; yet that language that we had unanimous support from our delegation that was in the bill is now being stripped out by this conference report.

We need to learn from the lessons of Katrina. And it's time this administration stopped paying lip service to our flood protection needs and actually put its money where its mouth is and do the right thing as opposed to making the same mistakes that were made in the past.

We cannot afford to let them go forward with building an option that, by their own admission, is much less reliable in protecting the people of New Orleans for future flooding, so I rise in opposition.

Mr. PASTOR of Arizona. Mr. Speaker, in response, I have to tell you that the conferees on the House side, the House managers, were united on this front, as well as the chairman of the other body's committee. We felt that the alternative that was desired did not provide additional protection and it would have delayed the permanent protection of New Orleans by anywhere from 18 to 36 months, which we thought was too long of a period of time to keep New Orleans unprotected. The cost, we believe, would have been $3 to $4 billion more.

And so for that reason, we felt that, in fairness, that we should continue with the program that the Corps has for New Orleans.

At this time, I'd like to yield 3 minutes to the distinguished member of the subcommittee, the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. I thank the gentleman from Arizona, and I certainly thank him for his leadership in getting this bill to this point. I appreciate the ranking member and the good work that they have both done in a very fair and nonpartisan way to serve this country, and also the staff of the Energy and Water Subcommittee and what a magnificent job they have done.

This is a very special bill to the First Congressional District of Arkansas. It makes continued investment in our flood protection ability in the operations and maintenance of our flood protection system. It adds money for construction where construction is needed, for investigations where investigations are needed and more study needs to be done.

The Department of Energy has moved forward with the appropriations in this bill. We tried to do what we can to improve the solar energy research, the biofuels research, vehicle technology research, hydrogen technology, energy-efficient buildings, industrial technologies, and weatherization grants. All of these things are an investment in the future of this country and our ability to reduce our dependence on foreign oil. And that's what the committee had in mind. I think our leadership has done a great job with all these things.

We also make a serious investment in electricity delivery and reliability. In the area of the science and the basic sciences, we have made another serious investment.

I think that this is the kind of thing that the Appropriations Committee was created for—to make these decisions, make the necessary investments in the future of this country, and continue to build our infrastructure, protect our people, and provide the opportunity for us to be successful.

I urge passage of this bill.

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. DEAL).

□ 1345

Mr. DEAL of Georgia. I thank the gentleman for yielding. I rise today unfortunately in opposition to this conference report. I want to point out to this body that something has been added in the original version from the other body that injects itself into something that I don't think the House wants to be involved in, and that is the water wars between Alabama, Florida and Georgia. Unfortunately, there is language here that directs the Corps of Engineers to calculate critical yields on the two major basins that flow through my State of Georgia and, in particular, involve the basins themselves and the reservoirs, the largest of which is Lake Lanier.

Now I do not think that the gentleman who is handling this bill or the Republican gentleman who is handling this bill has any intention of having this inject itself into a controversy that has been going on for decades in the Federal courts and is still currently under appeal as a result of the latest decision. Now the effect of this is one of two things: since it directs the Corps of Engineers to within 120 days to calculate critical yields of the two major river basins, it will either be used for purposes of the ongoing litigation or it will be used as an argument for why human consumption should not be considered in the resolution of this issue between the three States, or among the three States.

Now to spend Corps dollars calculating something that does not take into account the right of people to drink the water that is in their State is unrealistic, and it is a true waste of Federal money. I find it quite ironic that the gentleman who injected this language into this bill just a couple of years ago was injecting language that directed the Corps not to do these kinds of studies. Isn't it ironic how all of a sudden the positions have flip-flopped? Now if you do not think that this is an issue that involves the so-called water wars, I would invite you to look at the press release for the gentleman who is claiming credit for injecting this in it, and it's referred to as the Water Wars amendment.

Now I would hope that this body would not see fit to get involved in a fight that is going to be resolved, hopefully, by agreement of the Governors of the three States. My Governor has initiated an effort to try to resume those negotiations, and we have had a response from at least the State of Alabama. We are hopeful that the State of Florida will respond accordingly. Ultimately, I think this issue will be resolved by the Governors reaching a conclusion and then bringing that conclusion to this body and to the other body and asking for us to incorporate it into the laws of this country.

Mr. PASTOR of Arizona. Mr. Speaker, in reference to Mr. DEAL, it's our understanding that that is right, the language in this conference requires two studies to determine the critical yield of the Federal projects. But we don't know, first of all, what the outcomes are going to be, so that's why we're having these studies. We don't want to get into the water wars, and we don't think that the consumption issue is an issue that will be part of the studies. Well, the language is report language, and this administration could do what it wants with the Corps of Engineers.

At this time, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I come down to concur with my colleague Mr. DEAL from Georgia. The water situation in our State of Georgia is dire. It's a very delicate situation. We are working towards a very, very good response for the people of Georgia and for our entire region. We've just had the court ruling. It's very sensitive there. Our major concern—and again, this is with great respect to the chairman. He just spoke and we concur with that as well. But we need to be very careful that there is no language in the reporting language or in any of the studies that removes the words ''for human consumption'' for water. Because if the manuals are not constructed with the measurements by using water that is used for human consumption, that shoots right into our bull's-eye because that's why in metro Atlanta, in the Lake Lanier area where the point of the discussion is, we use that water for human consumption. So we're very sensitive to anything that would disallow that. We are working with the Governors of both Florida and Alabama, jointly with our Governor of Georgia, to come to a conclusion. As you all may or may not know, the judge, when he ruled in his decision, declared that it would be here in Congress that we would have to at some point reauthorize the water use of Lake Lanier and that region for human consumption. So this language would make it very difficult for us. We certainly want to concur with that. I concur with Mr. DEAL and the folks in Georgia, and I would respectfully hope that our words would be taken within the spirit of understanding that we are to deliver those words. I thank the chairman for yielding.

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I thank the gentleman for yielding. I want to stand with my colleagues about this language that was put in the conference committee report, and I am looking at the press release now: ''Conference Committee Adopts Shelby Water Wars Amendment.'' I just want to give a little warning to some other Members of this because, not only would the judges' ruling about the Tallapoosa Basin and the Chattahoochee Basin—it also mentioned that because this drinking water was nonauthorized, and who would ever have thought we would have to authorize the ability for humans to have drinking water out of their water source, it also is going to affect 17 other States with approximately 42 Corps impoundments in their States.

If they do not believe that this will be used as a test case and a model for others to file suit with the Endangered Species Act or whatever for people taking unauthorized drinking water out of those water sources, they are very much confused. This bill needs to be defeated. This conference report needs to be defeated. We need to go back to conference. We need to get this language out. I hope that other Members in this body who have these impoundments located in their States understand the consequences this language could have for them if this conference committee report is passed in this body and goes to the President's desk for signing. Because if you don't believe this isn't going to be brought up in some of these court cases, you're just fooling yourself. So I would like to ask the other Members of this body to join me and my colleagues in voting against the conference report.

Mr. PASTOR of Arizona. Mr. Speaker, I just want to clarify that the Corps was wanting to do these studies, and defeating this conference report is not going to stop the Corps from doing these studies. I have committed to the gentleman from Georgia that we will work with him because we don't believe that the consumption of water by the residents of Atlanta or Georgia should play a role, and it should be a factor in these studies.

I now yield 3 minutes to my colleague from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I thank the gentleman. I would like to also thank the ranking member. This is a good conference report. This is a good piece of legislation. I think there are some sound investments in here. I wish some were more, but I think given the stimulus and everything, we are moving in the right direction. We send about $750 billion a year to oil-producing countries. A couple of years ago the Department of Defense spent about $115 billion escorting big oil ships in and out of the Persian Gulf. We have got to get away from our dependency on foreign oil. We have got to get away from our dependency on these foreign countries that get us into all of these political entanglements.

I think the investments that are made here on solar energy ($225 million), biofuels, vehicle technology, hydrogen technology, energy-efficient buildings—for those of us who represent manufacturing States in the Midwest, this green economy is opportunity for us. We have manufacturing. We have great research and development institutions. This is an opportunity for us to revive the middle class in the United States of America through these green jobs. There was a report that was just done for the Midwest Governors meeting that is coming up, and it says, ''Regional Report Endorses Clean-Energy Economy for the Midwest.''

''Midwestern States should use their abundant natural resources and manufacturing base to build an economy based on clean energy.'' And we have the opportunity to do that if we continue investing in research and development, especially coal.

There is one last point that I would like to mention. I hope that next year we can continue to push these energy hubs. Secretary Chu has made this a top priority. They're modeled after the old Bell Laboratories. A variety of different universities are going to be involved in the research. They're going to be able to collaborate and focus on the technologies that are working, not focusing on just getting money so you can have a budget for next year. So I hope as we continue to move, we continue to push, these energy hubs are going to be nothing but opportunity for us to get into the commercialization and continue to create jobs.

Again, this is a good piece of legislation. I want to thank the chairman. I would also like to thank the staff. I know a lot of work went into it.

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

Mr. PASTOR of Arizona. Mr. Speaker, at this time I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. First of all, I would like to thank the chairman, the ranking member and the professional staff of the committee. A wonderful job has been done, I think, dealing with and grappling with the whole set of issues. But in this $33.5 billion conference report, there are some very significant investments and priorities, $2.2 billion in energy efficiency and renewable energy, everything from solar to biofuels and hydrogen, weatherization grants. We are very, very pleased that they were able to produce that as part of this conference report.

But I also want to say that on the nuclear side, a continuing investment by the committee, some $787 million on a whole range of very important efforts related to nuclear energy so they can be safe and environmentally useful to us to continue to expand, both through the loan guarantee program but also through a number of other investments that are being made in the conference report. And to deal with the President's commitment on nuclear nonproliferation, on the weapons side, a $2.1 billion investment.

I think that Congressman PASTOR, who has led this effort, and the staff have done a great job. We had a good process in negotiations with the Senate in our conference committee, which wrapped up yesterday. I encourage the House to favorably report this. I thank my good friend from New Jersey, who has served as the ranking Member and who has done an extraordinary job. This has been a bipartisan effort and is a bipartisan work product that I think moves the country's priorities forward in terms of energy and energy efficiency. I recommend it to the House.

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

Mr. PASTOR of Arizona. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I rise today in support of the Energy and Water conference report. By now I suspect all of the Members of the House understand the drought crisis affecting California, particularly in the heart of the

San Joaquin Valley, a large part of my district. If this drought continues a fourth, fifth year, it could impact the entire State of California.

Among many of the items in this conference report are two amendments that Congressman CARDOZA and I have been fighting hard for on behalf of our farmers, farmworkers and farm communities who are at ground zero as it relates to this drought crisis. Communities are having 30 and 40 percent unemployment, the most difficult situation they've ever faced. In July, we offered an amendment to bring drought relief to the San Joaquin Valley by providing funding for two projects. The 2-Gates project and the Intertie project, both of these projects were on the back burner for years. They should have been already implemented. This administration is moving forward to put these into construction next year.

The second amendment addresses impediments to transfers. Transfers are critical during drought conditions, both regulatory and that by Mother Nature. This gives the Bureau of Reclamation the flexibility needed to facilitate, and much more needs to be done.

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

Mr. PASTOR of Arizona. Mr. Speaker, I yield an additional 30 seconds to the gentleman.

Mr. COSTA. I thank the gentleman from Arizona. This gives the flexibility for the Bureau of Reclamation to facilitate these water transfers. This year, we transferred over 6,000-acre-feet of water that was a critical lifeline. Much more needs to be done. I urge my colleagues to support these two amendments in this conference report. I thank the gentleman from Arizona for his support in these efforts.

Mr. FRELINGHUYSEN. I am prepared to yield back the balance of my time, Mr. Speaker.

□ 1400

Mr. PASTOR of Arizona. Mr. Speaker, Tom Bevill used to describe this bill as the ''all-American bill'' because it meets the needs of America. I urge my colleagues to support it.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the FY 10 Energy and Water Appropriations Conference Report, and I commend Chairman PASTOR and Ranking Member FRELINGHUYSEN for bringing this bipartisan legislation to the floor today.

The FY 10 Energy and Water Appropriations bill makes key investments that will drive American innovation, enhance our energy security, clean up our environment, reduce the threat of nuclear weapons and support our water infrastructure.

The conference report provides $4.9 billion to the Department of Energy's Office of Science, $1.6 billion for basic energy sciences and $2.4 billion for applied research. These funding levels, when added to last year's appropriations and this year's stimulus bill, exceed the goals of the America COMPETES Act and meaningfully advance our Nation's innovation agenda.

The $2.2 billion allocated to energy efficiency and renewable energy represents a 16 percent year over year increase and, in conjunction with continued Title 17 Innovative Technology Loan Guarantee authority, will strengthen our energy security by accelerating our research, development and deployment of homegrown solar, biofuel, smart grid, and advanced vehicle technologies.

This legislation continues the Nation's half century commitment to mitigating the environmental impacts of contaminated military and civilian nuclear sites by spending $6.419 billion for that purpose, and it provides $9.072 billion to confront the global nuclear threat, including $2.1 billion in support of President Obama's nuclear nonproliferation initiative.

Finally, the FY 10 Energy and Water bill designates $6.7 billion for the Army Corps of Engineers and the Bureau of Reclamation for priority water infrastructure, flood protection, and conservation projects. In that regard, I am particularly pleased with the inclusion of over $3 million for specific Chesapeake Bay restoration initiatives of particular importance to my congressional district and the rest of the Chesapeake Bay watershed.

Mr. CARDOZA. Mr. Speaker, I rise in support of the FY 2010 Energy and Water Development and Related Agencies Appropriations Act. I would like to point out two provisions of the report that help to address the water supply crisis in California's San Joaquin Valley.

California is experiencing its third consecutive year of dry conditions. Our State's water supply outlook is further exacerbated by the ''regulatory drought'' that has resulted from agency regulatory actions. The Endangered Species Act in particular has proven to be a regulatory hammer, preventing water conveyance, transfers, and storage, even when water supplies have been plentiful. The Departments of the Interior and Commerce developed new Biological Opinions to protect Delta smelt and salmonid species, respectively. These decisions have resulted in significant restrictions on pumping water out of the Delta. These cuts were in addition to the many previous cuts that had already been imposed, including the Bay Delta Accord, the Central Valley Project Improvement Act and other actions.

The combination of the drought and the regulatory drought has resulted in dangerously low reservoirs and a 10 percent water allocation to farmers on California's westside. Over 400,000 acres of some of the world's most productive farmland have been fallowed, resulting in devastating job losses and high unemployment—as much as 40 percent in some cities on the westside.

It is crucial that the State of California and the Federal Government build new storage facilities and that we develop a better conveyance and water management system. In the meantime, it is important for the Departments to development programs that allow for flexibility as a means of achieving greater water supply. There are two provisions that Mr. COSTA and I added to the House Energy and Water Appropriations bill that do just that.

First, the $40 million in CALFED funding provides the Bureau of Reclamation with the flexibility to use these funds to help fund crucial projects, such as the Two Gates Project and the Intertie Project, which will help relieve some of the pressure on the water supply in the San Joaquin Valley of California. More funding is needed for these two projects as well as others, and this report provides a good start on a downpayment toward these projects and others that will help the Bureau, the State Department of Water Resources and our water district to move and transfer water in California to the people and farms that need it the most.

Second, I support the clarification of the Central Valley Project Improvement Act of 1992, which clarifies that additional restrictions under the CVPIA on water transfers within certain areas of the Central Valley Project South of Delta are not required. Several years ago, the Bureau of Reclamation changed its interpretation of this statute, and began applying additional and cumbersome requirements to water transfers within the CVP unless they were within the same county. These restrictions on water transfers have prevented the transfer of water from one area to another and have created an impediment to efficient and practical water use. This amendment would clarify that water transfers between Friant and South of Delta agricultural service contractors can occur beyond county boundaries so that water districts within one county can transfer to districts outside the county.

Unfortunately, the House version of the Energy and Water Bill which provided for permanent clarification in the law was not included in this report. Instead, this language clarifying the water transfer provision is limited to a 2-year period. Senator FEINSTEIN, Mr. COSTA and I will be introducing a bill to make this transfer amendment permanent, and we look forward to bringing something to the floor in a short period of time.

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

The SPEAKER pro tempore. Pursuant to House Resolution 788, the previous question is ordered.

The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 308, nays 114, not voting 10, as follows:

[Roll No. 752]

YEAS—308

Abercrombie	Buchanan	Davis (TN)
Ackerman	Butterfield	DeFazio
Aderholt	Camp	DeGette
Akin	Cao	Delahunt
Alexander	Capito	DeLauro
Altmire	Capps	Dent
Arcuri	Cardoza	Diaz-Balart, L.
Austria	Carnahan	Diaz-Balart, M.
Baca	Carson (IN)	Dicks
Bachus	Cassidy	Dingell
Baldwin	Castle	Doggett
Bean	Castor (FL)	Donnelly (IN)
Becerra	Chandler	Doyle
Berkley	Childers	Dreier
Berman	Chu	Driehaus
Berry	Clarke	Edwards (MD)
Biggert	Clay	Edwards (TX)
Bilbray	Cleaver	Ehlers
Bishop (NY)	Clyburn	Ellison
Blumenauer	Cohen	Ellsworth
Boccieri	Connolly (VA)	Engel
Bonner	Conyers	Eshoo
Boren	Cooper	Etheridge
Boswell	Costa	Farr
Boucher	Costello	Fattah
Boustany	Courtney	Filner
Boyd	Crowley	Fleming
Brady (PA)	Cuellar	Forbes
Braley (IA)	Cummings	Fortenberry
Bright	Dahlkemper	Foster
Brown, Corrine	Davis (AL)	Frank (MA)
Brown-Waite, Ginny	Davis (CA)	Frelinghuysen
	Davis (IL)	Fudge

Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Markey (CO)
Markey (MA)
Massa
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—114

Andrews
Bachmann
Baird
Barrow
Bartlett
Barton (TX)
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Carter
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Duncan
Emerson
Fallin
Flake
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Heller
Hensarling
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kanjorski
Kind
King (IA)
Kingston
Kline (MN)
Kucinich
Lamborn
Latta
Lewis (CA)
Lewis (GA)
Linder
Lucas
Lummis
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul
McClintock
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Roe (TN)
Roskam
Royce
Ryan (WI)
Scalise
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Sullivan
Tiahrt
Walden
Westmoreland
Wilson (SC)
Young (AK)

NOT VOTING—10

Adler (NJ)
Barrett (SC)
Capuano
Carney
Maloney
McCarthy (CA)
Neugebauer
Pascrell
Schmidt
Whitfield

□ 1427

Messrs. SULLIVAN, BARROW and POE of Texas changed their vote from ''yea'' to ''nay.''

Messrs. TURNER and PRICE of North Carolina changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PASCRELL. Madam Speaker, I want to state for the RECORD that I missed four rollcall votes. Unfortunately I missed these votes because I was in my district attending the funeral of my sister-in-law Barbara Gamero who recently passed away this last Tuesday at the age of 73. Had I been present I would have voted ''yea'' on rollcall votes 749, 750, 751 and 752.

COMMENDING HOMELAND SECURITY DEPARTMENT EMPLOYEES AND ANTI-TERRORISM PARTNERS

The SPEAKER pro tempore (Mr. KRATOVIL). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 731.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. CLARKE) that the House suspend the rules and agree to the resolution, H. Res. 731.

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.

□ 1430

LEGISLATIVE PROGRAM

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

Mr. CANTOR. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the gentleman for yielding.

On Monday the House will not be in session. On Tuesday the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes postponed until 6:30. On Wednesday and Thursday the House will meet at 10 a.m. for legislative business. On Friday there are no votes expected.

We will consider several bills under suspension of the rules. The complete list of suspension bills, as is the custom, will be announced by the close of business tomorrow. In addition to the suspension bills, we will consider H.R. 2442, the Bay Area Regional Water Recycling Program Expansion Act of 2009, the conference report on H.R. 2997, the Agricultural, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act of 2010, and the conference report on H.R. 2892, the Department of Homeland Security Appropriations Act of 2010.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I'd ask the gentleman if we could turn to the discussion of health care, and as the gentleman knows, he and I have had discussions this week, perhaps, I think, a discussion that could yield the ability for us to work together on the things that we agree on in health care. Obviously, the divide is great when talking about any type of move towards a government takeover of health care. But he and I have spoken about maybe there are some areas of agreement. And he and I have also talked about the fact that we could meet together and discuss that, and I look forward to hearing from him or his office to schedule that. And along those lines, I'd like to ask the gentleman what he expects the schedule to be towards bringing a health care bill to the floor of this House.

Mr. HOYER. First of all, let me say that, as far as I know, we have no premise that we want to pursue of a government takeover of health care, so notwithstanding the characterization, we don't believe that what's being proposed does that, any more than Medicare, from our perspective, was a takeover of the health care system. Having said that, we are working, as you know, as the press is reporting, on seeing what alternatives are available. There are three committee bills that have been reported out of the Energy and Commerce Committee, had full markups, Ways and Means Committee, and the Education and Labor Committee. As you know, they differ in part, and so there are now discussions as to how you meld those bills together with the theory and intention of offering a bill from those three bills.

We would expect the Rules Committee, at some point in time, to effect that objective, as has been done in the past. Our expectation is that we will do that within the time frame that we're able to do it; that is to say, there's not yet a resolution of how that is accomplished, so we don't have a time frame.

And we haven't set a time frame, but we will do it when it's possible to put forward.

Lastly, I would say to the gentleman, he and I talked earlier this week, as he pointed out, and I look forward to sitting down with him next week to see if there are areas where we can agree. If there are, we'd like to do that. And I think the gentleman has expressed his desire to do so as well. On the other hand, as we know, there are areas of substantial disagreement. It's certainly not our view that we can start over again. It is our view that this matter has had over 90 hearings over the last couple of years; that we've had over 2,000 town meetings on this, and we've been really at this for about over a year now, with very substantial discussions during the Presidential campaign from all candidates on both sides of the aisle, as to the fact that health care reform was necessary, and we believe the overwhelming majority of the American people believe that. Obviously, the details are the critical issue, and I look forward to pursuing discussions next week with the gentleman.

Mr. CANTOR. I thank the gentleman. And Mr. Speaker, I'd ask the gentleman further as to the timing of a bill. I understand that he's indicated that there is no resolution as to exactly when a bill would come to the floor.

Mr. HOYER. If the gentleman will yield.

Mr. CANTOR. I yield.

Mr. HOYER. I do not expect a bill to be on the floor within the next 2 weeks, if that's what the gentleman's asking. I think we'll have time to have discussions.

Mr. CANTOR. I thank the gentleman because I was going to ask about the Speaker's commitment prior. So I thank the gentleman for that.

Mr. HOYER. If the gentleman would yield, because I think probably—to complete the answer—the Speaker and I are both committed to giving substantial notice, not only of the bill, when a bill is put together, but also of any manager's amendment which may effect the resolution between the three committee documents. It is our expectation that there would be at least 72 hours for either the bill and the manager's amendment or, if they are separate, 72 hours for each.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, as to the scheduling of a bill dealing with sanctions on Iran, we've had discussions together on the floor and elsewhere regarding the Iran Refined Petroleum Sanctions Act. And Mr. Speaker, I'd say to the gentleman, now, in particular, I think time is of the essence that we act because, as we have seen over the last 10 days, Iran revealing its secret enrichment program, indicating, yet again, that the regime in that country refuses to comply with international law or the will of the world community.

So it is my sense that we should, and we can work together on this issue. The gentleman had indicated last time we were engaged in a colloquy that he was going to meet with Chairman BERMAN of the Foreign Affairs Committee about moving that bill and bringing it to the floor. So I would ask the gentleman if he could tell us when we could expect that bill to come to the floor.

Mr. HOYER. Since I made that representation, I have, in fact, met with both not only Mr. BERMAN, the chairman of the Foreign Affairs Committee, but also Mr. FRANK, the chairman of the Financial Services Committee. As the gentleman knows, there are two sanctions bills. One is Chairman FRANK's bill, which passed the House overwhelmingly last year, and provides authority to State and local governments to divest their assets from any company that invests $20 million or more in Iran's energy sector. That is not as consequential, obviously, as Mr. BERMAN's bill. Mr. BERMAN's bill, as you know, requires any foreign entities that sell refined petroleum to Iran or otherwise assist such sales to be banned from doing business in the United States. Obviously, that has real teeth to it.

As the gentleman also knows, October 1, discussions are underway with Iran for the first time in a long time. Furthermore, significantly, the administration is working with our allies, certainly with, as the gentleman knows, with Britain and France, but also engaged with Germany as well, and with Russia and with China, members of the P–5 plus 1, essentially, members of the Security Council plus Germany, on how we might respond to what the world has viewed as a violation of the U.N. resolutions and what Iran has been doing. The gentleman and I share a view that Iran's process is unacceptable, that Iran's pursuing of nuclear armed capability, weapons capability is unacceptable and dangerous to the region and to the international community.

The administration shares that view, and therefore, with respect to Mr. BERMAN's resolution, we are in contact with the administration, and Mr. BERMAN is prepared to bring that forward at a time when, based upon whatever may occur in the next week—I don't want to put a time frame on it—a week or two, that might indicate that we could get a broader international toughening of sanctions that now exist, with the agreement, particularly of Russia. As you know, President Medvedev has made some pretty strong statements about Qom and the findings there, and what he believes to be Iran's failure to keep the world informed and concern about what Iran is doing, which was a positive sign.

But with those considerations in mind, I know that Mr. BERMAN is very focused on this and ready to bring a resolution to the floor at a time he believes is consistent with the administration's trying to attain, with the international community, the strongest possible sanctions internationally, as well as our own sanctions.

Mr. CANTOR. I thank the gentleman. And I would only add that I believe I'm speaking for our conference here in indicating that it's not necessarily what we would do in terms of trying to wait for China and Russia to move the bill. I'm not saying the gentleman said that, but it sounded as if we've got to wait until there is some collective agreement on the world stage in order for Congress to act. As the gentleman and I have agreed for a long time now, we, in this country, believe very strongly of standing up against the regime in Iran. It has an impact on our allies across that region in the world and particularly for us here at home. So I would encourage the gentleman by telling him that our side stands ready to want to help with moving that bill.

Mr. HOYER. If the gentleman would yield, I appreciate that, and I am confident that, as the gentleman points out, that we will move ahead in a bipartisan and overwhelming fashion on this bill. But I want to make it very clear: We don't have to wait for anybody. Having said that, the judgment of the chairman, in concert with the administration, is that we do want to see what developments occur in the very near term. And I think that's what I meant. Hopefully that's what I said. The gentleman's accurate; we don't have to wait, certainly for Russia or China or for anybody else, to take the action we deem to be appropriate.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, as the gentleman knows, there is a very important debate occurring in our country right now regarding our position towards the commitment we've made in Afghanistan. And it's clear that the Republicans believe, as I'm sure the gentleman does, that this Congress must be devoting attention to this important issue as it relates to the national security of the United States and our interests in that arena, as well as abroad. And I'd like to ask the gentleman, Mr. Speaker, whether he, in his leadership, will call on General McChrystal to testify before Congress as soon as possible. And I'd note, as the gentleman well knows, that Chairman SKELTON has been reported to have made such requests of his leadership.

Mr. HOYER. As the gentleman probably knows, I have also indicated I thought General McChrystal ought to come to the Congress and testify, not only before the committees, but perhaps brief a bipartisan session. I don't mean an address to it, but a bipartisan briefing, either in the Armed Services Committee or on the floor here or in the auditorium. I think that's appropriate. As the gentleman knows, the President has been involved in very extensive consultation with the Cabinet members that deal with the national security issues, including Chairman of the Joint Chiefs, Admiral Mike Mullen; General Jones, the National Security Advisor; Secretary Clinton; the Vice

President and others who are dealing with this issue.

As you know, there has been no specific request directed to the Congress at this point in time, either by General McChrystal, Secretary Gates, or the President, so that it may well be an issue of timing as to when they're ready to come to the Congress to lay out the specific plans that they believe we ought to pursue. But I think that everyone shares the conviction that this is a critical issue with which the Congress is going to deal, and that General McChrystal, who is the commander on the ground in Afghanistan, needs to come before the Congress and give us his best judgment as to how we can be successful.

Mr. CANTOR. I thank the gentleman. And I know it's just been reported that in the Senate there was an amendment offered by Senator MCCAIN on this very point, requiring there to be some testimony by General McChrystal before Congress by a date certain. And I'm told that that amendment went down on a party-line vote. So I would just tell the gentleman, again, that our side believes it's very important, as I know he does, in terms of our national security and Congress' role that General McChrystal be before us so that we can be informed and conduct our constitutional duty as such.

□ 1445

If I could, Mr. Speaker, turn to the question of jobs.

We have a running debate, the gentleman and I and others, as to the effectiveness of the stimulus bill. And as we all know, back in January it was reported that that bill would arrest the rise of unemployment. In fact, the goal was set that unemployment would not overreach beyond 8½ percent. We know in this country now we're just under 10 percent unemployment nationally.

I feel very strongly, Mr. Speaker, that we should be focusing on this economy while we're trying to deal with so many other issues. And it has been some time now where we have missed the opportunity on this floor to bring up bills that have to do with job creation.

If we look at some of the evidence of the stimulus bill, it is the contention of our side that that bill has not fulfilled its mission. We could go through any list of expenditures that we have noted in the press and elsewhere, where you have got $2.8 million to fight forest fires in the District of Columbia; you have $3.4 million to help turtles cross the road in Florida. These are the kinds of items that, frankly, rob the public of their confidence in what we do.

So I would ask the gentleman, is there any effort, is there any hope that we may perhaps have some constructive debate around the rest of the stimulus money and perhaps orient that towards job creation, sustainable job creation and growth in the economy? Because after all, I think that's what all of us are after.

I yield.

Mr. HOYER. I thank the gentleman for yielding.

And he's correct: we do have a different perspective on this. Of course, the gentleman supported economic policies in 2001 and 2003 that of course produced the worst job performance of any administration since Herbert Hoover. We lost 3.1 million jobs in the last 14 months of the Bush administration, lost an average of 680,000 jobs during the last 3 months of the administration that President Obama was faced with.

We acted decisively and boldly, in my opinion, under the President's leadership. In point of fact, we reduced the average of some 680,000 in the last 3 months of the Bush administration to, over the last 3 months, 350,000 and only 216,000 jobs lost. I say ''only.'' That relates to 741,000 jobs lost the last month of the Bush administration. That is a half a million fewer jobs. It's not where we want to be, but it is certainly a lot better.

Many economists in our party and, frankly, in your party, Mr. Zandi we refer to, estimate that we have over a million jobs more than we would have had had we not passed the Recovery and Reinvestment Act. There has been a 1.3 percent rise in consumer spending in August. It was the biggest increase since the 2.8 surge in October of 2001. The Labor Department released a report last week showing that during the previous week, the number of newly laid-off workers seeking unemployment benefits fell for the third straight week, evidence that layoffs are continuing to ease at the earliest stages of the economic recovery.

Without going into a lot more statistics, we do have a substantive difference as to whether or not our economy is getting better. The good news, from my perspective, is most economists agree with us that we've bottomed out and we're starting to come up. We're going to have unemployment figures tomorrow that will be announced. Hopefully, they're down even further.

The stock market, I will tell my friend, in the Recovery and Reinvestment he thinks hasn't worked is up from about 7,200–7,300 up to about 9,700. I will tell you that every American that opens their 401(k) or retirement plan thinks that progress has been made. I know I do when I open mine. I am very pleased to see that.

So we do differ. We differ not only on the success of the economic plan that was pursued for 8 years that led to the deepest recession that we have had in 75 years.

But the gentleman stands and asked me a question about adopting more of those policies, and with all due respect, my friend, we didn't think those policies were going to work, we don't think they did work, and, in fact, the policies that your party voted against to a person in 1993 produced exactly the opposite results: high employment, low deficits; in fact, a net surplus at the end of the 8 years of the Clinton administration, and a reduction in spending which you doubled in terms of percentage, 3.5 under the Clinton years and 7 percent under President Bush's years. So, yes, we have a difference of opinion.

We think we have pursued vigorously policies to create jobs, create economic stability, create growth in our economy, and we think it's working.

Mr. CANTOR. I thank the gentleman.

I would say in response, I, nor most of my conference, was not here in 1993 on that vote.

I would simply say to the gentleman, as he knows, in the stimulus debate and on down through the rest—cap-and-trade, the health care, the budget debate—the proposals that we are offering, especially as he refers to in the economic arena, are not the same policies. We have proffered an agenda which speaks to small businesses.

And, Mr. Speaker, I would say I don't think it is necessarily a constructive route to take for us to say who was worse because none of us, as the gentleman suggests, likes the fact that we've lost 2½ million jobs in the last 8 months. And if you ask the small business people in our districts if they think things are better, I think there's pretty much unanimity that small businesses are having difficulties still keeping the lights on, maintaining payroll.

Something is amiss. We've got to be focusing on how we can expand the opportunity for those small businesses to grow again. It's very central to the idea of getting the capital markets straight, of getting our fiscal house in order. I am very troubled by the bills that are coming along in the Financial Services Committee, the Consumer Financial Protection Agency, yet more attempts by the majority to impose the will of Washington on the entrepreneurs across this country, restricting ultimately their ability to access credit.

You know, we do have differences, Mr. Speaker. I am just hopeful that we can find a way to work together to promote jobs.

With that, Mr. Speaker, I thank the gentleman very much for his time.

HOUR OF MEETING ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow; and, further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, October 6, 2009, for morning-hour debate.

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

There was no objection.

THE STIMULUS PACKAGE HAS BEEN PRODUCTIVE

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

Mr. YARMUTH. Mr. Speaker, we just had a question raised as to the effectiveness of the stimulus package in creating jobs. Well, I know that Mr. CANTOR from Virginia tries to criticize the package for not being productive, but you can't convince the members of my district of that.

In my district alone, according to the school district, 150 teaching jobs were saved; we are beginning construction on a new facility for our transit system, putting 80 new jobs on the street. Most importantly, we had an announcement from GE, General Electric appliance park, that they are moving a unit back from China building revolutionary environmentally advanced water heaters creating more than 400 new jobs in my district. That's the result of stimulus money being used for an incentive.

And, finally, we've seen housing gains for the first time in a year of 10 percent in both July and August due to the first-time homebuyers' credit that was part of that stimulus package.

So when the American people wonder whether that stimulus package, which is still in its infant stages—20 percent, at most, of the money's gone out—you can look at Louisville, Kentucky, and I'll give you evidence that the stimulus package is working and creating jobs.

THE POST-9/11 GI BILL

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

Mr. REHBERG. Mr. Speaker, the most important domestic policy following World War II was the GI Bill which paid for the education of the brave men and women who served in the name of freedom.

Montana has some of the best colleges and universities in the country; but for some returning soldiers, a traditional campus isn't the best fit. The post-9/11 GI Bill provided flexibility for soldiers who wanted to take advantage of distance education benefits.

Currently, five of the 10 colleges with the highest veteran populations are colleges that are entirely online or have significant online course loads. While veterans may receive funds to pay for tuition, fees, and books, distance learners are ineligible for living expenses.

I've introduced the Veterans Distance Education Benefits Act, which reimburses soldiers' living expenses so they can focus on their education. I encourage my colleagues to join me in sponsoring this important legislation so we can get it passed quickly.

OVER 100 DAYS WAITING FOR A REPUBLICAN PLAN

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today because it has been more than 100 days since my friend and colleague, Representative ROY BLUNT, the point man for the rumored Republican alternative health reform plan, said, I guarantee you we will provide you with a bill.

Even Louisiana Republican Governor Bobby Jindal urged his party Tuesday to work with Democrats to offer health care solutions.

The time to act on health insurance reform is now. We must act to offer the choice of affordable quality health care to all Americans putting you and your doctor, not the insurance companies, in charge of your health care while we reduce the problem of ballooning health care costs on American families, businesses, and our fiscal future.

''No'' is not a solution. Saying you support reform with no evidence of that support and no plan just doesn't cut it. Continuing to say ''no'' to reform leaves tens of millions of Americans without health insurance, and 45,000 Americans die every year because of this.

Our friends on the other side of the aisle can't run away from the fact that they have no plan.

The time to act on health insurance reform is now.

COAL IS NEEDED

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

Mr. DUNCAN. Mr. Speaker, Bjorn Lomborg, one of the world's leading environmentalists, wrote in Monday's Washington Post these words:

''Today, coal accounts for almost half of the planet's electricity supply, including half the power consumed in the United States. It keeps hospitals and core infrastructure running, provides warmth and light in winter, and makes lifesaving air-conditioning available in summer. In China and India, where coal accounts for more than 80 percent of power generation, it has helped to lift hundreds of millions of people out of poverty.

''There is no doubt that coal is causing environmental damage that we need to stop. But a clumsy, radical halt to our coal use—which is what promises of drastic carbon cuts require—would mean depriving billions of people of a path to prosperity.

''To put it bluntly: despite their good intentions, the activists, lobbyists and politicians making a last-ditch push for hugely expensive carbon-cut promises could easily end up doing hundreds of times more damage to the planet than coal ever could.''

I wish we would heed those words of this environmentalist because if we drastically cut back on coal, we're going to hurt millions of poor people in the process.

ARRA IS WORKING

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

Mr. COHEN. Mr. Speaker, this week in Congress will be ending, and I have some interesting experiences to relate.

In Transportation Committee today, we had a hearing, and one of our former Members is now the Secretary of Transportation, Ray LaHood, a Republican member from Illinois. Secretary LaHood reported to the committee that the ARRA is working, that much of the money has been spent or utilized in plans by State governments and that lots of employment has been made on building of roads and bridges and airport improvements and on rail programs around the country, that people are going back to work.

I also have an opportunity on Tuesday to attend the National Institutes of Health for a briefing, which I plan to do with other colleagues. President Obama announced that $5 billion has been spent on cancer research through NIH. I offered an amendment to the ARRA in the House for a $10 billion improvement. That didn't make it through the House, but a similar proposal made it through the Senate. It will be interesting to see where those moneys are creating jobs and finding cures for cancer and other catastrophic illnesses like Parkinson's, diabetes, and Alzheimer's.

The ARRA is working.

□ 1500

PROTECT OUR CULTURAL HERITAGE

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

Mr. CAO. Mr. Speaker, for many immigrant families like mine, the struggle to preserve our culture and heritage and to contribute to the rich cultural fabric of our Nation assumes center stage. We make efforts to ensure, for example, that our children speak their native language and are familiar with their customs and traditions.

One of the tools most often used by immigrant communities is multimedia through which cultural traditions are exhibited and transmitted. In the Vietnamese American community, for example, music and videos produced and distributed throughout the United States have cultivated and instilled in the minds of our children the love and respect for the heritage of their parents and grandparents.

Unfortunately, organizations that produce these cultural expressions are being forced to close their doors due to significant financial losses from copyright infringement both here and abroad. Often, these organizations have lesser means and cannot survive this theft.

Today, I call my upon my colleagues in Congress to join me in tough oversight of the Federal agencies responsible for prosecuting copyright infringement because enforcing these

laws is critical for the survival of our cultural diversity.

HEALTH CARE REFORM

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

Ms. DELAURO. Mr. Speaker, everyone here knows that we have spent the past several months working to craft legislation that will bring much-needed health insurance reform to the American people. Costs and premiums are spiraling out of control, and more and more families, working families, are being priced out of health insurance.

While Democrats have debated the best way to produce a reform package that will cut costs and ensure quality and affordability, our colleagues across the aisle have been playing hooky with their responsibilities to the American public.

It has been over 100 days now since Congressman BLUNT told us his party would be offering an alternative health reform bill. We've heard nothing yet. Representative CANTOR recently suggested to a constituent that she find ''charity care'' for an unemployed family member in need of surgery. Find a charity? Is that the full extent of Republican health care reform?

So I ask again, where is the GOP plan for health insurance reform? Or is it just to maintain the status quo?

IN PRAISE OF THE ''BUDDY WALK''

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to praise the ''Buddy Walk'' being held this Saturday in State College, Pennsylvania. It is sponsored by the Centre County Down Syndrome Society. The society exists to be a resource for families with a child with Down syndrome and for those who are expecting a child with Down syndrome. Their goal is to educate friends, relatives and even communities that individuals with Down syndrome are energetic, capable and loving people who play, work and go to school just like the rest of us.

The statistics on their Web site change some of the preconceived stereotypes many people have. For example, half of all Down syndrome children go to mainstream school classes, one out of every five plays a musical instrument, and three out of five know how to operate a computer.

I am a member of the Congressional Down Syndrome Caucus who supports legislative activities that would improve Down syndrome research, education, treatment and promote public policies that would enhance the quality of life for those with Down syndrome.

The Centre County Down Syndrome Society does a great deal to educate people that those with Down syndrome do lead productive lives, and they deserve to be commended.

POLANSKI EXTRADITION

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, the laws of the United States should stand for all. No one is above the law, whether it is the criminal laws or the extradition laws. That's why I ponder why some of the elites in Hollywood are now telling us that Roman Polanski should not be subject to the laws of the United States, the State of California or the international law that recognizes extradition.

What is it that suggests that fame excuses criminal conduct? What is it that allows some people in our society to say that a rape is not really a rape, or to suggest that because someone is a great film director that therefore they ought not to be brought to the bar of justice?

Thirty some years ago in the State of California, a crime was committed. Thirty years ago, someone admitted to that crime, and 30 some years ago, that person did not show up when his sentence was to be given to him. And now it is time for the laws of the State of California and the United States and international law to be followed.

Mr. Polanski should come home, and he should meet his justice.

AMERICAN TROOPS IN AFGHANISTAN: COMMIT 100 PERCENT OR GET THEM OUT

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

Mr. GOHMERT. Mr. Speaker, we know that in the 1960s and 1970s we committed our troops to Vietnam. But we found out at the end of the war, after 2 weeks of constant carpet bombing of Hanoi when SAM JOHNSON was leaving the Hanoi Hilton, he was told, You silly Americans, if you'd kept bombing us for 1 more week like that, we would have had to surrender unconditionally.

The message of Vietnam should be either commit 100 percent or get out. Don't leave people out there to die without full commitment.

Now we have people on the left saying, get out of Afghanistan now. We have people on the right saying, do whatever it takes to win. And I'm here to say, Mr. Speaker, the President should not keep going on talk shows and going around the world while he has a report suggesting what to do. He needs to commit 100 percent to the war in Afghanistan, give them everything they need, or get out now.

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.

IT'S TIME FOR MORAL LEADERSHIP IN AFGHANISTAN

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

Ms. WOOLSEY. Mr. Speaker, President Obama has often said that America must restore its moral leadership in the world. He took a very important step toward doing that last week when he spoke at the United Nations. In his speech, the President called for a new era of engagement and diplomacy. He called for international cooperation to address such critically important issues as nuclear nonproliferation, climate change and economic recovery. He also spoke about banning the use of torture and his decision to close Guantanamo as examples of America's new desire to abide by the rule of law.

I welcome the President's words. They show that President Obama is committed to peace and human rights. Those are the foundations of moral leadership. But now the President is facing the greatest test of his moral leadership as he reviews his strategy in Afghanistan.

The generals are urging him to pour in more troops. I'm sure there are others who are telling him to escalate the fighting just so he can look ''tough on terrorism.'' But as the President makes his next decisions about Afghanistan, I would urge him to make the tough choices. I would urge him to base his decision-making on the following facts: the American people do not believe the war in Afghanistan is worth fighting and want to draw down the numbers of troops there. Sending in more troops will cause the Afghan people to see us as occupiers. And history has told us that the Afghan people always resist foreign occupations and always succeed.

America cannot afford to pour billions of dollars more into a futile occupation when we are going through the worst economic crisis of the past 70 years. We cannot, in good conscience, ask our brave troops to take more casualties without a clear mission, and we don't have one. We cannot ask our military families to continue to sacrifice when they have already suffered so very much.

And finally, we have no exit strategy. After the disaster of Iraq, the American people will not stand for another endless foreign occupation, one that will cost many lives and not make our country any safer.

Afghanistan is a difficult problem, but the President still has good options. He can order the Pentagon to develop a troop redeployment plan and a timetable for withdrawal. At the same time, he can be bold and shift to a new mission that will be far more likely to succeed because it will actually have the support of the Afghan people.

This new mission in Afghanistan would include economic development, education, infrastructure, humanitarian assistance, better governance and improved local policing and intelligence to hunt down extremists. This is what the Afghan people want from America so that they can have hope for a better future and reject violent extremism.

Mr. Speaker, President Obama deserves credit for reviewing his decision earlier than expected to send more troops to Afghanistan. He is showing political courage, and he is showing an open mind by considering other alternatives. I urge him to choose a new course, one that will make our country proud and the world a much safer place.

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

HEALTH CARE REFORM

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

Mrs. CAPPS. Mr. Speaker, for 60 years our country has been trying to come up with a better way to deliver health care. Despite the lingering differences of opinion over how to achieve this goal, we really have come along further than we ever have before.

We all agree we need to put an end to insurance companies' most egregious practices. We need to lower the costs of health care for everyone. We need to better incentivize preventive and primary care.

These are all accomplished by the bill which has now passed out of our three House committees. Of course, it's much more interesting for the media to talk about the few areas where disagreements still exist rather than the accomplishments we have made so far. But the legislation before us means so much more security for America's hardworking families.

Right now, when you lose your job, it can mean your entire family loses access to health insurance. And if you are unfortunate enough to have a preexisting condition, which in some States can be defined as having been the victim of domestic violence, then you may not qualify for any affordable health insurance coverage. Worse yet, when you buy health insurance on the individual market, there is a team of people ready to comb through your records to find a reason to drop you if you are ever diagnosed with a condition that is costly to treat. Now a few States have protections against these practices. But don't we agree that all Americans deserve access to these protections?

Ironically, my colleagues on the other side of the aisle have often touted a supposed ''solution'' to our health care troubles by allowing insurers to sell across State lines. If anything, their proposal would essentially allow insurance companies to continue their very worst practices because insurers would simply begin a race to the bottom. They would move their operations to whichever State affords the least consumer protections and sell those policies across State lines.

I'm especially concerned because I come from California, a State with some of the strongest consumer protections from health insurance company abuses. Here are some examples: California law requires that insurers cover a minimum stay in the hospital after a mastectomy. Our neighboring States of Nevada and Arizona do not. California law requires that patients have the right to appeal decisions by insurance companies and receive an external review. Idaho and Mississippi do not. And California has stricter laws defining what may and may not qualify as a preexisting condition. In Florida and Georgia, there are no definable conditions that insurers may classify as ''preexisting,'' which means that a preexisting condition could mean pretty much anything.

So to my friends on the other side of the aisle who believe that selling insurance across State lines will solve all of our problems, I remind you that your suggestion would do just the opposite. It would strip away vital consumer protections that exist for many patients now at the very time our focus needs to be on increasing consumer protections for American families.

□ 1515

We also agree that we need to lower costs. I'm very heartened by provisions in this bill that will achieve this shared goal.

For seniors, we're taking immediate steps to reduce their prescription drug costs by closing the doughnut hole. Since the rollout of Medicare part D, my constituents and seniors across the country have begged for relief from the doughnut hole. The doughnut hole is the period of time during which you pay an insurance company to not cover the cost of your medications. I have objected to this policy from day one.

Under our plan, seniors will see relief immediately. As we begin to close the doughnut hole, prescription drugs will be available at deep discounts. Eventually, the doughnut hole will disappear completely. This is the relief that America's seniors need, and we all can agree that they deserve it.

We will bring down costs by introducing a public option to compete with private insurers. Currently, private insurance companies have every reason to increase costs for patients and to reduce reimbursements to physicians in order to line their pockets.

Why? Because there's no competition. There's no one else in the market offering consumers a choice. But the public option will finally bring greater choices to consumers in the individual insurance market. Once that happens, premiums will become more affordable as insurers compete for customers. Insurance companies will be enticed to reimburse physicians better in order to retain them in their networks. The necessity for more affordable choices is something we can all agree on.

We can also agree that we need to do a better job of improving preventive care and giving people the tools they need to be more personally responsible for their health and well-being. As a public health nurse, I spent decades educating people about the importance of adopting healthy habits. But too many people in this country don't have access to primary care and never see a health professional until an otherwise preventable disease has worsened. How tragic is this?

H.R. 3200 encourages better primary and preventive care. It does away with copays for preventive services. It increases primary care service reimbursements under Medicare and Medicaid. It makes smart investments in community-based prevention and wellness programs. These are the things we can all agree upon.

I urge my colleagues to join me in enthusiastically supporting H.R. 3200, supporting these principles on which we all agree.

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.)

YEMEN

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

Mr. WOLF. I want to talk about an issue dealing with our national security. CNN reported this morning that the security situation in Yemen is rapidly deteriorating, making a dangerous new haven for al Qaeda and terrorists.

This report is just the latest in a series of warnings about the security situation in Yemen. Earlier this week, Time magazine reported that ''two-thirds of the country is out of government control,'' and that ''al Qaeda is turning the lawless mountain areas of Yemen into a new staging area.''

According to press reports today, U.S. counterterrorism officials believe that al Qaeda's ''presence in Yemen threatens to turn the country into a dangerous base for training and plotting attacks.''

In September 2008, al Qaeda terrorists in Yemen attacked the U.S. Embassy with vehicle bombs, killing 10 guards and civilians. Since that time, al Qaeda's posture in Yemen has grown

stronger with the merger of the Saudi and Yemeni arms of al Qaeda into one group—al Qaeda in the Arabian Peninsula—with Yemen as its base for training and operations.

We have seen the consequences of these developments. Last August, a Yemeni al Qaeda loyalist detonated a suicide bomb in an attempt to kill Saudi Prince Mohammed bin Nayef. He was able to gain access to the prince by pretending to be an al Qaeda defector before detonating the explosions.

Despite this deteriorating situation, it was reported—and it's hard to believe—in Reuters on Monday in an article I'm submitting for the RECORD that at least one detainee from Guantanamo Bay has been released to Yemen—released to Yemen, where you can't control the country—and at least 26 others have been cleared to return, according to a list at the detention facility posted in Arabic and Pashto.

What kind of policy is this that the detainees—some who have killed American citizens—at Guantanamo Bay have a list of those that are being released, but not one Member of Congress or the American people know anything about it and are kept in the dark.

Most of these detainees were captured in Afghanistan and Pakistan in 2001 and 2002. They have spent 8 years living among the most dangerous terrorists in the world, including Khalid Sheikh Mohammed, the mastermind of the 9/11 attacks and who beheaded Daniel Pearl.

In an attempt to meet this self-imposed deadline to close Guantanamo Bay next January, Eric Holder and the administration are prepared to release perhaps a third of its cleared detainees to Yemen, a dangerously unstable country that is clearly unprepared to accept and monitor and rehabilitate these detainees.

Given that more than 15 percent of released detainees have returned to terrorism, this release will have a dangerous consequence for the American people. It's not beyond the imagination that there will be an article in the paper several months from now that somebody who was at Guantanamo, from Yemen, released by Eric Holder, goes back to Yemen and kills an American citizen or is involved in an act of terrorism.

Combined with al Qaeda's growing strength and presence in Yemen, this release is concerning. As our State Department noted in its 2008 Country Reports on Terrorism, ''The security situation in Yemen deteriorated significantly over the past year as al Qaeda and Yemen increased its attacks against Western and Yemeni Government institutions.''

What is Eric Holder and the Justice Department—what are they thinking about? Surely, there must be a better solution, one that won't release detainees from Guantanamo who are involved in activities against American military, who have served time with Khalid Sheik Mohammed, to send them back to Yemen.

Earlier today, I wrote Attorney General Eric Holder to urge that no additional detainees be released to Yemen or other unstable countries. The deadline to close Guantanamo Bay is no excuse to expedite the release of Yemeni detainees, especially if the country, as it is, is unprepared to take responsibility for them. The decision to release the detainees requires due diligence. It cannot be undone.

While we may have a difference of opinion on how best to deal with the situation in Guantanamo Bay, I think, I hope, I believe that we can all agree that a rush release of terrorist detainees, people who have served with Khalid Sheik Mohammed, should not be released back into Yemen when it is so destabilized.

What is this Obama administration thinking? What is Eric Holder thinking? I urge Members of Congress to have hearings and for Eric Holder to cease and desist any returnees back to Yemen.

[From Reuters, Sept. 28, 2009]

OBAMA TEAM CLEARS 75 AT GUANTANAMO FOR RELEASE

(By Jane Sutton)

MIAMI.—An Obama administration task force has so far cleared 75 of the remaining 223 Guantanamo prisoners for release as part of its effort to close the detention camp, a military spokesman said on Monday.

The review team is examining each prisoner's case to decide who will be held for trial and who can be sent home or resettled in other nations.

President Barack Obama had set a January 22 deadline to shut the detention camp although Defense Secretary Robert Gates told ABC News in an interview broadcast on Sunday that ''it's going to be tough'' to meet the deadline.

As the review team makes its decisions, military officials at Guantanamo post an updated list in the camps to let the prisoners know how many from each nation have been judged free to go.

It was an opportunity to just provide better communication,'' said Navy Lieutenant Commander Brook DeWalt, a spokesman for the Guantanamo detention operation. ''There's a lot of information out there and you get a lot of things from a lot of different angles. It helps put it in a more succinct context for them.''

The prisoners are well aware of Obama's announcement that the camp would be closed and have heard piecemeal information from their lawyers and relatives during phone calls arranged by the International Committee of the Red Cross, he said.

The list is posted in Arabic, Pashto and English. The latest list of 78 prisoners includes two Uzbeks sent to Ireland and a Yemeni returned to his homeland on Saturday, an indication that some progress is being made in thinning the camp population of those who are not considered a threat.

''We are not focused on whether the deadline will or won't be met on a particular day,'' White House spokesman Robert Gibbs said. ''We are focused on making . . . the most progress that is possible.''

Some on the list are among the 30 ordered freed by U.S. courts but still awaiting transfer, including 13 Chinese Uighurs. The Pacific island nation of Palau has agreed to accept most of them.

Also on the list are 26 other captives from Yemen, nine from Tunisia, seven from Algeria, four from Syria, three each from Libya and Saudi Arabia, two each from Uzbekistan, Egypt, the West Bank and Kuwait, and one each from Azerbaijan and Tajikistan.

Most were captured in Afghanistan and Pakistan after U.S. troops invaded Afghanistan in 2001 to oust al Qaeda in response to the September 11 hijacked plane attacks on the United States.

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

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

DEAR ATTORNEY GENERAL HOLDER: It has come to my attention that at least 27 detainees held at Guantanamo Bay have been cleared for release to Yemen. I received official notification about the release of one of these transfers, Alla Ali Bin Ali Ahmed, but was only made aware of the additional 26 Yemenis allegedly cleared for release after reading a Reuters report titled, ''Obama team clears 75 at Guantanamo for release'' on September 28, 2009.

I urge you to reconsider any pending or future releases of detainees to Yemen, particularly in light of the country's deteriorating security and growing al-Qaeda presence. Earlier this week, Time magazine reported that ''about two-thirds of the country is out of government control,'' and that ''al-Qaeda is turning the lawless mountain areas of Yemen into a new staging area.'' According to an AFP report today, U.S. counterterrorism officials believe that al-Qaeda's ''presence in Yemen threatens to turn that country into a dangerous base for training and plotting attacks.''

You will recall the September 2008 al-Qaeda attack on the U.S. Embassy in Yemen using vehicle bombs, rocket-propelled grenades and automatic weapons to mount a coordinated assault, killing 10 guards and civilians. Since that time, al-Qaeda's posture in Yemen has grown stronger with merger of the Saudi and Yemeni arms of al-Qaeda into one group—al-Qaeda in the Arabian Peninsula—with Yemen as its base for training and operations.

We have seen the consequences of these developments. Last August, a Yemeni al-Qaeda loyalist detonated a suicide bomb in an attempt to kill Saudi Prince Mohammed bin Nayef. He was able to gain access to the prince by pretending to be an al-Qaeda defector before detonating the explosives. This case is particularly concerning because it demonstrates an evolution and sophistication in the type of attacks being planned and launched by al-Qaeda leaders in Yemen.

While I continue to be troubled that, according to the Reuters report, the detainees at Guantanamo Bay currently have more information about their release than do member of Congress or the American people, it is of particular concern that detainees who have spent the last eight years living among the most dangerous terrorists in the world, including Khalid Sheik Mohammed, the mastermind of the 9/11 attacks and who beheaded journalist Daniel Pearl, would be released into countries with a strong al-Qaeda presence. Such a disposition is only adding kerosene to a fire.

Although we have clear differences of opinion on how best to deal with the situation in Guantanamo Bay, I think we can both agree that a rushed release of terrorist detainees to countries with a strong al-Qaeda presence is not in America's best interest. I strongly urge you to halt all transfers of detainees to unstable countries, including Yemen, Afghanistan, and Algeria, until evidence is provided to this Congress demonstrating that the detainee can be properly received and monitored in the receiving country.

I look forward to your response, as well as your responses to my letters to you dated March 13, April 23, May 13, June 8, July 7, July 10, July 17, July 22, and July 31. Please do not hesitate to contact me or my staff member, Thomas Culligan.

This is very important for the safety of our country.

Sincerely,

FRANK R. WOLF,
Member of Congress.

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from 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.)

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

(Mr. SCHIFF 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 Virginia (Mr. FORBES) is recognized for 5 minutes.

(Mr. FORBES 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. PENCE) is recognized for 5 minutes.

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

H.R. 3611, THE LIMITS ACT

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

Mr. BROUN of Georgia. Counterterrorism officials have warned mass transit systems around the country to increase patrols after they discovered that a group of individuals within the United States were allegedly planning to detonate backpack bombs aboard New York City trains.

In the past month, we have once again been reminded that terrorists are still targeting U.S. mass transit systems and other major landmarks. We have to continue to be proactive against those seeking to do us harm and minimize our vulnerabilities, especially vulnerabilities on U.S. soil.

I'd like to discuss one continuing threat that needs to be addressed. In 2002, 2003, and 2004, personnel from Iran, a designated state sponsor of terrorism, were caught photographing and videotaping the New York City subway and other popular landmarks.

I ask my colleagues and the American people to think about why Iranian personnel would photograph and videotape the New York subway system and other popular sites. I'm referring to individuals from state sponsors of terrorism that are here with diplomatic immunity, supposedly in the United States for official business at the United Nations.

Let me be clear. Personnel from a state sponsor of terrorism have been caught on numerous occasions spying. What do you think they intended to do with that information, the videotapes and the photos? These are not our friends. A few, but not all, of these individuals were expelled by the U.S. Department of State. Between 2004 and 2009, the State Department issued over 8,600 visas to delegates and representatives from countries designated as state sponsors of terrorism.

Through the 1947 United Nations Headquarters Act, the United States is required to allow diplomats and personnel into the United States for official business at the United Nations headquarters complex in New York City, including personnel from countries who otherwise would be ineligible for U.S. visas.

We can't afford to take these threats lightly. The presence of hundreds of individuals with diplomatic immunity from countries designated as state sponsors of terrorism is an overwhelming and expensive task for U.S. counterterrorism and counterintelligence resources.

Michelle Van Cleave, the U.S. National Counterintelligence Executive from 2003 to 2006, put it well when she said, ''While the FBI—by far, America's premier counterintelligence agency—is assigned responsibility for countering all foreign intelligence operations in the United States, it lacks the manpower, the resources, the training, and probably the public support to venture into the complex grounds of analyzing the vast foreign presence in the country to identify the intelligence operations embedded therein.'' . . . ''The counterintelligence problem is not one of sheer numbers, though by any measure there are far more intelligence operatives in the United States than we have personnel to address them. The larger and more compelling issue is the scope of their activities. Historically, embassies and other diplomatic establishments within the United States have served as a hub for foreign intelligence activities because of the operational security that they afford.''

Why are we helping state sponsors of terrorism gather intelligence information within the United States? When and where will we draw the line?

If we can't stop these people from coming to the United States, the least we can do is limit their access to our country by dramatically limiting the radius that personnel from state sponsors of terrorism are permitted to travel.

Congressman DAN BOREN and I have introduced H.R. 3611, the LIMITS Act, Limiting the Intrusive Miles of International Terrorist Sponsors, which would limit personnel from state sponsors of terrorism to a half-mile radius of the U.N. complex. A half mile is more than enough space for personnel from state sponsors of terrorism to obtain lodging, food, and other necessities, and will be an easier and more cost-effective use of U.S. counterterrorism and counterintelligence resources, as well as the New York Police Department.

The FBI's top two priorities are to: number one, protect the United States from a terrorist attack; and, number two, protect the United States against foreign intelligence operations and espionage.

□ 1530

When it comes to state sponsors of terrorism with diplomatic immunity in our country, it is past time to make the FBI's job a little easier. I urge my colleagues to cosponsor the LIMITS Act and restrict access of State sponsors of terrorism on U.S. soil.

HEALTH CARE REFORM

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

Mr. GINGREY of Georgia. Mr. Speaker, I thank you, and I thank my leadership for allowing me to take this Special Order hour to discuss what has certainly become the most important issue that has been going on in this Congress over these last couple of months, and that is the issue of health care reform or, as the Democratic leadership and the President himself have rephrased that now, reform of our health insurance industry, rather than reform of our health care system. But we're going to spend a little time, Mr. Speaker, talking about where we are with regard to this and what are some of the alternatives. Particularly from our side of the aisle, we are often criticized, I think unjustly, about being the party of opposition without having any sufficient alternative ideas to present. In other words, the accusation of being ''the party of no.''

My colleague from Georgia, Mr. Speaker, is here with me on the floor today, this afternoon, and he and I laugh about that a little bit. We both agree, yeah, we are the party of ''know''—it's spelled K-N-O-W. So I would like to take this opportunity to share with our colleagues on both sides of the aisle just what it is we do know and what are some of those suggestions with regard to health care reform or, indeed, health insurance reform, that

the minority, loyal minority wants to present.

We want to make sure that our President, who said his door is wide open as he spoke to the Nation from right here, from your seat, Mr. Speaker, a couple of weeks ago, saying, Look, if anybody—whether it's the Republican Party or doctors out across the Nation or some of the many men and women who have attended these town hall meetings throughout the month of August—If you've got ideas, bring them to me. My door is always open.

Certainly we have tried to do that, Mr. Speaker, in the way of writing letters, making calls to his staff and to say to the President, We do have some good ideas, Mr. President. In fact, just today within the last hour and a half, a group of physicians from across this country—they call themselves the Million Med March group, were here out on the Mall, talking about this be very issue and bringing ideas. Yes, there were some physician Members of the House with them to speak to the group that had a symbol. It is a grassroots effort, and there are lots of ideas, Mr. Speaker, Mr. President, Mr. Majority Leader. I say to Ms. PELOSI, the Speaker of the House, and to Senator REID, Senate majority leader, we have lots of good ideas, and we want an opportunity to be heard.

So we are going to take this next 45 minutes or so to talk about some of these ideas. My friend from Georgia is not only a colleague here and a fellow Georgian but also a fellow physician. And while I specialize, Mr. Speaker, in OB/GYN, Dr. PAUL BROUN from Athens, Georgia, his specialty is family medicine, primary care. You talk about somebody whose voice needs to be heard, and I hope the President will also acknowledge the fact that Dr. BROUN has some great ideas. I will yield to him right now and hear some of those ideas as we colloquy and so forth.

Dr. BROUN, thank you for being here, and I would like to yield to you.

Mr. BROUN of Georgia. Dr. GINGREY, thank you so much for yielding to me. I, indeed, went down to the park where all these physicians were. I know Dr. GINGREY and our colleague Dr. TOM PRICE, also from Georgia, was at that same meeting with the physicians. This was a group of physicians from all over the country that are very concerned about ObamaCare, about the direction that they perceive that the Congress is going. They see H.R. 3200, the ObamaCare bill here in the U.S. House, as well as the bill that MAX BAUCUS has over in the U.S. Senate, as being a tremendous attack on their ability to practice medicine, to be able to make the decisions along with their patients of how health care is delivered within their offices and how they can deliver surgery, prescriptions, and the tests and procedures that they need.

I think they're exactly right. Dr. GINGREY, I know you spoke with them before I did. But Mr. Speaker, when I was down there, I spoke to these physicians, and I told them that they and their patients around this country are what's going to stop this steamroller of socialized medicine that's going on here in the House of Representatives. I reminded them that if we can generate enough grassroots support all over this country to ask particularly the leadership here in the House and the Senate as well as the President to open up this process, to listen to all of the second opinions that Dr. GINGREY and others are putting forward.

I know you are going to talk a little while tonight about your health care bill of rights and the 10 Prescriptions for a Healthy America. I applaud you, Dr. GINGREY, for bringing this forward, but the only thing that's going to slow down this process of the Federal Government taking over the health care system is the ''We the People.'' The Constitution of the United States starts off with three very powerful words, ''We the People.'' Up here we're supposed to be representatives, not rulers, and we, the people, need to stand up and say, Whoa, this is an issue that is too important to rush through. We should not have any deadlines. The Speaker and the President have talked about trying to get a bill on his desk before Thanksgiving. This is too complex of an issue to rush it.

What we, as physicians here in Congress, are trying to do is to offer a second opinion. Actually, we've got many opinions that Republicans have introduced. Dr. GINGREY, you have been very instrumental in fostering the idea of health information technology, digitizing electronic medical records and that sort of thing, which would help save money. We have to find a way to lower the cost. In my private practice of general medicine, I couldn't afford to buy health information technology for my patients. We've got to lower the cost of that, but we have got to lower the cost of everything in health care.

The Republicans have many ideas. I, as well as you and the other people on our side, want to see us open the process so that all the ideas are put on the table, and unfortunately, neither the President nor Speaker PELOSI are allowing that to happen. The American people just need to stand up and say ''no'' to ObamaCare. Let's put these ideas all on the table. Let's discuss them, find ways to lower the cost of health care without creating a big Federal debt, which ObamaCare, H.R. 3200, will do. The President said it wouldn't, but that was not true. He also said that it would not give free health care to illegal aliens, and that is not true. A lot of things that he said that night were not true. In fact, the only person who said the truth that night in that speech was JOE WILSON, our dear colleague from South Carolina.

But the thing is, the American people are in charge. That's what I told the doctors, Mr. Speaker, when I was down there is that the physicians in this country and everybody who is concerned about where we're going in health care—and particularly the elderly—need to say no to this H.R. 3200, which is going to be disastrous for everybody. And let's open up the process, and in a bipartisan way, in a bicameral way use the House and the Senate together, let's find some commonsense market-based solutions that lower the costs for health care.

And in doing so, let the doctor-patient relationship dictate how health care decisions are made, not through some government bureaucrat, as in the House bill right now. The ObamaCare bill here in the House will put a government bureaucrat between a doctor and a patient. Let's find ways of lowering the cost of medicine in the drugstore. Let's find ways of doing the things that make sense economically without stealing our grandchildren's future. We can do that, and we can do that in a bipartisan way if the leader of this House and the leader of the Senate would just open it up and let us do so.

Dr. GINGREY, I applaud your effort, because you've been a leader, right on the forefront in this process of trying to offer second opinions. You've been here week after week, as well as many others. A lot of physicians in the House have been here on the floor week after week offering second opinions. Republicans are the party of K-N-O-W. We know how to solve the health care financing crisis here in America. We know how to solve the energy problems in America and make America energy independent without having this huge energy tax that the cap-and-trade—I call it the tax-and-cap bill—will put on the poor and elderly, those on limited incomes who will really be hurt by that energy bill. We know how to stimulate the economy without creating a bigger government and without bailing out Wall Street. We need to bail out Main Street.

So we are the party of know. We have got about 10 physicians and medical personnel who are a part of the Republican Doctors Caucus, and we are offering many second opinions, really. So Dr. GINGREY, I applaud your effort. I applaud everything that you're doing. You're the chairman of the House Doctors Caucus on the Republican side, and I am honored to be one of your two cochairmen on that group. The American people should know, need to know, that there are alternatives beside the ObamaCare bill, and the American people need to stand up and say, Let's do this in a bipartisan way. Let's stop all the partisanship, the bickering, the discord and all the things that are going on in this country, and let's do it so that people can manage their own health care along with their doctors.

Dr. GINGREY, I will yield back, and I thank you for what you're doing.

Mr. GINGREY of Georgia. I thank the gentleman from Georgia.

Mr. Speaker, Dr. BROUN brings up a couple of points that I think we need to elaborate on. He mentioned two things.

He mentioned the need for electronic medical records, and he also mentioned the need for medical liability reform. Mr. Speaker, these are two things that the President has said. In fact, in his speech to the Nation a couple of weeks ago from this Chamber, he mentioned both things. Of course there is money set aside in the stimulus package, the American Recovery Act 2009, toward electronic medical records. But what physicians know which maybe a lot of Members of Congress don't know, don't have any real way of knowing, is what are the impediments to practicing medicine and to getting fully integrated in an electronic medical records system.

Even though doctors realize that it would save time, it would save money—most importantly though, it would save lives with regard to electronic medical records—it's something that's very expensive. It's like trying to—you know, your old jalopy car is falling apart, and you need a new car. Let's make that analogous to this old medical records, keeping paper records, charts where records are falling out all over the place, and you can't find things in a timely manner when the patient maybe comes in with an emergency condition.

That's the old car. The new car, of course, would be a laptop or a notebook computer that you go into the exam room or go over to the emergency room, and you've got it, and all of a sudden you just with a punch of a key, you have that entire record of the patient. Maybe the patient happens to be a patient of an associate or a partner that you're covering for. But that information is there, and it's accurate. Well, that's the new car. Unfortunately the cost of the new car, the sticker shock, a lot of times is going to keep people driving the old jalopy that's polluting the Nation and putting people at risk—in this case, patients at risk.

I have introduced a bill for 2 or 3 years in a row that would incentivize even a small country doctor. Maybe he's got a partner or she's got a partner or two. But it's a small group, and they're seeing 75, 80 patients a day each. They can't afford to come up with $30,000, $40,000 per doctor to purchase an electronic medical records system, a computer, the hardware, the software, the maintenance program. They know—they're convinced that over a period of time that it's the thing to do and that eventually it would pay for itself. But by golly, they just can't afford that front-end sticker shock.

□ 1545

So we are, Mr. Speaker, continuing to introduce H.R. 1087 that would give them a break under the Tax Code. No free grant necessarily, but let them write off the expense in the first year to help them be able to do what Mr. President and what the majority party and minority party and all the doctors in the House and two in the Senate fully agree that we need to do: fully integrate electronic medical records by the year 2014. Indeed, former President Bush said the same thing. So that's an area in which we have full agreement.

Mr. Speaker, I really study this. I follow this. I go to the HIMSS meetings on an annual basis and usually speak to that group, the Healthcare Information Management Systems Society. It's an organization of people that are in this industry, in this business. And I know from talking with them that we're talking about maybe $150 billion-a-year savings because you cut down on medical errors, you cut down on duplication of not ordering very, very expensive things like CAT scans and MRIs; and, even more importantly, of course, not making the mistake of prescribing a medication that would be contrary to the patient's health based on other medications that they're having or conditions that they are suffering from. So this is something where we could save a lot of money. You're talking about $120 billion a year, Mr. Speaker.

Maybe if we did that, then we wouldn't have to try to pay for this health care reform, or is it health insurance reform, by taking $500 billion out of the Medicare system and literally gutting Medicare Advantage, a choice of fully 20 percent of our seniors.

Some 10 million of the 45 million Medicare recipients choose Medicare Advantage because for them it's better. They're able to go in and have an annual physical. They're able to have a lot of screening procedures done that are covered under Medicare Advantage and that are not covered under your typical Medicare fee-for-service.

There is a follow-up program usually provided by the insurance companies that offer Medicare Advantage where within a few days of your appointment, a nurse, a nurse practitioner, or maybe even a doctor herself, Mr. Speaker, will call the patient and make sure that they got that prescription filled, that they're not having any side effects.

We keep saying we need to go to a whole new paradigm. That word has become kind of trite, but a whole new paradigm where we incentivize our health care teams to provide wellness rather than just treat illness. It is a more compassionate way to deliver health care, but it also is going to save lives and save money.

So for me to look at these bills that are out there, whether it's this 1,200-page bill that I have behind me, H.R. 3200, that has been passed by three committees in the House, mainly by the committee that I sit on, Energy and Commerce, where we're going to reform the health care system by gutting Medicare of $500 billion over 10 years.

Mr. Speaker, I heard someone, and I believe it was an official of the AARP, suggest that, well, you know, this is just a little cut in Medicare; $500 billion, with a ''b,'' is a lot of money even for Washington, D.C.

But when you look at what we spend every year on Medicare, I think in 2008 the total expenditure for Medicare was about $480 billion. Well, if you cut that $500 billion over 10 years, do the math, Mr. Speaker. It's fairly simple, my colleagues. We're not all math majors, but this is arithmetic; this is not calculus. That's something like a 13 or 14 percent cut every year. Actually, it's closer to a 10 percent cut. But it cuts Medicare Advantage about 17 percent a year.

And 10 percent is a lot. If you don't believe it, ask those who are among that group of unemployed in this country right now, those 10 percent that are without a job. For them it's 100 percent. It's not a recession; it's a depression. It's a depression mentally and physically and actually.

So we can do these things like electronic medical records, and we could save a lot of money. We don't have to gut Medicare, and we don't have to raise taxes $800 billion, $900 billion and, further, cause small businessmen and women to lay people off or not hire new employees because they just can't afford to.

And, golly, how many jobs has it been, Mr. Speaker, since we passed the economic stimulus package that was going to save the country back in February? I think we've lost 2 million jobs since then. And when we passed that bill, the unemployment rate was 7 percent, 7.5 percent; and now it's 10 percent. We have got real problems here in River City, and it's not just the need to reform our health care system. We need to put people back to work.

I heard the President of the United States say we are in a crisis; we're losing 14,000 people every day; 14,000 people are losing their health insurance. Well, Mr. Speaker, the reason for that is because they're losing their jobs. And I think, yes, they have a concern about health insurance, but they also have a great concern about feeding their children and clothing them and providing shelter for their family. And then, of course, let's make sure that they get affordable health insurance.

Again, it's all about priorities. I think that we can do this, and I think we can do it without spending $1.5 trillion over the next 10 years or $2.5 trillion over the next 15 and running up an additional at least $250 billion worth of red ink and long-term debt. We can do it by adopting electronic medical records.

We also can save, Mr. Speaker, a tremendous amount of money by medical malpractice reform, medical liability reform. The President has acknowledged it. He said it to the AMA at their annual meeting in his hometown of Chicago back in June. He said it again right from this dais 2 weeks ago when he spoke to the Nation. He has acknowledged the need. He has said, If you've got an idea on either one of these things, medical records, medical liability reform, my door is open, I want you to call me. I want you to come see me.

Well, we are trying, Mr. Speaker and my colleagues, and we will continue to try because I believe the President. I take him at his word. I'm going to be patient on this. Hope springs eternal because we do. It's not just me, but Members on both sides of the aisle, not just physician Members but all Members have ideas, and they need to be listened to just as in the amendment process that we went through when we marked up H.R. 3200.

Why was every Republican amendment rejected, and why was it done almost completely along party lines? That's something the American people, Mr. Speaker, want us to get away from. They want us to cooperate. It's fine for the President to say that if you don't agree with him that you're just bickering and complaining and griping and being untruthful. There's no corner on truth by the President of the United States or the majority party. Let's all be truthful. And if we disagree, that doesn't mean one side is being, shall we say, a serial disingenuous person, rather than using more inflammatory language. No, it's a fair and honest difference of opinion. And if we come together and share those differences of opinion and pick the best of both, then we come up with, I think, a bill that the American people can accept.

Mr. Speaker, these town hall meetings, people all across this country, whether they be of the Democratic or Republican persuasion or independent voters, whether they are young or old or African American, Asian, it doesn't matter. They're United States folks. They are hard working and they want and deserve us, their Representatives, to do it in a way that helps them, that we are not constantly in gridlock up here.

So, Mr. Speaker, my opportunity today to talk about some of these things is heartfelt and it's a commitment, and I know my colleagues on both sides of the aisle feel the same way, and we are going to work toward this solution.

Now, I particularly wanted to talk about a second opinion that I have. We talk about that in a lot in medicine about getting a second opinion and how important it is. Maybe the first opinion is not the best opinion. Maybe it is, but oftentimes a second or third opinion, you need that. You need that. So the second opinion that I want to talk to my colleagues about today, Mr. Speaker, is what I call a Health Care Bill of Rights, or, to put it another way, 10 Prescriptions for a Healthy America. And this is a bill that I introduced just today, and it's H.R. 3700.

Now, H.R. 3200, here it is. It's about 1,200 pages. The chairman of the House Judiciary Committee has been a Member of this body for a long time. He still looks young and healthy to me, thank God, but he's been here a long time. And he's an attorney. That's his profession. He's not a doctor; he's a lawyer. Somebody questioned him about whether or not he'd read the whole bill, and he said, I don't know. I mean, I need two lawyers to help me read it. And he is a Member of the majority party and an attorney himself and I think has been a Member of this body for at least 35 years. That's the problem with bills like this.

Now, my colleagues, I want to hold up for you H.R. 3400. H.R. 3400 is a bill that Dr. TOM PRICE is the original author of, Dr. PRICE on our side of the aisle, an orthopedic surgeon, chairman of the Republican Study Committee. And many of us, including myself, cosponsored H.R. 3400. It's a little bill. It looks like maybe about 260 pages instead of 1,200 pages. And it does many things in a way that is economically sound, that brings down the cost of health care, that makes health care affordable and accessible so that individuals can own their policy and the marketplace works, and we don't have any government takeover in this bill.

I want to commend my colleagues to go online, get a copy of this bill, read the summary, read the Cliff Notes, whatever, and understand that this is just one of, I would say, three or four Republican bills, alternatives to H.R. 3200 or the health bill that's come out of the Senate, the Health, Education, Labor, and Pensions Committee that was chaired by Senator DODD, CHRIS DODD, in the absence of Senator Kennedy while he was struggling with his illness. But this is a good bill, and I think the President needs to look at it and needs to consider it and keep that door wide open.

But what I am going to talk about in regard to H.R. 3700 is it's really a statement of principles. But it's a bill, and as I say, we just introduced it today. Mr. Speaker, I have it on a little card almost like a contract. Well, we call it 10 Prescriptions for a Healthy America or the Health Care Bill of Rights, similar to the Contract with America of maybe 15 years ago, that people can put in their front pocket and they can pull it out and they can look at it. But I'm going to take a little time to go through some of the principles in this bill because I think this is important. I think this is a guideline for whatever we ultimately adopt. And let's go through some of these posters, Mr. Speaker.

The number one principle of this health care bill of rights is to say this, and it does in the bill:

□ 1600

There will be no government-run health care plan.

That is what the American people are saying. They do not want a Canadian-style system or a U.K. system, or any system where the Federal Government interferes and makes decisions and tells the doctor and the patient that you are going to have to do it this way, my way or the highway. We don't want that. The American people don't want that, and they said that loud and clear during the August recess.

So number one in this Health Care Bill of Rights is no government-run health care system.

The second item in the Bill of Rights is no cuts to Medicare. Mr. Speaker, I have already talked about that in the $500 billion, those Medicare cuts. It is something like a $10 billion cut to the hospice program. I think we all know what the hospice program is. In the last weeks, days, months of people's lives, we are going to cut that program to provide access to health care for 5 percent of the population, many of whom prefer not to have health insurance and we are going to end up forcing them to? No cuts to Medicare. Medicare needs to be shored up. It needs to be improved.

Today, unless you are in a Medicare Advantage program, you cannot go and get an annual physical examination. You can when you first turn 65 and get on Medicare, that is called an entry-level physical exam. But how about when you are 68 or 72? You absolutely on an annual basis need a physical examination as you age to make sure that nothing has happened. And yet a lot of seniors don't go and get a physical because it is not paid for, and they are on a fixed income. For goodness sake, this year there is no increase in COLA for Social Security. How are they going to pay for these things? Yet, instead of solving that problem and putting more into Medicare, we are going to take $500 billion out of it. It makes no sense.

So under this Health Care Bill of Rights, my bill, H.R. 3700, no cuts to Medicare. And no new deficit spending.

You know, the President said, Mr. Speaker, and he said it very clearly, I will not sign any bill that adds one dime to the deficit. I think I am quoting him word for word. Well, Mr. President, you will like my bill because it says no new deficit spending. We can do this without any additional deficit spending. My colleagues, look at H.R. 3400 and you will see, it can be done without adding to the debt and spending into red ink.

Colleagues, number four is a good one and it is important to people across this country. Number four on the Health Care Bill of Rights, no new taxes. No new taxes. These bills, whether we are talking about H.R. 3200, the House bill, or the bill that is coming through the Senate, there are new taxes all over the place. The Joint Commission on Taxation has attested to that. That is a bipartisan group. The Congressional Budget Office has attested to that. Again, a creation of the Congress, they work for us, and their director is chosen by the majority party, indeed, by the Speaker of the House.

And you ask the question: Are there new taxes in here? Absolutely. There is going to be a tax on every insurance policy. The Senate bill is coming along that is being marked up this week and maybe next week as well, taxes some health insurance policies 40 percent. You put a 40 percent excise tax, Mr. Speaker, on these insurance policies, who pays that? I guarantee you the

premiums go up, and John Q. Citizen, who is not making $250,000 a year—the President promised when he was campaigning when he became President, if he became President, and of course he did, that nobody making less than $250,000 a year would see any increase in their taxes, not one dime, just like he said there would be not one dime of deficit spending for this health care, oh, excuse me, health insurance reform. So no new taxes. H.R. 3400, no new taxes.

The fifth thing on the group of ten, no rationing of health care. This may be one of the biggest concerns that our citizens have. As a former physician, OB/GYN doctor for 26 years, I can assure you that people worry about this. If we had this public plan, this public option, the government competing with the private marketplace, as H.R. 3200 calls for—and the Speaker and all three of the chairmen of the committees of jurisdiction, Mr. RANGEL, Mr. WAXMAN, Mr. MILLER, they all want a strong government hand to really ultimately squeeze out the private marketplace. What happens is, and this is not just PHIL GINGREY predicting this, Mr. Speaker, this is the Lewin Group, a well-respected group which says that within 3 to 4 years, probably 100 million people who today get their health insurance through their employer and they are happy with it, they will end up losing that because the employer will be in a position that it will be cheaper for them to just pay a fine and let them go into the government plan.

Well, so much for the President's promise that if you like what you have, you can keep it. Until you can't. You know, this is something that I think we need to hold the President's feet to the fire and say, look, let's promise the American people that they truly can keep what they have if they like it.

So you get the situation where everybody is on the government plan, well, that's when you get to the business of rationing when maybe the party in power has made a pledge of no new taxes, they are not going to raise taxes, and yet you have all these additional people, millions, maybe 100 million that have morphed off of their employer plan into the government plan, and we can't pay for all of them. So what are you going to do? You are going to have to raise taxes and cut reimbursement to the providers, to our rural hospitals who have a disproportionate share of the poor that they are trying to treat and people who can't pay, so you are going to lower reimbursement to them.

And finally, you are going to say to the patient, you know what, we would love to be able to fix your hip, but you are 85 years old and we just can't afford it. You are just going to have to take a little Advil or aspirin. And by the way, we will pay for a walker and an alarm that you can wear on your belt if you happen to fall. But we will not fix your hip or replace your knee. That happens in other countries that have single payer, government-run systems. That will happen here unless my bill passes which says no rationing of health care.

Number six on the Health Care Bill of Rights, no employer or individual mandate to provide or have health insurance.

Now look, colleagues, Mr. Speaker, of course I want employers to continue to provide that health insurance benefit for their employees. I think that is something that people have come over the last 75 years in this country to expect. A decent job includes health care coverage for you and hopefully your family, and that your employer pays the bigger percentage of that, and the amount you have to pay is a smaller amount. And I want employers to continue to do that and provide that benefit and not whittle away at how much they pay versus how much the employee has to pay.

I would encourage every person in this country, every adult who is working, whether they are 21 years old or 72 years old, to have health insurance. I think it is important especially to have catastrophic coverage, even if you think you are 10 feet tall and bulletproof and you are 26 years old and you don't smoke or drink alcohol and exercise on a regular basis, nobody in your family has ever suffered from cancer or heart disease, and your grandparents and great-grandparents lived to be 100 years old, and you think, I don't need this. I can't afford it, for one thing. I am paying for a car and rent on an apartment. I have $125,000 in student loans with interest that I am trying to pay off. I can't afford this.

And then you convince them, yes, but what if you get hit by a truck? What if you are the person who comes down with insulin-dependent diabetes or high blood pressure or heart disease and you are not covered? So at least purchase a health care insurance policy that gives you catastrophic coverage in the event of a catastrophe.

In the halls of the hospitals I worked in, we used to refer to those as ''horrendaplasties,'' when something horrible happens to a person, and it could, any motor vehicle accident. Have that catastrophic coverage. Get an insurance policy where you have a high deductible and maybe you have to pay $3,000 or $4,000 out of your own pocket before insurance kicks in, but we want to encourage people to at least do that.

But this bill, the big fat one, H.R. 3200, actually allows the government to say, no, that is not good enough. You have a mandate. You have to have health insurance, but this high deductible, low premium that you can afford, that gives you that catastrophic coverage, that doesn't count. We are not going to count that as health insurance. And so we are going to mandate that you have coverage and we are going to mandate that you have high first dollar and very high premium that you can't afford, and you are probably not eligible for Medicaid or some safety net program or a government subsidy. And yet we are going to hold a gun to these people's head, Mr. Speaker, and say you have to have health insurance, and if you don't, the IRS is going to fine you $25,000 and you could be charged with a misdemeanor and spend a year in jail.

My colleagues, is that America? I mean, you know, I try to always keep a copy of the Constitution in my pocket, and sure enough, here it is, the Constitution of the United States. If you go to the glossary, you are not going to find anything in here about mandatory health care. No. You talk about the Bill of Rights and freedom of speech and press and religion, but there is nothing in here about forcing people in this country against their will, even though it is good public policy for them to have health insurance, and we would encourage and try to provide, as we do in H.R. 3400, the 250-page bill, to help them be able to get an affordable policy, but to force them to buy something they can't afford, no.

So number 6 in the Health Care Bill of Rights, no individual or employer mandate. Just encourage them and help them to be able to do that.

Number 7, and this is what created all of the controversy, Mr. Speaker, when the President was right here at the dais giving yet again a fantastic speech, as he always does, and talked about, made the comment that in his health care reform plan, that no illegal immigrant would be eligible for any government subsidy, and then the comment was made, and you know the rest of the story.

But truth in fact is, and that's the reason for number 7, no taxpayer funded coverage for illegal immigrants in my bill, H.R. 3700. No taxpayer funded coverage for illegal immigrants.

□ 1615

I think the President realized though, after he made that speech here a couple of weeks ago, and maybe his crackerjack staff told him, said, Mr. President, you know, there is this problem in the bill where it doesn't make people verify who they are. You know, they don't have to show a photo ID or a secure Social Security number to attest that truly they are here in this country legally. And if you don't require that, as we do, by the way, Mr. Speaker, in other safety-net programs like Medicaid and like the SCHIP program, the Children's Health Insurance Program, if we don't require that in this new reform bill, you are going to have—let me tell you, that's just—you might as well point a strong electromagnet to the southern border and say, you know, Come on, hey, have we get a deal for you. We've got a great education system. We've got a great health care system, the best in the world and, you know, you too can enjoy that.

No, the American people don't want it. I don't want it, nobody in this

Chamber should want it. So no taxpayer-funded coverage for illegal immigrants. Number 7. Now, the last three items in this Health Care Bill of Rights, we've spent a little time here, Mr. Speaker, talking about what my bill would prohibit in any health care or health insurance reform. Now, I want to talk about the next three items, 8, 9 and 10, which would assure what we have in any health care reform bill or health insurance reform.

And Number 8, and the President has been very firm on this, and I agree with him completely. The Democratic majority has been very firm on this, and I agree with them completely. Preexisting condition coverage. Insurance companies would not be allowed to deny coverage to people because of preexisting conditions. And that denial can take two shapes, Mr. Speaker. It can be an outright denial of saying, No, I'm sorry, you know, you've got high blood pressure or you've got diabetes or you've had a coronary bypass and we're not going to offer you insurance. You're just not insurable. You're too big a risk for us.

Or they could do it another way and say, oh, yeah, heck yeah, we'll cover you. We're a great, good company and want to get some good PR out of this. But oh, by the way, your premium's going to be four times standard rates.

Well, that's pretty much a denial too. People can't afford that, so Number 8 is very important. Preexisting condition coverage. You know, you think about somebody that—I talked about young people and wanting to encourage them to have health insurance. Let's say you are 19 years old, straight out of high school and have your first job, or 25 years old, right out of college or graduate school, have your first job, and you're one of those people I described that's in good health and you think, gee, you know, I'd rather just kind of go bare and pay my own way. And I'll put money aside each month in an escrow account. I'll have a special savings account, and I'll save this money, and when I need it—hopefully I won't. Maybe I'll have an annual physical and spend $175. But I'm not going to get sick because I'm taking care of myself. I'm not like a lot of people who show no personal responsibility in regard to their own health.

And so you know, they really don't want to spend $400, $500, $600 a month paying a premium when they're not using it. But they do it anyway. They do it anyway. And they work for a company for 20 years, and for the first 15 they're paying that same premium that everybody else pays. They have to because of the Federal law, called HIPPA, and they're paying those premiums but yet the insurance company is not having to pay out any claims for them.

But during that time, you know, all of a sudden they get a little skin cancer that has to be removed. Or maybe they have a little chest pain and it turns out they've got some coronary blockage or their blood pressure goes up. And you know, here they've been paying, and then all of a sudden we get an economy like we have today and they lose their job, and then they try to get insurance after COBRA runs out, if they're even eligible—they have to work for a company that has more than 20 employees to be eligible for COBRA. And let's say that runs out. And then they're out of luck. Mr. Speaker, they can't get coverage.

Well, that's not fair. That's absolutely unfair. And I would say, under Number 8, to the insurance companies, you need to cover that person for the rest of their life, or at least until they go on Medicare, and you need to cover them at standard rates because you have made a really good profit off of them and now, when they need you, you should not be allowed to abandon them. These are the kind of things that we can agree on. And I think we do. And quite honestly, Mr. Speaker, I think the insurance industry, the health insurance industry, they're ready to do that. They have already made commitments and they're ready to do that. And these are some of the things that we can do. And that's Number 8 in my Health Care Bill of Rights.

The ninth thing, we've already talked about a little bit, medical liability reform. You know, there are a lot of different ideas out there, not just mine, although I've introduced a bill every year since I've been here for the last 7 years, calling on certain specific things. I won't get into the details today, Mr. Speaker, but it's called the Health Act. And it's a fair bill that guarantees that patients that get injured by a health care provider or hospital where they're practicing below the standard of care for that community, they've just messed up, that patients do not lose their right to a redress of their grievances to be compensated for their lost wages and for any health care that they need for the rest of their lives, quite honestly. In some cases you're talking about a compensation or a judgment in the millions of dollars.

So we don't deny that in wanting liability reform. What we try to do is cut down on frivolous lawsuits so that doctors are not spending so much time worrying about this and running up the cost of health care for everybody else by ordering needless, cover-your-back tests that, in some cases, could be downright detrimental to the health of the patient. And of course, so many doctors in high-risk specialties, at a fairly young age, before they turn 50, they give it up. They stop delivering babies. They won't go to the emergency room. So surely the President means what he says when at least he promises pilot projects on medical liability reform.

Please, Mr. President, please, it could save $120 billion a year. You would not have to tax people, the small business men and women $800 billion and cause us to lose more jobs, and you would not have to gut Medicare if you'll do these things. And Number 10. And this is the last in the list of the 10 prescriptions for a healthy America, called the Health Care Bill of Rights, H.R. 3700, the promise to reduce health care cost. Why should we do anything if it doesn't bring down the cost? And so far, Mr. Speaker, the Congressional Budget Office is just saying repeatedly, it doesn't.

What this bill, H.R. 3200, no matter how you slice it and dice it and combine it with the one out of the Ways and Means Committee and the one that came through the Education and Labor Committee and you shake it all around and let it come through the Rules Committee; it doesn't bring down the cost. In fact, it bends the curve in the wrong direction. So my bill would assure that we reduce health care cost. H.R. 3400 does that. Senator Dr. TOM COBURN's bill that he cosponsored with Representative PAUL RYAN from Wisconsin, our ranking member on the Budget Committee here in the House—that bill brings down the cost of health care.

So that's my pledge. That's the bill that I wanted to talk about today to my colleagues, Mr. Speaker, and I hope that they will look at it. You know, I've got a—I carry this around in my pocket. And colleagues, you can go to gingrey.house.gov and look for the Health Care Bill of Rights or 10 Prescriptions for a Healthy America. That's what we've talked about here over this last hour, almost an hour. And I commend it to my colleagues, and I welcome their ideas. My door's open, just as the President said his door's open and he welcomes our ideas. It's a sharing. It's a bipartisan thing. Yes, let's stop bickering and let's get the job done. I thank you for the time, Mr. Speaker, and I will now yield back.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege and honor of addressing you here on the floor of the House of Representatives. And I also appreciate the opportunity to listen to my good friend and colleague, Dr. GINGREY from Georgia. I think he's actually putting out a few more words per minute than he usually does. This is a passionate subject matter for him, and the bills that he's introduced and the foundation that he's laid, I think, is an excellent rebuttal to the statement that was made earlier in the 5 minutes by the gentlelady from California who said, Republicans, where is your plan on health care?

Well, we have many, many plans on health care. And we have many, many ideas on how to address this. And they are consistent. They are consistent with human freedom and the instincts of humanity. They're consistent with

the marketplace, consistent with the foundation of what has made this a great country. And on the other side of the aisle they seem to be consistent with managed economies and managed societies, the kind of societies that have always failed, the kind of societies that have drained away human ambition and put countries, entire nationalities in a position where, I believe it was Ronald Reagan that said, In the Soviet Union they pretend to pay people, and in the Soviet Union, people pretend to work.

There's something about human nature that we understand over here on this side of the aisle, and we want the best out of all of us. And so I'd take us back to the broader structure of what has been delivered here on the House. There's really only one bill out here that has passed out of committees and is before the American people as the subject matter to be discussed, and that is, here in the House, H.R. 3200. And I have, first, Mr. Speaker, a diagram of the previous bill that came out in 1993 and '94 that was known in many ways as HillaryCare. And so I have an observation here that I will post. This, Mr. Speaker, is the flow chart of HillaryCare. This is out of the archives of the New York Times. And it also is very close, if not identical to the flow chart that was on the wall of my office back in the early and mid-nineties, actually all the way through the nineties.

This is the flow chart that was laid out when the previous attempt to take over health care, for the government to take over the American health care system, was made. Here, on this floor, a few feet behind where I stand now, at the time President Bill Clinton came to the floor, September 22, 1993, and he did the unprecedented thing. He asked to address a joint session in Congress to speak of a subject matter that wasn't about war. That was the unprecedented component of it. But it was about the Federal Government taking over 100 percent of the health insurance and health care delivery system in the United States of America. That is a huge reach, and it was something that mobilized the American people in opposition. There were good reports on President Clinton's speech immediately after he gave it, because he, like our current President, had an ability and retains that ability to be a compelling speaker and to move people with the force of his words and not necessarily the force of ideas, but the tone and the force of the words themselves.

So President Clinton, in the aftermath of that September 22, 1993, speech right here to this joint session of Congress, his numbers moved and it looked like he had perhaps broken the dam and there was going to be a National Health Care Act that would transform and take over the entire health insurance industry and the health care delivery system in the United States.

□ 1630

We know how that came out, Mr. Speaker. We look back on that 15 years ago, we know how it came out. And that was there was a push-back across the land. I don't know that we actually used that expression in those days. But I recall Harry Louis and I recall Senator Phil Gramm, who, right down this hallway at the other end of the doors that you and I are facing, Mr. Speaker, at the other end of this Capitol Building, stood on the floor of the United States Senate and he said, This National Health Care Act will pass over my cold, dead, political body. That was Senator Phil Gramm. And a lot of people thought that his political body was going to be cold and dead and that we would have HillaryCare in America.

It didn't take 15 years to find the results of that, Mr. Speaker, because the American people rejected the idea that the freedom that they had to purchase their own health insurance and the freedom that they had to make many of their own decisions with their doctor in the marketplace would be taken away, and it would be government run and government owned.

This is the flowchart that described it better than anything else. I would submit as we look at these stacks of bills, an 1,100-page bill in H.R. 3200, the health care bill that has passed out of committee and is here waiting to come to the floor of the House, you can't understand the language; I don't care how good a lawyer you are if you have some diagrams. And you have to be able to look at the flowchart and track through the diagrams to find out what the language does, draw some pictures, so to speak. And even then I believe it is impossible for a single individual to analyze this legislation and be able to predict the pitfalls that are created by the vagaries in the language. There are many.

But this was enough to scare the living daylights out of the American people and me. And in fact, Mr. Speaker, this flowchart was one of the significant components that drove me to take time away from my private business, the construction business that I started in 1975.

And, Mr. Speaker, I seldom tell the story about that background, but I think for the sake of those who are listening—and we all want to evaluate the background of the people that are making recommendations for all 306 million Americans. For me, Mr. Speaker, I grew up in a lower-middle class family. My father was a law enforcement worker, a manager of the State police radio station, middle-level management. So he had pressure from the Governor on down and then he had some people who worked underneath him. Great reverence for the rule of law, a profound work ethic that something had to be going on all the time and you had to constantly be making progress.

That was my background. No business background.

But by 1975, Mr. Speaker, I had concluded that if I were going to control my destiny, it didn't pay for me to sit back and wait for the government to send me a check. The eagle wasn't going to fly for STEVE KING unless I did something to make the nest and get the eggs laid and hatch those eggs out. I had to take care of my own destiny.

So one day in June of 1975, I decided that I didn't have a lot of alternatives, but one of those was to take a risk and a chance and start a business. And I decided it was the best alternative. And so by August of that year, I had borrowed a hundred percent and gone out and bought a bulldozer, and that was the business, it was the foundation of the business. I don't know how many hundred pounds of welding rods I burned on that machine and how much repair work I had to do just to put it out on the job for the first hour. By the way, it broke down again in the first half a day and back to the shop it went, and I had to tear it completely down, rebuild it again and try again.

Many of us who have started businesses got knocked down over and over again, picked ourselves up again, and in the process of doing that were forced to learn the components of running a business. And anybody that started out with—I'll say for me it was a negative net worth in a highly capital-intensive business and had to meet payroll and meet the government regulations. And by the way, back then—I did a count. I had 43 government agencies that regulated my business. I had to answer to 43 government agencies, and if any one of them stepped in at any time and declared me to be out of compliance, they could either levy a fine or shut me down.

Government was then the biggest fear that I had when I started the business. I wasn't worried so much about whether I could do the work or I could repair the machines or whether I could drive the truck. I wasn't even so worried about whether I could market the service that I had decided to provide. All of those things were going to take time and effort, and all of those skills had to be improved upon. But the one I was most concerned about was how do I possibly meet all of the government regulations that I don't even know.

And there isn't any one single contact go-to point that any person who is starting a business to find out how many regulations you're going to have to meet, what will be the nature of that regulation. If you just stacked it all up, stacked up all of the paperwork and the regulations for 43 agencies that regulated me at that time, if I had known that, that would have been enough to scare me completely out of business before I ever went into business.

I lay this background to tell you, Mr. Speaker, that I met payroll for over 28 years, over 1,400 consecutive weeks, and I paid myself last, if at all; and I paid my employees first and then I fed the kids. But we got through those

years, and we had our ups and downs. And I would never categorize it as a magnificent success except that being a business owner, a founder and a manager had laid the groundwork for me to understand the components of the other businesses in the country and gave me the tools that I had the flexibility to raise my family in a fashion that I thought was far more constructive than it might have been if someone else were telling me when and where I was going to show up to work. And it also gave me a burning desire to try to clear some of the path for others that might want to do the same thing.

So regulation has always been, I'll say in the last couple of generations anyway, the number one concern of business. What will government do not for us, but what will government do to us.

So this was 1975 when I began. We had our ups and downs, Mr. Speaker. I had barely gotten a position that I was even there to be a target of the farm crisis in the 1980s. But I went through all of that, and many of us got hammered flat over and over again and got back up. And some of my neighbors didn't make it. And some of them, their spirit was destroyed even though they made it. Those were tough years.

And the floods in 1993 and the other experiences along the way that I could chart on my financial statements, the ups and downs, all are triggered with some kind of an event.

But the experience of dealing with government and the experience of having to be my own accountant, mechanic, truck driver, my own sales manager, my own human resources manager, my own equipment operator, sometimes my shovel operator, sometimes the wrench operator, sometimes just the person who is the superintendent that steers everybody else when things are working and it's all in tune, that's when you're the least busy. I went through all of that.

I had to also deal with lawyers and insurance men and also, of course, our bankers. All of that laid a background and I think a knowledge base that's been so very useful here in public life.

But of all of the things that I mentioned, the one that's concerned me the most from the beginning, and the greatest impediment to people who might be entrepreneurs that want to establish and found a business, are government regulations. And this spider web of government regulations that were created by HillaryCare was enough to—didn't scare me out of business because it didn't pass over Senator Phil Gramm's cold, dead, political body, but it was enough to scare me towards politics, if not completely into politics. And I think it was enough to scare the living daylights out of the American people, and they killed HillaryCare.

Now we have the modern era. Fast forward 15 years, Mr. Speaker. The previous chart, Mr. Speaker, was black and white. This is in full living technicolor. This is a 2009 version, the most recent version of a government takeover of the health care industry; and I mean, Mr. Speaker, the health insurance industry and the health care delivery industry in America. This 17½ percent of our Nation's economy and this flowchart with this full color is scarier yet.

Now, I don't mean that it's actually scarier by functionality, because marginally it at least leaves the opportunity for health insurance companies to survive for a while. But, Mr. Speaker, it certainly sets the scene for the destruction of every private health insurance company in the United States and the elimination, potentially, of every health insurance policy in the United States. In fact, H.R. 3200 compels that every health insurance policy within 5 years be approved by the health choices administration commissioner.

This bill sets up a new health choices czar. It calls him a commissioner because Americans are full up to here with czars, but this is a health choice administration commissioner. I don't know that he's a czar; I don't know that he's a commissioner; I don't know if he's a commissar. So I have called him the Health choice administration's commi-czar-issioner. And he would be the person who heads up this commission through which every health insurance company here, the private insurers, everything in white on this are existing. Those in color are newly created agencies, departments, and functionalities.

Thirteen hundred private health insurance companies. That sounds like a big number. Some of those companies have names for the different States that they operate in. But, Mr. Speaker, 1,300 health insurance companies here and the 100,000 potential, I'll say existing, policy variations here, the traditional health insurance plans, would all have to be qualified by this new commi-czar-issioner's board in order to provide through this period of 5 years to qualify, in order to provide the qualified health benefits plans.

So every health insurance policy in America would have 5 years to be approved by the new health choices commi-czar-issioner. And the regulations would be written by them. So we have a piece of legislation that sets up a commission that would write new regulations, the commission to be named later, to write regulations that would be named later that would control the destiny of 1,300 health insurance companies and 100,000 health insurance policy varieties, options that the American people have.

All of that would have to jump through the hoops to be created later after the legislation has passed by people to be appointed later, including the health choice administration commi-czar-issioner.

So for the President to make the promise to the American people that if you like your health insurance policy and your doctor, don't worry, you get to keep it—if you noticed, he had to change the language when he stood here and gave his address to the joint session of Congress—I believe that was September 8. That's within a day, Mr. Speaker, and his language changed to actually be: ''Nothing in this bill will force you to give up your doctor or your health insurance policy.''

Well, I don't know that that's true because something in this bill may force those companies out of business and may disqualify your health insurance policy, and it may discourage your doctor to the point where he decides that he wants to go drive a taxi cab like they do in Cuba. If you want to meet a doctor in Cuba, take a taxi. You'll get in the back seat of a 1954 Chevy with a five cylinder Russian diesel in it, and the guy behind the wheel might be a doctor. They have a lot of doctors in Cuba. It pays better to drive a taxi cab.

So this reach that we have of taking the private insurance companies, 1,300, and force their 100,000 policies to go through new regulations to be written—and we know there are going to be fewer than 100,000 policies—so people will lose their policies.

I hope the President, Mr. Speaker, turns on C–SPAN and understands what I'm saying. He can't say it any more, Mr. President. If anything more like this passes, people will lose their policies, and they're likely to lose their doctor.

And you haven't told the Speaker of the House that she can't support something like this if she's going to be consistent with the intent of the language that she used herself.

So, Mr. Speaker, I'll submit that this, the recharacterization, needs to revert back to the language of the bill. And we need to understand what happens when bureaucrats make decisions. And by the way, we sometimes just need to listen to the people on the other side of the aisle. They're for single-payer government takeover. A hundred or more of them have signed a letter saying they would vote against a health care bill if it didn't have a ''government option.'' Excuse me, that's not the right quote. The quote is a ''public option.''

Mr. Speaker, a public option is a government option. It is a government takeover of the health care industry eventually. And, by the way, this is the purple circle of the 100,000—it won't be 100,000—but those that are left of the original 100,000 policies and the 1,300 companies. This purple circle, the qualified health benefits plans, that will be the private sector that actually meets the regulations after 5 years.

Fewer companies, fewer policies. We don't know how many, but we do know this: the government then would produce a public health plan. That's the second purple circle here. They would be under this health insurance exchange. So envision that as maybe an Internet site you would go to that

had a series of bureaucrats behind there that would make recommendations, evaluate policies, and let you look at the government option versus the private sector option.

□ 1645

But this public health plan, this government option, has to be set up with Federal taxpayer dollars. You can't start an insurance company without capital. Where is it going to come from? The American taxpayers. And where does our money come from now after we have long past burned through the tax revenue for the 2009 fiscal year? It comes from the Chinese and the Saudis. And we are borrowing money from foreign countries. We are borrowing money to buy things from them, and now we would be borrowing money to start up a health insurance company. In any case, it would be national debt money, billions that would be the capital foundation to set up an insurance company so that there would be conceivably 1,301 health insurance companies. One more company.

The President's view was, we need more competition in the health insurance industry. So, if 1,300 companies is not enough, set up a Federal company. That will be the difference. And we will borrow money and put billions into it. And now this enterprise, this Federal enterprise that is in direct competition with the private companies has to succeed.

Well, if it can't sell policies, it can't succeed. So how does the government go about doing this? Well, they set the premiums low enough and the benefits competitive enough that they can get people to buy the policies, otherwise they are an irrelevant entity.

So I guess you would say that's fine, except we need to understand this. The regulations that would be written for the government plan would be regulations that are written so the government plan can compete with all of these private plans, which means that the regulations would be written to favor the government plan. And the premiums the government would charge would be premiums that are designed to be competitive, and I'm going to say likely cheaper than can be offered in the private sector. And so the result of that will be that either we are going to have to subsidize the government plan health insurance company, or we are going to have to regulate these private sector businesses out of business.

It's how government operates. We have several models that we can look at.

The simplest and most stark of them all is the National Flood Insurance Program. If you want to know, Mr. Speaker, how health insurance will go if we have the government option, look at the National Flood Insurance Program. We had a government option on Federal flood insurance. In 1968, this Congress passed legislation that established the National Flood Insurance Program. We had property and casualty insurance companies in the private sector that sold flood insurance. But when the government got involved, they set new premiums and new regulations, and they still couldn't crack into the market well enough. And so then they passed a regulation that required that a real estate loan through a national bank had to include flood insurance. And when they put that mandate on the national banks, they required the flood insurance to be purchased—from where? The Federal Government. With premiums set by? The Federal Government.

Today, it is impossible to buy flood insurance in America from anyone other than the National Flood Insurance Program because the Federal Government has squeezed out all of the competition, and the Federal Government owns the entire territory.

We have today—I say ''we,'' the Federal Government has a monopoly on flood insurance. And their operation is pretty wobbly because they are $19.2 billion in the red. That's billion with a B, Mr. Speaker. The National Flood Insurance premiums don't reflect the risk. They've pushed out all the competition. They've lowered the premiums. And now what are we doing as a result? We are building more and more and developing more and more real estate in floodplains because the premiums for the flood insurance are cheaper than the risk. And so people can do that, and we create more risk accordingly.

The markets, Mr. Speaker, can restrain and bring about rational decisions. Bureaucrats make mistakes over and over again. That's the Federal flood insurance. That's what will happen to this Federal health insurance if it should get passed.

In addition, we have the school loan program. Twenty-five years ago, that was completely private. The private lending institutions set up the school loan program. But today, thanks to some very liberal Members of Congress, it looks like the steps have been taken that will, within a very short period of time, squeeze out what is left of the private school loan program, the school loan program, where I will predict that within 5 years from today, if there isn't a dramatic difference in the elections that are taking place in this country, there will be nothing but government student loans. There will no longer be any private student loans.

This is a country that was built on free enterprise. We are a proud and independent people. We are slowly settling into dependence.

We have handed over the private sector flood insurance. And by the way, in the State of Florida, they have State hurricane insurance now that owns that market, because they decided government could do it better than the private sector.

Over and over again, we give up our freedoms and we forget about the underpinnings of American exceptionalism and the markets and personal responsibility. I heard the gentleman from Ohio say last night, I believe it was, that if you get sick, you may have to go into bankruptcy to pay your bills. He then asked the question, is that freedom? Well, yes, actually. This is a country that if you're going to have freedom, you have to be willing to take some risks. You have to have the freedom to succeed, and you have to have the freedom to fail.

Now, I'm all about, and many of us are about reaching out to our neighbors and our friends, and we don't want people that have been responsible to have to pay a consequence because they happen to be very misfortunate. But by the same token, I don't want to take away the personal responsibility from the American people.

I remember when Jimmy Carter was running for President. He said this profound thing. Well, for Jimmy Carter, this was a profound thing. He said, the people that work should live better than those that don't. Now I don't know whether he actually lived by that or set policy by that. But I remember when he said that because it caught my attention. This was maybe 1976 or so. The people that work should live better than those that don't. The people who step up and take responsibility should at least have a modicum of benefit for taking that responsibility.

But the effort over on the Democrat side of the aisle seems to be take all the responsibility away from the people because I think they disrespect the ability, the work ethic, the character, the morality, the discipline, the education, the intellect and the core values that we have as American people.

We can rise above anything. Mr. Speaker, we are not a regular people here in America. We're Americans. We're not just an extension of Europe. That was the base of our original population. We are far different from that. We are a people that are the recipients of all the best that came from Western civilization. But we have got also the cream of the crop from every donor civilization.

The vitality that it must have taken and the dreams that it must have taken to be able to get on a ship and find a way to barter your way for passage or pay the passage to come across here. My great grandfather multiple times over came over here in 1757 from England. He served as an indentured servant in a livery stable and paid off his passage. He was the father of 17 kids, and their dreams were realized. And multiple generations arrived here that way. That's part of what is the core of who it is to be an American. It is not a normal, regular thing. We're not just an extension of Europe or any other country. We have a special vitality, because it has been hard to get here, and you had to have a dream to come here. The people that didn't have a dream stayed home in their own country. And some of them sat back and didn't work and didn't excel.

Many came here for religious freedom. Many came here for economic freedom. And many more came here for religious and economic freedom. That beacon of the Statue of Liberty was in the minds of the American people and an inspiration for the world long before the statute was put up at Ellis Island. We are a unique people that have relied upon this freedom. Our vitality has been an inspiration for the world.

We sit in the Congress and we begin to erode these freedoms one after another after another and trade them off for a dependency. If we take this false clarion call that somehow we can push the expenses for this, the debt for this, off on to the succeeding generations, what moral standard would anyone have to make a declaration to the little kids growing up in America and those children not born, that we, our generation, in our time, have somehow a right to put them in debt in the first place? And secondly, what right do we have to put them in debt because we want to give everybody in America not health care—not health care—because everybody in America has access to health care. The argument is we want to give everybody in America a health insurance policy created by the government.

Think how this works. This single-payer national health care plan is the goal of the President of the United States, the goal of the Speaker of the House and the goal of the leadership here. And I know that there is reference made to the chairman of the Judiciary Committee, Mr. CONYERS. I went back and pulled a bill that he had introduced on health care in 1981. It's getting to be a while back now, 28 years ago. I know Mr. GINGREY referenced him in his earlier speech. But I read the bill. That bill I read. It was about 167 pages. It sets up a United States health services department, an agency.

It says in there that every human being, every person, in the United States, legal and illegal, whatever their status might be, whatever their proclivities might be, has a right to quality, timely and respectful health care, a right to this in 1981. It's pretty astonishing to read that.

Now you can have that concept, I guess, and that is the concept of the chairman. But to follow this thing along, he also declares that everybody has a right to this health care, legal and illegal, but in addition, all health care workers will be salaried employees. So he sets up a national company to manage all the health care in America, and no worker can be there working off a fee for service. The brilliant surgeons that are creating new ways to save lives and improve the quality of lives, and new surgical techniques and new equipment, they would all have to be paid at the end of the month just like the person who is, let me say, maintaining the building.

It takes away the incentive. You have forgotten completely about the difference between being an American and being a regular dependent soul in a social democracy in Western Europe, for example.

We have got to remember: We are Americans. We are a distinct group of people. That kind of idea of socialized medicine is anathema to freedom-loving, freedom-breathing people. If we bargain it away, it's never to be retained again, not in this generation, not in any other.

I will conclude and go to the gentleman from Missouri.

There's a lot at stake here. The future of America is at stake. And it is not just this national health care act. It is the socialized medicine that lies underneath it. It is the cap-and-trade which pushes our industry to India and China. It's the comprehensive amnesty policy that they are preparing to deliver. If any combination of these three should become law, they will try to ram the rest of them through. And that, Mr. Speaker, sounds to me like the end of American freedom.

I will stand and fight it every step of the way, as will my friend from Missouri (Mr. AKIN) to whome I will be very happy to yield whatever time he may consume.

Mr. AKIN. It's my pleasure to join my good friend. And as you talk a little bit about freedom, you have spoken in somewhat general terms about the effects of the government taking over paying the doctors and what that would do. But I would like to get a little bit more into the details, because I think we have to remember the results of what that freedom has done in the area of medicine.

The level of innovation that has occurred in medicine in a free society such as ours is just incredible. And it is America that drives all of these new developments of various drugs. It is America that is driving all of these things like laser surgery for eyes.

We see examples now of something that was considered a very risky and strange procedure that wasn't covered by insurance company, called Lasik surgery for your eyes, which now is tremendously common. My wife had some 10 years ago, and her vision was terrible. It's much better than mine now because of the fact we had this innovation. We have innovation in terms of heart surgery and the way that we deal with that. My dad just had a seven-way heart bypass. That was something that wasn't available 30, 40 years ago. And he is surviving and doing well at 88 years old. There are so many different kinds of innovations, use of radiation which is now focused in a very, very tiny area to be able to destroy cancer, and different types of drugs and things. All of this innovation is the product of freedom, because as people take risks and try new ideas, new and better ways to do things are born.

It struck me, my good friend from Iowa, that it was said that it wasn't until about the First World War that when you got sick and went to a doctor that you came out ahead. In other words, if you went to see a doctor before World War I, it was certainly after the Civil War, but if you got sick and went to see a doctor, at least 50 percent of the time you would leave the doctor worse than where you started. And that is, of course, kind of a grim situation to be very sick and have to see a doctor knowing you have got less than a 50 percent chance to do better than when you started.

Mr. KING of Iowa. If the gentleman would yield, how would you compare those results to the results of dealing with the Pelosi Congress today?

Mr. AKIN. I'm afraid that America is probably less healthy under the results of the Pelosi Congress. If you were to judge in economic terms, you would be talking in trillion-dollar measurements of less healthy. You would be talking about excessive spending and excessive government control.

I think sometimes history is so close to us we fail to grasp the significance. Did you ever stop to think that the President of the United States fired the President of General Motors? That is an incredible intrusion that our forefathers would say, What? I can't believe that.

And now we are talking about this isn't just a sort of semi-benign Lyndon Baines Johnson war on poverty. He figured out there were people that were hungry out there, so he decides to hand out some food stamps, which has turned out to be a very corrupt program.

□ 1700

So he decides to hand out some food stamps, which has turned out to be a very corrupt program, but he didn't try to have the government take over every supermarket and every farm in America.

You've got 100 million people that have got good health insurance, good relations with their doctors and hospitals, getting good medical treatment, and for what he started saying, 30 million, and then your chart I see coming up is going to explain about how small this is.

So we're going to basically have the government take over the entire system and mess everything up for 100 million people in order to try and help 15 million? I mean, just the common sense of this. And you're talking about the Pelosi Congress. I will tell you, the patient is a lot sicker than they were 6 months ago, my friend.

Mr. KING of Iowa. Reclaiming my time and thanking the gentleman from Missouri, and I hope we can continue this dialogue. You've inspired me to go with this other chart. Some say 50 million uninsured. The highest number I generally hear is 44 million to 47 million, but this is the 47 million uninsured chart.

Now, the President has said there are two things that are very compelling that cause us to have to go down this path of a national health care plan.

One is we spend too much money. We spend about 14.5 percent of our GDP on health care. The average of the industrialized world is 9.5 percent.

So we may spend too much. We could fix almost all that with tort reform and allowing people to buy insurance across State lines. The too much question, spending too money can be fairly easily resolved. The other component of this is too many uninsured.

The gentleman from Missouri.

Mr. AKIN. Now, who is it that should allow the Federal Government to tell American citizens whether they're spending their money in the right place? Isn't that kind of this Big Government top-down mindset that comes up with something as dumb as that?

If you're sick, you're going to spend as much money as you need to try and get well. Who's to tell you you spent too much or too little? Even the very sniff of that speaks of this Big Government mindset.

Mr. KING of Iowa. I'd suggest it's probably the predecessors to Merkel, Sarkozy, and Gordon Brown, or maybe even they, themselves. In fact, I heard an actual dialogue with Chancellor Angela Merkel, We spend too much on health care. They have that look-over-our-shoulder tendency, as if global norms would be right. I remember one of those contributors to global norms would be the health care industry in Iraq. When we went in there in March of 2003, the average annual expenditure for health care per person in Iraq was fifty cents per year. So I suppose you could add that into the global average.

We do spend a lot of money. We get great results. And I haven't heard the American people complaining all that much about their results, because they are great results. But if we want to take the cost down, then we take care of medical malpractice.

I talked to an orthopedic surgeon—and my days blend together, but I believe it was yesterday—that out of his small little operation they spend more than a million dollars a year in premiums for malpractice and in unnecessary—unnecessary tests in order to avoid the litigation. Defensive medicine, over a million dollars a year out of what he considers to be a small practice; what I consider to be he's a great contributor to our society and to our civilization. That's multiplied across the country.

When I hear numbers that come from representatives that are part of the health insurance underwriters in America and they tell me that 8.5 percent of the overall health care costs are malpractice premiums, litigation, and defensive medicine, those three things in that category, and I multiply .085 times the gross receipts for the cost of health care, that comes to $203 billion a year unnecessarily spent because the trial lawyers have that corner of the market fixed, and there's no will on HARRY REID's side of this Capitol building or NANCY PELOSI's side of this Capitol building. In fact, there's a huge will to resist addressing malpractice and the reform of lawsuit abuse. That's the best and most important thing we could do.

We evaluate these bills on the part of a 10-year plan; $203 billion a year. If we could fix it all, that's over $2 trillion. The President, in fixing the health care industry that he says costs too much money, only proposes to fix it by putting another $1.6 trillion into it. So we simply fix the malpractice and we have been able to fund all the other ideas which I don't agree with. That's a component of this. It needs to happen.

And then we have the uninsured, Mr. AKIN. I would like to raise the issue about the uninsured. These 47 million—now, this chart has got somebody else's software that did it, so I will tell you the numbers that I remember that I have vetted to be accurate.

Starts out with 47 million uninsured. We need to fix this because there are too many uninsured in America. So what are they comprised of? All people who don't have affordable options? No is the answer, and here's what it's comprised of.

These are the illegal aliens. This chart says 6 million. Mine said 5.2 million. Then you have those that are here in the country legally that the law bars from benefits. That's the 5-year bar. It's a matter of solid Federal practice. They add up to 10 million—10.2 million, actually.

Then you have those who earn more than $75,000 a year. That's about 9 million people. And, presumably, they could write a check and buy themselves at least catastrophic insurance. They are not in a position where we need to tax somebody that makes less to take care of those people that are making more.

Then you go on down the line. Those that are eligible for government programs; that number is actually 9.7 million. Most of that is people that qualify for Medicaid but don't bother to sign up. And then you have those that are eligible for employer insurance, roughly 6 million people, that either opt out or don't opt in to their employer-offered plan.

So once you add up all of these people and you subtract these numbers that I believe are not the target of this dialogue and rhetoric or the bill, you end up with 12.1 million Americans that don't have affordable options. That's less than 4 percent of the population.

This is what it looks like, Mr. Speaker. This is the entire population of the United States here, 306 million people, maybe 307 million by now, and these are the categories that I have mentioned: illegals/immigrants; those with $75,000 a year; those that qualify for, generally, Medicaid; those under an employer's plan. But over here, this little sliver in red, those are the Americans without affordable options. Less than 4 percent; 12.1 million people.

All of the rest of these people, not only are they insured, but they're happy with what we have.

Mr. AKIN. So what we're doing, gentleman, is we're saying we're going to scrap the whole system, have the government take it over, because of that little 4 percent thing. I came from the engineering world, and there's one thing about solving a problem. There's another one to have a solution to just try to force your solution on something that doesn't make sense.

It appears to me that the solution is we want the government to run everything. We want the government running health care, so we're going to force a government solution just because of that little red—that isn't even a decent piece of pie. You couldn't even gain any weight on that amount.

Mr. KING of Iowa. A tiny little sliver. Even though 12.1 million people are a lot of people, they're still a small percentage of the American population. And to upset a hundred percent of the health insurance industry, perhaps destroy a hundred percent of the health insurance industry and change the delivery system for the best health care delivery system in the world, all of that—this is an excuse for a government takeover. It's not a reason.

And if there's anything that my father taught me, he said, you know, Son, there's a difference between reasons and excuses. And I'm you're dad and I will tell you I know the difference. And I don't have to explain it to you. I will just label them as such.

Well, this is an excuse, and I will label it as such. It's not a reason, not a reason to upset the entire industry, but an excuse because the people on this side of the aisle believe in Big Government. They don't believe in the American people, and they are sapping our vitality.

Mr. AKIN. Gentleman, the truth of the matter is we're not standing here defending everything about the American health care system. There's things that need to be changed, and we've talked about those things. You have mentioned on the floor that tort reform has to be a big part of it because tort reform is just using up a whole lot of money that doesn't need to be spent, which could be spent on good medicine. So that's one item.

But there's some other things that I think almost any American, if you heard about it, would say, Oh, yeah, that's right. For instance, there are some people in America who get to buy their health insurance using pretax dollars; whereas, small business men and self-insured people have to use the money they pay after they've paid taxes on the money.

So that's not just justice. People are not equal before the law. We say we're a Nation of laws, but that's not a just solution. What we should do is that everybody should use the same equation. I think you and I would agree that we just pay for health insurance with pretax dollars. That would be making everybody consistent.

There's a second thing that we could do. Another thing is the idea of a medical savings account. You could allow

people with pretax dollars to set money aside. They could use that money to buy health insurance or to pay medical bills. And if they don't use it, they can keep it earning interest in an uninsured account. If they up and die, they can pass it on to their kids. That makes sense, too. That allows us to allow Americans having their own money, buying health care, and that equation starts to get people to shop for prices. So that's another good idea. And there are quite a number of other ones that we've proposed.

You mentioned another one which makes a whole lot of sense. People say, Oh, well, you're trying to help the big insurance companies. No. What we want is reasonable competition. And that idea of being able to shop for health insurance across State lines is a very effective and competitive mechanism, because if one State has got laws that allow the insurance to be purchased at a lower price, then why can't a citizen, particularly where we have a big metropolitan area that bridges two different areas, get their health insurance from places less expensive?

So there's another idea that's been proposed. And there are other ones. I don't want to run too long on your time, gentlemen, but there are a number of things that we can do to make medicine better in our country.

Let me tell you. You know who votes with their feet? You get some sheik in Bahrain or some other place or some other part of the world that's loaded with millions of dollars and they get sick, guess where they come to get their medical care? They come to the good old USA. That's because our medical system is not bad. It's producing very good results. It's just that there's a lot of cost shifting going on.

Here's an idea, gentlemen. I just toss this out for you to think about it. Somebody summarized, if there is a problem with American health care, the problem is this: that is that one-third of Americans are paying nothing for it and the other two-thirds are paying for it, and that that cost shift is the problem, that one-third are paying nothing. And that's part of what's causing our cost shift problem.

I'd yield.

Mr. KING of Iowa. Reclaiming, I thank the gentleman from Missouri. Initially, I put this concept out here, Mr. Speaker, that the circumstances that are going on this way are that for a long time those that are in the income-earning and productive years of their lives have been paying for the health insurance, the health care of those that are retired. We've decided to do that. It's a matter of public policy. And I don't hear an objection on the part of the people that are paying their taxes on their payroll to support Medicare. In fact, I don't hear a complaint very much on the funding that goes into Medicaid at the lower-income side. And, generally, the younger people are beneficiaries of Medicaid.

So you have on the low-income side Medicaid funded by the working, producing, tax-paying Americans, and on the senior citizen side you have Medicare funded by the working, producing, tax-paying citizens. But in the middle, those working, producing, tax-paying citizens today at least have the freedom to choose a policy of their choice, buy a policy of their choice or not buy a policy of their choice. And this bill, H.R. 3200, takes that away.

And the subliminal message that I have not heard articulated that seems to be viscerally understood is that the people that are paying for Medicaid and Medicare out of their paycheck because they're going to work every day and managing and planning, now the government is saying, You no longer have the freedom to choose your own. You have to pay for everybody else's. You've been doing that a long time, but now we want to take away your right to buy your own health insurance policy. And that sticks in the craw of the American people because it diminishes freedom.

Mr. AKIN. That strikes me a little bit as, first of all, you run over them with a car and then back over them to say you're sorry. I mean, you're getting them coming and going.

First of all, they're doing what we would say is the right thing as a responsible citizen—having a job, buying health insurance, and trying to take care of their own bills—and now you're going to tax them for doing the very thing that you wanted them to do in the first place.

There's a basic rule of economics, and that is what you tax, you get less of, and what you pay for, you get more of. The more people you pay for free medical care, you're going to get more and more people signed up for it. And the more you tax people who are working and paying for their own health care, you're going to get less of it. So why in the world would we want to adopt a policy like that?

The interesting thing is, gentleman, this proposal, the Pelosi health care proposal, in spite of the fact that a lot of major media is pushing it and the President is pushing it and all kinds of people like that are pushing it, the American public is not buying this thing. And I was just kind of thinking in my mind, Who would be against this? Why is it that the polling data shows that this is not popular with the American public? And I'm thinking, well, it's almost like politics, in a way.

□ 1715

How many groups of people does this Pelosi plan antagonize? Well, let's see. First of all, if you're on Medicare, you're going to take $500 billion out of Medicare. Well, the people who are on Medicare are thinking, I don't want you to take $500 million out of the place where I'm getting my health. So the older people—who are pretty regular voters, by the way—they don't like this thing.

Well, then you've got other people. Gentleman, you were a successful owner of a small business. Well, the small business guys are going to get soaked to have to pay for this plan, so they're not too enthused about it. Then you have some other people. They call themselves pro-lifers. They don't like this plan very well either because there was an amendment offered in committee making it clear that we weren't going to use this government socialized money to pay for free abortions. That amendment was defeated in committee. It is very clear that this money is going to go for abortions, and that's why National Right to Life says, This is the biggest threat in the pro-life area since Roe v. Wade.

So the pro-life people don't like this, small business people don't like it, older people don't like it. Then you have got the 100 million people that have their insurance, doctors that they like and a system that's giving them good health care, and basically you're creating something that's going to destroy that, and they're going to have to change to a government system within some number of years, so they're not liking this.

After you start adding those people together, it starts to make sense why people don't like this. And particularly, most Americans at a fundamental level understand that good health care has to start with a patient-doctor relationship. It has to start with the doctor and the patient deciding what is the right health care alternative. We don't like it when some big insurance company sticks their nose in that relationship, and we like it a whole lot less when it's going to be a government bureaucrat.

Mr. KING of Iowa. Reclaiming again, I completely agree. As I'm listening to the gentleman from Missouri, the engineer who sees things in black and white and finite formulas that work out or else they can be checked and balanced, a logical approach is, let me say, that's the engineering approach. As I'm listening to this, it's triggering in my memory some of the things about what it was like to start and run a business for 28 years and what the motivations are. Now my business, a construction business, seasonal business. I looked at it, and I look at it from this concept: I wanted to have people that I could rely on. I wanted it to be a career. So I set things up where we would keep people on all year long, even though it was a seasonal business. And when things freeze up in Iowa, and it gets cold, there is frost and the temperatures go down, we move people into the shop where we would rebuild our equipment.

Sometimes we would take on some custom work, fixing somebody else's, but we kept them around. I kept people around 12 months out of the year. I want them to have a health care package. I want them to have a retirement plan. I want them to have a vacation plan. That's all fine when you pay the payroll, but when the government

interferes—for example, the unemployment tax, and if they would offer unemployment benefits and sometimes they gave unemployment benefits to somebody that just didn't want to work. But it was sometimes impossible for me to fight it.

So even though I had my reading at zero, if you're not willing to fight that, many others would see it go up to 9 percent, and they'd pay the percent of their payroll to unemployment because government regulation had decided they knew better than the marketplace. As I said, the year-round work part of this, keep people working year round. Well, the incentive is, if you're going to pay unemployment at the top rate anyway, you might as well lay people off rather than keep them working when you don't really need them. So instead, they become piecemeal workers rather than career employees.

Then the Federal Government decided, you shall pay union scale, Davis-Bacon wage scale, and we'll decide what those categories are. Now you have people jockeying for a position, undermining the efficiencies, and the Federal Government looking over your shoulder, telling you how to run your business. All of that still has created inefficiencies by government regulation that bring about the illogical, irrational business decisions until you consider the government regulation. Then it becomes rational within those rules.

To throw this health care thing on top of it, employers that have capitulated and decided they're going to use people as piecemeal workers rather than career employees because of too much regulation, they're going to also decide, I'm not going to pay this health insurance. I am just going to pay the premium. I'm going to add it on to the price of the work I'm doing, and it undermines the relationship between employers and employees. That's a component of all this.

I wanted to throw out before our time ticks down, in what I believe is about 6 minutes, a little subtle segue, Mr. AKIN. I think most of America should know what this little subtle segue is. This is a pervasive influence of the corrupt criminal enterprise ACORN. ACORN has developed since 1970, 39 years, to be this insidious operation of now, according to a Government Reform report issued by Mr. ISSA of California on July 23, 361 affiliations, affiliations that have been engaged in shaking down lenders across this country in 120 cities.

Put this in your mind, Mr. Speaker. This of Chicago, Chicago politics, Chicago hardball politics. The make-a-deal—this is shakedown. The head of ACORN who recruited President Obama and is proud of their relationship has bragged about going into lenders' offices and shoving the banker's desk over against the wall and surrounding him with ACORN people and intimidating that lender into making bad loans in bad neighborhoods.

Mr. AKIN. You know, you talked about a lot of corrupt and illegal practices, gentleman. And when I think of ACORN, maybe as an engineer, I'm thinking cause and effect. ACORN is more closely associated with the central nerve center and hub of what created the housing crisis and the housing bubble in America. They're the ones that basically started all of these bad loans which Wall Street then lied about, saying that they were good loans, packaged them up and sold them all over the world, creating the current economic crisis. So if you want to look at the epicenter of what created, for many of us who lost 30, 40 percent of our life savings in this economic mess, you're looking at the symbol of that ACORN. I'm glad you've got a line through it because we don't owe them any favors.

Mr. KING of Iowa. These are the people that are undermining American freedom more aggressively than any other. They're in many, many walks of life. Their influence is pervasive. They are at the core of the mortgage meltdown crisis. The intimidation factors, the shakedown in the cities of the lenders and at the same time the lobbying effort where they spent millions in this Congress to push to lower the underwriting standards on the secondary market of Freddie Mac and Fannie Mae. The chairman of the Finance Committee, Mr. FRANK, has been engaged in lowering and fighting off the increased capitalization requirements of Freddie Mac and Fannie Mae, and that was lobbied by ACORN. If you look back through the financial crisis in the community level, it is ACORN at the core of that. The President of the United States has been at the beginning of this. His entire political career he has been part and parcel, tied to ACORN, and he has said so, and the videotape is available.

Mr. AKIN. The interesting thing is, our judicial system should be punishing lawbreakers, and yet what we saw just a few weeks ago was a couple of courageous—I don't know if they were college students—some gal with some pretty legs going in with a hidden camera at ACORN and getting all of the financial information necessary and the legal information, how they could set up a house of ill repute, bring in underage illegals to work, to write them off as dependents so that the taxpayer is paying some of the tab so that this guy could run for Congress because he started this illegal brothel.

This whole thing is on tape, and yet we've got the Justice Department and all of these institutions of law in America that should have been cracking down on this organization; instead, you've got a couple of courageous kids that are barely out of college, taking some videos and capturing the attention and building the rage of the American public. It is just mind-boggling that our government is so inefficient and so unable to stop this organization that passed out money like it was water down here in Washington, D.C.

Mr. KING of Iowa. The crimes that they were promoting and supporting in those five major cities, Baltimore, Washington, D.C., Brooklyn, San Bernardino, California, and San Diego, California. All of that at an organization, and the President claims that he is not paying attention to this. I will submit, he knows who Joe Wilson is. He knew who Professor Gates was. He got involved in Officer Crowley's law enforcement up near Harvard, but he says he doesn't know what's going on in ACORN, even though I have seen the videotape of the President speaking to ACORN, telling them, We walk this walk together. ACORN was involved in promoting a whole series of crimes within these five cities, including: promotion of child prostitution; illegal immigration; violations of the Mann Act; helping to facilitate mortgages for a house of ill repute and telling them how to avoid taxes, report only 10 cents on the dollar and then qualify for the earned income tax credit, tapping money out of the taxpayer; and the child care tax credit for little children prostitutes.

And were these mothers that were sitting behind the desk at ACORN when we saw the face of them? I heard children playing in the background. They're recruiting girls to be prostitutes while girls are being raised in the background. Those things happened, and there are some similarities in five cities across America. And that's not the full spectrum. The voter-registration fraud, the voter election fraud. Today in the State of Nevada, ACORN, as an entity, is under prosecution right now. The trial is going on right now about ACORN's fraudulent voter registrations, and Troy, New York, fraudulent votes—Mr. Speaker, this has got to stop.

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

Ms. WOOLSEY, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. GOHMERT) to revise and extend their remarks and include extraneous material:)

Mr. FORBES, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, October 8.

Mr. JONES, for 5 minutes, October 8.

Mr. WOLF, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, October 6, 7 and 8.

Mr. PENCE, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, October 6, 7, and 8.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on September 30, 2009 she presented to the President of the United States, for his approval, the following bills.

H.R. 3593. To amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia, and for other purposes.

H.R. 2131. To amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H.R. 2918. Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 3614. To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

H.R. 3607. To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 26 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, October 2, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3877. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final ''Major'' rule — Farm Storage Facility Loan and Sugar Storage Facility Loan Programs (RIN: 0560-AH60) received September 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3878. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ametryn, Amitraz, Ammonium Soap Salts of Higher Fatty Acids, Bitertanol, Coppers, et al., Tolerance Actions [EPA-HQ-OPP-2009-0251; FRL-8431-7] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3879. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Boscalid; Pesticide Tolerances [EPA-HQ-OPP-2008-0624; FRL-8431-1] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3880. A letter from the Secretary, Securities & Exchange Commission, transmitting the Commission's final rule — Extension of the Temporary Exemptions for Eligible Credit Default Swaps to Facilitate Operation of Central Counterparties to Clear and Settle Credit Default Swaps (RIN: 3235-AK26) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3881. A letter from the Secretary, Department of Education, transmitting the Department's final rule — International Education Programs [Docket ID ED-2009-OPE-0002] (RIN: 1840-AC97) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3882. A letter from the Director, OSHA Directorate of Standards and Guidance, Department of Labor, transmitting the Department's final rule — Updating OSHA Standards Based on National Consensus Standards; Personal Protective Equipment [Docket No.: OSHA-2007-0044] (RIN: 1218-AC08) received September 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3883. A letter from the Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final ''Major'' rule — Energy Conservation Program for Certain Industrial Equipment: Energy Conservation Standards and Test Procedures for Commercial Heating, Air-Conditioning, and Water-Heating Equipment [Docket No.: EERE-2008-BT-STD-0013] (RIN: 1904-AB83) received September 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3884. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries—Technical Correction [EPA-HQ-OAR-2008-0236; FRL 8954-3] (RIN: 2060-AP85) received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3885. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Telemarketing Sales Rule Fees (RIN: 3084-AA98) received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3886. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Health Breach Notification Rule (RIN: 3084-AB17) received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3887. A letter from the Program Manager, Health and Human Services, transmitting the Department's final rule — Breach Notification for Unsecured Protected Health Information (RIN: 0991-AB56) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3888. A letter from the Acting Assistant Secretary, Legislative Affairs, Deaprtment of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3889. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3890. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3891. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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3918. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3919. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — EPAAR Prescription and Clauses-Government Property-Contract Property Administration [EPA EPA-HQ-OARM-2008-0817; FRL-8956-4] (RIN: 2030-AA98) received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3920. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Outer Continental Shelf — Technical Corrections [Docket No.: MMS-OMM-2009-0008] (RIN: 1010-AD52) received September 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3921. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final ''Major'' rule — Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations [FWS-R9-MB-2008-0124] (RIN: 1018-AW31) received September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3922. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final ''Major'' rule — Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds [FWS-R9-MB-2008-0124] (RIN: 1018-AW31) September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3923. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final ''Major'' rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2009-10 Early Season [FWS-R9-MB-2009-0124] (RIN: 1018-AW31) received September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3924. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final ''Major'' rule — Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands [FWS-R9-MB-2008-0124] (RIN: 1018-AW31) received September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3925. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final ''Major'' rule — Migratroy Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations [FWS-R9-MB-2008-0124] (RIN: 1018-AW31) received September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3926. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final ''Major'' rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2009-10 Late Season [FWS-R9-MB-2009-0124] (RIN: 1018-AW31) received September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3927. A letter from the Trial Attorney, Office of Chief Counsel, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule — State Highway-Rail Grade Crossing Action Plans [Docket No.: FRA-2009-0032; Notice No. 1] (RIN: 2130-AC05) received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3928. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, -100B, -100B SUD, -200B, and -300 Series Airplanes; and Model 747SP and 747SR Series Airplanes [Docket No.: FAA-2009-0477; Directorate Identifier 2008-NM-191-AD; Amendment 39-16003; AD 2009-18-07] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3929. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes [Docket No.: FAA-2009-0622; Directorate Identifier 2009-CE-034-AD; Amendment 39-15999; AD 2009-18-03] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3930. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-802 and AT-802A Airplanes [Docket No.: FAA-2009-0489; DirectorateIdentifier 2009-CE-025-AD; Amendment 39-16000; AD 2009-18-04] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3931. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas. S.A. (CASA), Model CN-235, CN-235-100, CN-235-200, and CN-235-300 Airplanes [Docket No.: FAA-2009-0386; Directorate Identifier 2008-NM-184-AD; Amendment 39-16002; AD 2009-18-06] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3932. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes [Docket No.: FAA-2009-0622; Directorate Identifier 2009-CE-034-AD; Amendment 39-15999; AD 2009-18-03] (RIN 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3933. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.27 Mark 050 and F.28 Mark 0100 Airplanes [Docket No.: FAA-2009-0496; Directorate Identifier 2008-NM-139-AD; Amendment 39-16001; AD 2009-18-05] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3934. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International, S.A. CFM56-5B1/P; -5B2/P; -5B3/P; -5B3/P1; -5B4/P; -5B4/P1; -5B5/P; -5B6/P; -5B7/P; -5B8/P; -5B9/P; -5B1/3; -5B2/3; -5B3/3; -5B4/3; -5B5/3; -5B6/3; -5B7/3; -5B8/3; -5B9/3; -5B3/3B1; and -5B4/3B1 Turbofan Engines [Docket No.: FAA-2008-0174; Directorate Identifier 2008-NE-03-AD; Amendment 39-15997; AD 2009-18-01] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3935. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disregarded Entities Excise Taxes [TD 9462] (RIN:1545-BH91) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3936. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Modifications of Commercial Mortgage Loans Held by a Real Estate Mortage Investment Conduit (REMIC) [TD 9463] (RIN: 1545-BG77)received September 16, 2009, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3937. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Modifications of Commercial Mortgage Loans Held by an Investment Trust [Notice 2009-79] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3938. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Agency's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2009-45) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3939. A letter from the Director, Child Nutrition Division, Department of Agriculture, transmitting the Department's final rule — Marketing and Sale of Fluid Milk in Schools [FNS-2005-0009] (RIN: 0584-AD83) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Agriculture and Education and Labor.

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. BRADY of Pennsylvania: Committee on House Administration. H.R. 2393. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters, and for other purposes (Rept. 111–281). Referred to the Committee of the Whole House on the State of the Union.

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. ISSA:

H.R. 3687. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program and to re-allocate those visas to certain employment-based immigrants who obtain an advanced degree in the United States; to the Committee on the Judiciary.

By Mr. ARCURI (for himself, Mr. BUYER, Mr. CASTLE, Mr. POLIS of Colorado, Mr. DONNELLY of Indiana, and Mr. DEAL of Georgia):

H.R. 3688. A bill to encourage programs of health promotion or disease prevention; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAHALL (for himself and Mr. HASTINGS of Washington):

H.R. 3689. A bill to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, and for other purposes; to the Committee on Natural Resources.

By Mr. FALEOMAVAEGA (for himself, Mr. RAHALL, Ms. HIRONO, and Mr. ABERCROMBIE):

H.R. 3690. A bill to establish a Commission on Recognition of Indian Tribes to review and act on petitions by Indian groups applying for Federal recognition, and for other purposes; to the Committee on Natural Resources.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. TIBERI, and Mr. REICHERT):

H.R. 3691. A bill to extend to 2010 the program for economic recovery payments established under the American Recovery and Reinvestment Act of 2009; to the Committee on Ways and Means, and in addition to the Committees on Veterans' Affairs, Transportation and Infrastructure, and Appropriations, 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. INSLEE (for himself, Mr. HINCHEY, Mr. GRIJALVA, Mr. JOHNSON of Illinois, Mr. KIRK, Mr. RAHALL, Mr. HARE, Mr. BERMAN, Ms. MCCOLLUM, Mr. NADLER of New York, Mr. VAN HOLLEN, Mrs. MALONEY, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mrs. CAPPS, Ms. HIRONO, Ms. LEE of California, Mr. TIERNEY, Mr. WEXLER, Mr. STARK, Mr. WAXMAN, Mr. BOUCHER, Mrs. CHRISTENSEN, Mr. SERRANO, Mr. WU, Mr. MURPHY of Connecticut, Mr. LEWIS of Georgia, Mr. CONNOLLY of Virginia, Mr. CARNAHAN, Mr. SHERMAN, Mr. FRANK of Massachusetts, Mr. SMITH of Washington, Ms. ESHOO, Mr. OLVER, Ms. BALDWIN, Mr. LANGEVIN, Mr. COHEN, Mr. COSTELLO, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Ms. NORTON, Mr. HOLT, Mr. HONDA, Mr. KENNEDY, Ms. ZOE LOFGREN of California, Mr. MCGOVERN, Mr. NYE, Mr. MARKEY of Massachusetts, Mr. HEINRICH, Mr. PAYNE, Mr. MILLER of North Carolina, Mr. QUIGLEY, Mr. LEVIN, Mr. DEFAZIO, Mr. MICHAUD, Mr. ACKERMAN, Mr. FILNER, Ms. WOOLSEY, Ms. BERKLEY, Mr. PALLONE, Mr. ROTHMAN of New Jersey, Ms. SCHWARTZ, Mr. SCHIFF, Mr. MCNERNEY, Mr. JACKSON of Illinois, Mr. SCOTT of Virginia, Mr. RYAN of Ohio, Mr. PASCRELL, Mr. HIGGINS, Mr. RANGEL, Mr. GRAYSON, Mr. DINGELL, Mr. SARBANES, Ms. DEGETTE, Mr. BLUMENAUER, Mr. CLEAVER, Mr. LUJÁN, Mr. SPRATT, Mr. CLAY, Ms. SPEIER, Ms. DELAURO, Mr. CONYERS, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. PERRIELLO, Mr. YARMUTH, Mr. FARR, Ms. EDWARDS of Maryland, Mr. SESTAK, Mr. PRICE of North Carolina, Mr. JOHNSON of Georgia, Ms. SLAUGHTER, Mr. SNYDER, Mr. MCDERMOTT, Mr. HALL of New York, Mr. ANDREWS, Mr. SCOTT of Georgia, Mr. KILDEE, Mr. CHANDLER, Mr. WATT, Mr. DOYLE, Mr. PETERS, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. ISRAEL, Mr. COOPER, Mr. ARCURI, Ms. SCHAKOWSKY, Mr. BISHOP of New York, Mr. KUCINICH, Ms. WASSERMAN SCHULTZ, Mr. RUSH, Mr. CARSON of Indiana, Ms. WATERS, Mrs. LOWEY, Mr. CUMMINGS, Ms. MOORE of Wisconsin, Mr. BRALEY of Iowa, Mrs. DAVIS of California, Mr. ALTMIRE, Mr. ELLISON, Mr. MOORE of Kansas, Mr. BUTTERFIELD, Mr. GONZALEZ, Mr. MEEK of Florida, Ms. KILROY, Mr. MASSA, Ms. CASTOR of Florida, Mrs. MCCARTHY of New York, Mr. KIND, Mr. GENE GREEN of Texas, Mr. PASTOR of Arizona, Mr. LIPINSKI, Ms. ROYBAL-ALLARD, Ms. KILPATRICK of Michigan, Ms. LORETTA SANCHEZ of California, Mr. ENGEL, Mr. TONKO, Ms. VELÁZQUEZ, Mr. DOGGETT, Ms. SUTTON, Mr. LANCE, Mr. DELAHUNT, Mr. FOSTER, Mr. MAFFEI, Mr. BRADY of Pennsylvania, Mr. LYNCH, Ms. TSONGAS, Ms. MATSUI, Ms. LINDA T. SÁNCHEZ of California, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MARSHALL):

H.R. 3692. A bill to protect inventoried roadless areas in the National Forest System; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, 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. BURGESS (for himself, Mr. DEAL of Georgia, Mr. LINDER, Mr. GINGREY of Georgia, Mr. ROE of Tennessee, Mr. THORNBERRY, Mr. DENT, Mr. MCCAUL, Mr. SESSIONS, and Mr. WALDEN):

H.R. 3693. A bill to amend title XVIII of the Social Security Act to modify Medicare physician reimbursement policies to ensure a future physician workforce, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia:

H.R. 3694. A bill to establish judicial procedures for causes and claims relating to any action or decision by a Federal official regarding the leasing of Federal lands (including submerged lands) for the exploration, development, production, processing, or transmission of oil, natural gas, or any other source or form of energy, and for other purposes; to the Committee on the Judiciary.

By Mr. MURPHY of Connecticut (for himself and Mr. POE of Texas):

H.R. 3695. A bill to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes; to the Committee on the Judiciary.

By Mr. BACHUS (for himself, Mr. BOEHNER, Mr. HENSARLING, Mr. GARRETT of New Jersey, Mr. JONES, Mr. LANCE, Mr. MCCARTHY of California, Mr. ROYCE, Mr. MCCOTTER, Mr. POSEY, Mr. KING of New York, Mrs. CAPITO, Mr. GERLACH, Mrs. BIGGERT, Mr. LEE of New York, Mr. MCHENRY, Mrs. BACHMANN, Mr. MANZULLO, Mr. PRICE of Georgia, Mr. ISSA, and Mr. SMITH of Texas):

H.R. 3696. A bill to prohibit recipients of TARP assistance from funding ACORN, and for other purposes; to the Committee on Financial Services.

By Mr. COLE:

H.R. 3697. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes; to the Committee on Natural Resources.

By Mr. MORAN of Kansas:

H.R. 3698. A bill to authorize grants to State and local law enforcement training centers to provide training to State and local law enforcement agencies and officers to communicate with telecommunications carriers in emergency situations, and for other purposes; to the Committee on the Judiciary.

By Ms. LEE of California (for herself, Ms. WOOLSEY, Mr. MCGOVERN, Ms.

WATERS, Mr. CONYERS, Mr. ELLISON, Mr. LEWIS of Georgia, Ms. WATSON, Mr. TOWNS, Mr. CLEAVER, Ms. JACKSON-LEE of Texas, Mr. COHEN, Mr. HONDA, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. STARK, Mr. HINCHEY, Mr. KUCINICH, Ms. EDWARDS of Maryland, Ms. CLARKE, Mr. FILNER, and Mr. GRAYSON):

H.R. 3699. A bill to prohibit any increase in the number of members of the United States Armed Forces serving in Afghanistan; to the Committee on Armed Services.

By Mr. GINGREY of Georgia:

H.R. 3700. A bill to establish requirements for any health reform legislation enacted by the Congress or the President during the 111th Congress; to the Committee on Energy and Commerce.

By Ms. MCCOLLUM:

H.R. 3701. A bill to establish the More Books for Africa Program to facilitate the donation, processing, shipping, and distribution of text and library books to African schools, libraries, community centers, and other centers of learning in partnership with United States-based entities, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BOOZMAN:

H.R. 3702. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, 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. BURTON of Indiana (for himself, Mr. WEXLER, Mr. MCMAHON, and Mr. TURNER):

H.R. 3703. A bill to require the President to call a White House Conference on Autism; to the Committee on Energy and Commerce.

By Mr. DEAL of Georgia:

H.R. 3704. A bill to authorize a Department of Veterans Affairs major medical facility lease in Atlanta, Georgia; to the Committee on Veterans' Affairs.

By Mr. ELLISON (for himself, Mr. MCGOVERN, Mr. GRIJALVA, Mr. CONYERS, Mr. SERRANO, and Mr. HASTINGS of Florida):

H.R. 3705. A bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to increase the number of children eligible for free school meals; to the Committee on Education and Labor.

By Mr. GARRETT of New Jersey:

H.R. 3706. A bill to require borrowers under FHA-insured mortgages for single-family housing to make downpayments of at least 5 percent and to prohibit financing of closing costs under such mortgages; to the Committee on Financial Services.

By Mr. GARRETT of New Jersey:

H.R. 3707. A bill to amend the Internal Revenue Code of 1986 to exclude combat zone compensation of members of the Armed Forces from employment taxes; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 3708. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the earned income of a spouse of a member of the Armed Forces of the United States serving in a combat zone; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. SIMPSON, Mr. MINNICK, and Mr. BLUMENAUER):

H.R. 3709. A bill to amend the Geothermal Steam Act of 1970 to authorize noncompetitive leasing of certain areas adjoining other lands for which a qualified company or individual holds a preexisting legal right to develop geothermal resources, and for other purposes; to the Committee on Natural Resources.

By Mrs. LOWEY (for herself, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. SHERMAN, Ms. BERKLEY, Mr. ROTHMAN of New Jersey, Mr. GEORGE MILLER of California, Mr. FARR, Mr. BLUMENAUER, Mr. HINCHEY, Mr. RANGEL, Mr. FRANK of Massachusetts, Mr. BERMAN, Ms. DELAURO, Mr. WEXLER, Mr. GRIJALVA, Mr. STARK, Mr. JOHNSON of Georgia, Mr. CONYERS, Mrs. MALONEY, Mr. HARE, Mr. MARKEY of Massachusetts, Mr. HOLT, Ms. WOOLSEY, Mr. CROWLEY, Ms. ZOE LOFGREN of California, Mrs. CAPPS, Mr. PASCRELL, Mr. MOORE of Kansas, Mr. ACKERMAN, Mr. SERRANO, Ms. BALDWIN, Ms. SCHAKOWSKY, and Mr. WU):

H.R. 3710. A bill to end the use of body-gripping traps in the National Wildlife Refuge System; to the Committee on Natural Resources.

By Mr. NADLER of New York:

H.R. 3711. A bill to authorize States or political subdivisions thereof to regulate fuel economy and emissions standards for taxicabs; to the Committee on Energy and Commerce.

By Mr. PLATTS (for himself, Mr. ARCURI, Mr. CAMPBELL, Mr. DOYLE, Mr. GERLACH, Mr. HINCHEY, Mr. ISRAEL, Mr. MURTHA, Ms. SCHWARTZ, Mr. SHUSTER, Mr. BRADY of Pennsylvania, Mr. COHEN, Mr. FORTENBERRY, Mr. GORDON of Tennessee, Mr. HOLDEN, Mr. MILLER of North Carolina, Mr. PITTS, Mr. SESTAK, and Mr. WOLF):

H.R. 3712. A bill to require the Secretary of the Treasury to mint coins in recognition of and to commemorate the 1863 invasion of Pennsylvania, the Battle of Gettysburg, and President Abraham Lincoln's Gettysburg Address; to the Committee on Financial Services.

By Mr. ROGERS of Michigan (for himself, Mrs. BLACKBURN, Mr. SHIMKUS, Mr. PITTS, Mrs. MYRICK, Mrs. BONO MACK, Mr. BUYER, Mr. UPTON, and Mr. HALL of Texas):

H.R. 3713. A bill to provide bipartisan solutions to lower health costs, increase access to affordable coverage, and give patients more choices and control; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, Appropriations, 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. SCHIFF (for himself and Mr. PENCE):

H.R. 3714. A bill to amend the Foreign Assistance Act of 1961 to include in the Annual Country Reports on Human Rights Practices information about freedom of the press in foreign countries, establish a grant program to promote freedom of the press worldwide, and for other purposes; to the Committee on Foreign Affairs.

By Ms. SCHWARTZ (for herself, Mr. TIBERI, Mr. CARNAHAN, Mr. GORDON of Tennessee, Ms. BERKLEY, Mr. WELCH, Mr. LARSON of Connecticut, Mr. HIGGINS, Mr. NEAL of Massachusetts, Mr. PASCRELL, Mr. DAVIS of Illinois, Mr. YARMUTH, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. BLUMENAUER, Mr. LANGEVIN, Mr. CONNOLLY of Virginia, Mr. HOLT, Mr. DOYLE, Mr. TURNER, Mr. ALTMIRE, Mr. COURTNEY, Mr. PRICE of North Carolina, Mr. TONKO, Mr. ARCURI, Ms. KAPTUR, Ms. SHEA-PORTER, Ms. SUTTON, Mr. MCGOVERN, Mr. ETHERIDGE, Ms. DELAURO, Ms. SCHAKOWSKY, Mr. MICHAUD, Mr. COSTELLO, Mr. ABERCROMBIE, Mr. TIERNEY, Ms. TSONGAS, Mr. ANDREWS, Mr. BRADY of Pennsylvania, Mr. SERRANO, and Mr. SESTAK):

H.R. 3715. A bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes; to the Committee on Ways and Means.

By Mr. STUPAK (for himself and Mr. WELCH):

H.R. 3716. A bill to make certain adjustments to the price analysis of propane prepared by the Secretary of Commerce; to the Committee on Energy and Commerce.

By Mr. TIAHRT:

H.R. 3717. A bill to amend the Communications Act of 1934 to require a provider of a commercial mobile service or an IP-enabled voice service to provide call location information concerning the user of such a service to law enforcement agencies in order to respond to a call for emergency services or in an emergency situation that involves the risk of death or serious physical harm; to the Committee on Energy and Commerce.

By Mr. TOWNS (for himself, Mr. PIERLUISI, Mr. MICA, Mr. YOUNG of Alaska, Mr. SERRANO, Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Mr. PASCRELL, Ms. WASSERMAN SCHULTZ, and Mr. CROWLEY):

H.R. 3718. A bill to amend the Internal Revenue Code of 1986 to make residents of Puerto Rico eligible for the refundable portion of the child tax credit; to the Committee on Ways and Means.

By Mr. BURGESS (for himself and Mr. GONZALEZ):

H. Con. Res. 193. Concurrent resolution expressing the sense of Congress regarding the need to pass meaningful legislation to protect commercial and government data from data breaches; to the Committee on Science and Technology, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT:

H. Res. 789. A resolution expressing support for designation of October 2, 2009, as World MRSA Day; to the Committee on Oversight and Government Reform.

By Ms. BERKLEY (for herself, Ms. TITUS, Mr. HELLER, Mr. WAMP, Mr. HASTINGS of Florida, Mr. ELLSWORTH, Ms. CORRINE BROWN of Florida, Mr. CARDOZA, Ms. WATSON, Mr. GENE GREEN of Texas, Mr. COSTA, Mr. LANGEVIN, Mr. DONNELLY of Indiana, Mr. DUNCAN, Mr. DAVIS of Tennessee, Ms. LORETTA SANCHEZ of California, Mr. HARE, Mr. KIND, Mr. HOLT, Mr. DRIEHAUS, Mr. WALZ, Mr. THOMPSON of Mississippi, and Mr. LOEBSACK):

H. Res. 790. A resolution supporting the goals and ideals of a national day of remembrance on October 30, 2009, for American nuclear weapons program workers and uranium miners, millers, and haulers; to the Committee on Oversight and Government Reform.

By Mr. GENE GREEN of Texas (for himself, Ms. JACKSON-LEE of Texas, Mr. POE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Mr. CULBERSON, Mr. BRADY of Texas, Mr. OLSON, Mr. BARROW, Ms. DEGETTE, Mr. BURGESS, Mr. INSLEE, Ms. WOOLSEY, Mr. GONZALEZ, Mr. THORNBERRY, Mr. AL GREEN of Texas, Mr.

HINOJOSA, Mr. CUELLAR, Mr. RODRIGUEZ, Mr. MCCAUL, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Mr. MOLLOHAN, Mr. COSTELLO, Mr. REYES, and Mr. HONDA):

H. Res. 791. A resolution congratulating the Aldine Independent School District in Harris County, Texas, on winning the 2009 ''Broad Prize for Urban Education''; to the Committee on Education and Labor.

By Mr. POSEY (for himself and Ms. HIRONO):

H. Res. 792. A resolution honoring Robert Kelly Slater for his outstanding and unprecedented achievements in the world of surfing and for being an ambassador of the sport and excellent role model; to the Committee on Oversight and Government Reform.

By Mr. REYES (for himself, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINOJOSA, Mr. BUTTERFIELD, Ms. ZOE LOFGREN of California, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. BACA, Ms. ROYBAL-ALLARD, Mr. GRIJALVA, Mr. HOLT, Mr. EHLERS, Mr. BARTLETT, Mr. MCGOVERN, Mr. OLVER, Ms. MATSUI, Mr. BOREN, Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, Mr. BURGESS, Mr. POE of Texas, Mr. HALL of Texas, Ms. CORRINE BROWN of Florida, and Mr. FOSTER):

H. Res. 793. A resolution supporting the goals and ideals of National Chemistry Week; to the Committee on Science and Technology.

By Mr. ROHRABACHER (for himself, Mr. DELAHUNT, and Mr. BURTON of Indiana):

H. Res. 794. A resolution calling for a runoff election in Afghanistan between the two top finishers; to the Committee on Foreign Affairs.

By Mr. SHUSTER:

H. Res. 795. A resolution honoring the people of Shanksville, Pennsylvania, and the Flight 93 Ambassadors for their efforts in creating the Flight 93 temporary memorial and encouraging the completion of the National Park Service Flight 93 National Memorial by the 10th anniversary of September 11, 2001; to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. Harper.

H.R. 32: Mr. MCGOVERN, Mr. LEWIS of Georgia, Mr. TIERNEY, and Mr. LUCAS.

H.R. 124: Mrs. MILLER of Michigan and Mr. LINDER.

H.R. 213: Mr. GOODLATTE, Mr. MOLLOHAN, Mr. GARY G. MILLER of California, and Mr. KILDEE.

H.R. 227: Mr. ROE of Tennessee.

H.R. 268: Mr. MANZULLO.

H.R. 275: Mr. WOLF and Mr. KRATOVIL.

H.R. 391: Mr. THORNBERRY, Mr. CULBERSON, Mr. HOEKSTRA, Mr. KING of Iowa, Mrs. MCMORRIS RODGERS, and Mr. RYAN of Wisconsin.

H.R. 422: Mr. BUTTERFIELD and Mr. MCCLINTOCK.

H.R. 442: Ms. MARKEY of Colorado.

H.R. 471: Mr. HOLDEN, Mr. LIPINSKI, and Mr. RYAN of Ohio.

H.R. 503: Mr. MARKEY of Massachusetts.

H.R. 510: Mrs. MILLER of Michigan and Mrs. EMERSON.

H.R. 571: Mr. MILLER of North Carolina.

H.R. 579: Mr. COHEN.

H.R. 690: Mrs. CAPITO and Mr. REICHERT.

H.R. 718: Mr. SHUSTER.

H.R. 836: Mrs. HALVORSON and Mr. TURNER.

H.R. 868: Mr. SOUDER, Mr. SIRES, and Mr. DOGGETT.

H.R. 932: Ms. MOORE of Wisconsin and Mr. LARSON of Connecticut.

H.R. 953: Mr. CHILDERS.

H.R. 1067: Mr. RYAN of Ohio and Mr. COURTNEY.

H.R. 1074: Mr. TURNER.

H.R. 1079: Mr. BISHOP of Utah.

H.R. 1086: Mr. GRAVES.

H.R. 1132: Mr. MCCLINTOCK.

H.R. 1233: Mr. CHAFFETZ.

H.R. 1245: Mr. LEE of New York, Mr. OLSON, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. WAMP.

H.R. 1310: Mr. DRIEHAUS.

H.R. 1351: Mr. CUMMINGS and Mr. DEAL of Georgia.

H.R. 1352: Mr. MURTHA.

H.R. 1378: Ms. GIFFORDS.

H.R. 1398: Mr. PERLMUTTER.

H.R. 1441: Mr. MILLER of North Carolina.

H.R. 1521: Mr. HASTINGS of Washington and Mrs. CAPITO.

H.R. 1569: Mr. BERMAN and Mr. STARK.

H.R. 1596: Mr. MINNICK, Mr. RAHALL, Mr. SNYDER, Mrs. MALONEY, and Mr. BERRY.

H.R. 1618: Ms. RICHARDSON and Ms. SUTTON.

H.R. 1623: Mr. INGLIS.

H.R. 1677: Mr. DEAL of Georgia, Mr. COLE, and Mr. GONZALEZ.

H.R. 1695: Ms. FOXX.

H.R. 1766: Mr. CARSON of Indiana and Mr. THOMPSON of Mississippi.

H.R. 1792: Mr. ISRAEL.

H.R. 1799: Mr. KAGEN.

H.R. 1800: Ms. HARMAN.

H.R. 1826: Ms. TSONGAS and Ms. KAPTUR.

H.R. 1829: Mr. ETHERIDGE, Mrs. BIGGERT, Mrs. MILLER of Michigan, and Mr. MILLER of North Carolina.

H.R. 1831: Mr. LARSEN of Washington, Mr. THOMPSON of Mississippi, Mr. FRANK of Massachusetts, and Ms. TSONGAS.

H.R. 1908: Mr. KRATOVIL and Mr. BLUMENAUER.

H.R. 1941: Mr. SHULER.

H.R. 1987: Mr. JOHNSON of Georgia and Mr. ORTIZ.

H.R. 2000: Mr. SCHAUER and Mr. ABERCROMBIE.

H.R. 2001: Mr. POLIS of Colorado, Mr. KILDEE, Ms. SCHWARTZ, Mr. ENGEL, Mr. ROTHMAN of New Jersey, Mr. PASCRELL, Mr. CASTLE, Mr. UPTON, Mr. SALAZAR, Ms. HIRONO, Ms. SHEA-PORTER, Mr. OLVER, Ms. BERKLEY, and Mr. FILNER.

H.R. 2017: Mr. CUMMINGS and Mr. REHBERG.

H.R. 2054: Mr. THOMPSON of Mississippi.

H.R. 2109: Mr. WEXLER, Mr. COHEN, Mr. EHLERS, Mr. PLATTS, and Mr. MCGOVERN.

H.R. 2136: Mr. LATOURETTE, Mr. PRICE of North Carolina, Mr. FATTAH, Mrs. CHRISTENSEN, Mr. THOMPSON of Pennsylvania, Mr. GRIJALVA, Ms. HIRONO, Ms. CORRINE BROWN of Florida, Mr. PAYNE, and Ms. SUTTON.

H.R. 2139: Ms. DELAURO, Mr. HASTINGS of Florida, Ms. ZOE LOFGREN of California, and Mr. VAN HOLLEN.

H.R. 2149: Mr. BOUCHER.

H.R. 2176: Mr. MASSA and Mr. THOMPSON of Pennsylvania.

H.R. 2227: Mr. INGLIS and Mrs. BIGGERT.

H.R. 2246: Ms. TSONGAS.

H.R. 2266: Mr. CARSON of Indiana, Mr. WATT, Mr. NADLER of New York, Mr. POLIS of Colorado, and Mr. THOMPSON of Mississippi.

H.R. 2267: Mr. THOMPSON of Mississippi and Mr. SMITH of Washington.

H.R. 2329: Mr. CARSON of Indiana.

H.R. 2336: Ms. ZOE LOFGREN of California.

H.R. 2366: Mr. LATHAM.

H.R. 2369: Mr. COHEN.

H.R. 2393: Ms. FALLIN.

H.R. 2398: Mr. ROE of Tennessee, Mr. GALLEGLY, and Mr. MILLER of North Carolina.

H.R. 2404: Ms. SLAUGHTER.

H.R. 2406: Mrs. CAPITO and Mr. FORTENBERRY.

H.R. 2421: Mr. SKELTON.

H.R. 2446: Mr. ROSS.

H.R. 2452: Mr. KRATOVIL.

H.R. 2493: Ms. LORETTA SANCHEZ of California, Mr. BURTON of Indiana, and Mr. BACA.

H.R. 2499: Mr. CROWLEY.

H.R. 2502: Mr. BILBRAY and Mr. POLIS of Colorado.

H.R. 2541: Mr. KIRK and Mr. SCHOCK.

H.R. 2553: Mr. LANCE.

H.R. 2556: Mr. HOEKSTRA.

H.R. 2567: Mr. MASSA.

H.R. 2573: Mr. DOYLE and Ms. BERKLEY.

H.R. 2584: Mr. CROWLEY, Mr. SNYDER, and Mr. COBLE.

H.R. 2597: Mr. BOSWELL and Mr. RUPPERSBERGER.

H.R. 2672: Ms. MARKEY of Colorado.

H.R. 2698: Mr. YOUNG of Alaska.

H.R. 2699: Mr. YOUNG of Alaska.

H.R. 2727: Mr. EDWARDS of Texas, Mr. LIPINSKI, and Mr. MILLER of North Carolina.

H.R. 2788: Mrs. MILLER of Michigan, Mr. POSEY, Mr. LINDER, and Mr. GARY G. MILLER of California.

H.R. 2817: Mr. HONDA.

H.R. 2842: Mrs. BACHMANN and Mr. MCCLINTOCK.

H.R. 2852: Mr. KISSELL, Mr. BOUCHER, and Mr. UPTON.

H.R. 2879: Mr. TEAGUE.

H.R. 2891: Mr. BOSWELL.

H.R. 2903: Mr. OBERSTAR and Mr. KAGEN.

H.R. 2935: Mr. MILLER of North Carolina, Mr. CALVERT, Ms. MATSUI, Mrs. MILLER of Michigan, and Mr. TEAGUE.

H.R. 2936: Mrs. DAHLKEMPER.

H.R. 3002: Mr. BLUNT.

H.R. 3015: Mr. MARSHALL, Mr. CARTER, Mr. BARTLETT, Mr. GRAVES, Mr. MILLER of Florida, Ms. GRANGER, Mr. ROONEY, Mr. SAM JOHNSON of Texas, Mr. SMITH of Nebraska, Mr. ROGERS of Michigan, Mr. WOLF, Mr. BUYER, Mr. DENT, and Mr. WHITFIELD.

H.R. 3018: Mr. BURGESS, Mr. HALL of Texas, Mr. TIBERI, and Mr. BARTON of Texas.

H.R. 3044: Mr. CONAWAY, Mr. CARTER, Mr. HUNTER, Mr. BILIRAKIS, Ms. KOSMAS, Mr. LUJAN, Mr. CRENSHAW, Mr. SCHOCK, and Mr. HILL.

H.R. 3046: Mrs. MILLER of Michigan.

H.R. 3070: Mr. KILDEE.

H.R. 3116: Mr. BOCCIERI, Mr. BROWN of South Carolina, Mr. DUNCAN, and Mr. PASTOR of Arizona.

H.R. 3140: Mr. JONES.

H.R. 3174: Mrs. CAPITO.

H.R. 3227: Ms. MARKEY of Colorado.

H.R. 3251: Mr. SOUDER.

H.R. 3355: Mr. COURTNEY and Mr. GERLACH.

H.R. 3375: Mrs. BLACKBURN.

H.R. 3380: Mr. LATOURETTE, Mr. SHERMAN, and Mr. PALLONE.

H.R. 3400: Mr. GARY G. MILLER of California and Mr. HALL of Texas.

H.R. 3407: Ms. GINNY BROWN-WAITE of Florida and Mr. KAGEN.

H.R. 3420: Mr. COHEN.

H.R. 3421: Mr. ORTIZ, Mr. OLVER, Ms. SUTTON, Ms. EDWARDS of Maryland, Mr. COURTNEY, Ms. WATSON, and Ms. WOOLSEY.

H.R. 3427: Mr. FOSTER.

H.R. 3463: Mr. LATOURETTE.

H.R. 3486: Mr. HODES and Mr. DONNELLY of Indiana.

H.R. 3501: Mr. COHEN.

H.R. 3510: Mr. COHEN and Mr. BISHOP of New York.

H.R. 3519: Ms. MARKEY of Colorado, Mr. MORAN of Kansas, and Mr. COHEN.

H.R. 3524: Mr. KIND, Mr. MCNERNEY, Mr. CALVERT, Mr. THOMPSON of Mississippi, Mr. FILNER, and Mr. CONAWAY.

H.R. 3554: Ms. SUTTON.

H.R. 3569: Mr. LUCAS and Mr. WITTMAN.

H.R. 3582: Mr. LATTA.
H.R. 3586: Mr. WALZ.
H.R. 3608: Mr. JONES.
H.R. 3610: Mr. LATTA and Mr. JORDAN of Ohio.
H.R. 3611: Mr. MCMAHON.
H.R. 3612: Mr. SMITH of Texas and Ms. MARKEY of Colorado.
H.R. 3613: Mr. LUCAS, Mr. WITTMAN, and Mr. SOUDER.
H.R. 3621: Mr. LIPINSKI and Mr. BISHOP of New York.
H.R. 3636: Mr. BERMAN.
H.R. 3674: Mr. BOCCIERI.
H.R. 3680: Mr. ABERCROMBIE and Mr. SABLAN.
H.J. Res. 26: Mr. KIRK.
H. Con. Res. 42: Mr. MEEK of Florida, Ms. NORTON, and Mr. CONYERS.
H. Con. Res. 43: Mr. MEEK of Florida and Mr. CONYERS.
H. Con. Res. 129: Ms. PINGREE of Maine, Mr. BOREN, Mr. LAMBORN, Mr. KLINE of Minnesota, Mr. SESTAK, Mr. EHLERS, and Mr. Thornberry.
H. Con. Res. 160: Mr. LATHAM, Mr. WITTMAN, and Mr. MCCAUL.
H. Con. Res. 168: Mr. MURPHY of New York.
H. Con. Res. 177: Mr. PAULSEN and Mr. KRATOVIL.
H. Con. Res. 181: Mr. DINGELL and Mr. HINCHEY.
H. Res. 150: Mr. CLAY, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, and Mr. CARNAHAN.
H. Res. 159: Mr. BRALEY of Iowa, Ms. SCHWARTZ, Mr. QUIGLEY, Mr. MORAN of Virginia, Mr. MINNICK, Mr. HINCHEY, and Ms. BERKLEY.
H. Res. 504: Mr. KIRK.
H. Res. 510: Mr. LANGEVIN.
H. Res. 554: Mr. MINNICK, Mr. GINGREY of Georgia, Mr. BOEHNER, Mr. FLEMING, Mr. BISHOP of Utah, Mr. RADANOVICH, Mr. CAMPBELL, Mr. KIRK, Mr. DEAL of Georgia, Mr. COBLE, Mr. MICA, Mr. YOUNG of Florida, Mr. TERRY, Mr. THORNBERRY, Mr. BLUNT, Mr. BARTON of Texas, Mr. ROGERS of Kentucky, Mr. LUETKEMEYER, Mr. GOHMERT, Mr. PUTNAM, Mr. THOMPSON of Pennsylvania, Mr. REICHERT, Mr. TIBERI, Mr. BILBRAY, and Mr. PENCE.
H. Res. 567: Mr. GALLEGLY, Mr. BERMAN, Mr. DANIEL E. LUNGREN of California, Mrs. BONO MACK, Mr. MACK, Mr. COSTA, Mrs. CAPPS, Mr. BUCHANAN, Ms. MATSUI, Mr. SCHIFF, Mr. LEWIS of California, Mr. DREIER, Mr. ISSA, Mr. CARDOZA, Ms. ZOE LOFGREN of California, Mr. LEE of New York, Mr. MCCLINTOCK, Mr. BURTON of Indiana, Mr. MCNERNEY, and Mr. SHERMAN.
H. Res. 603: Mr. FILNER and Mr. MASSA.
H. Res. 605: Mr. MURPHY of New York and Mr. STEARNS.
H. Res. 611: Mrs. LOWEY.
H. Res. 649: Mr. SABLAN, Ms. BALDWIN, Mr. FILNER, and Mr. RUSH.
H. Res. 660: Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Ms. MOORE of Wisconsin, Mr. MEEK of Florida, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Ms. EDWARDS of Maryland, and Mr. RUSH.
H. Res. 700: Mr. COHEN.
H. Res. 708: Mr. QUIGLEY, Mr. JOHNSON of Illinois, and Mr. JACKSON of Illinois.
H. Res. 709: Ms. MATSUI.
H. Res. 715: Mr. KIRK.
H. Res. 719: Mr. MORAN of Kansas.
H. Res. 736: Mr. SOUDER.
H. Res. 740: Mr. SHULER.
H. Res. 747: Mr. SHIMKUS and Mr. MURPHY of New York.
H. Res. 749: Mr. INGLIS.
H. Res. 752: Mr. RUSH, Mr. LOEBSACK, and Mr. ROSKAM.
H. Res. 754: Mr. BOOZMAN and Mr. KLINE of Minnesota.
H. Res. 759: Mr. UPTON.
H. Res. 773: Mr. SHUSTER, Mr. WOLF, Mr. WITTMAN, and Mr. NEAL of Massachusetts.
H. Res. 783: Mr. WOLF, Mr. SCHAUER, and Ms. ROYBAL-ALLARD.
H. Res. 786: Mr. ACKERMAN, Mr. PAYNE, Mr. ENGEL, Mr. DELAHUNT, Mr. MILLER of Florida, Ms. CASTOR of Florida, Mr. SIRES, Ms. JACKSON-LEE of Texas, Mr. CROWLEY, Ms. BORDALLO, Ms. WOOLSEY, Mr. GINGREY of Georgia, and Mr. COSTELLO.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, OCTOBER 1, 2009 No. 140

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

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

Let us pray.

O God, our Father, we thank You for the gifts You generously give to humanity. We are grateful for the loveliness of Earth and sea and sky. Thank You for great music to hear and for great books of prose and poetry to read. Thank You for minds to think, for hands to labor, and for hearts to love.

Lord, we praise You for the abilities You have given our Senators and for their willingness to serve You and country. Teach them Your lessons; show them Your way. Make them Your instruments of a durable peace, just to all nations and hopeful for all humanity. As they work today, let their words, thoughts, and actions reflect the content of Your character.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 1, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND 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. Madam President, following the remarks of the leaders, there will be a period of morning business for 90 minutes. The majority will control the first half and the Republicans will control the final half. Following morning business, the Senate will resume consideration of the Defense appropriations bill. Last night, cloture was filed on the committee-reported substitute amendment. As a result, the filing deadline for first-degree amendments is 1 p.m. today. Senators should expect rollcall votes to occur throughout the day as we work through amendments to this bill.

RECOGNITION OF THE MINORITY LEADER

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

MCCHRYSTAL AMENDMENT

Mr. MCCONNELL. Madam President, as the Senate fulfills its constitutional duty this week of providing for the common defense, it will also have an opportunity to fulfill its oversight responsibilities in the global war on terror and, more specifically, in the crucial theater of Afghanistan. Later today, the ranking member of the Senate Armed Services Committee, Senator MCCAIN, will offer an amendment to the Defense appropriations bill that calls on our top commander in Afghanistan, GEN Stanley McChrystal, and the Centcom Commander GEN David Petraeus, to come to Washington to explain to Congress and the American people why they believe the situation in Afghanistan is so perilous, what they believe is necessary for our success, and why.

There is recent precedent for this. Many Americans will recall that 2 years ago, in accordance with a requirement contained in another Defense appropriations bill, GEN David Petraeus came to Washington to explain what had gone wrong in Iraq and what he and the rest of our forces were doing to turn things around. By providing a sober assessment of the situation that cut through the political cross-currents of the moment, General Petraeus's testimony, along with that of Ambassador Ryan Crocker, focused the national debate. It left us newly confident in their ability to lead us in Iraq. And it set us on a path of progress that continues today.

No one is arguing that the two situations are identical. They are clearly not. But it is hard to deny the urgency of the assessment that General McChrystal sent to the White House in late August, parts of which have been made public. And it is impossible to ignore his depiction of a grave and deteriorating situation on the very soil where al-Qaida terrorists plotted the 9/11 attacks. General McChrystal's assessment of the worsening situation in Afghanistan should be of concern to all of us, particularly its account of a resurgent Taliban and a resilient al-

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

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Qaida. As the President told a Turkish audience in April, ''The world has come too far to let this region backslide, and to let al Qaeda terrorists plot further attacks.''

But there is also reason to be confident. At a time of worsening violence in Iraq, America was fortunate to be able to turn to General Petraeus, the man who literally wrote the book on counterinsurgency. And now, at a time of worsening violence in Afghanistan, we are just as fortunate to be able to turn to General McChrystal, who in reported previous combat experience supervised, planned, and executed counterterrorism operations.

No one is better equipped to assess the situation on the ground—and whether it calls for a new counterinsurgency strategy, or for a continuation of the same kind of counterterrorism strategy which the previous administration pursued, and which the current Vice President is reportedly urging the current administration to embrace.

Earlier this year, President Obama expressed his confidence in General McChrystal by appointing him to his current mission. Following the President's lead, the Senate expressed its confidence in General McChrystal by confirming him for his current mission without dissent. Now it is time for Congress and the President to work together on a plan for success.

Since no strategy will succeed without the support of the public, the President will doubtlessly want to explain to the American people why he plans to accept or reject the McChrystal Plan. This is especially true of a counterinsurgency strategy, which, by definition, requires a large commitment of troops and resources and great endurance on the part of the Armed Forces and the public alike.

Congress, for its part, has a responsibility to fund and to oversee our armed forces. Part of that is ensuring that we have the best information possible, and that we make that information available to the American people. And that is why it is crucial that we have an opportunity to hear General McChrystal's personal assessment of the mission that we confirmed him for, and that we give him an opportunity to explain why he has concluded that more troops are needed to avoid failure in Afghanistan.

General Petraeus's testimony served a necessary purpose during an earlier debate over strategy. General McChrystal's will do the same in this one.

We know he would be a willing witness. General McChrystal has spoken freely about his assessment on network television. And he recently told a visitor to Afghanistan that, if asked, he would welcome the opportunity to come to Washington to make the case for additional troops. He also said that it is his sacred duty to provide the unvarnished truth. With today's vote—which I urge our friends on the other side of the aisle to support—the Senate will give him a chance to do both.

HEALTH CARE WEEK XI, DAY II

Mr. MCCONNELL. Madam President, americans have been watching the health care debate play out in various committees in Congress, and they are wondering where it's all headed. I will make it easy for them. The final bill is going to cost about a trillion dollars. It is going to include $½ trillion in cuts to seniors' Medicare in order to create a new government program. It is going to raise hundreds of billions of dollars in taxes on individuals and businesses. And it is going to expand the government's role in the health care of every single American, whether they like it or not, limiting choices and leading to the same kind of denial and delay we have seen in other countries.

And then there is the issue of rushing through a bill and denying the American people the chance to read it. Imagine that, a trillion dollars out of the taxpayers' wallets for a bill that will affect the health care of every single American, and the majority has already voted to deny a mere 72-hours of public review before voting on it. This is outrageous, and hopefully this is not the way the majority decides to go forward.

One group that has become increasingly vocal in its criticism of this legislation is our Nation's Governors. Over the course of this debate, at least one in three of them have issued statements expressing their urgent concerns about a proposed expansion of Medicaid, which will force them either to cut services, raise taxes, or both. That is on top of the tax hikes that come about on the Federal level as a result of this bill.

One Democrat Governor had this to say of the Medicaid proposal: ''. . . it's very scary for governors to be saying as soon as the revenues get back there, the Federal Government is going to come in and say here's how you're going to spend your new money.''

Governor Schwarzenegger of California says he won't support Federal health care reform proposals that impose billions of dollars in new costs on California.

Governor Crist of Florida says the proposed Medicaid expansion would have a crippling effect on Florida's State economy.

Governor Linda Lingle of Hawaii says the proposed Medicaid expansion would be tantamount to mandating a tax increase on every resident of Hawaii . . . and further harm residents who are struggling to make ends meet.

Idaho Governor ''Butch'' Otter calls the proposal ''an . . . irresponsible effort to shift a substantial and unmanageable financial burden to the states.''

Those are just a few of the comments we have heard from Governors. They are issuing the same kind of dire warnings about the proposed health care legislation that Americans have been sounding for months.

The fact is, supporters of this legislation know that most Americans oppose it. That is why they are not listening. And that is why they are trying to rush it through without giving anybody a chance to study the details. The American people understand these proposals. They understand the strategy. And they are not happy about either.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, 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 90 minutes, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The Senator from Oregon is recognized.

HEALTH CARE REFORM

Mr. MERKLEY. Madam President, a week ago, freshman Democratic Senators came to this floor to discuss as a group how our current health care system is broken and unsustainable. Today, we return to address the challenge of runaway costs and how health care reform can bend the cost curve, making health care more affordable and more accessible to our families and our businesses.

Many folks have said to me: Is this really the time to take on health care reform, when we are in the middle of the worst recession since the Great Depression? The answer is an unequivocal yes. Now is the time. Now is the time because health care costs are a runaway train that can do great damage to our families and our small businesses and large businesses. Indeed, consider the situation of a family when health care costs have doubled in the last 9 years, so families who could afford insurance just a few years ago cannot afford it today. Now health care premiums are rising even faster. They are expected to double in the next 7 years. As a result, many families and many individuals who are struggling to pay those health care premiums right now won't be able to do so in just a few more years. So fixing our broken health care system cannot wait. Indeed, reform is essential to our families, our small businesses, and our large businesses.

Consider this: For a working family, every additional dollar that goes into a health care premium comes out of the wages that would otherwise go to increase the family's purchasing power.

So rising health care premiums are a tax on family wages, a tax on family purchasing power, making it much harder for our families to get ahead and provide for their children and establish a high quality of life.

Controlling cost is also essential to small businesses. Small businesses want to offer health coverage to attract and keep good employees, to do what is right for their employees' quality of life. But runaway costs are making that more and more difficult.

Consider the example of the Hawthorne Auto Clinic founded and operated by Jim Houser and his wife Liz Dally. When they opened 26 years ago, Jim and Liz were committed to offering those who worked for them and with them a good benefits package, including comprehensive health care.

They are still able to provide health insurance to their employees, but it is getting tougher. Premiums have gone from 9 percent of their payroll to 18 percent in just the last 5 years. As a result, they have had to cut back on the benefits they have offered. Over the last decade, health care premiums have skyrocketed for small businesses across the board like they have for the Hawthorne Auto Clinic.

Large businesses see the effect as well. If you build a car in America, it costs $1,500 in health care. If you build that same car across the border in Canada and Europe, the cost is zero. In fact, in 2007, GM spent more on health care than they did on steel. So controlling costs is essential for our large businesses to be competitive in the world, to be able to build products here in America.

If we do not build products in America, we will not have a middle class in America. So health care reform cannot wait. Our families need help with runaway costs. Our small businesses are looking for us to help control costs, and our large businesses need reform to be competitive in the world and to build the strong economy that will raise all boats.

Today, freshmen Democratic Senators are here to discuss this from a number of perspectives. First will be Senator ROLAND BURRIS of Illinois. As comptroller and attorney general of Illinois, Senator BURRIS committed himself to serving the health and well-being of underserved populations in his State.

I yield 4 minutes to my distinguished friend from Illinois.

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

Mr. BURRIS. Madam President, I am proud to join my freshmen colleagues on the floor today.

Across America there is a broad agreement on the need for meaningful health care reform. But there is much debate about what reform means and who pays the bills for keeping all our Nation's citizens well, including the disadvantaged.

As the center of this controversy is a simple question of dollars and cents, what is cost-effective reform? According to a recent study by the Joint Center for Political and Economic Studies, eliminating ratios and ethnic health disparities in this country for the period between 2003 and 2006 would have reduced direct health care expenditures by nearly $230 billion.

Further, when the study factors in indirect economic losses, such as missed days of work and premature death, the total cost of health care disparities to our economy approaches $1.25 trillion over the same period. This is a cost our country cannot bear.

Part of the problem is a lack of coverage. People of color make up about one-third of the population of the United States, but they represent one-half of the Nation's uninsured. Providing quality, affordable health care options, including a public plan, will help address this problem.

We must also change the way people receive their care. In disproportionately high numbers, many Black and Hispanic Americans use high-cost emergency room care for all their health needs. Often, by the time they seek treatment, their ailment has reached catastrophic levels. This drives everyone's costs up and puts extra strain on a system that is already stretched to the breaking point.

But with certain basic steps on the front end, we can create a healthier nation and save a lot of money on the back end. For example, by encouraging and enabling health care providers to reach out to their communities, with culturally competent prevention and wellness initiatives, we can prevent some of the chronic conditions and catastrophic health care problems that have such a high cost for our economy.

Basic nutrition education and access to healthy foods could drastically reduce the wide disparities in diabetes and heart disease. Expanding the prevalence of racial and ethnic minority health care professionals could increase the cultural competence of our health workforce.

The health reform bills under consideration take significant steps to address the health disparities our country faces. I would like to take this opportunity to thank the HELP Committee and the Finance Committee for their tireless work in this effort.

As a final combined bill comes to the floor, I look forward to an opportunity to debate and improve upon the provisions that will help our Nation's disadvantaged populations get access to the health care they need.

This is not only a moral imperative in its own right, but it will help us achieve the health cost savings our health system so desperately needs.

Mr. MERKLEY. I thank the Senator very much for his comments and his emphasis on making the best use of every dollar while addressing ethnic disparities in our health care system and the dire need to invest in prevention and wellness.

Next, we will hear from Senator JEANNE SHAHEEN from New Hampshire. As Governor of New Hampshire, Senator SHAHEEN enacted the New Hampshire Children's Health Insurance Program, which provides affordable health and dental coverage to tens of thousands of children in her State.

She also initiated a senior prescription drug program, providing seniors with lower cost prescription drugs. I yield 4 minutes to the Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I wish to begin by thanking Senator MERKLEY for coordinating this effort today. I am pleased to be able to, once again, join my fellow freshmen Senators discussing how critical it is for the Senate to act on health care reform.

As the Senate moves to reform our broken health care system, we must address the skyrocketing cost of health care. We must ensure quality in our health care system. Over the past several months, I have heard from many individuals and families from New Hampshire who are dealing with the rising costs of health care. The stories they tell me are the most poignant reminders of why we must reform our health care system.

Recently, I heard from a man named Jeff, who is from Loudon, a small community close to the capital city of Concord. Jeff had recently lost his job and with it his health insurance. So when he experienced swelling of his right leg and shortness of breath, he was afraid to go to the doctor because he was afraid he could not afford the cost.

So he ignored the symptoms until they got so bad he had to call 911. He was taken to a local hospital. Doctors realized he had a blood clot in his leg which had migrated to his lung. This was a life-threatening condition called a pulmonary embolism. Since treatment, his condition has improved dramatically.

However, the final bill from the hospital was over $200,000. To this day, Jeff remains in debt. Think how much we could have saved if he could have gone to the doctor when he first felt those symptoms. Stories such as these are unacceptable. They can happen to anybody. The truth is, similar to Jeff, we may all be one medical condition away from financial disasters because of the high cost of health care. So we must work to protect hard-working individuals and families as we put forward a bill.

I am proud to come from New Hampshire for so many reasons but one of them is because of the great work that is done by the Dartmouth Institute of Health Policy. For more than 20 years, Dartmouth has been a leader in comparative effectiveness research and has revolutionized our understanding of our health care system. Because of the Dartmouth Atlas Project, we now know there are huge variations in the way health care resources are used and how money is spent depending on where we live.

This chart shows the difference in spending among different regions per

Medicare patient. It is amazing to me that Medicare costs can range from the lowest spending referral region, which as you can see is just over $5,000, to the highest spending referral region, where in some parts of the country Medicare pays over $14,000 to provide the same kind of treatment that in other parts of the country is provided for only a little over $5,000.

Unfortunately, the research also shows that just because someone is in a higher spending area, it does not mean they are going to live longer or have better health outcomes. Simply put, more costly care does not mean better care. There is a fundamental problem with our health care system, and this is something we have to work on.

Things do not have to be this way. We can find savings in our system and still provide high-quality care. As I mentioned last week, we can save significantly on Medicare costs by reducing hospital readmissions. I have introduced bipartisan legislation with Senator COLLINS to do that. We have the opportunity to fix a problem that has been around for generations. We need to work together to achieve this goal.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MERKLEY. I thank Senator SHAHEEN so much. It is enormously valuable to have her experience fighting for health care at the State level and bringing that to this conversation, recognizing we do have a partnership between what the State can do and what the Federal team can do and that the goal of reforming the way we deliver health care can have a huge impact on price.

Next, we turn to Senator MICHAEL BENNET from Colorado. As the highly successful superintendent of Denver Public Schools, Senator BENNET committed himself to ensuring the health and educational well-being of Denver's school-aged children.

I yield 4 minutes to my friend from Colorado.

Mr. BENNET. I thank the Senator from Oregon.

It is good to be here this morning with all my colleagues to talk about health care reform. There is a lot of disagreement about what the right answer is.

What I would like to spend my time on this morning is why the status quo is not an answer. I think that if we can get agreement on that, we can solve the issues that confront the working families in my State and all across the country.

The median family income in Colorado has actually declined by $800 over the last 10 years. At the same time, the cost of health insurance has gone up by 97 percent. It has doubled during that time. That has happened all over the country. This slide shows the difference between the rate of increase in wages in my State, from 2000 to 2007, versus the rate of the increase in insurance.

I have talked to small businesspeople all over the State of Colorado who have said they are trying to continue to insure their employees just as they have for generations in family-owned businesses, but they are finding they are having to make a tradeoff between people's wages because the cost of insurance is getting so large.

By 2016 in my State, working families in Colorado are going to be spending roughly 40 percent of their income on health care if we do not change the status quo. It is also having a profound effect on the finances of the Federal Government. The biggest drivers of our deficit, as the red line shows, are rising Medicare and Medicaid costs. If we can change that, we can begin to restore our Government to fiscal health. If we do not change it, we are going to continue to pile mountains of debt onto our kids and our grandkids, something that no one in my State wants us to do.

Finally, the last slide shows we are consuming almost 20 percent of our gross domestic product on health care, devoting almost one-fifth of our economy to health care, when all our competitors across the globe are devoting less than half that to health care. It is no different than if you had two small businesses across the street from each other, one spending one-fifth of their revenue on their light bill, the other is spending less than half of that on their light bill. You do not need an MBA to know which of those two companies is going to be able to invest and grow their business.

The Senator from New Hampshire talked about a very important cost control measure in this bill that has to do with the transition of care. Right now in this country, one out of five Medicare patients is readmitted to the hospital within the first month that they leave. That is because nobody is following up to make sure they are getting the care they need to stay well. Nobody is checking to see whether they fill their prescriptions or whether they are taking it.

In Colorado, we have a great model in Mesa County and Grand Junction, where the hospital readmission rate is not 20 percent but 2 percent. This alone is costing us $17 billion a year.

If we can do it smarter, more cheaply, and provide the kind of quality we see in Grand Junction, the Mayo Clinic, and other places across the country, we should. That is what this reform is about. It is time for us to put politics aside and come to an agreement that will create a much improved situation for working families and small businesses. The status quo is eating people alive. We ought to be able to do better than that.

Mr. MERKLEY. I thank the Senator. I appreciate his pointing out how health care costs are also a factor in the rising deficit contributing to the national debt and challenging our international competitiveness in the world.

I now turn to Senator MARK BEGICH of Alaska. As mayor of Anchorage, he was committed to protecting and strengthening the health care needs of small businesses and has continued his advocacy in the Senate.

I yield 4 minutes to Senator BEGICH.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Madam President, I thank Senator MERKLEY.

I am pleased to stand here again with my freshmen colleagues and resound the call for meaningful health insurance reform. We know reform is critically important and long overdue. We know reform will provide coverage to tens of millions of currently uninsured Americans. As I said last week, we know reform will bolster America's small businesses and help rebuild the economy. Here is something else we know: We must have reform that bends the cost curve and slows down the growth of health care costs. If we extend insurance to millions more people but do nothing to slow skyrocketing health care costs, we will not have reformed anything. We only will have added to the problem of an overburdened, unsustainable health system. Today we stand together to offer our ideas for reducing overall health care costs.

My focus this morning is on promoting good health and preventing the burden of chronic disease. The HELP and Finance Committees have done a great job on this subject. I commend them. I also want to make sure that when the final reform bill comes to the floor, we will not waiver on our commitment to prevention. I want to frame these brief remarks around a handful of words: nutrition, physical activity, tobacco use, and personal responsibility. Common sense tells us that smart investments that reduce the burden of chronic disease will make a huge difference not only in cost savings but also in healthier and more productive lives. The dollar amounts are staggering. Here are a few examples of why health reform must include a substantial commitment to prevention and good health.

Each year we spend $2.2 trillion on health care, and 75 percent of all health care costs go to treat chronic diseases, many of which could have been prevented. Each of our States is paying the price. Listen to the most recent numbers from the State of Alaska and think again of poor nutrition, lack of physical activity, and the toll of tobacco. Alaska currently spends $600 million annually for heart disease and stroke hospitalization, $419 million for treatment related to diabetes, $491 million for medical care related to tobacco use and lost productivity from tobacco-related deaths. We spend $477 million on direct medical costs of obesity. We need to do something, and we need to start now, in my State and every State.

We know prevention can work. Even though youth smoking in Alaska is still too high, it has been cut in half since 1995, thanks to sustained

antitobacco funding. I know as a former mayor, when I came into office we had double-digit increases in health care costs; when I left, a less than 1-percent increase. Why? Because we created wellness programs, created personal responsibilities and incentives for people to live a healthier lifestyle.

Let's make a similar commitment in health reform this year. Let's promote personal responsibility. Let's give more American families the tools they need to take charge. Let's improve our Nation's highways and transportation systems. And as we do it, let's make sure sidewalk trails are part of the package. Let's hire more PE teachers and build upon proven community programs. Let's save lives and save dollars by keeping tobacco away from kids.

As reform moves forward, our promise is to keep it deficit neutral, now and into the future. Health care reform, health insurance reform now, is important.

I yield the floor.

Mr. MERKLEY. I thank my colleague from Alaska for his remarks and his emphasis that prevention and management of chronic diseases are essential to bending the cost curve. I now turn to Senator WARNER from Virginia. Before serving as Governor of Virginia, Senator WARNER helped create the Virginia Health Care Foundation, which is providing health care to more than 600,000 underserved Virginians. I yield 4 minutes to Senator WARNER.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Madam President, I thank my colleague, the Senator from Oregon, for helping organize this morning. I thank all other colleagues for once again coming together and speaking with different voices but with similar themes. I also thank our newest colleague, the new Senator from Massachusetts, for being here. I know he will take time in another moment to give his maiden speech. Being here and giving us moral support is helpful.

One of the things we all get to do as freshmen Senators is sit in that chair and preside over the Senate at various times. Consequently, we often get, perhaps more than other colleagues, a chance to hear the folks on the other side and their talking points. Monday afternoons, I get to hear it for uninterrupted hours. What I hear time and again from our colleagues on the other side is complaints about the various proposals this side—and, hopefully, some on the other side will join us on—has put forward.

What I do not hear from the other side is what happens if we take their approach, which is doing nothing. What I do not hear from the other side is a simple recognition not of the moral challenges of covering close to 30 million additional Americans, but the fiscal challenges of not acting, a fact that we all brought forward last week when we pointed out, if we fail to act, we will see Medicare go bankrupt by 2017; if we fail to act, our deficit numbers will continue to explode; if we fail to act, an average Virginia family, and an average Colorado family as well, will be spending close to 40 percent of their disposable incomes within the next decade paying for health care. Senator MERKLEY and Senator BEGICH have mentioned if we fail, American business cannot compete when we have to pay $3,000 to $4,000 more per employee than our competitors across the world in terms of increased health care costs.

Some may say that the simple reason for these increasing health care costs is because we have an aging population. We do. But an aging population is not the only reason for rising health care costs. Our rising health care costs are increasingly driven by an inefficient delivery system, by a system that does not reward value, by a system that does not compensate based upon any rational basis. That is where so many of the reforms are focused through the Senate Finance Committee and the HELP Committee bills—and others we will be putting forward in later weeks, perhaps even on the floor, that will bring these reforms to the overall delivery system.

Again, some of my colleagues have already mentioned wellness. Senator SHAHEEN mentioned the enormous differential between states in terms of Medicaid reimbursements. We can and must do a better job.

For example, if as we see here, we can put health care reform in place and drive system reform, we could potentially save $3 trillion over the next 10 years across the entire system. If we fail to act, we leave those costs in a system that does not provide good quality health care and, with 70 percent of the cost going for chronic diseases, does not provide better coverage, either.

On this last chart, in terms of what we are talking about in expanded savings, if we fail, if we simply expand the current system—this is based upon Lewin Group studies, the Commonwealth Fund that has been cited many times on the other side—if we simply put in place expanded coverage without reform, we will continue to explode the deficit. But if we put in place the kinds of reforms we are talking about, which is wellness, and increased transparency—and I strongly believe in a free market system—but we have no transparency in our system in terms of what costs are and what people actually pay. If we take advantage of some of the best examples in the private sector, where health reform is taking place right now, we can bring about not only reform but bring about reform with lower costs, higher value, and truly make sure Americans all across the country get the coverage they need and that does not break the deficit.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. I thank the Senator from Virginia, particularly for noting the consequences if we fail to act and the absolute necessity to reform an inefficient delivery system. I turn now to Senator TOM UDALL of New Mexico. As a Member of the House, Senator UDALL was a champion of preventive health care initiatives, including legislation to encourage employers to offer wellness programs to workers.

I yield 4 minutes to the Senator from New Mexico.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, if we want to do something about runaway health care costs, the way to control them is to institute prevention and make prevention a major part of this bill. We are in danger of systematically neglecting prevention. I believe if we focus on prevention, we can get control of the cost curve. Prevention can mean clinical services such as mammograms and colonoscopies and cholesterol screens. The good news is that most of the bills being considered would make these services much more accessible and affordable. But successful reform also means addressing another aspect of prevention. I am talking about primary prevention, the kind that keeps people from getting sick in the first place.

Evidence suggests that primary prevention should focus on three behaviors: physical activity, nutrition, and smoking. But the reality is, whether through personal choice or lack of options, too many Americans are struggling. Today two-thirds of Americans are overweight or obese and often more than 20 percent smoke. Things are even worse for minorities who often suffer the most from the lack of preventive care.

In my State, we have a diabetes epidemic among Native Americans and Hispanics. We are in this crisis today because we have neglected prevention for years. Of the more than 2 trillion we spend on health care each year, only 4 cents of every dollar is invested in prevention. It doesn't make sense. Studies have shown that primary prevention will not only save lives, it will also save money. In New Mexico, a $10-per-person investment in community-based prevention programs would save $88 million annually. Nationally that translates to more than $16 billion annually. That is a return of $5.60 for every $1 invested.

We have solid evidence that we can spend less on health care while saving more lives. So what should we do? Experts say effective prevention must address three levels: the individual, the institutional, and the environmental. Individual prevention is about Americans making the right choices for themselves. This means choosing nutritious foods, maintaining an active lifestyle, avoiding excess weight, avoiding smoking, drug abuse, and excessive drinking. Institutional and environmental prevention helps individuals stay on the path to a healthy lifestyle. This could mean incentives for physical activity, disincentives for smoking, and nutritional labeling on menus.

It could also mean more bike paths and more school gardens.

Legislation approved by the HELP Committee would establish a new fund to support these activities. This kind of dedicated, stable funding stream is critical to effectively address America's legacy of neglect regarding prevention. There is an often-quoted parable that tells of a nurse fishing downstream. As she fishes, she sees a person coming down the river struggling for life. The nurse pulls him out. Then, another comes and again must be rescued. This happens all afternoon and the nurse tires from constantly pulling people out of the river. Eventually, she realizes she has to get upstream, to see what is pushing them in the river in the first place.

It is time for America to look upstream, to see where the real problems lie. It is time to honestly address these preventable health problems.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Madam President, I thank Senator UDALL for his clarion call for primary prevention to save lives and save dollars.

We now turn to Senator MARK UDALL of Colorado. As a Member of the House of Representatives, Senator UDALL championed legislation highlighting the health benefits of physical activity for the public.

I yield 4 minutes to the Senator from Colorado.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, let me start by thanking my colleague, the Senator from Oregon, for holding this important gathering on the floor of the Senate this morning.

Mr. President, as my fellow freshmen have stressed, health insurance reform is essential in helping us lower spending, chip away at our Federal deficit, and strengthen our economy.

While the reform proposals before us would contain costs across the board, I wish to focus on a particular area of health care reform near and dear to nearly 45 million Americans, and that is Medicare. Reforming how we pay for Medicare and how we spend those valuable taxpayer dollars is one of the biggest cost-containing tools we can include in health care reform, and it will also improve the health of seniors.

Coloradans have rightly asked me and Senator BENNET how health care reform can reduce government spending on Medicare while at the same time strengthen benefits and improve their health. They want to know how they can be getting more as the government spends less.

The answer is that health insurance reform can make our government and us smarter consumers. Because right now, 30 to 50 percent of spending on health care does not make a patient healthier. That is a lot of room for savings.

Let me give you an example. Today, Medicare actually pays doctors and hospitals more to amputate a leg than it does to treat early diabetes and actually prevent that amputation. Our government should be paying for quality outcomes, not writing checks that encourage expensive care that could have been prevented in the first place.

Let me give you a couple of examples of how reform can change these incentives, help improve care for our seniors, and also decrease costs for all of us, the taxpayers.

First, reform can lower the rate of unnecessary hospital readmissions. Right now, one-quarter of all Medicare patients who are discharged from a hospital end up going back into that hospital for the same problem. Health reform would reward hospitals such as Saint Mary's in Grand Junction, CO, which coordinates care and followup to make sure patients do not end up back in the hospital.

Second, reform can hold hospitals accountable if they are not doing enough to reduce the number of patients who develop infections in their facility. Such infections cause seniors to stay in the hospital longer, cost tens of thousands of additional dollars to treat, and—in the worst cases—they are life threatening.

Health care reform would also invest in and encourage innovative ways to deliver more efficient care to seniors. So-called patient-centered care can prevent seniors from being admitted to the hospital in the first place.

You will notice a theme here: The government would be paying less when we pass health reform, and seniors would be healthier for it.

I have not even touched on the billions of dollars per year in waste, fraud, and abuse that health insurance reform will help wring out of the system. I also have not discussed the tough cost-controlling mechanisms, such as a new Medicare payment advisory body to ensure Medicare dollars are being spent efficiently to improve patient care and balance our Federal checkbook.

The reforms we are considering are critical to changing the way the government pays for Medicare so we can ensure its long-term sustainability. The reality is, if we do not act, as was mentioned early this morning—if we keep spending as we do today—Medicare will be bankrupt by 2017, just 8 years from now. That is a sobering thought.

If we take the step to reform our health care system, it will have the immediate effect of extending the life of our Medicare trust fund for 5 more years, and at the same time we will lay down a foundation that will keep costs down in the long term so we can make Medicare sustainable for generations to come.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank Senator UDALL very much for his remarks. I thank the Senator for his emphasis on quality outcomes and patient-centered care as a way to improve care and to decrease costs.

We will now turn to Senator KAY HAGAN of North Carolina. As a State senator in North Carolina, Senator HAGAN worked to extend health insurance to uninsured children, to expand care for uninsured patients living in rural areas of the State, and to end insurance discrimination against mental health care patients.

I yield Senator HAGAN 4 minutes.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I thank my fellow colleague from Oregon, Senator MERKLEY. I also welcome our new colleague from Massachusetts.

I am joining my freshmen colleagues on the floor today to talk about how health care reform will improve women's access to care. I received a heartbreaking e-mail this week from a young woman in North Carolina. When this woman was 27 years old, she was diagnosed with breast cancer. She had a 16-month-old son and was in an abusive relationship with her husband. Her husband knew she would not leave him because she could not afford medical treatment without his employer-provided insurance. She looked into COBRA. She looked into other individual insurance plans. But her breast cancer was, obviously, considered a preexisting condition. So for 7 years, this woman stayed in an abusive relationship because she had to have health insurance for herself and her child. Unfortunately, women across America face similar challenges to exactly what that woman has faced. Inefficiencies and discriminatory practices in our health care system disproportionately affect women. In a majority of States, insurance companies are permitted to charge women more than men for the exact same insurance policy. In Washington, DC, and in eight States, insurance companies can deny coverage to victims of domestic violence, citing that as a preexisting condition. In all but 12 States, insurance companies are allowed to charge women more than they charge men for coverage. In my family, my daughter, who just graduated from college—out there looking for health insurance on her own—was quoted many times more money for her coverage than if she had been a male.

Only 12 percent of individual market policies provide comprehensive maternity care. When women do have health insurance, it often does not cover basic preventive care such as mammograms and Pap smears. In the HELP Committee and in the Finance Committee bill, insurance companies can no longer charge women more than men or use preexisting conditions to prevent anyone from purchasing health insurance, and we are ensuring that basic preventive screenings will be covered.

I am focused on sending our President a bill that ends discriminatory

practices against women, provides security and stability for people with insurance, expands access to health insurance for those without it, and slows down the skyrocketing cost of health care. Women across America cannot afford inaction any longer.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank Senator HAGAN very much for her comments and her observations about how the current health care system, the current rules of insurance, including the ability to turn down patients and to deny folks with preexisting conditions, works to discriminate against women and prevent preventive health care.

We will now turn to Senator KIRSTEN GILLIBRAND of New York. As a Member of the House of Representatives, Senator GILLIBRAND was a champion of children's and family health care issues and was a leading voice on the need to improve health care services for America's veterans.

I yield my friend from New York 4 minutes.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, right now we are engaged in a historic debate about the future of our health care system. The crisis has reached historic proportions, and Congress must act now.

In 2000, family health insurance purchased through an employer was approximately $6,700. In 2008, it nearly doubled to $12,600. If we do not act now, by 2016, family health insurance is expected to double again, to nearly $24,300.

We pay nearly twice the average of what other developed nations pay for health care: $2.2 trillion a year—more than 16 percent of our gross domestic product. However, the United States ranks 29th in the world in infant mortality.

We have more than 47 million uninsured Americans. In 2007 and 2008, 86.7 million Americans—1 out of every 3 Americans under 65—went without health insurance for some period of time.

There is a hidden tax in America's health care system that all insured Americans pay to cover the cost of emergency care for the uninsured. For more than half of the 47 million Americans who do not have insurance, the only care they receive is through the emergency room. In fact, that hidden tax costs about $1,100 per year for family insurance premiums and over $400 per year for individual insurance premiums.

Every day we fail to act, 14,000 Americans lose their health insurance. We must provide affordable, quality health insurance to every man, woman, and child in this country. But we also must take additional steps to contain costs and make sure our system is more efficient. The health care reform plans we are considering today will address a number of these issues.

First, health care providers will be rewarded for the quality of the care they provide, not just the quantity. Hospitals and clinics around the country will model the success at places such as Bassett Healthcare which is in Cooperstown, NY, and is one of the leading health care providers in terms of positive outcomes because of the quality of care. We will also employ new methods to reduce medical errors through accountability and through health care IT, and prevent costly illnesses through better care management, through diet, exercise, and preventing diseases, such as preventing childhood obesity.

Second, we will address the needless redtape and excessive administrative costs in our current health care system. Senate health insurance reform combats this problem by setting administrative standards that insurance companies must meet, and providing new tools to combat fraud. I would like to see a universal, one-page form that all people can use for reimbursements for all insurance companies that can be submitted on line. Changes like that could transform efficiencies in the market.

Finally, we will make use of health care technology that could reduce health care spending by $77 billion a year. Currently, just 1 in 25 American physicians utilizes fully functional electronic medical records. Senate health insurance reform expands the use of electronic prescribing, electronic health records, and electronic support for diagnosis and treatment options. Studies have shown that one out of every four tests is needlessly done because there is no record of that test. This must change.

We know our Nation's health care costs are steadily bankrupting our government and our citizens, and we owe it to every generation that comes after our own to act now.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank my Democratic freshmen colleagues for coming to the floor today to talk about our broken health care system and the absolute necessity to control costs in this system, that we are on a train headed for a wreck. It is making it so difficult for families and small businesses and large businesses to afford health care, to establish a high quality of life, strong, thriving small businesses and international competitiveness for our large businesses. We can and must improve our health care system. The moment is now.

I thank my colleagues for coming to the floor and sharing their vast experience in so many different capacities and bringing it to bear on this challenge that touches the life of every single American.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

ORDER OF PROCEDURE

Mr. ALEXANDER. Madam President, I ask unanimous consent that the Senator from Georgia and I be permitted to engage in a colloquy.

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

Mr. ALEXANDER. Madam President, I ask if the Acting President pro tempore will let me know when we have 5 minutes remaining on the Republican side.

The ACTING PRESIDENT pro tempore. All right.

HEALTH CARE REFORM

Mr. ALEXANDER. Madam President, the Senator from Georgia and I wish to talk a little bit today about the health care plans coming through. Fundamentally, our position is that we do not want to see another Washington takeover. We are deeply concerned about the cuts in Medicare that will affect seniors, about the taxes—both the increase in Federal taxes and State taxes, which we will talk more about—about the trillion dollars in new spending, and about the threats to the health care choices the legislation coming through would pose.

Instead of such a large enterprise as what I have just described, we would propose that we take practical, small steps to reducing costs such as allowing small businesses to pool their resources, reducing junk lawsuits against doctors, allowing consumers to purchase across State lines, and creating health insurance exchanges. There are other steps that could be taken; in other words, instead of scaring the country half to death with new taxes and Washington takeovers and threatening their health care choices, let's don't throw the whole system out. Let's take practical steps to reduce costs and to improve services.

Today we wish to specifically talk more about two government-run programs that already exist. One is Medicaid, which is the program for low-income Americans that today serves about 59 million Americans. About 60 percent is paid for by the Federal Government and about 40 percent by the States. The second is Medicare, which seniors know very well because about 40 million American seniors are dependent upon Medicare. We are concerned because the proposals coming through the Senate Finance Committee would shift costs of Medicaid to the States, causing State budgets to be put in ruin, according to the Governors of those States, and either taxes go up or services are cut. We are concerned because the President and others have said we are going to pay for this big new program by savings in Medicare, not to be put in Medicare for seniors, but for the new program.

A lot of people say it is hard to find opportunities for bipartisanship when we talk about health care, but I think

I have found one. I am on the Senate floor today to say I would like to be a cosponsor of the Reid amendment, the proposal by the majority leader of the Senate—the respected HARRY REID from Nevada. The New York Times reported yesterday that the majority leader had heard from his Governor and from other people in his State, and he was deeply concerned about the legislation that is coming through because it would increase costs in Nevada.

In fact, I have a copy of the letter from the Governor of Nevada to majority leader HARRY REID, and it says: As you know, like the U.S. Constitution, most State constitutions require a balanced budget, including Nevada. Nevada will spend $907 million for programs on Medicaid. This is about 14 percent of our budget. We can't afford more taxes. Revenues are down.

So the majority leader did exactly what I think a Senator would do. He introduced an amendment, or proposed an amendment, to the Senate Finance Committee and said: Take care of Nevada. If the Federal Government is going to expand coverage for Medicaid, then the Federal Government ought to pay for it.

That is exactly what I believe. That is exactly the opinion of all of the Governors. The National Governors Association, of which I used to be chairman, has said to us: If you are going to expand Medicaid, if that is your big idea in Washington, then pay for it.

Nothing irritates Governors and legislators more than Washington politicians who come up with big ideas, announce them, take credit for them, and then send the bill to the Governor and the legislature. I was a Governor. The Senator from Georgia was in the Georgia Legislature for 17 years. He was the leader of the Republicans in the senate for 8 years. He knows a good deal about State budgets and about the Medicaid Program and how it is an integral part and a very difficult problem for State governments.

I am wondering if the Senator from Georgia thinks there might be opportunity for more bipartisan support for Senator REID's amendment to have the Federal Government pay for 100 percent of Medicaid costs if Medicaid is expanded.

Mr. ISAKSON. Well, I think the majority leader is exactly right. There is a prime example of what happens when the Federal Government mandates a benefit or a program and doesn't pay for it; the States end up having to do it. Just take No Child Left Behind or take the Elementary and Secondary Education Act, and IDEA. Back in 1978 we mandated funds to be appropriated for individuals with disabilities in America. In fact, we mandated States spend 40 percent per FTE more on a special needs child than on a regular child. We never sent them a dime for about 20 years. We finally, in 1999, started paying part of that 40 percent. Now we are only paying half of it.

So now we take Medicaid. Medicaid is a program, for the people out there who are listening today, where the States pay about one-third of Medicaid and the Federal Government pays about two-thirds. It changes a little bit, but that is about right. The State runs the program; the Federal Government mandates the program.

When I was first elected to the Georgia Legislature, the expenses for Medicaid the year I was elected in the State budget were $20 million, State funds. That was 1 percent of the State's $2 billion budget. Now, today, this year, even with all of the cuts that have taken place, Medicaid is 12 percent of Georgia's budget. So it has grown from 1 percent of the budget to 12 percent of the budget in about 30 years.

Plans in the health care bill that are being talked about in the Finance Committee and that have been talked about in the House would mandate an increase of 150 percent—from 100 percent of poverty to 150 percent of poverty for Medicaid eligibility. It is said the States will be held harmless until 2013 or 2014 but no promises after that.

Let me tell my colleague what would happen to my State of Georgia if we raised mandatory eligibility to 150 percent of poverty and the State paid its third of that one-third, two-thirds matched by the Federal Government. It would raise Georgia's Medicaid budget expenses annually from 12 percent of our budget to 20 percent of our budget, $3.32 billion. States can't afford to do that.

As the Governor of Nevada said, 43 of our States can't deficit spend; 43 percent of our States must balance their budgets. Medicaid has been carved on and worked on as it is to try and preserve it under the existing law. With a 150-percent increase in eligibility and no funds from the Federal Government guaranteed, the States would be put in a position of spending one penny out of every five on Medicaid, which is about 12 percent of my State's population. That is disproportionate and it is not fair.

I think Senator REID is exactly right. Our States should be held harmless on any mandated increases in Medicaid.

Mr. ALEXANDER. Mr. President, going back to the Senator's point, the thing I think about, those of us who have been a Governor or in the legislature—in fact, I have said to some of my colleagues many times that if we expand Medicaid for low-income Americans—which States have to pay a third or more of—without paying for it, that we Senators ought to be sentenced to go home and serve as Governor for 8 years to see what it is like. I mean that because I can remember as Governor for 8 years balancing budgets, first I would come up with the money for kindergarten through the 12th grade—that was a pretty set amount—then for the highways, and then for the prisons, and I would get down toward the end and there would be a certain amount of money left to either go into higher education or it would go for increasing Medicaid costs. Almost always that was the choice. If I put it into Medicaid, I had to take it out of education, and that would keep the University of Tennessee or Georgia or the community colleges from getting better.

Guess what happens when the State can't put the money in. The tuition rates go up.

Mr. ISAKSON. It is interesting the Senator talked about that. By the way, his experience as Governor was a great experience for Tennessee, and the Senator's leadership in education was phenomenal. But already with the restricted economy we have today and the recession in my State, our teachers this year are having to take a minimum of 3, and at the university system a maximum of 6, furlough days without pay just to try and meet the balanced budget. Part of that is the pressure of Medicaid, which is an entitlement. We cannot decide to just not pay Medicaid, we have to do it. It is a Federal law; the State has to run it.

What the States are having to do this year—my State of Georgia and I think the State of Tennessee has probably experienced some of the same thing—they are having to cut back on other programs in order to still manage Medicaid.

In a State, when they say ''other programs,'' they are talking first and foremost about education. In Georgia, 54 percent of the budget is the university system and elementary and secondary education, one out of every two cents. Well, if they can't cut Medicaid because it is an entitlement, then they have to cut education first and foremost, which is the most important function of State government. So the unintended consequences of such a mandate are going to be devastating. They only have two choices: to continue to cut education or to raise taxes. Neither one of those are a good choice.

Mr. ALEXANDER. There is an article in the New York Times today which I ask unanimous consent to have printed in the RECORD.

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

[From the New York Times, Oct. 1, 2009]

RATE OF ENROLLMENT IN MEDICAID ROSE RAPIDLY, REPORT SAYS

(By Kevin Sack)

The recession is driving up enrollment in Medicaid at higher than expected rates, threatening gargantuan state budget gaps even as Congress and the White House seek to expand the government health insurance program for the poor and disabled, according to a survey released Wednesday.

The annual survey of state Medicaid directors, conducted for the Kaiser Family Foundation's Commission on Medicaid and the Uninsured, found that the program had been spared the worst effects of massive state budget shortfalls because of federal aid in the stimulus package. But it also revealed grave concerns about what will happen when that relief dries up at the close of 2010.

As unemployment surged, enrollment in state Medicaid programs grew by an average of 5.4 percent in the previous fiscal year, the

highest rate in six years, according to the Kaiser survey. In eight states, the growth exceeded 10 percent.

Last year's average growth was well above the 3.6 percent that had been forecast by the Medicaid directors a year earlier. In this year's survey, the directors projected that enrollment would continue to accelerate in the current 2010 fiscal year, growing by 6.6 percent.

The states and the federal government share the $333 billion annual cost of Medicaid, which insured 62 million low-income and disabled people at some point in 2007. It is the states, however, that regulate that spending by setting eligibility cutoffs, benefit levels and provider payments, within federal guidelines.

The Kaiser survey found that the growth in Medicaid spending in 2009, at 7.9 percent, was the highest in five years. That number also may increase this fiscal year. Three-fourths of the agency directors said they already fear their appropriations will not be enough and that lawmakers will have to find more money or, more likely, cut benefits or provider payments.

One such state is Nevada. ''We're seeing the trajectories of our enrollment growth as well as our revenues all going in the wrong direction,'' said Charles Duarte, administrator of the state's Division of Health Care Financing and Policy.

Medicaid is, by definition, a countercyclical program. Demand for it is always highest at the time that states can least afford it because of slumping tax revenues.

The highest spikes in Medicaid enrollment often trail the worst recessionary indicators. It was not until a year after the 2001 recession that the growth in Medicaid enrollments peaked at 9.3 percent.

Vernon K. Smith, who directed the survey for Health Management Associates of Lansing, Mich., said he doubted that enrollment growth would reach that level as a result of this recession, but that it was not out of the question. ''Significantly many states said the pace of growth accelerated as the year went on,'' he said.

Some states did cut certain Medicaid benefits last year, and two-thirds of them either froze or reduced payments to providers. Those payments are typically the lowest made by any insurer—often falling below actual costs—and as a result some physicians decline to accept patients with Medicaid.

Nonetheless, state budgets were buffered from even worse pain by the federal stimulus package enacted in February. The largest single component of state aid in the package, worth about $87 billion, provided a temporary increase in federal Medicaid reimbursement to the states.

The survey found that 38 states used the money to avoid or reduce cuts in provider payments and that 36 avoided benefit cuts. Because the federal money was conditional on states not reducing eligibility for Medicaid, 14 states reversed previously enacted restrictions and five abandoned plans to tighten coverage.

But state officials are already panicking about how to compensate when the spike in federal matching funds expires at the end of 2010. Few anticipate any significant reduction in their Medicaid rolls by then.

''Many states believe they may be pressured to consider previously unthinkable eligibility and benefit reductions,'' the Kaiser report concluded. Unless Congress and President Obama extend the federal aid, the cuts needed to balance state budgets may be ''on a scale not ever seen in Medicaid,'' the authors warned.

''What we will have to look at is wholesale elimination of eligibility groups,'' Mr. Duarte said.

Deborah Bachrach, New York's Medicaid director, said her state would face a $5 billion annual gap and would have to consider deep cuts in home and personal care.

Both Mr. Duarte and Ms. Bachrach said there likely would be further cuts in provider payments. ''This could affect access,'' Mr. Duarte said, ''but we're at the point where that may be a secondary consideration.''

Governors also have expressed concern about the fiscal impact of the health care legislation being negotiated in Washington, which would vastly expand eligibility for Medicaid as one means of covering the country's 46 million uninsured.

The program is largely limited at present to low-income children, pregnant women and parents of qualifying children. But under bills in both houses, eligibility would be granted to anyone with an income of up to 133 percent of the federal poverty level (currently $29,326 for a family of four). That could add an estimated 11 million people to the rolls.

Initially, the federal government would absorb most of the cost. But the bills vary on that score and some states may bear higher costs than others. Three-fourths of the Medicaid directors said they thought the changes might deepen their budget holes.

''Many officials felt that their states would be unable to finance the cost of a Medicaid eligibility expansion unless the federal government assumed 100 percent of the costs, especially during the early years,'' the report said.

Mr. ALEXANDER. Mr. President, the headline is ''Rate of Enrollment in Medicaid Rose Rapidly, Report Says.''

The recession is driving up enrollment in Medicaid at higher than expected rates, threatening gargantuan State budget gaps—

This is the New York Times; this is not the Republican Party saying this—

even as Congress and the White House seek to expand the government health insurance program for the poor and disabled.

It goes on to say:

As unemployment surged, enrollment in State Medicaid programs grew by an average of 5.4 percent in the previous fiscal year, the highest rate in 6 years . . . in eight States, the growth exceeded 10 percent.

Three-fourths of the agency directors of Medicaid said they already fear their appropriations will not be enough and that lawmakers will have to find more money or, more likely, cut benefits or provider payments.

One such State is Nevada.

The home State of the majority leader.

We're seeing the trajectories of our enrollment growth as well as our revenues all going in the wrong direction—

Said their head of financing. State budgets were buffered from even worse pain by the stimulus package, but the New York Medicaid director said her State would face a $5 billion annual gap and would have to consider deep cuts in home and personal care, and that is before we make any changes or add any costs.

When the Federal Government talks about adding State Medicaid costs:

Three-fourths of the Medicaid directors—

The New York Times said—

said they thought the changes might deepen their budget holes.

What do you suppose in Georgia—already struggling in the way you have just described—would happen if—and this is why we said we insist on reading the bill before we vote on it and knowing how much it costs before we vote on it. We want to know exactly what the provisions are because I hear that States will be required to pay 5 to 22 percent in the first 5 years of the Medicaid expansion, and then after 5 years they might have to go up to 35 percent or so.

What do you suppose will happen to Georgia if these kinds of costs are added to the State budget?

Mr. ISAKSON. I will tell you a little story that happened in the month of August that is indicative of what is going to happen in Medicaid services if we have the continuing pressure. I was in Forsyth, GA. It is about halfway between Macon and Atlanta. I had done a speech at the Law Enforcement Training Center and decided to go into the local sandwich shop in downtown Forsyth and have a sandwich and greet people and say hello. I had greeted people and said hello. There were about 10 of them in the room. I went up to get my sandwich. When I came back this lady had circled all the tables around and saved a seat for me, and said: Senator, we are going to have a townhall meeting. They started talking to me about their concerns.

Toward the end of the meeting, one gentleman at the end of the table finally said: Senator, I want to tell you a story. I am a pediatric ophthalmologist. I am the last pediatric ophthalmologist who takes Medicaid patients.

He said: I just want to tell you what is happening because of the pressure on Medicaid expenses.

He said: I have a child right now who has a condition where if it is not addressed, the child will go blind. There is a medicine, it is very expensive, but it can restore the cornea and the lens and help that child to be able to see. We have submitted it three times to Medicaid, and they will not pay it. It is the only drug. There is not an option. There is not a generic substitution. It is one of the breakthroughs.

So what we have already going on in health care and in our entitlement programs, but in particular in Medicaid, is we try and manage the expense by lessening the amount we reimburse. The unintended consequence of that is we lose physicians who finally say: I am just not going to take Medicaid patients anymore.

Then, the ones who finally are doing it, then we start to see what they submit as a treatment not being approved for reimbursement. So the unintended consequence of putting even more pressure on the Medicaid system is going to put more pressure to ration health care for all Medicaid patients, and that is not fair nor is it right.

Mr. ALEXANDER. No, it is not fair or right. The Governors have said, Democratic and Republican Governors—and the Senator raised a second point about this Medicaid expansion: that dumping millions more low-

income Americans into Medicaid is not health care reform because Medicaid, as the Senator just pointed out, so poorly reimburses the doctors and the hospitals that about 40 percent of doctors will not see Medicaid patients.

So when we say to someone: Congratulations, we have just fixed the health care system; we have dumped you into Medicaid, you are giving somebody a bus ticket to a bus system that operates 60 percent of the time. So the first thing we are doing with the proposal as it is coming toward us is we are—and I am not exaggerating—we are potentially bankrupting States.

Speaking of States, let me just share one letter with Senator ISAKSON from the Governor of California.

This is a State that has really struggled with its budgets. They have a number of problems.

Here is what the ''Terminator'' has to say. He wrote to Senator REID and to Senator MCCONNELL on the Republican side and Speaker PELOSI. It is a long letter. This is the basic idea. Arnold Schwarzenegger says:

> I will be clear on this particular proposal: if Congress thinks the Medicaid expansion is too expensive for the federal government, it is absolutely unaffordable for states.

Governor Schwarzenegger goes on to say:

> Proposals in the Senate envision passing on more than $8 billion in new costs to California annually—crowding out other priorities or constitutionally required state spending and presenting a false choice for all of us. I cannot and will not support federal health care reform proposals that impose billions of dollars in new costs on California each year.

I ask unanimous consent that this letter be printed in the RECORD.

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

JULY 31, 2009.

Hon. HARRY REID,
Majority Leader U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.
Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, Washington, DC.
Hon. JOHN A. BOEHNER,
Minority Leader, House of Representatives, Washington, DC.

DEAR SENATOR REID, SENATOR MCCONNELL, MADAM SPEAKER AND MR. BOEHNER: I appreciate your commitment and hard work toward reforming the nation's health care system. I think we can all agree that the current system is not working as it should, and I have long supported a significant overhaul. Costs continue to explode, while tens of millions remain uninsured or underinsured. Many families are one illness away from financial ruin—even if they do have insurance. We have the greatest medical technology in the world at our fingertips, yet Americans' health status lags behind many countries that spend less than half what we do per capita. Any successful health care reform proposal must be comprehensive and built around the core principles of cost containment and affordability; prevention, wellness and health quality; and coverage for all.

COST CONTAINMENT AND AFFORDABILITY

Cost containment and affordability are essential not only for families, individuals and businesses, but also for state governments. Congress is proposing significant expansions of Medicaid to help reduce the number of uninsured and to increase provider reimbursement. Today, California administers one of the most efficient Medicaid programs in the country, and still the state cannot afford its Medicaid program as currently structured and governed by federal rules and regulations. The House originally proposed fully funding the expansion with federal dollars, but due to cost concerns, members decided to shift a portion of these expansion costs to states. I will be clear on this particular proposal: if Congress thinks the Medicaid expansion is too expensive for the federal government, it is absolutely unaffordable for states. Proposals in the Senate envision passing on more than $8 billion in new costs to California annually crowding out other priority or constitutionally required state spending and presenting a false choice for all of us. I cannot and will not support federal health care reform proposals that impose billions of dollars in new costs on California each year.

The inclusion of maintenance of effort restrictions on existing state Medicaid programs only compounds any cost shift to states. We simply cannot be locked into a cost structure that is unsustainable. Governors have three primary ways to control Medicaid costs: they can adjust eligibility, benefits and/or reimbursement rates. Maintenance of effort requirements linked to existing Medicaid eligibility standards and procedures will effectively force state legislatures into autopilot spending and lead to chronic budget shortfalls.

The federal government must help states reduce their Medicaid financing burden, not increase it. A major factor contributing to Medicaid's fiscal instability, before any proposed expansion, is that the program effectively remains the sole source of financing for long-term care services. Therefore, I am encouraged by congressional proposals that create new financing models for long-term care services. Proposals that expand the availability and affordability of long-term care insurance are steps in the right direction, but they must be implemented in a fiscally sustainable way. More fundamentally, however, the federal government must take full responsibility for financing and coordinating the care of the dually eligible in order to appreciably reduce the cost trend for this group. This realignment of responsibilities is absolutely essential to controlling costs for this population, while ensuring that state governments will be better positioned to fill in any gaps that will undoubtedly arise from federal health care reform efforts.

I also encourage Congress to incorporate other strategies to help stabilize Medicaid costs for states. Delaying the scheduled phase-out of Medicaid managed care provider taxes pending enactment of new Medicaid rates, reimbursement for Medicaid claims owed to states associated with the federal government's improper classification of certain permanent disability cases, and federal support for legal immigrant Medicaid costs are examples of federal efforts that could provide more stability to state Medicaid programs. Moreover, given the fiscal crisis that many states, including California, are experiencing, I strongly urge Congress to extend the temporary increase in the federal matching ratio to preserve the ability of state Medicaid programs to continue to provide essential services to low-income residents pending full implementation of national health reform.

PREVENTION, WELLNESS AND HEALTH QUALITY

Prevention, wellness and health promotion, along with chronic disease management, can help to lower the cost curve over the long run and improve health outcomes in the near term. This was one of the cornerstone pieces of my health care reform proposal in California, and I continue to believe it should be a key piece of the federal efforts. Prevention, wellness and chronic disease management programs should include both the individual and wider population levels.

At the individual level, proposals to provide refunds or other incentives to Medicare, Medicaid and private plan enrollees who successfully complete behavior modification programs, such as smoking cessation or weight loss, are critical reforms. To ensure they are widely used, individual prevention and wellness benefits should not be subject to beneficiary cost sharing.

Because individuals' behaviors are influenced by their environments, health reform must place a high priority on promoting healthy communities that make it easier for people to make healthy choices. California has demonstrated through its nationally recognized tobacco control efforts that population-based strategies can be effective and dramatically change the way the people think and act about unhealthy behaviors, such as tobacco use. A similar model, community transformation grants, has been advanced in the Senate Committee on Health, Education, Labor, and Pension legislation, and it should be included to support policy, environmental, programmatic and infrastructure changes that address chronic disease risk factors, promote healthy living and decrease health disparities.

Quality improvement measures are also critical to health reform. The House proposal for a Center for Quality Improvement to improve patient safety, reduce healthcare-associated infections and improve patient outcomes and satisfaction is a positive step. Coordinated chronic disease management is necessary to improve outcomes for chronically ill people. Systematic use of health information technology and health information exchange, including access for public health agencies, is vital to providing the necessary tools to measure the success of quality improvement efforts. Finally, investments in core public health infrastructure can be facilitated through the creation of the proposed Prevention and Wellness Trust.

COVERAGE FOR ALL

Coverage for all is also an essential element of health care reform and I believe an enforceable and effective individual mandate, combined with guaranteed issuance of insurance, is the best way to accomplish this goal. The individual mandate must provide effective incentives to help prevent adverse selection that could occur if the mandate is too weak. Creating transparent and user-friendly health insurance exchanges to help consumers compare insurance options will also help facilitate participation. States should maintain a strong role in regulating the insurance market and have the ability to maintain and operate their own exchanges, with the understanding that some national standards will need to be established. California has a long history of protecting consumers through our two separate insurance regulators, one covering health maintenance organizations and the other monitoring all other insurance products. Maintaining a strong regulatory role at the state level is in the best interest of consumers, and I urge Congress to maintain this longstanding and effective relationship as you design these new market structures.

I hope our experience in California working toward comprehensive health care reform has informed the debate in Washington. There will be many short-term triumphs and seemingly insurmountable roadblocks for

Congress and the nation on the road to comprehensive health care reform. We must all remain focused on the goal of fixing our health care system and remember that we all have something to gain from the reforms, and we all have a shared responsibility to achieve them. I look forward to working with you as you move forward on this desperately needed legislation.

Sincerely,

ARNOLD SCHWARZENEGGER.

Mr. ALEXANDER. Madam President, I say to the Senator from Georgia that we are not being clever when we say we would like to be cosponsors of the Harry Reid amendment. The problems of the States are so well documented today. They don't just exist in Nevada or the two or three other States he picked out yesterday; they exist in California, which is now not part of the Reid amendment. I guess that Senators FEINSTEIN and BOXER would be happy to cosponsor the Reid amendment if it included California. I certainly would be if it included Tennessee. I know the Senator from New York and others would be also.

Our States cannot afford to have the Federal Government say: We are going to expand your health care, Mr. and Mrs. Low-Income American. It is not a very good health care program. And then we are going to send 40 percent of the bill to States that are already bankrupt, making it more difficult for them to provide good care.

Mr. ISAKSON. The Senator from Tennessee has said frequently over the last couple of months that what we really need to do is take a step-by-step approach. Comprehensive health care reform's unintended consequences will be a disaster because it affects 17 percent of the economy. You are taking the entitlements and 86 percent of the people who have some coverage and you are threatening that they have to go into a government option. This Medicaid debate is a good example of how we need to take a step-by-step approach, we need to take first things first.

In the report before our committee, the HELP Committee, on which we serve together, we spent 67½ hours in the markup on that bill during the months of June and July. We heard about the uninsured and the uncovered in America. Of that 14 to 16 percent we hear about, a number of them are Medicare or Medicaid eligible, and they are not enrolled. So the first step we ought to take is to say we are going to create a mechanism where every Medicaid-eligible person and Medicare-eligible person is covered, which would probably mean that when someone visits a hospital because they are ill and they are qualified for Medicare or Medicaid, they get enrolled automatically so that they do have the coverage. That is the first step we ought to take in terms of entitlement.

Then we can take another part of the uninsured—those people you and I talk about, the independent contractors, small businesspeople—and we can allow the forming of risk pools across State lines and insurance sales across State lines and allow like professions to associate together to form larger risk pools to compete with major corporations. And then insurance becomes more accessible and affordable.

This debate we are having over Medicaid and the Governors' immediate reaction—which is 100 percent of the Governors, not just a couple—demonstrates to us that we need to slow down and take step-by-step approaches to begin addressing the uncovered and uninsured without creating unintended consequences that bankrupt States and ration health care.

Mr. ALEXANDER. The Senator is being very sensible. I think most Americans would agree with us that our goal is to reduce the costs of health care—reduce the costs of your health care insurance when you buy it and reduce the costs to your government that is running up a big debt every year.

The Senator from Georgia mentioned two specific ways we can take steps in the right direction without getting into this business of taking over so much in Washington, with trillions of dollars of debt, passing on big taxes to States, and cutting Medicare and threatening seniors in a whole variety of other ways. One was to allow small businesses to pool their insurance so they could offer more to their employees. That could affect millions of Americans. Another was to sign up more people who are already eligible. Another is to do something about junk lawsuits against doctors that are driving up costs. Another is to create more insurance exchanges in the States. We have proposed these.

People say: Where is the Republican plan? If they are looking for some comprehensive, trillion-dollar, thousand-page bill, they are not going to see it. If they are looking for four or five practical steps to move in the right direction, we talk about that every day, and we are not afraid to warn against the big, thousand-page bill plans. We compliment the Senator from Nevada for recognizing that it would ruin his State if we passed this bill, and we hope we have the opportunity to cosponsor that amendment so it applies to every State.

Mr. ISAKSON. There is no question—when the Senator referred to independent contractors, I had a flashback to my 33 years in business. For 22 of those years, I ran a real estate brokerage company. I had accountants, secretaries, and backroom operators. All my salespeople were independent contractors. I provided group medical under ERISA for my secretaries, backroom operators, and my employees, but the Federal law—the IRS Code—prohibits an employer from providing health care to an independent contractor.

So here we have another unintended consequence of a Federal mandate that says to somebody: Simply because of the way in which you establish yourself and earn your income, some people can get group medical coverage and some cannot. In the case of those who worked for me, it forced second-career, middle-aged people not to be able to participate in a group policy. They had to buy insurance in the spot market. That spot market in health care is expensive because there is no shared risk. You don't have young people, older people, and well people to balance the cost of the pool. You have one individual who, if they already have health problems, may be uninsurable because of a preexisting condition.

It is important that we look at the existing unintended consequences in the Tax Code that prohibit companies from being able to offer group medical insurance to the independent contractors who work for them.

Mr. ALEXANDER. That is exactly right.

As we think about Senator REID's amendment and also the step-by-step proposals, one way to describe his amendment is to say to Nevada—and Oregon, Rhode Island, and Michigan—that we are going to pay 100 percent of your Medicaid costs. That is a step in the right direction. I think that is the way I should characterize that. That is not a criticism of the majority leader. That is saying: Mr. Majority Leader, you are going in the right direction, but you didn't include Tennessee, and Tennessee is not expected to recover to the 2008 levels until 2014. State employees won't receive raises for 6 years, the reserves will be depleted, and there will be no new construction projects.

Our Governor, a Democrat, said this proposal is the mother of all unfunded mandates. So I think Tennessee Senators would like to be included in the Reid amendment. I imagine the Texas Senators would too. The Texas Medicaid office says the proposal would cost their State $20 billion over 10 years if we here expand Medicaid there and make them pay for a third or 40 percent of that. The South Carolina Governor says it would cost their State $1.1 billion over 10 years. I imagine those Senators would like to be a part of this. The Alaska Governor says it would cost $140 million in State general funds. I imagine the Alaska Senators would like to cosponsor the amendment. Governor Schwarzenegger—I suppose his Senators would like to be part of this as well. The Nebraska Governor says this could mean higher taxes in Nebraska, cutting State aid to Nebraska school districts as well as State appropriations to universities. This proposal is not in Nebraska's best interest. The South Dakota Governor said so as well.

This is serious business for the States. It is easy, when you come to Washington, to forget about the States. In the States, if you are a Governor or if you are a legislator, as the Senator from Georgia and I have been, you have to put all your responsibilities out there ahead of you. The first one is education. You take the available money and spend it as best you can and you balance your budget. Then

you look up to Washington, and here comes some Congressman or Senator saying: I have a great idea; let's expand health care all over your State and you will pay for it. That is called an unfunded Federal mandate. It is the wrong thing to do. The Senator from Nevada noticed it in his State.

All States would like to be part of that amendment.

Mr. ISAKSON. I agree. You cannot just treat 4 States differently from the other 46. You have to treat everybody alike.

I say to Senator ALEXANDER that there is another step-by-step thing we ought to talk about. In the pay-fors—the Medicaid increase of 150 percent is a pay-for. It is part of the cost of insuring everybody. There is another one; that is, the assumed $500 billion in savings from waste, fraud, and abuse in Medicare. I got a phone call——

Mr. ALEXANDER. That often confuses people. Medicaid is the program we have been talking about, of which States administer and pay a third or 40 percent. That has about 59 million people in it. The proposal is to move it to where one out of four Americans would be on Medicaid. There is also Medicare, which has about 40 million people, all seniors.

Mr. ISAKSON. This is my Medicare month. I am supposed to enroll. So it is now a personal issue with me.

Mr. ALEXANDER. That is the way it is with most Americans. It has become a personal issue, and I think that is why so many people are going to townhall meetings.

Mr. ISAKSON. I did a telephone townhall meeting, and a fellow said: Senator, I have a question for you. If there is $500 billion in savings in Medicare, why aren't you all using it now to help save Medicare instead of giving it to another program to pay for it? Medicare is going broke by 2017.

Mr. ALEXANDER. Yes, and that is not just a casual statement. Those are the Medicare trustees, whose job it is to look over the Medicare money, who are saying it is going broke by 2015 to 2017.

Mr. ISAKSON. They are saying it is over. So we are selling a revenue saver to pay for the expansion of health care at the Federal level by saying we are going to reduce payout for seniors in Medicare by $½ trillion in waste, fraud, and abuse. Well, assuming we know there is $½ trillion there, it ought to already be cut out and it ought to be going into the Medicare trust fund to shore it up so it lasts longer than 2017. We should never promise we are going to pay for something on something we think is there and then just move the numbers down for the convenience of making a sale today.

I think, as a senior, and on behalf of all seniors, we all realize if that $½ trillion isn't there in waste, fraud, and abuse, the first thing you are going to do is have reimbursements cut; the next thing, instead of three out of four doctors taking Medicare patients, it will only be two out of four or one out of three; and pretty soon the next thing is that seniors will have health care that is inaccessible and their doctors will not be available. That is a dangerous road to go down.

Mr. ALEXANDER. I hear our friends on the other side say: Republicans are trying to scare you about Medicare cuts. We are not trying to scare anybody about Medicare cuts. We just listen, and the President said in his speech to us that the savings for this program—nearly $½ trillion in savings to pay for the new program is coming from savings in Medicare. That is Medicare cuts. We know the specific proposals are $130 billion in cuts to Medicare Advantage, which one out of four Medicare seniors has; $120 billion in Medicare cuts to hospitals; $40 billion to home health agencies; $8 billion to hospices.

Our point, if I am correct about this—and if I am not, please correct me—of course there could be savings in Medicare, in the growth of it, but if we have savings in Medicare, we ought to put the money into Medicare; we ought not to take it from grandma and spend it on somebody else. That is the problem. The other day, the Senator from Kansas said it is like writing a check on an overdrawn bank account to buy a big, new car. Whatever money we ought to have ought to go in the overdrawn bank account, which is Medicare.

Mr. ISAKSON. That is correct.

Social Security is another example of what happens when you don't have good fiscal discipline. Unfortunately, for the better part of half a century, when people have paid their FICA taxes to go into the Social Security trust fund, it goes in and then immediately it is replaced by an IOU and the money is moved to general appropriations and spent. That is why Social Security is going broke in 2037. I just got my statement last week, and on the cover—everybody ought to read their Social Security letter, the column on the right-hand side which tells you what the trustees are telling you about the solvency of Social Security.

We cannot make any more hollow promises to the American people. We have to keep the promises we have made, and those promises are Medicare, Social Security, and Medicaid. So instead of expanding things we already can't afford, we need to be finding ways to stabilize them before we run off and make a promise we can't keep.

Mr. ALEXANDER. Madam President, how much time do we have remaining?

The ACTING PRESIDENT pro tempore. There is 13 minutes 54 seconds remaining.

Mr. ALEXANDER. Two minutes fifty-four seconds. If the Senator from Georgia will permit me, I ask unanimous consent to put in the RECORD the following——

The ACTING PRESIDENT pro tempore. The Senator has 13 minutes remaining.

Mr. ALEXANDER. I thought you said 2 minutes 54 seconds. We will continue. I remember former Senator WARNER once said when he first came to the Senate, he was sitting there wondering what to do. One of the older Senators came over and said to him: Son, you will have no trouble getting used to this. All you have to do is stand up and start talking and eventually you will think of something to say.

I think we have something of considerable importance to say. What we are saying is we need health care reform and the focus should be on reducing costs and we ought to go step by step toward those costs. That is our proposal, instead of these big, comprehensive, trillion-dollar, 1,000-page bills with all these unintended consequences.

We are talking about one of those unintended consequences, which is a very severe consequence for the States. The idea that Senators and Congressmen would decide to expand a program that is going to cover one out of four Americans, called Medicaid, and just send the bill to the States which, according to today's Wall Street Journal: ''plunging state revenues noted that the second quarter was the worst performance for state taxes since at least the 1960s.'' This is not just Nevada and Michigan and Oregon and Rhode Island, which are the four States that were in the majority leader's amendment. This is virtually all the States.

If the Senator from Georgia will indulge me for a moment, I have several letters from Governors to Senators that I ask unanimous consent to have printed in the RECORD at the end of our remarks.

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

(See exhibit 1.)

Mr. ALEXANDER. Madam President, here is a letter to Mr. BILL NELSON, a Senator from Florida, from Gov. Charlie Crist, talking about enrollment in Florida's Medicaid Program increasing and how the State of Florida cannot afford to spend more.

I have a letter from Governor Otter of Idaho to Senator CRAPO: ''It has been estimated that combined federal-state Medicaid costs in Idaho could increase by $501 million.''

I have a letter from Governor Daniel of Indiana to Senator LUGAR which says: ''We have estimated that the price for Indiana could reach upwards of $724 million annually.''

We talk about big numbers in Washington so much that maybe this doesn't sound like much. But I did an estimate of what it would cost, I say to Senator ISAKSON, in Tennessee if we expanded Medicaid in the way it is proposed here and we increase the reimbursement rate so patients in Medicaid will actually have somebody to go see, a doctor or a hospital to go see. I said it equaled about a new 10-percent State income tax. Some group in Tennessee said: The Senator is wrong, it is only

about a 3-percent new State income tax. Well, either one, we don't want elected representatives in Washington deciding for us whether we want a new 10-percent or 3-percent State income tax.

There are just a few more I wish to include. I have a letter to Senator REED from the Governor of Rhode Island. Of course, Rhode Island was included in the majority leader's amendment. They should feel pretty good. They are going to get 100 percent of their Medicaid paid.

The Governor of Arizona has written to Senator MCCAIN and Senator KYL to point out that ''Arizona is facing one of the worst financial deficits in the nation. . . .'' If Arizona is facing one of the worst financial deficits in the Nation, why is it left out of the majority leader's amendment? It seems to me the citizens of Arizona deserve just as much attention. I imagine their Senators would like to cosponsor it as well.

I have a letter from the Governor of Louisiana talking about an unprecedented fiscal situation and the Governor of Mississippi saying:

In Mississippi, the issue of Medicaid expansion hits close to home, since our state's share of the Medicaid is currently $707 million. . . .

''According to the National Association of State Budget Officers, Governor Barbour said, Medicaid expenses . . . were $336 billion'' for State and local government and a third of that is State money, and we are just going to up it. We don't raise that money, we just send them an edict from Washington and say: We have decided that a good thing to do is to increase the number of low-income Americans in your Medicaid Program and you pay for it, you take it out of this road, you take it out of this teacher's salary, you raise the tuition at the University of Tennessee or Georgia and you cut their State funds. That is up to you, but we are going to pass the program.

Here is a letter to the Senator from Nebraska saying this new unfunded Federal Medicaid mandate could result in higher taxes in Nebraska or in cutting State aid to Nebraska school districts. I imagine the Senators from Nebraska, both of whom were Governors, would be happy to be cosponsors of the Reid amendment.

Here is the letter to Senator GRAHAM from the Governor of South Carolina. Another from the Governor of Alabama; a letter from the Governor of Alaska and the Governor of Guam.

I say to Senator ISAKSON, we have been fairly specific on one point. I heard on the television this morning someone said this is so confusing to the American people; they don't understand it. I think they can understand an unfunded Federal mandate. I think they can understand the Governor has to raise taxes unless Congress pays 100 percent of it. I think they can understand it when the majority leader picks out four States and says we will pay 100 percent of ours and the rest want to be part of that as well.

Mr. ISAKSON. The American people understand. This colloquy has been helpful to demonstrate something, I say to Senator ALEXANDER. We on the Republican side have been accused from time to time of being obstructionists on health care reform. I think we indicated this morning we have been instructive, going on a step-by-step basis, dealing with the problems manageable one at a time, not sacrificing Social Security or Medicaid or Medicare, not sacrificing our States and forcing them into the impossible position of declining revenues and increasing costs through a mandated Federal program that, in the end, is only going to result in rationing of care to Medicaid-eligible beneficiaries and more and more pressure on our States already.

We are not trying to obstruct anything. We find it very instructive that there are ways, on a step-by-step basis, that we can close the gap on the number of uninsured people without taking away the benefits others have.

I thank the Senator for allowing me the opportunity to participate in this discussion. We are learning from our Governors. I have learned from my townhall meetings and from my visits in Georgia. We understand America is tuned in and a lot of America, 16 percent of it, needs attention for more affordable, accessible health care. Let's be about the business, on a step-by-step basis, of providing that and closing that gap without threatening to destroy the programs we have established over the years and promised to our seniors and to those less fortunate.

Mr. ALEXANDER. Madam President, I thank the Senator from Georgia for his experience in State government and for his comments today. We want the majority leader to know our comments yesterday were not to be critical of him, just to say we think he is on the right track. He said to four States: If we expand your Medicaid, we are going to pay for it. We would like to include all States.

I yield the floor.

EXHIBIT 1

STATE OF ARIZONA,
Phoenix, AZ, July 16, 2009.

Senator JOHN MCCAIN,
U.S. Senate,
Washington DC.

Senator JON KYL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN and Senator KYL: Thank you for the opportunity to provide information about Arizona's Medicaid program, the Arizona Health Care Cost Containment System (AHCCCS).

As you know, Arizona is facing one of the worst financial deficits in the nation and projections show that the State is expected to make a slow recovery. In the meantime, unemployment has continued to increase and counter-cyclical programs like AHCCCS have continued to experience record-breaking enrollment. In the last four months alone, AHCCCS has grown by more than 100,000 new enrollees, and July 2009 enrollment is almost 17 percent above the same month in 2008. Total enrollment, including our Title XXI KidsCare program, in July reached 1,275,109 members, which is almost 19 percent of the state's total population.

I am proud that AHCCCS program has served as a model for other state Medicaid programs across the country in terms of cost containment. This is due, in large part, to the fact that AHCCCS is a capitated managed care model and 65 percent of its long-term care members receive home and community based services rather than institutional care. According to the Kaiser Family Foundation, AHCCCS has the lowest per member per year (PMPY) cost among Medicaid programs in the country. The average PMPY costs are: 1) $5,645.52 for acute care; 2) $45,960.72 for long-term care, which is a blended average of our elderly and physically disabled and developmentally disabled programs. The weighted average PMPY cost across all Title XIX groups is $7,182.60.

I am concerned that the Medicaid expansion proposals being discussed at the federal level do not consider the fiscal difficulties states are facing and are likely to continue to face over the next few years. At the same time as Congress is considering prohibiting states from changing their Medicaid eligibility standards, there have been discussions about establishing a federal floor for Medicaid provider rates, which even further limits state flexibility in setting funding levels. State flexibility has been key to Arizona's success in developing and efficiently managing a Medicaid program that provides high quality care at a low cost.

Even with our strong cost containment measures, I remain concerned about Arizona's ability to sustain the existing AHCCCS model, let alone a mandatory expansion to 150 percent, regardless of whether the federal government provides full financing of the expansion for the first five years. Medicaid is already an increasing share of state budgets—Arizona's General Fund spending on AHCCCS has increased by 230% over the past ten years, and has risen from 8 percent of General Fund spending in FY 1999 to an estimated 16 percent in FY 2009. Maintaining this level of spending increases will be difficult, especially given that Medicaid enrollment and costs continue to rise. Moreover, Arizona's revenues are not expected to turn around for several years and, even when they do rebound, we would require significant revenue growth in order to sustain rising expenditures for the existing Medicaid program.

Attached, please find data responsive to your requests. There is a summary sheet that provides an overview of the information requested, along with several other sheets that provide additional detail. As you know, there are many unanswered questions regarding the proposals. This analysis includes the assumptions that were used to develop the figures, which will obviously change as the proposals are refined.

Please do not hesitate to contact my office if you have questions or should require additional information. I share your concern regarding Arizona's ability to expand its Medicaid program and what the long-term fiscal implications will be for Arizona, and I hope you find this information useful as you consider the various proposals that are before you.

Sincerely,

JANICE K. BREWER,
Governor.

STATE OF INDIANA,
Indianapolis, IN, September 8, 2009.

Hon. RICHARD LUGAR,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LUGAR: During your summer recess I am sure that many, if not all of you heard from your constituents regarding health care reform.

I have heard from them as well. In fact, over the past few months, I have watched Americans come forward to passionately express their anxieties about the legislation currently making its way through Congress. Their worries are well-founded.

There is no disputing the fact that aspects of American health care, such as access and affordability, truly do need to be restructured and improved. Yet, I have serious concerns about Congress's proposed solutions to these problems. In fact, I fear the current rush to overhaul the system will ultimately do more damage than good and create far more problems than it solves.

And unfortunately, Indiana would bear the brunt of many of the reckless policies being proposed. For example, our Healthy Indiana Plan (HIP), an innovative and successful state sponsored health insurance program for uninsured citizens, would suffer greatly as Congress expands Medicaid coverage, forcing many of the Hoosiers already enrolled in HIP out of the plan and into a broken Medicaid program that does not focus on prevention, healthy lifestyles, or personal responsibility.

Additionally, states will likely have to pick up the tab for this extension of Medicaid. We have estimated that the price for Indiana could reach upwards of $724 million annually. These additional costs will overwhelm our resources and obliterate the reserves we have fought so hard to protect.

While these reforms could do serious damage to our state, I fear they will also have harmful consequences all across the country by reducing the quality and quantity of available medical care, stifling innovation, and further burdening taxpayers.

There is another way. Americans from all walks of life and every political stripe should work together with President Obama and Congress to create a set of measured and sensible reforms that bring down costs, increase access and portability and stress the importance of innovative state-run health insurance programs.

The majority of Americans do believe that health care reform is needed, but do not believe that the legislation currently on offer is the answer. I agree. And I will do everything in my power to raise these concerns and work with you to find a solution.

Sincerely,

M.E. DANIELS, JR.,
Governor.

STATE OF IDAHO,
Boise, Idaho, September 15, 2009.

Hon. MIKE CRAPO,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR CRAPO: Idaho has a proud history of fiscal responsibility, ensuring that our State government serves its proper role for the people of Idaho while staying within their financial means. As the United States Congress attempts to address the healthcare challenges facing our nation, it is important that we remain diligent in assessing the implications of our decisions, always ensuring that we take seriously our duty to safeguard the financial resources of the American public, and allocating taxpayer money in an efficient and effective manner.

As revised healthcare proposals continue appearing in Congress, the full consequences of these reforms remain unknown and we are uncertain of the possible negative impacts on local businesses, families and senior citizens. However, it is clear that these sweeping proposals would irresponsibly shift a substantial and unmanageable financial burden to the states. Like Idaho, many states already are functioning under severely limited and strained budgets. It is certain that the burden of these reforms would be placed upon the shoulders of hardworking Americans.

The costs associated with these proposed reforms are astounding. Conservative estimates from the Idaho Division of Medicaid indicate that the bill's Medicaid eligibility proposal would increase our state share of Medicaid and the federal matching rate effective would drop in the middle of fiscal year 2011, leaving Idaho struggling to fill the void. Idaho's tax base could not support this large unfunded mandate without resorting to tax increases, including a possible increase in Idaho's already 6-cent sales tax—an irresponsible action which would do serious harm to Idaho taxpayers. The proposed reforms would impose an undue burden on citizens already struggling in this difficult economy.

It has been estimated that combined federal-state Medicaid costs in Idaho could increase by $501 million. In addition, raising the Medicaid reimbursement rate to 110 percent of the Medicare reimbursement rate would increase total federal-state costs $50 million more.

This proposed change in the federal reimbursement rate likely would reduce the number of plans that are offered to persons on Medicare, resulting in increased premiums and reduced services and access to service providers. Seniors in rural Idaho already have trouble finding providers who accept Medicare patients. Should these changes be approved, that trend could continue statewide—severely limiting access to medical care for some of Idaho's most vulnerable residents.

The people of Idaho have entrusted us with a responsibility to use our government resources wisely and efficiently. Imposing costly federal mandates that cannot be sustained in the long run is an irresponsible violation of this public trust. Quite simply, these proposals are financially irresponsible and would not adequately address the needs of senior citizens and other vulnerable groups.

I encourage you to join me in opposing current health care reform proposals. By ending these nonsensical debates and stopping the proposed reforms, we can move forward in a more positive, measured and reasonable direction, using common sense to find a workable healthcare solution that benefits all Americans.

As Always—Idaho, ''Esto Perpetua,''

C.L. ''BUTCH'' OTTER,
Governor.

STATE OF MISSISSIPPI,
September 8, 2009.

Hon. ROGER WICKER,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WICKER: Governors across the nation are growing increasingly concerned about the financial strain rising healthcare costs are putting on state budgets. During the National Governors Association (NGA) meeting in July, governors—both Republicans and Democrats—formalized their opposition to current Congressional reform proposals by issuing a policy opposing unfunded mandates that shifts costs to the states. This will necessarily require almost all states to raise taxes to manage this burden. In Mississippi, the issue of Medicaid expansion hits close to home, since our state's share of the Medicaid program is currently $707 million, or 12 percent of a $5.87 billion state-supported budget, which includes temporary stimulus funds.

Nevertheless, the current proposals, both in the House and Senate, will expand the Medicaid program at additional costs paid not by the federal government, but passed down to the states. After a call with the governors representing the NGA Healthcare Task Force and the Senate Finance Committee, Chairman Baucus told the news media it would be impossible for the federal government to pick up all the costs for new Medicaid recipients; thus, states would have to bear some of the costs.

Why? Although CBO appears to estimate that H.R. 3200 will cost more than $1 trillion over the next ten years, the fine print reveals the true cost would be much higher. By imposing tax increases early in the budget window, before the bulk of the spending occurs, the true cost of the bill is hidden by budget gimmickry. Delaying the implementation of the program until the fourth year also uses budget tricks effectively to hide the immense long-term cost of this proposal. CBO has projected a 10-year deficit of more than $200 billion associated with the bill as is. However, when the full cost of the bill is taken into account after it is fully implemented, the spending in the bill skyrockets to nearly $2 trillion over 10 years (2014–23) with a deficit of more than $600 billion. I have included an attachment showing the scoring of H.R. 3200 the only comprehensive health care reform bill CBO has scored.

According to the National Association of State Budget Officers, Medicaid expenses in 2007 for federal and state government combined were $336 billion. This number is projected to reach $523 billion by 2013, a 56 percent increase in just six years. Should the reforms being debated in Congress become law, Mississippi would be saddled with an average increase of $360 million in additional costs, on top of the already $707 million it costs to fund Mississippi's annual state share of the Medicaid program. These proposals, which would cover all individuals at 133 percent federal poverty level (FPL), will burden state budgets, forcing states to raise taxes. In Mississippi, that would necessarily mean increases in our state income or sales tax rates. Mississippi, like so many states, simply can't afford to pick up the tab for another unfunded mandate passed by Congress.

Such state tax increases would be on top of the federal tax increases already included in the House and Senate bills, like huge tax increases on small businesses whether in the form of an additional 8 percent payroll tax or a 5.4 percent income tax surcharge. During a deep recession, when most people believe job creation and economic growth should be top priorities, huge tax increases will make it more expensive to employ people; consequently, employers will employ fewer people.

Medicare, the nation's largest provider of health coverage for the elderly and people with disabilities covering over 46 million Americans, is on the chopping block. CBO has estimated that provisions in H.R. 3200 would lead to a total of $162.2 billion in cuts being taken from Medicare Advantage plans. This $162.2 billion impacts 11 million people and represents nearly $15,000 in new costs passed to every Medicare Advantage senior beneficiary. These harmful and arbitrary cuts could result in Medicare Advantage plans dropping out of the program, harming beneficiary choice, and causing millions of seniors to lose their current coverage. Moreover, the bill grants federal bureaucrats the power to eliminate the Medicare Advantage program entirely, making the oft-repeated statement, ''if you like your plan you can keep it,'' ring hollow for seniors.

Lastly, if we are trying to make health care more affordable, how do you leave out tort reform? After all, litigation and the resulting practice of defensive medicine add tens of billions to the cost of health care. In Mississippi we passed comprehensive tort reform in 2004, partially to stop lawsuit abuse in the area of medical liability. It worked. Medical liability insurance costs are down 42 percent, and doctors have received an average rebate of 20 percent of their annual paid premium. The number of medical liability lawsuits against Mississippi doctors fell almost 90 percent one year after tort reform went into effect. Doctors have quit leaving the state and limiting their practices to avoid lawsuit abuse.

With all the issues concerning a government-run health care system, I wanted to warn you of the state tax increases Mississippi will shoulder on top of the federal tax increases in the pending bills as well as my concern for the increased costs our senior citizens will face as Medicare Advantage is cut. Congress must slow down and work in a bipartisan manner. Everybody agrees that health reform is needed, but it should be done thoughtfully. I hope you'll keep this important information in mind when proposals that shift costs to states—or to our senior citizens—are considered.

Sincerely,

HALEY BARBOUR,
Governor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

ALASKA TERRITORIAL GUARD

Ms. MURKOWSKI. Madam President, on January 22 of this year, I came to the floor to inform our colleagues in the Senate about a decision by the Department of Defense that service in the Alaska Territorial Guard during World War II would not be regarded as Active-Duty service for purposes of military retirement. That decision reversed the position that had previously been taken by the Army that this service did count toward military retirement.

As a consequence, 26 elderly Alaskans, descendants of the aboriginal people who originally inhabited Alaska, 26 Native people, predominantly Eskimo, were about to see a substantial reduction in their military pensions, this all happening in the dead of an Alaska winter when we were paying extraordinarily high fuel prices.

At that time when I came to the floor, I wondered out loud what kind of government, what kind of ''Cruella'' would cut the pensions of 26 elderly people who stood up to defend Alaska and our Nation during World War II with absolutely no prior warning, no advanced notice? The answer was our government, on advice of the lawyers.

In the Defense Appropriations Act for fiscal year 2001, Congress recognized service in the Alaska Territorial Guard as Active-Duty service. Section 8147 required the Secretary of Defense to issue discharge certificates to each member of the Alaska Territorial Guard under honorable conditions if the Secretary determined the nature and duration of the service of the individual so warrants. The military first concluded that included retirement benefits and then abruptly reversed that position with immediate effect.

As Lieutenant Colonel McNorton explained in a story carried by the Associated Press, section 8147 applies to military benefits, including health benefits, but it does not make members of the Territorial Guard eligible for retirement pay.

I must emphasize, at this point, that no Alaska Territorial guardsman claimed a military pension solely because of his service in the Territorial Guard. The Alaska Territorial Guard was created in 1942 and disbanded in 1947. Many members of the ''Tundra Army,'' as some called it, continued to serve in the Alaska National Guard and other units of the military. That service, combined with service in the Territorial Guard, forms the basis for the claim.

I have come to learn that when you use the term ''Cruella'' on the Senate floor, people sit up and take notice. My remarks were telegraphed across the blogosphere and national media outlets. The response that came from across the country to the plight of the 26 elderly Alaskans was truly heartwarming. Across the ideological spectrum, the response from the American people was outrage over this situation. The high level of national interest in the plight of these Alaska Territorial Guard members was not lost on the senior leaders of the Army. The Secretary of the Army rose to the occasion. He reached into his emergency and extraordinary expense fund—the triple E fund—to continue the payments to those elders for 60 days, in the hope that Congress would have an opportunity to address the issue by then.

My colleague, Senator BEGICH, and I promptly introduced legislation to correct that situation, but the legislation was not considered before the 60 days of temporary payments ran out. The Alaska Legislature stepped up to fill the gap, and they enacted legislation to continue the payments from State funds until February of 2010 in order to, again, give Congress the time to fix the problem.

With the support of our colleagues—and I especially appreciate the leadership and support from Senator LEVIN, my colleague and friend Senator INOUYE, and Senator COCHRAN—language to clarify that service in the Alaska Territorial Guard counts toward eligibility for retirement pay that was included in that 2010 Defense authorization bill——

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Ms. MURKOWSKI. Madam President, it was my understanding that I was to have 15 minutes under this time agreement; is that correct?

The ACTING PRESIDENT pro tempore. The Chair is aware of no such agreement, and the time for the Republican side has expired.

Ms. MURKOWSKI. Madam President, I do have additional comments I wish to make. I ask unanimous consent that I have 5 minutes to conclude these remarks, if that is acceptable.

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

Ms. MURKOWSKI. Madam President, I also wish to recognize my friend and colleague, Senator MCCAIN, who was there at the end to help us with this issue.

The people of Alaska thank our colleagues, Senator INOUYE, Senator MCCAIN, and so many others for the consideration that was given these Alaska Territorial guardsmen. Last Friday, we were disappointed to learn that some in the administration might not share our enthusiasm for putting this matter to bed and restoring the retirement benefits for the 26 elderly Alaska Native veterans.

The statement of administration position on the Defense appropriations bill contains two sentences that read as follows:

> The administration objects to a new General Provision that would count as ''active duty'' service the time the Alaska Territorial Guard members served during World War II. This provision would establish a precedent of treating service performed by a State employee as active duty for purposes of the computation of retired pay.

The notion that restoring these benefits establishes a precedent of treating service performed by a State employee as active-duty service defies logic and it defies history. Not only is it inconsistent with the letter of Congress's finding in section 8147 of the 2001 Defense Appropriations Act that the service was indeed Federal service, it is inconsistent with the facts, and I believe it is inconsistent with the law.

When our Lieutenant Governor—retired LTG Craig Campbell—heard this, he remarked:

> The administration doesn't understand what the territorial guard is. This was an initiative of the Federal Government. They provided a federal service.

General Campbell recently retired as Adjutant General of the Alaska National Guard, and he is absolutely correct on this.

The Alaska Territorial Guard was created back in 1942 to protect Alaska from invasion by the Japanese. The notion that Japan had an interest in Alaska was far from speculative, as we know. The Japanese bombed Dutch Harbor and landed in Attu and Kiska in the Aleutian Chain. Enemy submarines lurked in the Bering Sea.

The ATG was organized by U.S. Army MAJ Marvin Marston under the leadership of a territorial Governor who reported to Washington. These were Uncle Sam's men. All who served were volunteers. They were not State employees. It was organized in the name of the President of the United States, and it was armed by the U.S. Army. The operations of the units were inspected by the U.S. Army, and the unit was disbanded in 1947 by order of the U.S. Army. The unit was well known

for its skill in protecting Alaska. These gentlemen were Native hunters and fishermen, but they knew the land better than any soldier that the army might have sent up from the lower 48. They kept watch over 5,000 miles of coastline for enemy vessels and submarines, shooting down Japanese balloon bombs, protecting the Lend-Lease Route between Alaska and Russia and recovering downed airmen. These were the core missions of the territorial guard.

It is very disappointing that 62 years after the Alaska Territorial Guard was disbanded the value of their service to our Nation and to our success in World War II has been drawn into question.

When I came to the floor on January 22 of this year, I gave the Defense Department the benefit of the doubt. I believe, as did General Campbell and his staff judge advocate, that the 2000 legislation entitled members of the ATG to all the military benefits merited by their service. The military at one time held that position, but then on January 22, they didn't. I called upon the Department of Defense to work with me, to work with Senator BEGICH, to make things right. The Alaska congressional delegation wrote to the President to enlist his personal support for this effort.

Nine years now have passed since Congress determined that service in the Alaska Territorial Guard during World War II was Federal service. Nine years have passed since the Secretary of Defense ordered that these brave members of the tundra army who remain alive are entitled to discharge certificates from the U.S. Army; 9 years since they were granted full Federal veterans benefits. I would suggest it is 9 years too late for the Defense Department to reopen the question of whether service in the ATG was Federal service. The Congress has answered this question with finality.

I mentioned that many Americans have registered their opinions on the Internet over the administration's position on territorial guard retirement benefits. Many think it is cruel to continue to deny these benefits. And many believe the administration's position denigrates the service of the Alaska Territorial Guard. Some have suggested the men who served deserve an apology. But one perceptive individual suggested, I doubt that President Obama actually made this decision or even knows about it.

So once again, I ask that President Obama personally support us in our quest to obtain justice for a few elderly Alaska Natives who once served our Nation with patriotism, with pride, and with distinction.

President Obama, show some heart, do the right thing, and support our efforts to restore military retirement benefits for these 26 individuals.

With that, Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Madam President, I ask unanimous consent to speak as in morning business for up to 7 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing no objection, it is so ordered.

Mr. BEGICH. Madam President, I rise today to seek the continued support of my colleagues for recognition of a group of patriotic heroes who defended our Nation and Alaska from our enemies in World War II.

In 1935, famed Army GEN Billy Mitchell told Congress:

> I believe that in the future, whoever holds Alaska will hold the world. I think it is the most important strategic place in the world.

General Mitchell was right. Less than a decade later, Alaska became the first American soil occupied by a foreign enemy since the Revolutionary War. To counter Japanese aggression against the territory of Alaska during World War II, a group of Alaskan Natives voluntarily formed the Alaska Territorial Guard. These brave men engaged in direct combat, as described by my colleague from Alaska, Senator MURKOWSKI, with the enemy in protecting all of Alaska. They shot down Japanese air balloons, conducted scouting patrols, carried out rescue missions of downed airmen, and built military airstrips and rescue shelters.

They played a key role in logistics support for the U.S. military stationed in Alaska by delivering food, ammunition, and other equipment to the forces. Their actions were vital to successful U.S. military efforts, preventing our enemies from securing a strategic location during the war.

As you can see by these photos surrounding me, the Alaska Territorial Guard was a unique group. They were mostly subsistence hunters and fishermen—the main breadwinners in their families—living in some of the most remote villages in the entire country. Receiving no pay or recognition for their service, the territorial guard mission was driven by a single value: patriotism.

Many of these members continued their service for years in the U.S. military after the Alaska Territorial Guard was disbanded in 1947. Unfortunately, the contributions of the Alaska Territorial Guard during World War II went unrecognized for half a century. In 2000, Congress finally acknowledged our Nation's debt to these brave men by qualifying their time spent in the Alaska Territorial Guard as Federal service.

Congress also directed the Secretary of the Army to issue discharge certificates to all those who served in the territorial guard. These discharge certificates entitled ATG members to veterans' benefits and was interpreted by the Department of Defense to count as service in the Alaska Territorial Guard toward retirement credit. Twenty-six former members of the Alaska Territorial Guard finally began receiving a well-earned pension from the government. At long last, the sacrifice and the contributions of Alaskan Natives during World War II were recognized.

Then in January of this year, abruptly and without warning, the Defense Finance and Accounting Service stopped issuing pensions to these 26 guardsmen. This was based on the finding that their service was not Federal and, therefore, the payments were not legal. Thankfully, former Army Secretary Pete Geren issued temporary payments to ease the economic hardship experienced by these heroes while we worked on a more permanent solution.

To its credit, the Alaska legislature stepped up where the Federal government fell short. The State is paying their pensions until Congress can provide a permanent legislative solution or until February 2010, whichever comes first. I cannot imagine another situation where Congress would stand by and let veterans' entitlements be revoked and their sacrifices go unrecognized.

Luckily, my Senate colleagues also recognized this injustice. I thank my colleague, Senator MURKOWSKI, who introduced S. 342, a bill to provide for the treatment of service as a member of the Alaska Territorial Guard during World War II as active service for purposes of retired pay to restore pensions. I am a proud cosponsor of this legislation.

Working together with the leader of the Armed Services Committee, Senator LEVIN, and the ranking member, Senator MCCAIN, we were able to secure similar legislation to restore those pensions in an amendment to the National Defense Authorization Act for the year 2010, supported unanimously by the Senate. Most recently, the Senate Appropriations Committee included the same provision in the Defense Appropriations Act for fiscal year 2010.

However, I was extremely disappointed to learn in the statement of administration policy for fiscal year 2010 Defense Appropriations bill that the national administration has voiced objection to the provision that would count Alaska Territorial Guard service as active-duty time for retirement purposes. I remind my colleagues that the Alaska Territorial Guard members were not State employees. They were patriotic Alaska Natives answering the call of duty from their country.

Allowing their service in the Alaska Territorial Guard to count as Federal service cannot set a precedent because there is no other group like them in this country. They served the United States in a time of war by defending an American territory from the enemy. They engaged in combat. And they did this because they felt the same sense of patriotism during World War II that every active member of the Army and Air Force and every other military branch did.

These brave Alaskans are now in their 70s and 80s. Just this past Monday, one of them—Nicholai E. Nicholai

of Kwethluk—passed away before he could see this issue resolved. I ask my colleagues for their continued support to ensure that the now 25 Alaskan Natives who defended this Nation receive their earned pension by supporting the provisions in the National Defense Authorization Act and Defense Appropriations Act for fiscal year 2010.

I also join my colleague Senator MURKOWSKI in asking the administration to reexamine their objection to restoring the retirement payments and honoring our World War II veterans. Our time is running short to correct this injustice and restore these modest payments. The Federal Government turned its back on these men at the end of the war. I hope Congress and my colleagues in the Senate won't let that happen.

I yield the remainder of my time.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3326, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 3326) making appropriations for the Department of Defense for fiscal year ending September 30, 2010, and for other purposes.

Pending:

McCain amendment No. 2575, to provide for testimony before Congress on the additional forces and resources required to meet United States objectives with respect to Afghanistan and Pakistan.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, I believe that the McCain amendment is the pending amendment. We will be offering or suggesting that a unanimous consent agreement be entered into where an amendment of mine could be voted upon side by side with the amendment, with the vote on mine occurring first, under the traditions of the Senate. We are trying to see if we can enter into a time agreement.

I believe our staff is working on a unanimous consent agreement that would allow for that to happen pending the offering and acceptance of that, hopefully.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, may I say through the Chair to my friend, the distinguished chairman, I understand there will be side-by-side amendments. I would be glad to enter into a time agreement that is agreeable to the chairman, and not an extended length of time—it is not a complicated issue—and then votes on both side-by-sides. I hope we could announce that agreement shortly, and I thank the chairman for his courtesy.

We are discussing now two amendments, as I understand it, and both of them call for testimony before Congress on meeting the United States objectives on Afghanistan and Pakistan. Many of us have been very concerned about the fact that we have not heard from General McChrystal and General Petraeus on this issue of our strategic policy in Afghanistan, and of course most importantly the disposition or dispatch, I might say, of American troops, and increasing American troops to Afghanistan to implement the strategy that, according to Admiral Mullen, the Chairman of the Joint Chiefs of Staff, was agreed upon last March.

I must say, without mentioning any classified information, the briefing that I attended yesterday with General Jones doesn't seem to corroborate that statement by Admiral Mullen. But the point is we need to hear from the architects and the commanders.

If the President does not want to talk to the commander in the field, General McChrystal very often—in fact, it was reported in a ''60 Minutes'' interview that he gave he said he had spoken to the President once in 70 days, although the President talks to labor leaders almost on a daily basis pushing his health care agenda—the fact is we as Members of Congress, a coequal branch of government, also have a responsibility in this decisionmaking process.

I respect the President's role as Commander in Chief. I respect the President of the United States making a decision. But I also cherish the role of the Senate and House of Representatives in being informed as to the views of our military commanders in whom we place the responsibility for the lives of our young men and women who are in harm's way.

All we are seeking with this amendment is a date certain, not immediately—the date for this requirement of testimony by General McChrystal, General Petreaus, General Stavridis and perhaps others if necessary—by November 15. That is a month and a half from now. Should not we hear a month and a half from now, within a month and a half, as to what we are considering? I hope the decision would be made clear.

Admiral Mullen, Chairman of the Joint Chiefs, in testimony said:

The President has given us a clear mission: disrupt, dismantle and defeat al Qaida . . .

But the President, in March, said of the situation—the President of the United States said the situation there was ''increasingly perilous and that the future of this troubled nation is inextricably linked to the future of its neighbor Pakistan.'' He also called it a ''war of necessity,'' and declared ''America must no longer deny resources to Afghanistan.''

Obviously I agree with him. Time after time I have made my commitment of willingness and desire to work with him. But it is very difficult for members of the Armed Services Committee and Members of the Senate to work with him if we are not informed by the uniformed commanders in the field. Admiral Mullen, the Chairman of the Joint Chiefs of Staff, emphasized in testimony before the Senate Armed Services Committee, time is not on our side. There are already somewhere between 62,000 and 68,000 American troops in the field in danger. Tragically, casualties have gone up. We have a responsibility also. We have a responsibility to hear from our commanders in the field.

Let me point out, General McChrystal was on ''60 Minutes'' talking about what we needed to do in Afghanistan. General McChrystal gave a speech in London just yesterday talking about what we needed to do. So it is OK with the administration for General McChrystal to go on ''60 Minutes.'' It is OK for him to give a speech at the Institute for Strategic Studies in London. But the administration does not want General McChrystal and General Petreaus before the Senate Armed Services Committee. How does that work?

I hope my colleagues will vote for my amendment, which calls for the same, basically, testimony by the commander of the United States Central Command, commander of the United States European Command, and Supreme Allied Commander—Europe, Commander of the United States Forces—Afghanistan, and of course we would like to hear from the United States Ambassador to Afghanistan, Ambassador Eikenberry.

This is pretty clear. This is a very clear decision we have to make. We are asking that within a month and a half from now these individuals appear before the respective committees and testify as to what they believe the best strategy is to be employed in order to achieve victory. Why should not the Senate and the Congress and the people of the United States hear, directly in testimony before the Congress, what they believe is the best way to ensure victory in Afghanistan?

I understand the debate that is going on within the White House and the deliberations that the President is undertaking as he considers the most heavy responsibility that any President has, and that is to send our young men and women into harm's way. I have some sympathy. But I would point out there are already close to 68,000 young Americans there, and casualties are going up.

According to Admiral Mullen, according to every expert, the situation is deteriorating in Afghanistan, so this should not and must not be a leisurely exercise. Decisions have to be made and we—I speak for myself and I am sure all of my colleagues—we want to be part of that decisionmaking. We do not want to make that decision because that is the responsibility of the President of the United States, but it

is also the responsibility of the Congress of the United States to appropriate the money for it.

When a President lost the confidence of the American people and the Congress of the United States in a war long ago and far away, the Congress of the United States did cut off the funding for further assistance in Vietnam.

I hope the Senate will act in a positive fashion and act on what I think is a reasonable request, that within a month and a half we could have the testimony before the Senate Armed Services Committee.

I remind my colleagues, the chairman of the House Armed Services Committee, the distinguished Congressman IKE SKELTON, and the ranking member of the House Armed Services Committee, also want this testimony to take place. The majority leader of the House of Representatives, Congressman HOYER, has also called for testimony before the Congress of the United States. Why the administration should be reluctant to send these people before us so we can, in any way we can find possible, support the President of the United States as he makes these tough decisions—which we cannot do unless we are informed of the opinion of those we are sending to command and lead in battle—then it is difficult for us to show our support for the President in the form of appropriations bills and authorizations as to what is needed without hearing from the commanders in the field.

There will be discussion about General Petreaus's testimony before the Congress of the United States. I remind my colleagues the decision was made by the President on the surge very rapidly; that the decision was made and General Petraeus was called before what—appeared before the Senate Armed Services Committee to give the reasons for that. I think it is very important. It is very important that the man the President of the United States fired, the previous commander—let's be clear, fired the previous commander because he had confidence in General McChrystal—that we should also be allowed the ability to hear about his vision and his strategy that would bring about a successful conclusion of a long, tragic, hard involvement in Afghanistan.

I hope we can have the same luxury that the Institute for Strategic Studies in London received with General McChrystal giving a speech there and answering questions; that we would have the same courtesy that ''60 Minutes,'' the producers and commentators on ''60 Minutes'' just received. I hope the Senate would receive that same ability to directly question General McChrystal, General Petreaus, and others.

I yield the floor.

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

Mr. LEVIN. Madam President, I don't know if the unanimous consent agreement has been cleared yet, so I will proceed to debate both the McCain amendment but also the amendment I will be offering as though it is currently pending, because I do expect both amendments will be voted on at the same time.

First, to comment on the two statements that were just made by Senator MCCAIN, one has to do with when did General Petraeus testify relative to the Iraq surge. This is a very critical point because indeed General Petreaus did testify relative to the Iraq surge, but he only testified after the decision was made relative to that surge by the President of the United States. The person who was the commander in Iraq at that time, while the deliberative process was underway in the White House as to whether a surge should take place, did not testify and was not asked to testify. There was no pressure placed on the President of the United States during those 3 months when he was deliberating on whether to surge troops into Iraq, to have his Iraq commander come up here and testify right in the middle of that deliberative process. There was no resolution, there was no request, there was no pressure being placed on the Bush White House to have his commander, who was then General Casey in Iraq, to come up and testify about whether additional troops should be sent to Iraq.

I have no doubt as to what the response would have been by President Bush and his folks: We are in the middle of a deliberative process—which took about 3 months. Secretary Gates has testified to this. He has spoken about this 3-month deliberative process and we have gone back and checked. It was about a 3-month deliberative process that the President then was engaged in.

The first thing that happened was that President Bush announced this surge on January 10, 2007. Then and only then did Secretary Gates and General Pace, who was the Chairman of the Joint Chiefs, testify before the Armed Services Committee. And then and only then did General Petreaus testify before the committee on January 23. The commander in Iraq during those critical months—September, October, November, December of 2006—was General Casey.

I think history records that he, as a matter of fact, opposed additional troops to go in to Iraq. But there was no effort made here to get General Casey to come before us and to testify as to why he was opposed to putting troops into Iraq at the same time that President Bush was considering whether to adopt a policy which would send additional troops into Iraq. We did not do that and we didn't do it for a good reason. We didn't think it was appropriate.

So my first comment has to do with whether the kind of policy that we adopted relative to the President of the United States when President Bush was President, and undergoing the same kind of deliberative process as to whether additional troops should be sent into a country—very similar to what President Obama is undergoing right now—whether the commander there now should be put in a position which we did not put General Casey in? We know what the response of the Bush White House would have been. There was no doubt as to what the response would be. While the President of the United States is thinking through whether to surge troops into Iraq, his commanding general, General Casey, was not called before us. We did not have resolutions here saying call General Casey in. Those of us who opposed additional troops going into Iraq probably had an ally in General Casey, as history has written; in opposition to sending in additional troops.

But there was no effort to put pressure on President Bush by having his commander in the field come before us at a public hearing and say he was opposed to the very thing the President of the United States was considering.

The commander, General Casey, was not put in that position. No commander should be put in that position while the President is hearing from the commander as part of a deliberative process on the very critical issue of whether to send troops in.

So a request was made of me by a number of my colleagues to have a hearing at which General McChrystal would be called. My answer was: We should not do that at this time. There will be an appropriate time. There will be an appropriate time.

The appropriate time is the same time General Petraeus was called in and the Chairman of the Joint Chiefs was called in, which was after the decision and not in the middle of that deliberative process.

So the White House is now undertaking a rigorous review of General McChrystal's assessment of the situation and approach in Afghanistan. By the way, before I go any further on this, I read the transcript of General McChrystal on ''60 Minutes.'' I have not seen the speech in London that my good friend, Senator MCCAIN, made reference to, but I have read the ''60 Minutes'' transcript. There was no effort to obtain from General McChrystal what his advice was relative to the resource question, the troops question, which lies before the President.

I know what his response would have been had he been asked, which is, that is between him and the President. But the very purpose of the hearing which is the subject of the McCain amendment, the very purpose, is a hearing on the resources needed or recommended for Afghanistan. That is the very subject which is now under consideration by the President of the United States.

So we have now a President, with his security team, including General McChrystal, who I understand was on a TV monitor yesterday with his responses—we have a President of the United States undertaking a rigorous

review of General McChrystal's assessment. We have the assessment relative to the situation in Afghanistan that has already been provided and has now been made public.

What is now under consideration is whether there ought to be a change in strategy from the March strategy, given the problems that have occurred in Afghanistan since the election, and given the other changes that have taken place, including in neighboring Pakistan, which has an effect on Afghanistan.

According to General McChrystal himself, a policy debate is warranted. What he has said over and over again in his assessment is: Debate strategy before you debate resources. He said: Resources are going to be needed whatever the strategy is. That is General McChrystal's statement: There will be needed resources.

General McChrystal: ''Additional resources are required.'' This is his assessment. But it is the second half of his sentence which is ignored too often, particularly in the media. After he said additional resources are required, without specifying what they are, that is left to this document which is now in the hands of the President, he said:

> Additional resources are required. But focusing on force or resource requirements misses the point entirely. The key takeaway—

He said from his assessment, these are his words—

> is the urgent need for a significant change to our strategy and the way that we think and operate.

Yet it is a hearing on resources that could come in the middle of a deliberative process. We are not sure whether by November 15 that deliberative process will be completed. I have every reason to believe it will be by November 15, but we do not know. So the McCain amendment has an arbitrary date, whether this deliberative process is completed by November 15 or not under this resolution—and I will be offering an alternative to this. Under this McCain resolution, he must come before appropriate committees before November 15.

That is an arbitrary date, whether the deliberative process of the President of the United States is completed or not. But it is on the very subject, on the very subject that is now under consideration by the President. That subject is resources, troops. But listen to what General McChrystal says. He said: Yes, there are going to be resources needed—without specifying what they are.

As far as we know, he has not, at least in the assessment that is unclassified. But then he says:

> New resources are not the crux. To succeed, ISAF requires a new approach with a significant magnitude of change, in addition to a proper level of resource.

So it is not the crux. He says strategy is the crux. But the McCain amendment says: We want to hear from McChrystal by a specific date, whether there has been a decision on the crux of the matter or not, which is the strategy. That is not me talking, that is General McChrystal who is saying: The crux of the matter is the strategy.

So now we have the White House—by the way, I am happy to interrupt my comments at any time if there is a unanimous consent agreement that has been reached. So if either the ranking member or Senator MCCAIN knows whether we are in a situation—I would tell you so everybody can know what the proceedings are here, that at any time there is a unanimous consent agreement that can be offered, I would be happy to interrupt.

Mr. MCCAIN. I ask unanimous consent to respond to my colleague on that issue.

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

Mr. MCCAIN. I would say to my colleague, we are asking if there are any other speakers. We should know that in a few more minutes. Then we would agree to a time agreement.

Mr. LEVIN. I thank my friend.

So now General McChrystal himself talks about the value of a policy debate. Here is what he said in the article in the New York Times: He welcomes alternative proposals for how to stabilize Afghanistan and Pakistan. Then he says: ''This is the right kind of process.'' He says: ''I have been given the opportunity to provide my input to the decision.''

So we have this internal deliberation going on in the White House, which I think we would all agree is a matter of supreme importance; that is, whether we put troops in harm's way, and how many, what is the strategy they are following, what is their mission. That is the most important decision I believe a President of the United States can make. It should be a deliberative decision. It is going to be a deliberative decision. This President has made it clear.

There was a March strategy, but there are a number of things that have changed since March, including an election where there are significant allegations of fraud. When such an election takes place, that lowers the support of the people of Afghanistan for a strategy which involves them. They must succeed. It is the people of Afghanistan who have to succeed. It is the Army of Afghanistan that has to succeed. It is the police in Afghanistan. It is the civil administration which must succeed in Afghanistan.

If there is this question about an election which then might impact the support of the people for the very policies in Afghanistan, the institutions that need to be fought for, that could change things. There are events in Pakistan. The Pakistani Government is doing a lot better relative to some of the threats they face. That can make a change. But the President of the United States is committed to reviewing what has happened since March, to see whether that strategy still applies or whether he wishes to change that strategy. It is a debate General McChrystal himself has said is warranted. There are a number of differences between the amendment which I am going to be offering and the pending amendment of Senator MCCAIN.

Madam President, I think we now have a unanimous consent agreement which has been cleared. I ask unanimous consent that amendment numbers 2593, which is the Levin amendment, and 2575, which is the McCain amendment, be debated concurrently for a period of 30 minutes, with the time equally divided and controlled between Senators Levin and McCain or their designees; that no amendments be in order to either amendment prior to a vote in relation thereto; that the vote sequence be as the amendments are listed above; further, that once this agreement is entered, Senator LEVIN be recognized to call up amendment 2593; and that prior to the second vote in the sequence, there be 2 minutes, equally divided and controlled, prior to each vote, with the second vote 10 minutes in duration; and that the votes in relation to the amendments be at 2 p.m. today; provided further that following this debate, the amendments be set aside until 2 p.m.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCAIN. Reserving the right to object, and I will not object, I ask the distinguished chairman, does that mean 30 minutes from now, equally divided, or the time that has already been consumed?

Mr. LEVIN. I understand it means from now.

Mr. MCCAIN. From now. I do not object.

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

AMENDMENT NO. 2593

Mr. LEVIN. I thank my friend from Arizona. I now call up amendment No. 2593.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

> The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2593.

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

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

The amendment is as follows:

AMENDMENT NO. 2593

(Purpose: Relating to hearings on the strategy and resources of the United States with respect to Afghanistan and Pakistan)

At the appropriate place, insert the following:

SEC. ____. (a) HEARINGS ON STRATEGY AND RESOURCES WITH RESPECT TO AFGHANISTAN AND PAKISTAN.—Appropriate committees of Congress shall hold hearings, in open and closed session, relating to the strategy and resources of the United States with respect

to Afghanistan and Pakistan promptly after the decision by the President on those matters is announced.

(b) TESTIMONY.—The hearings described in subsection (a) should include testimony from senior civilian and military officials of the United States, including, but not limited to, the following:

(1) The Secretary of Defense.

(2) The Secretary of State

(3) The Chairman of the Joint Chiefs of Staff.

(4) The Commander of the United States Central Command.

(5) The Commander of the United States European Command and Supreme Allied Commander, Europe.

(6) The Commander of United States Forces–Afghanistan.

(7) The United States Ambassador to Afghanistan.

(8) The United States Ambassador to Pakistan.

Mr. LEVIN. Madam President, I believe that the Congressional hearings, which are appropriate, should now be handled in the same way as was done when President Bush was deliberating on a surge strategy for Iraq. That is when the President has received his recommendations and has made a decision.

We will, at that point, properly have administration officials come up to Congress, explain the President's decision. We will hear from our military chain of command at that time, including General McChrystal but not limited to General McChrystal. We have a Secretary of Defense whom we need to hear from. We have a Chairman of the Joint Chiefs of Staff whom we need to hear from, as well as our CENTCOM commander and our Afghanistan commander.

First, we need to be clear on our strategy. I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. LEVIN. We need to be clear on our strategy first, then address the question of the resources that are needed to be committed to that strategy.

Under the amendment which I am offering, which will be voted on concurrently, or at the same time as the McCain amendment, we are going to have, if this amendment is adopted, a hearing not just on resources but on strategy and resources.

We are going to have that hearing, if this amendment is adopted, at the appropriate time, not with an arbitrary deadline, which sets a very bad premise. I believe in this circumstance, similar to the Bush Iraq surge circumstance, where the President of the United States, be it President Bush or President Obama, has before him and is considering, in a very deliberative way, this kind of a life-and-death decision.

Under the Levin amendment, there will be a hearing without an arbitrary deadline, but the hearing will take place and could take place long before November 15. The hearing under my amendment will take place promptly after the decision is made by the President.

There is another difference between the two amendments. In addition to the Levin amendment including a hearing on strategy as well as resources, again, General McChrystal says the strategy is the crux of the matter, not just resources. So under the Levin amendment, the hearing will look at both the decision on strategy as well as on resources.

Secondly, under the Levin amendment, the testimony will come after the decision of President Obama, just the way we had hearings after the decision by President Bush.

Third, the hearings will include testimony not only from the Central Command commander and from General McChrystal, our Afghanistan commander, and the Ambassador to Afghanistan, under the Levin amendment the hearing will also take testimony from senior civilian officials and military officials not included in the McCain amendment, including the Secretary of Defense, the Secretary of State, the Chairman of the Joint Chiefs of Staff, and the Ambassador to Pakistan. That is the third difference between the two amendments which we will be voting on at 2 o'clock.

Finally, in addition to outlining those three critical differences between the two amendments, I want to read from a letter received yesterday—or this morning from Secretary Gates by the majority leader.

I am writing in response to your request for an update on the . . . strategy and resource assessments prepared by General Stanley McChrystal.

He goes through a number of paragraphs describing pretty much what we all know, including that General McChrystal's initial assessment, which has been available to us, ''will serve as the prime focus'' of the review the President has undertaken, ''although other options and perspectives will also be included.'' So in addition to General McChrystal's initial assessment, he will also be looking at other options and considering other perspectives.

Then Secretary Gates says the following in this letter to the majority leader:

The decisions that the President faces may be some of the most important on Afghanistan in his presidency, so it behooves us to take the necessary time to make sure we get this right. That said, there are a number of internal meetings scheduled over the next few weeks on this topic. I do not expect decisions on the overall strategy—or the resources necessary to carry it out—to take an extended period of time.

He concludes as follows:

Until the President makes his decision on the way forward in Afghanistan, it would be inappropriate for me—or our military commanders—to openly discuss the advice being provided or the nature of the discussions being carried out with the President. However, once the President acts, I will be happy to testify before the appropriate committees of the Congress and to facilitate similar testimony by commanders and other senior Department leaders.

I believe that is the right approach. It is the approach we took when President Bush was considering for 3 months whether to surge troops in Iraq. We did not try to bring his Iraq commander before the Congress for public hearings, a commander who history has indicated—at least it was fairly clear at the time—had a very different perspective than his Commander in Chief. We did not put him in that position. We didn't do that to the President of the United States, to have his commander in the field come before us and say what his opinions were that he was giving to the President at that time. We should not do that now.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I would like to point out what Admiral Mullen at the Joint Chiefs of Staff said: Time is not on our side. We cannot afford to leisurely address this issue. I believe the Congress needs to be involved. The Commander in Chief is the Commander in Chief. But the Congress has a role to play because only the Congress can provide needed funding and develop other policies as regards the responsibility we all have when our government decides to send young Americans into harm's way.

I have watched a lot of decisions being made in my time. I have agreed with some and disagreed with others. One of the earliest decisions I was involved in was many years ago when Ronald Reagan decided to send marines to Beirut. At the time, I thought the mission was not sufficiently resourced and I thought it would unnecessarily put young marines in harm's way. I objected; I spoke against it. Unfortunately, I was correct.

History does have a tendency to repeat itself. The fact is, unless this effort in Afghanistan is properly resourced, as recommended by General McChrystal, as recommended by Admiral Mullen and supported by history, we are doomed to failure. To think that a month and a half would elapse before that decision was made, because the strategy was decided on last March, and then to go through a bizarre sequence of events—I have never seen anything like it. First, General McChrystal was told not to send his troop request to Washington while these discussions were going on. After that was revealed to be the farce it was, now the Secretary of Defense is not going to forward the troop request to the White House as they make decisions on the number of troops needed. How does that work?

Let's get this straight. The Secretary of Defense has said he is not sending over the number of troops requested by General McChrystal, which is known to everyone as 30,000 to 40,000 troops. Apparently, it will be known to everyone except the President, who is supposed to make the decision. We have legitimate questions about a process such as that to start with. No Commander in Chief can make a decision about how to conduct a conflict unless that Commander in Chief knows what resources

are required. Without having the recommendation for the number of troops being transmitted to the Commander in Chief, there is no way a rational decision can be made.

What is going on here is pretty obvious. It is very obvious what is going on. The Chairman of the Joint Chiefs, General Petraeus, General McChrystal—all know we need additional troops in the range of 30,000 to 40,000, and the administration is backing off of that or trying to find the exit sign. It is well known. It had been broadcast all over television that there are individuals—including the Vice President, now, unfortunately, the National Security Adviser, the chief political adviser to the President, Mr. Rahm Emanuel—who don't want to alienate the left base of the Democratic Party. That is what this is all about.

The American people need to know what our military commanders, in their best judgment, think we need to defend this Nation. They need to know it within the next month and a half. Do I need to remind my colleagues we have 68,000 Americans there now? Just a few days ago, five brave young Americans died in 1 day. Admiral Mullen said in his testimony before the Armed Services Committee that the clock is ticking. We are running out of time. This is an urgent situation. This is not a decision as to whether to send troops into harm's way. Troops are already in harm's way. They are already there, and they are getting wounded and killed while, according to the President's National Security Adviser, we are considering all options. Shouldn't we consider seriously the option of the recommendations of military commanders? I am not saying they have the final say; I am saying they should be given great weight.

Here we are asking for testimony from those people who, again—the President fired the commander in the field to replace him with General McChrystal, and yet we are not transmitting the fundamental and most difficult aspect of General McChrystal's recommendations as to how to implement a strategy that was agreed on last March.

I fear that domestic political considerations are impacting a decision which has to do with the future security of the United States. Just recently, the former President of Pakistan, President Musharraf, said that American delay is being interpreted as a sign of weakness by countries in the region. We left Afghanistan once. We helped the brave Afghans drive out the Russians who were then trying to make Afghanistan part of the Soviet Union. We drove them out and we left. What happened? The Taliban took control. Al-Qaida cooperated with them, and the attacks on the United States of 9/11 took place by people who were trained in Afghanistan.

Let's have no doubt what is at stake. The American people and their representatives at least need to hear within the next month and a half, 45 days, as to what the recommendations and strategy of our military leaders are. I emphasize, they are not the last word. The Commander in Chief has the last word. But the Commander in Chief, whatever decision he makes, also has to come to Congress for the necessary assets and authorization to do whatever his strategy is. So we do play a significant role. The American people and their elected representatives, as the chairman of the House Armed Services has said, as the majority leader of the House of Representatives has said, need to hear from these military leaders.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. LEVIN. I yield myself 2 minutes.

It is clear that a number of things are happening. One is, there is a deliberative process going on. There is not much doubt that the clock is ticking. That is clear. The question is—and this is what General McChrystal says—get your strategy straight. Take the time to get your strategy straight. He also recommends that there will be new resources, whatever the strategy. But he says the key here—these are his words—take the time to get your strategy right. We can either spend the time that the President deserves and President Bush took to get the strategy right or we will be jeopardizing the lives of the men and women who put on the uniform of the United States, if there is a wrong strategy in place.

The clock was ticking in Iraq. Back in September 2006, there was a recommendation that there be a change in strategy in Iraq, that there be a surge of troops. The recommendation was made by General Keane in September 2006, start a surge. For over 3 months, while the clock was ticking, President Bush considered whether to change the strategy in Iraq. He finally changed it in January of 2007, taking 3 or 4 months to make that decision.

Do you know what. He got the strategy right, finally, in January of 2007, because the surge had a positive effect. But he took the time to make a decision. We did not put pressure on him by calling a commander from the field, who apparently had a very different perspective, for hearings during that process. We respected that process. We did not try to put pressure on a President of the United States by calling the commander, General Casey, in to tell us: No, we do not need more troops, which is apparently what he would have told us, while the President of the United States was considering whether to send additional troops.

The analogy is incredibly close to what is going on now. We should be treating the President of the United States, President Obama, with the same respect for the deliberative process that we provided to President Bush.

Mr. President, I ask unanimous consent that a letter which was sent by Secretary Gates to the majority leader, Senator REID, be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, DC, September 29, 2009.

Hon. HARRY REID,
Senate Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. MAJORITY LEADER: I am writing in response to your request for an update on the ongoing evaluation of the strategy and resource assessments prepared by General Stanley McChrystal, Commander, International Security Assistance Force (ISAF).

As we stay on the offense against Al-Qaeda, from here at home to around the world, the President and his national-security team are in the midst of an ongoing evaluation of the mission in Afghanistan in order to assess the overall situation and our strategy following the Afghan elections. Those elections, as well as the evolving situation in Pakistan over the last number of months, require us to review the U.S. approach in the region to ensure that, first, we have the right strategy and, second, we have the necessary resources in place to carry it out.

You will recall that when the Administration announced the results of the initial review of Afghanistan strategy in March 2009, we also acknowledged the need to reassess our approach following the national elections this fall. Accordingly, the President has asked that we conduct a careful and thorough assessment of these questions in order to provide him with the considered best judgment of his national security team and military leadership. General McChrystal's initial assessment will serve as the prime focus of this review, although other options and perspectives will also be included.

The decisions that the President faces may be some of the most important on Afghanistan in his presidency, so it behooves us to take the necessary time to make sure we get this right. That said, there are a number of internal meetings scheduled over the next few weeks on this topic. I do not expect decisions on the overall strategy—or the resources necessary to carry it out—to take an extended period of time.

Until the President makes his decision on the way forward in Afghanistan, it would be inappropriate for me—or our military commanders—to openly discuss the advice being provided or the nature of the discussions being carried out with the President. However, once the President acts, I will be happy to testify before the appropriate committees of the Congress and to facilitate similar testimony by commanders and other senior Department leaders.

Sincerely,

ROBERT M. GATES.

Mr. LEVIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, again, unfortunately, a lot of the information we have to get is through the media rather than testimony before the Senate Armed Services Committee. I do think it is worthy of note that there is a story dated October 1, 2009, which says:

The top military commander in Afghanistan, Gen. Stanley A. McChrystal, rejected calls for scaling down military objectives

there on Thursday and said Washington did not have unlimited time to settle on a new strategy to pursue the eight-year-old war.

. . . General McChrystal said that the situation in Afghanistan was serious and that ''neither success nor failure can be taken for granted.'' . . .

General McChrystal was asked by a member of an audience that included retired military commanders and security specialists whether he would support an idea put forward by Mr. Biden to scale back the American military presence in Afghanistan to focus on tracking down the leaders of Al Qaeda, in place of the current broader effort now under way to defeat the Taliban.

''The short answer is: no,'' he said. ''You have to navigate from where you are, not where you wish to be. A strategy that does not leave Afghanistan in a stable position is probably a short-sighted strategy.''

He did not mention Mr. Biden by name.

All of us here have great affection and appreciation for the Vice President. We have all gotten to know him and like him over the years. But the fact is, the Vice President of the United States, in the first gulf war, after Saddam Hussein had invaded Kuwait, voted against the resolution, saying it would be another Vietnam war. He has voted consistently against U.S. involvement. And the latest, of course, was when his idea was to divide Iraq into three different countries. So the Vice President does have a clear record of being consistently wrong. I hope that is taken into consideration when he comes up with his ideas about Afghanistan.

General McChrystal has been reported to be seeking as many as 40,000 additional American troops for the war, a number that has generated concern among other top American commanders.

But that number—which is known to everyone, and keeps being reported—that number is not going to be transmitted to the President by the Secretary of Defense. You can't make that up. Everybody knows it, but it is not going to be sent to the President by the Secretary of Defense.

Anyway:

In a confidential assessment of the war last month now under consideration by the Obama administration, General McChrystal said that he needs additional troops within the next year or else the conflict ''will likely result in failure.''

Mr. President, we have a limited amount of time, but I do not have to tell most people and colleagues here what the consequences of failure in Afghanistan might be. So what we are asking is, sometime within the next month and a half—the next month and a half—that we get General McChrystal in particular but also the most brilliant general I have ever encountered in my life, General Petraeus, and others, to testify before the Senate Armed Services Committee. Maybe the House Armed Services Committee, whose chairman said they needed that testimony, will proceed without us. I would feel very badly if the U.S. Senate were not given the same opportunity to have General McChrystal and General Petraeus appear before them, as the House Armed Services Committee chairman has said they want.

I want to emphasize to my colleagues, we are asking, sometime within the next 45 days, an appearance by the leaders we have put in charge of the lives of our young American men and women. We are just asking for them to come and testify before our committees of jurisdiction, to exercise our responsibilities as representatives of our States. That is all we are asking. That is all we are asking.

There are already 68,000 there. They are being wounded and killed as we speak. And as the Chairman of the Joint Chiefs of Staff has said: Time is not on our side. The situation is deteriorating.

Shouldn't the Senate Armed Services Committee and, through us, the American people and the Senate Appropriations Committee, which has its responsibilities, also hear from these great leaders who are in charge of the lives and safety and well-being of our men and women in uniform and are charged with achieving victory and not defeat, achieving success and not failure in Afghanistan?

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 3½ minutes.

Mr. LEVIN. Mr. President, the stakes here are truly huge. We obviously share one goal; that is, to succeed in Afghanistan. What General McChrystal has pointed out repeatedly in his assessment is that the way to succeed is not just with resources. He says the crux of the matter is to get a new strategy. His words: get a new strategy.

The question is, are we going to allow this President the same opportunity to put a strategy in place or to change it, as President Bush did in Iraq, as we have afforded to other Presidents, including President Bush?

The right strategy here is key, as well as the resources. And to set an artificial date is a terrible precedent. To put a commander in the field at a public hearing to try to pressure a Commander in Chief to reach a certain result is unacceptable, inappropriate. The Secretary of Defense is not going to allow it, nor should he, and we are not going to ask it, as chairman of the Armed Services Committee. I hope the Senate does not ask for that to happen either. We did not do that to President Bush. We should not do that to President Obama.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. Each Senator has 2 minutes remaining.

The Senator from Arizona.

Mr. McCAIN. Well, Mr. President, let me say, if I could—I will use my remaining 2 minutes—I appreciate very much the relationship I have developed over more than 20 years with the chairman of the committee. From time to time, we have had differences and vigorous debate. I want to emphasis, I respect the opinions and views and authority of the chairman of the committee. We just simply have an open and honest disagreement.

I hope my colleagues will understand the urgency of this situation and agree to my amendment that does not in any way diminish my respect and appreciation of the way the Senator from Michigan chairs the committee and acts on a bipartisan basis, which is a long tradition of the Armed Services Committee. I urge my colleagues to vote in favor of my amendment.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield my remaining 2 minutes to Senator KAUFMAN.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I cannot think of two better people to be involved in a discussion about what we should be doing in Afghanistan than Senator McCAIN and Senator LEVIN.

Where I come down on this issue is with Senator LEVIN because I believe it is very important we give the President time to discuss this issue in detail. There are a lot of different pieces to this puzzle. It is not just General McChrystal's report. It is a report by Ambassador Eikenberry. It is a report by Ambassador Holbrooke. I think he would have a report from Ambassador Patterson from Pakistan. I think we need a report from the DOD in terms of force structure and what additional troops we would have beyond that.

There are a number of issues that have to be dealt with here. I think as in the past with President Bush, where there was a 3-month process before the surge—during that time, people were able to talk to the President, and to work their way up the chain of command in the military, and the civilians to work their way up in the Department of Defense, to talk to the President so the President could have their counsel before the President made his decision.

I think that is what we need here. I think one of the most important things President Obama said in his speech the other night to the joint session was: I am going to be here for a long time, so I want to get it right.

We have to get it right in Afghanistan. I think this is the obvious time to proceed. Clearly, the present election and the flaws in the election, in addition to General McChrystal's report which points out the rise of the Taliban, demonstrates it is time for us to sit down and take a hard look at what our strategy in Afghanistan is. I think the President is going to do that. He is going to go through a process. Many people have to be involved. Many

different issues have to be done. And then the President will come with his plan for Afghanistan.

At that time, after that happens, I think then—Chairman LEVIN is correct—we should have hearings, we should have people come and testify, and that will be the time to do it. In the meantime, I think we owe it to the military chain of command that everyone involved in that chain of command be allowed to come and talk to the President so he can make the best decision he can possibly make before the Senate gets an opportunity to deal with everyone who is going to be involved with the President.

So, again, I support Senator LEVIN's amendment. I think it is essential we have a process that allows it to go forward.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KAUFMAN. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be allowed to speak for 10 additional seconds.

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

Mr. LEVIN. Mr. President, I want to thank Senator MCCAIN for his warm comments. I feel very strongly about our relationship. It is a great relationship. It could not be possibly affected by differences over policies. I have great respect for the Senator and the huge contributions he makes to this body and to the Nation.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, what is the order of business?

The PRESIDING OFFICER. The Levin amendment is the pending amendment.

AMENDMENT NO. 2569

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment No. 2569 be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2569.

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

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

The amendment is as follows:

(Purpose: To restore $294,000,000 for the Armed Forces to prepare for and conduct combat operations by accounting for the August 2009 Congressional Budget Office economic assumptions and by reducing funding for congressionally directed spending items for low-priority research and development projects)

On page 239, beginning on line 21, strike "the total amount" and all that follows through "$236,000,000" and insert "the total amount appropriated in title III of this Act is hereby reduced by $322,000,000, the total amount appropriated in title IV of this Act is hereby reduced by $530,000,000".

Mr. COBURN. Mr. President, I have several amendments that go along this line, but my question to the Appropriations Committee is one of trying to clarify for the American people the numbers that were used to downsize the operation and maintenance account based on what the expected inflation rate was.

It is important to know. The O&M account is what runs everything. What came out of the bill was $294 million because you chose to use an inflation rate that was less than what CBO and OMB had stated it would be. You did use the one that was the one prior. But the one presently would, in fact, add another $294 million to the operation and maintenance account. I would be glad to hear the reasoning why we chose to use it. I think I know why the reasoning—because it allows more ability to do other things Members would like to do.

What this amendment is trying to do is to restore that money to truly reflect the inflation rate that OMB and CBO have said it would be. Three-tenths of 1 percent makes a big difference when you are talking about taking something from our military. I would remind my colleagues that last year the Navy ran out of O&M money and we needed an emergency supplemental to supply it. So by undershooting what the real inflation factor is for their costs, both in fuel and maintenance and operations, if we undervalue that account, what it means is we are going to take away from readiness. I know that is not the intent of this committee. The intent of this committee is to make sure our military has the needs and the means with which to carry out their requirements.

Let me get a little more detailed on it. When the committee set the O&M number, they used a GDP index inflation rate from the Congressional Budget Office that was 3 months old, and they ignored the updated one for August, which was three-tenths of a percent higher. That means that if—and I agree, they are estimates; they may not be correct. What I would like to know is, what if you are wrong with the lower number you put in? Are we going to be coming back with a supplemental to be able to drive the O&M? For the American people what that means is, when we do a supplemental, it is outside the budget rules, which means we borrow it. We borrow the money.

This amendment says let's realistically predict what the inflation rate is going to be in the operation and maintenance account. Let's truly put the money there that should be there. What this amendment does is simply restore it.

We know, by history, that O&M has been rising faster than inflation for the past 9 years. We have not gotten it right once, in terms of the actual amounts. How this amendment technically works is it restores $294 million by striking part of section 8091 of the bill that reduces that funding.

I will not spend any more time on it. I will discuss it again later.

AMENDMENT NO. 2563

Mr. President, I ask unanimous consent that this pending amendment be set aside and amendment No. 2563 be called up.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2563.

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

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

The amendment is as follows:

(Purpose: To require public disclosure of certain reports)

At the appropriate place, insert the following:

SEC. _____. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

Mr. COBURN. Mr. President, this is a straightforward amendment, and the Appropriations Committees heretofore have agreed with it. This says, other than in terms of national security or something that should not be released for general circulation, the reports that are authorized and paid for in this bill, which are going directly only to the Senators on the Appropriations Committee, be made available to the rest of the Senators in the body as well as the rest of the American public. If there is a good national security reason not to do so, fine, there is no problem with that, but all the rest of the American people ought to see it. It is called transparency. The American people are paying for them. The American people have a right and an obligation to see them if they are going to be involved in the governance of our country. In fact, they are supposed to be in charge of the governance of our country.

So what it will do is allow the American citizens to see how their money is actually being spent and allow them to get to see the results of those reports. It is very simple.

My hope is the chairman and ranking member would be inclined to support this amendment.

Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 2565

Mr. COBURN. I ask unanimous consent that amendment No. 2565 be called up.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2565.

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

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

The amendment is as follows:

(Purpose: To ensure transparency and accountability by providing that each member of Congress and the Secretary of Defense has the ability to review $1,500,000,000 in taxpayer funds allocated to the National Guard and Reserve components of the Armed Forces)

On page 177, line 23, strike ''the modernization'' and all that follows through line 25 and insert the following: ''and the Secretary of Defense, who upon completion of a thorough review, shall provide to each standing committee of Congress a modernization priority assessment for their respective Reserve or National Guard component.''.

Mr. COBURN. Mr. President, in this bill we are attempting to address what I agree is a very serious problem, the funding of our National Guard and Reserve. I do have some concerns, though, about how we are going about doing that.

I would love to be corrected by either the chairman or the ranking member. As I understand the bill, the $1.5 billion in upgrades for the National Guard and Reserve actually bypasses the Department of Defense, bypasses the Joint Chiefs of Staff, and goes directly to the committee in terms of the approval of how they do that. I would inquire of the chairman if that is accurate.

Mr. INOUYE. If I may, Mr. President.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. This matter has been requested by two Members of the caucus, the National Guard caucus. They would like to say a few words about it. If I may, can we set this aside?

Mr. COBURN. Absolutely. I am happy to do that.

I ask unanimous consent to set this amendment aside.

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

Mr. COBURN. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HEALTH CARE REFORM

Mr. REID. Mr. President, I have listened with great interest to the conversation coming from the other side of the aisle this morning. A couple of things I have been watching make it very clear to me, and it is probably very clear to the American people: One side stands for changing the health care delivery system and the other side stands for keeping things the way they are.

We need to do something to keep our broken health care system from running off the tracks completely. It is already headed off the tracks. There is a wide range of ideas out there—a range as diverse as the people of this Nation—and that is the way it should be. I am confident those details will be worked out in the legislative process, and we are in the midst of that.

We Democrats fundamentally agree on one bottom line: We must act and we must act now to make it easier for people in America to live a healthy life.

I can't blame the American people for feeling somewhat frustrated because we have all these fake controversies, such as death panels—a way to divert attention from what we are trying to do. There are no death panels. The only thing that has been suggested is that people have an examination every year and sit down with their physician and find out what the future holds in the way of treatment. Death panels is a diversion.

The abortion issue is a diversion. We want to keep things the same way they have been in this country for a long time: Use the so-called Hyde amendment, which is now the so-called Capps amendment, which, in effect, just carries that over.

One of their real diversions in this is a bill to help undocumented, illegal aliens. All these are diversions. They have nothing to do with what we are trying to do: to improve the health care delivery system.

There are so many examples. A woman from Las Vegas came to see me yesterday. She was raised in Reno, now from Las Vegas, living a wonderful life. She gets sick. She has breast cancer at age 29. It changed her life dramatically. Because why? Her health insurance was so terribly inadequate. I am from Searchlight, NV. A woman whom I have known for many years, she is the assistant postmistress. She helps me at my home. I give her a few dollars every month. Her husband is retired. They have a 23-year-old son. Of course, he goes off their insurance when he is 23. He is young. He is healthy. Within 6 weeks of turning 23, he no longer has health insurance, he is diagnosed as having testicular cancer. He has no insurance. What does that do to that family?

What we are doing is we are trying to change that so that 29-year-old woman with breast cancer, the 23-year-old with testicular cancer has some coverage, insurance coverage. That is what we are trying to do.

We were here yesterday talking about four States: Oregon, Rhode Island, Michigan, and Nevada, four States that have been hit so hard by this recession—I mean, so hard. Nevada has led the Nation in foreclosures for 31 months in a row. People on the other side of the aisle are complaining because, in the Finance Committee, they are trying to help Nevada, Oregon, Rhode Island, and Michigan. Does that mean those are the only States they are going to try to help? Of course not.

Every day in Nevada, 220 people lose their health insurance. People woke up this morning with insurance and they will go to bed tonight without it. That is 7 days a week they are losing their insurance in Nevada. Do we want to change that? Of course, we want to change that.

Thirteen percent of Nevadans are employed. More than 18 percent are uninsured. A lot of people have insurance that is inadequate. They are underinsured. It is not good insurance. We have had some come from the other side of the aisle over the last few days saying they don't care about Nevadans hurting. They think the status quo is just fine, and they refuse to help their fellow citizens who are suffering. They seem to want me to apologize for helping my constituents who are struggling. I am never going to apologize for trying to help the people of Nevada. I was born there. I am going to do everything I can to help the people in the State of Nevada.

Let me tell everyone within the sound of my voice something else. I was talking to one of my Republican colleagues recently. He is from the State of Georgia, a wonderful man, JOHNNY ISAKSON. I said: How about those rains? He said: Well, I have a rain gauge in my home. In 24 hours, it rained 18 inches. I can't comprehend that. In Las Vegas, the average rain fall per year is 4 inches, but he got 18 inches in 24 hours, and the next day I think he told me they got 8 inches. That torrential rain they had in Georgia has created problems the State can't handle, and they are asking for Federal emergency help. I want to help them. I am a Senator of the United States. I am not a Nevada Senator; I am a Senator of the United States. My first obligation is to help my people in Nevada, but if there is a problem in Georgia because of the rains or the fires in California, I am going to do everything I can to help them, just as I am going to do everything I can to help the people of Michigan, Oregon, and Rhode Island, as I spoke yesterday.

So we have to look out for each other. We have mutual responsibilities. I am disappointed that people would complain about the fact that we have situations in our States that we need help for. We have a lot of poor people and a lot of people getting poorer real quick.

It is becoming increasingly clear that Republicans simply don't have any ideas for helping the American people as it relates to health care, even people in their own States who are suffering

so desperately. It is another excuse. It is more of the same. It is more evidence that some on the other side think it will never be a good time—never be a good time—to reform the health care system.

For the latest episode on that, look what is going on in the Finance Committee. Are there constructive amendments offered? No. Just nitpicking, just a way to slow things down. It is more proof they want to defend the status quo, refuse to take care of their suffering and struggling constituents, and ignore the will of the American people—at any cost. We know that cost is great.

Mr. LEVIN. Mr. President, while the majority leader is on the Senate floor and talking so eloquently about the inadequacy of health insurance and specific examples, one of the statistics—and I know it is just a statistic, not a specific example—which has moved me so dramatically in the direction the majority leader described is, if I understand this correctly, the majority of people in this country go into personal bankruptcy because they cannot pay their health care costs. That is bad enough; nobody should go bankrupt because they cannot pay for health care. That is unacceptable in this country.

But what compounds that is that a majority of them do have health insurance. The American people focus on that statistic, and I know statistics are difficult to put our arms around. But the majority of people who go bankrupt because of not being able to pay health care bills have health insurance. This isn't just a matter of trying to get people covered who are not covered; it is a matter of also trying to fill in for the inadequacy of the uncertainty that exists, the instability that exists for people to have health insurance.

Mr. REID. Mr. President, if I may respond to my friend, President Obama told me on a telephone call 6 weeks ago to make sure when we finish this health care legislation it is not a program for only the poor but that it is a program for the American people; that in the process the poor and middle class will be taken care of. I agree with the President.

What the Senator has said is true. The majority of the people who file bankruptcy do so because of health care costs. That says it all.

Mr. LEVIN. I thank the leader. We are not going to be able to get to the needed health care reform without his leadership. He also pointed out a particular circumstance that a number of our States are in. I am grateful for this situation.

In Michigan, we are losing 27,000 jobs a month. I believe we have the highest unemployment rate in the country, which is 15.2 percent. It is growing, and it will continue to grow, apparently. People are losing their health care. The number of people eligible for Medicaid is increasing.

The bill before the Finance Committee has a provision in it that we will have more people eligible for Medicaid. That is critically important. That is one way to get more people eligible for health care. But what the Finance Committee does in its current mark is also say that certain States—including Nevada, Oregon, Rhode Island, and Michigan—are suffering particularly, and in particular ways, and we are a long way from economic recovery. So the additional Medicaid support for those States is highly appropriate. There are reasons for that.

The majority leader talks about the flooding in Georgia or the disaster we had in Louisiana a few years ago or the fires in California. We have an economic fire taking place in my home State of Michigan. I thank the majority leader for his willingness not just to grapple with the entire issue of health care reform but to also recognize not just the situation in his own State, with all the foreclosures they have been facing, but the situation we face in a number of other States economically. We are very grateful.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I join the majority leader and the chairman of the Armed Services Committee to express my appreciation to colleagues who will support the provisions for Federal assistance for high-need States. Rhode Island is one of those high-need States.

One of the key targets to being a high-need State is a high unemployment rate. Right now, ours in Rhode Island is about 12.8 percent—nearly 13 percent. Since the beginning of this crisis, we have either been the second or third highest unemployment State in the Nation, only behind Senator LEVIN's State of Michigan. It is the highest level of unemployment Rhode Island has seen since World War II, in a generation. It amounts to, in our very small State with a population of fewer than 1 million people, 73,000 people who are unemployed. That is only counting the ones who qualify as unemployed under the labor standards; for people out too long, they are even more. After a while, they don't count them any longer in the statistics. It is actually more than 73,000 people unemployed in a State of less than 1 million; 73,000 families are facing unemployment and are worrying about how to care for their loved ones.

We know this is a national problem, and we know many States are suffering. To be in this category of these four States that are high-need States and that are getting a little extra attention in the Finance bill is not something we want. I would love for Rhode Island to have a 7- or 8-percent unemployment rate. I would be delighted. This is a real trial for the people of Rhode Island, and I appreciate that there are people, including our distinguished majority leader, who are reaching out to try to help Rhode Island while we are in this period of intense economic suffering.

From my perspective, I have supported others when we went to help the States that depended on the auto industry. I have watched billions of dollars flow across this floor to support those big auto States. I have watched and supported billions of dollars flowing across this floor to support the big finance industry States—Wall Street—and to protect our banking industry. I have supported it when billions of dollars flowed across this floor to support coastal States that were hit hard by storms and hurricanes. I watched billions of dollars flow through here for the States hit by flooding recently with the terrible floods in the South and a little while ago when the terrible floods hit the upper Northwest. I have watched enormous support go to States when they experienced wildfires, and when our distinguished leader on the Budget Committee, Senator CONRAD, argued so effectively for the States affected by drought.

I am on the Environment and Public Works Committee. The coal States are getting taken care of in amazing ways. Over and over again, when we have seen our fellow States in trouble, we have been willing to help them out. All I am asking is, from Rhode Island's perspective, we have watched all of these things go by, and there is yet to be anything for Rhode Island.

I hope very much that my colleagues will not take this opportunity to turn what has been a very collegial atmosphere about helping each other's States when they are in trouble and, for purposes of politics, pile onto little Rhode Island. This is something that we need. This is something that is important to us.

Do we depend on coal? No. Do we depend on the auto insurance industry? No. Do we depend on Wall Street? No. Have we had a big hurricane? No. Nor have we had flooding, wildfires, or drought. But the condition of our people, economically, is just as bad as if those things had occurred.

Rhode Island is at nearly 13 percent unemployment. I urge my colleagues to stand with the leader and with the tradition of kindness and collegiality that has always characterized this body when a State is experiencing particular distress and difficulty.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I listened to my leader with great admiration. I wish him to know that I support his action in support of the health reform measures before us.

The leader touched upon two problems. One was that each day in the State of Nevada, 221 men, women, and children will go to bed and the next morning find themselves without health insurance coverage. I believe it should be noted that, as we speak, over 15,000 men, women, and children of the United States will wake up in the morning finding that they have no insurance coverage—15,000 a day. That

means close to half a million every month. This is not acceptable. I don't think we should tolerate this and set it aside.

Mr. President, my leader, the very distinguished Senator from Nevada, brought up the matter of the death panel. It is the responsibility of physicians throughout this land, when confronted with terminal cases, to tell their patients of the condition. They should also notify the patients that as long as they want care and life-sustaining medicine, it will be done. But I believe it is the right of the patients to suggest that they would like to rest.

Three years ago, I lost a wife. We were married for 57 years. It wasn't an easy moment, believe me. One evening—and I have never discussed this publicly before—as I sat near her, she said, ''I have something I would like to discuss with you that is very important.'' She looked at me and said, ''I will be dead in 10 days.'' I said, ''Now, you must be kidding.'' She said, ''No, I have discussed this matter with the doctor. We all know it is terminal. This cancer is beyond control, and I don't wish to continue this agony. I hope you will support me.'' She said, ''I will be OK for a week, but on the seventh day I will go into a coma. During those 7 days, I would like to discuss with you certain things, such as where my funeral services should be held.''

She kept all these details. There was no death panel. What the doctor did was to provide her with comfort—comfort of her emotions, her senses. She passed away happy. She knew that things were going to be done.

I am sorry to see—and it hurts me to see—fellow Americans distort a good aspect of health care and turn it into something murderous. They should be ashamed of themselves.

Mr. President, our leader is a good man.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MERKLEY. Mr. President, it has become clear that our health care debate is entering the twilight zone. We have such a challenge in this Nation of individuals who have no health care, small businesses struggling to provide health care, and large businesses that are having a difficult time competing and producing products in America for the world because of the accelerating price of health care.

So often, over the last couple of months, I have heard colleagues come and attack this effort to repair our broken system. Those repairs are essential to our family members. They are essential to our workers, to our small businesses, and to our big businesses. We have had very strange stories shared in this Chamber—stories, as my colleague from Hawaii mentioned, about death panels, a creation in the mind of the former Governor from Alaska, having nothing to do with anything that happens to be in any bill before this body. We have had strange stories about benefits provided to individuals who are here undocumented, in direct opposition to the straightforward language that is in the House bills and the Senate bills.

We have had strange stories about a murky government takeover, when the heart of this plan is to create the same sort of marketplace that gives 8 million Federal workers access to multiple private plans, to create that same marketplace and access for every single American. Now, in the last day, there is something even more strange: an attack on States that are having the most difficult time in this recession.

We are deep in the twilight zone when Members come to this body to attack efforts to assist the States most severely damaged by this recession—the States of Michigan, Rhode Island, Nevada, and my home State of Oregon.

Oregon is having a difficult time for a host of reasons. We are a State that does a lot of trading, and a lot of the countries we trade with have had year-over-year recessions even worse than our own. For example, South Korea, 20-percent year-over-year drop in gross domestic product.

We have a timber industry that provides a lot of dimensional lumber to build houses and build commercial buildings around this Nation. The collapse of building has damaged it severely.

We have a wonderful section of our economy involving growing fruits and growing Christmas trees, and the Mexican tariffs have hit that very hard. Add it all up and Oregon is one of the four States worst hit.

I read a few weeks ago that if we include the underemployed as well as the unemployed, Oregon is the single worst hit State in our Nation.

I applaud the efforts of Members of this Chamber to say we have a broken health care system and we are going to repair it. They are absolutely right. I am pleased to be a member of that team working to make those repairs.

I applaud the Members of this Chamber who said we must help those States worst hit by this recession, continuing a great American tradition. When a State is hard hit by drought, we reach out and assist. When a State is hard hit by a hurricane, we reach out as a nation to gather and assist. When a State is hard hit by a flood, there is a natural disaster called, and we as a nation respond. When an earthquake strikes, as a nation we are there.

Now we have another disaster, an economic disaster, that is hitting particularly hard in four States. I applaud the efforts to reach out and assist those States together as a nation, as we have so many other States in so many other circumstances.

Let's pull this conversation out of the ''Twilight Zone.'' Let's come together, as we have so many times before, to take on the challenge of a broken health care system, to take on assistance to the worst hit States and help them adjust to providing Medicaid that is so urgently needed by their populations.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I commend Senator MERKLEY, Senator WHITEHOUSE, and Senator REID of Nevada for their eloquent and accurate description of the situation that faces several States.

Throughout this country, there is a crisis in unemployment. But in States such as Michigan, Oregon, Nevada, and Rhode Island, it is a catastrophe—over 12 percent unemployment.

As my colleague pointed out, that is just the official number. That number does not include those who have lost their job, but not filed their official employment status. That number does not include those people who are looking for work and not finding employment. It is a situation that is extremely difficult on the individuals and families of Rhode Island.

We are engaged in a very serious debate about health care reform. There seems to be a consensus that the status quo will not work. Yet our proposals to change it are dismissed without appropriate response in terms of alternatives. Our colleagues in the minority are simply saying the status quo is bad, but it is good for us.

We have to make changes, and we have to make those changes that recognize not only the inefficiencies in our medical care system but also the overall economic system.

One of the impetuses for this reform is not just access and affordability of health care, it is the economic future of the country. Again, in States such as Rhode Island, Michigan, Oregon, and Nevada, this is an issue that is incredibly important.

We understand that some States have taken a much more aggressive approach to their Medicaid populations. In recognition of our costly health care system, they have tried to enroll as many people as they could. They recognize a higher level of poverty, one that I think is going to be recognized in federal reform initiatives. But effectively, these States, unless they are given some help, will be punished for being ahead of their colleagues, for trying to extend health care coverage before the Nation was ready to do that. In that sense, we have to also recognize the need to support the Medicaid Program and also support particularly those States that are in this economic catastrophe.

As Senator WHITEHOUSE pointed out, we routinely come together and recognize the special needs of regions and States—wildfires in California, agricultural disasters throughout the middle

of the country and elsewhere, the great crisis of Katrina. To say now that we cannot recognize something as extraordinarily important, such as health care, to several States, including my own of Rhode Island, is, I think, neglecting what we do here on a relative routine basis.

The other fact is that some of the criticism directed at proposals that have been made in the Finance Committee have been made by Governors who simply say you cannot shift the burden to us, and that is particularly the case in Rhode Island. We are facing a significant crisis in State funding. If we give them a responsibility without resources at a time of this great unemployment crisis, it would add a further burden. We would be, I think, not only disadvantaged by the economic situation but, as I suggested before, punished for a good deed, which is to try and incorporate more people into our Medicaid system.

We have to support the Finance Committee's approach. In fact, I thank the Finance Committee and Senator BAUCUS for considering this issue. This is critical. Again, we all wish we would be in a situation where unemployment could confidently be seen in the future as not a factor to support the States, but we know it is going to be.

The support the chairman and the members of the Finance Committee have given is appropriate. I strongly support it and urge my colleagues to do so, as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

AMENDMENT NO. 2578

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 2578.

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

The bill clerk read as follows:

The Senator from Delaware [Mr. KAUFMAN], for himself, Mr. LUGAR, Mr. BAYH, and Mr. REED, proposes an amendment numbered 2578.

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

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

The amendment is as follows:

(Purpose: To provide for continuing support of certain civilian-military training for civilians deploying to Afghanistan)

At the appropriate place, insert the following:

SEC. ____. The Secretary of Defense shall, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, continue to support requirements for monthly integrated civilian-military training for civilians deploying to Afghanistan at Camp Atterbury, Indiana, including through the allocation of military and civilian personnel, trainers, and other resources for that purpose.

Mr. KAUFMAN. Mr. President, I am grateful to the Senator from the State of Hawaii and the Senator from the State of Mississippi for their work on this very important bill. I also thank Senator JACK REED from Rhode Island, Senator LUGAR, and Senator BAYH for their support of this amendment, which instructs the Secretary of Defense, in consultation with the Department of State and USAID, to continue to support the integrated civilian-military training for all civilians deploying to Afghanistan, occurring once a month in Indiana at Camp Atterbury.

The civilian role in Afghanistan is absolutely critical to achieving the broader goals of counterinsurgency. As we discuss the way forward in Afghanistan, it is essential to remember that troop levels are only one part of that strategy.

In order to cultivate support among the population and implement an effective counterinsurgency, civilians from across government agencies must continue to partner and work in tandem with the military.

In May, I offered an amendment to the supplemental which aimed to ensure that civilians deploying to Afghanistan receive training that cultivates greater civilian-military unity of mission and which emphasized the importance of counterinsurgency and stability operations.

Prior to passage of this amendment, joint civil-military training was only occurring once every 9 months to coincide with scheduled military deployments. Since then, officials throughout the government—and especially the State Department—realized this was insufficient to meet the increased needs presented by the civilian surge in Afghanistan.

As such, the joint training schedule was increased to once a month, and Ambassadors Eikenberry and Holbrooke recently mandated that all civilians working in the field in Afghanistan must receive this training prior to deployment.

On Monday, I visited Camp Atterbury to observe and express my support for the training, to thank these brave men and women for their service, and to emphasize the key role of our civilians in Afghanistan.

Civilians from across the interagency process—including the Department of State, U.S. Agency for International Development, and the Department of Agriculture—have come together in Camp Atterbury for a 1-week intensive course with the military, where they simulate real life experiences in Afghanistan.

This includes participating in vignettes with role players and the military to brainstorm ways to help their Afghan partners deliver essential services, security, and economic opportunity.

This essential skill set and level of familiarity with the military would take weeks to achieve once in theater. But the integrated training at Camp Atterbury allows our civilians heading to Afghanistan to hit the ground running.

Given the increased demand for this training, I am offering an amendment to ensure that training at Camp Atterbury continues to receive the support it needs in terms of military and civilian personnel, trainers, and other resources.

With a new mandate from Ambassadors Holbrooke and Eikenberry, the class size for this training has obviously increased. As we continue with the civilian surge, I hope the training at Camp Atterbury will receive a commensurate level of increased funding and support which it needs.

We owe it to our brave men and women in Afghanistan to get this right. It is critical to remember that our strategy in Afghanistan is not just about the troops; it is also about the civilians.

Just as we seek to ensure our troops headed to the field have the proper preparation and equipment, it is critical our civilians have the same level of training to ensure their effectiveness and security.

As the number of civilians in Afghanistan continues to grow—up to nearly 1,000 by the end of the year—our support for this mandatory training must also increase.

Integrated civilian-military training is a great example of steps being taken to improve our counterinsurgency strategy. In order to succeed in Afghanistan, civilians must successfully partner with the Afghans to help provide essential services, to promote economic development, and to improve systems of governance.

I am especially grateful to the Indiana National Guard. General Umbarger, adjutant general of the Indiana National Guard, and General Touley are so involved in this and doing such a wonderful job. They are to be commended. I also am grateful to the staff at Camp Atterbury and the broader training support team from the Departments of State, Defense, and USAID.

Most important, I am extremely grateful to the thousands of our brave men and women—civilian and military—who are serving in Afghanistan.

I believe this amendment is noncontroversial, and with support of the bill managers, I will be more than happy to adopt it by voice vote at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 2592

Mr. CASEY. Mr. President, I come to the floor to speak about an amendment, one we are going to be spending more time on in the next couple hours—amendment No. 2592. I will not call it up at this time, but I will speak about it.

First, I am very honored that our assistant majority leader, Senator DURBIN, has worked with me and our staffs have worked together on this amendment. I ask unanimous consent that Majority Leader REID, Senator KERRY

of Massachusetts, and Senator BILL NELSON of Florida be added as cosponsors of amendments Nos. 2591 and 2592, which I filed for consideration during the debate on H.R. 3326, the Defense Appropriations Act.

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

Mr. President, the first amendment I will speak about is 2592.

This amendment has three major goals:

First, this amendment will make sure the shoddy electrical work on American military bases gets fixed immediately. When I say shoddy electrical work, in some of the circumstances I will describe, that is an understatement.

Second, it would also ensure that the brave men and women serving in war zones have clean water. It is kind of hard to believe we have to have an amendment to deal with that. We should have that anyway. But once again, it is something we have to correct and fix.

Third, the amendment would establish and enforce strict standards for preventing and prosecuting sexual assault on Army bases.

These are the three goals and objectives of this amendment. These simple, commonsense reforms are long overdue. These problems should have been corrected a long time ago, but they haven't, so we have to take action.

For the moment, I would like to focus on the first provision of the amendment, which requires immediate correction of substandard electrical work.

Since the 2003 invasion of Iraq, 10 brave servicemembers and civilian contractors in Iraq have died—have died—as a result of electrocutions that could have been prevented. This includes SSG Ryan Maseth of Shaler, PA, which is in the southwestern corner of our State.

Ryan died on January 2, 2008, when he was electrocuted while showering in his barracks in Iraq. It is hard to describe in a short presentation and a few number of words the horrific nightmare he had to live through and was killed by and the nightmare his family has lived through ever since. His mother Cheryl Harris is someone I have come to know. She has been a strong advocate not just for finding out what happened to her son but also making sure this doesn't happen to other sons and daughters serving in harm's way.

Just imagine this: A brave soldier, willing to take on the enemy and trained to do that, willing to go into the battlefield and endure a firefight, is killed in a shower because someone didn't do their job in ensuring a shower was grounded or installed correctly to prevent shock or electrocution and death.

Ryan was not killed in combat. He was killed by the mistakes of others in a place where he should have had a reasonable expectation of safety and security away from the battlefield. In one of those few moments when our soldiers can relax and get a breather, he was killed. So this amendment is necessary because Ryan's tragic death could have been prevented if the bad electrical work had been fixed in a timely manner.

Ryan's case is not an isolated incident. Other incidents involve servicemembers and contractors from all over the country, including Georgia, Texas, California, Nevada, Oregon, Hawaii, Minnesota, and, as I mentioned, my home State of Pennsylvania. The risk continues to persist, and it has been going on since 2004.

Ryan died in January of 2008, but the risk is still there for our soldiers. On September 1 of this year, the beginning of last month, a civilian contractor, Adam Hermanson, died as a result of being electrocuted—again, just like Ryan—while showering.

Adam grew up in San Diego and Las Vegas. He served three tours in Iraq—three tours—with the Air Force before leaving at the rank of staff sergeant. Adam Hermanson was planning to move to Pennsylvania with his wife Janine. Janine is currently living in our State with her parents and searching for an explanation—an explanation as to why this happened to her husband. The Departments of Defense and State have an obligation to provide this explanation.

We have had lots of investigations and lots of reviews but not enough in the way of answers. We have an obligation in the Senate as well to prevent any further electrocutions of our troops in these circumstances.

This amendment attempts to right a wrong by ensuring that the Army reviews the language of a contract at the time of formation of that contract to ensure that it includes explicit language that clearly requires contractors to immediately correct deficiencies, such as improperly ground equipment or facilities which could cause the death or serious bodily harm of a soldier. This review should be happening already, but the facts make clear that it isn't. The Senate needs to take concrete steps now to reduce and ultimately eliminate this danger to our troops. No family should have to endure the pain suffered by Ryan's mother Cheryl Harris or Adam's wife Janine Hermanson or any other family members of the other eight fallen soldiers.

Americans serving in this theater of war or any theater of war face challenges on the battlefield that most of us can't even imagine. I know Chairman INOUYE understands what I am talking about. He served in combat and we know of his great heroic story. He can understand it, but I am not sure I can, not having faced those challenges myself. But the risk of death should not follow these brave men and women into the barracks, where they should have a reasonable expectation of safety and security away from the battlefield.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of the 10 servicemembers and contractors who have died in Iraq as a result of electrocutions.

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

ELECTROCUTION DEATHS IN IRAQ

Since the March 2003 invasion, 19 people have died from electrocution, including 10 from the Army, 5 from the Marine Corps, 1 from the Navy, 2 military contractors and 1 State Department contractor.

According to the Inspector General of the United States Department of Defense, nine of the 19 electrocutions involved accidental deaths that resulted from the victims touching or coming into contact with live electrical power lines. The Inspector General's report on these incidents concluded that ''[w]hether equipment maintenance complied with proper electrical standards or grounding requirements were not issues in these nine electrocutions, and the investigations conducted in the cases sufficiently established responsibility for the deaths.''

The remaining ten electrocutions involved equipment malfunctions that could have related to whether equipment maintenance complied with proper electrical standards or whether the respective chain of command acted responsibly in protecting Service members.

1. Army Spc. Marvin A. Camposiles, 25, of Austell, Georgia: Army Spc. Composiles died in Samarra, Iraq, when he was electrocuted while performing routine generator maintenance. He was assigned to 1st Battalion, 26th Infantry Regiment, 2nd Brigade, 1st Infantry Division, Schweinfurt, Germany. Died on April 17, 2004.

2. Marine Pfc. Brian K. Cutter, 19, of Riverside, California: Marine Pfc. Cutter died in Al Asad, Iraq, after being electrocuted while working on a cooling system for a tent, only two days after arriving in Iraq. He was assigned to 3rd Assault Amphibian Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, California. Died on May 13, 2004.

3. Spc. Marcus ''O.'' Nolasco, 34, of Chino, California: Spc. Marcus Nolasco died in Baji, Iraq, when he was electrocuted while showering. He was assigned to Battery B, 1st Battalion, 33rd Field Artillery, 1st Infantry Division, Bamberg, Germany. Died on May 18, 2004.

4. Navy Petty Officer 3rd Class David A. Cedergren, 25, South St. Paul, Minnesota: Petty Officer 3rd Class Cedergren died near Iskandariayah, Iraq, died as a result of being electrocuted. He was assigned to the 2nd Marine Division Fleet Marine Forces Atlantic. Died on September 11, 2004.

5. Spc. Chase R. Whitham, 21, of Harrisburg, Oregon: Spc. Whitham died in Mosul, Iraq when an electrical current surged through a swimming pool in which he was swimming. Died on May 8, 2005.

6. Sohan Singh, Civilian Contractor Employee: Mr. Sohan Singh was electrocuted while attempting to enter his quarters at Fallujah Surgical, Camp Fallujah, Iraq, on July 19, 2005. Mr. Singh was a third country national from India.

7. Staff Sgt. Christopher L. Everett, 23, of Huntsville, Texas: Staff Sgt. Everett died in Al Taqqadum, Iraq, when he was electrocuted while power washing sand from a Humvee. He was assigned to the Army National Guard's 2nd Battalion, 112th Armor Regiment, 56th Brigade Combat Team, Arlington, Texas. Died on September 7, 2005.

8. Army Sgt. Michael J. Montpetit, 31, of Honolulu, Hawaii: Army Sgt. Montpetit died when he was electrocuted while working on a

generator outside of Baghdad. He was assigned to the 15th Forward Support Battalion, 2nd Brigade Combat Team, 1st Cavalry Division, Fort Hood, Texas. Died on June 22, 2007.

9. Staff Sgt. Ryan Douglas Maseth, 24, of Shaler, Pennsylvania: Staff Sgt. Maseth was electrocuted while showering in his barracks in Baghdad in January 2, 2008.

10. Adam Hermanson, 25, of Las Vegas, Nevada: While working as a State Department contractor, Adam was electrocuted on September 1, 2009 while showering in Baghdad. According to press reports, military medical examiner told her that preliminary findings indicate that Adam died from low voltage electrocution. Adam served three tours in Iraq with the Air Force before leaving at the rank of staff sergeant. Died on September 1, 2009.

Mr. CASEY. Mr. President, let me conclude with a couple of remarks.

The Associated Press published a story written by Kimberly Hefling on September 8, 2009, and I ask unanimous consent to have this article printed in the RECORD.

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

[From the Associated Press, Sept. 8, 2009]

STATE DEPARTMENT CONTRACTOR ELECTROCUTED

(By Kimberly Hefling)

WASHINGTON.—A State Department contractor apparently has been electrocuted while showering in Baghdad even as U.S. authorities in Iraq try to remedy wiring problems that have led to the deaths of American troops there.

The contractor, Adam Hermanson, 25, died Sept. 1, his wife, Janine, said Tuesday. She added that a military medical examiner told her that preliminary findings indicate her husband died from low voltage electrocution.

Electrical wiring has been an ongoing problem in Iraq. At least three troops have been electrocuted in the shower since the start of the Iraq War, while others have been electrocuted under other circumstances such as while operating a power washer. Inspections and repairs are under way at 90,000 U.S.-maintained structures there.

Hermanson grew up in San Diego and Las Vegas. He joined the military at age 17, and did three tours in Iraq with the Air Force before leaving at the rank of staff sergeant. He returned to Iraq as an employee of the Herndon, Va.-based private contractor Triple Canopy.

Jayanti Menches, a spokeswoman for Triple Canopy, said in an e-mail that the company was saddened by his death but would not be commenting further until an investigation was complete.

State Department spokesman Robert Wood also offered condolences to the family, but would not elaborate further on the cause of death, pending an investigation.

Janine Hermanson said her husband took the contracting job so they would have money to buy a house in Muncy, Pa., where they were planning to live. She said she'd already moved there and was living with her parents.

The two would have celebrated their fourth wedding anniversary on Sunday.

''He was supposed to come back and we had a lot of plans,'' said his wife, who also served in Iraq with the Air Force.

Besides three Iraq tours, Adam Hermanson served in Uzbekistan with the Air Force. His mother, Patricia Hermanson, 53, of Las Vegas, said everyone in her family was struggling to understand how he could survive four war tours, then die suddenly in a seemingly safe place.

''We all know that Adam was as strong as a tank,'' his mother said. ''He was in good health.''

In July, the Defense Department's inspector general said that of the 18 electrocution deaths of U.S. soldiers and contractors in Iraq, eight involved possible equipment faults or malfunctioning that caused or contributed to the electrocutions. The accidental touching of live wires was blamed in about half the deaths.

Mr. CASEY. Mr. President, I won't read all of this Associated Press story but will just make note of two statements by two people who loved Adam Hermanson very much.

There is a statement in this story about his wife and his mother. His wife said, when reflecting upon what had happened to her husband and the circumstances: He was supposed to come back, and we had a lot of plans. So after serving three tours as a soldier and then going back as a contractor, he would have hoped to have come back to be with his wife, and she says in the story that they had a lot of plans. And then Adam's mother, Patricia Hermanson of Las Vegas, said everyone in her family was struggling to understand how he could survive so many tours of duty and then die suddenly in a seemingly safe place. That is a question all of us should ask and have answered—those who are family members who have lived through this nightmare and those who are Senators trying to do something about it.

I know there are many people here in this Chamber who want to do something about this, so I ask my colleagues to support this amendment.

Mr. President, I hope someone can tell me whether we can call it up at this time.

Mr. INOUYE. Will the Senator yield?

Mr. CASEY. I will.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. I commend the Senator from Pennsylvania for his amendment. I support the intent and the purpose of that amendment. However, I have been advised there are certain technical changes that have been recommended for better acceptance by this body. So if I may ask that the Senator's staff and the staff of the committee get together, I think we can work it out.

Mr. CASEY. I thank the chairman for his comments, and we will certainly act in accordance with his statement.

Mr. INOUYE. I thank the Senator.

Mr. CASEY. Mr. President, I yield the floor, and 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. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2578, AS MODIFIED

Mr. KAUFMAN. Mr. President, I ask unanimous consent that amendment No. 2578 be modified with the changes at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. ____. The Secretary of Defense may, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, continue to support requirements for monthly integrated civilian-military training for civilians deploying to Afghanistan at Camp Atterbury, Indiana, including through the allocation of military and civilian personnel, trainers, and other resources for that purpose.

Mr. KAUFMAN. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment at this time?

Mr. KAUFMAN. Mr. President, I yield the floor, and 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. INOUYE. 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. INOUYE. Mr. President, I would like to advise the Senate that the committee has no objection to the Kaufman amendment and we accept it.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 2578), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2567

(Purpose: To prohibit the use of funds for the Center on Climate Change and National Security of the Central Intelligence Agency)

Mr. BARRASSO. I ask the pending business be set aside and I be allowed to call up my amendment, No. 2567, and make it pending.

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

The bill clerk read as follows:

The Senator from Wyoming [Mr. BARRASSO] proposes an amendment numbered 2567.

At the appropriate place, insert the following:

SEC. ____. No amounts appropriated or otherwise made available by this Act may be available for the Center on Climate Change and National Security of the Central Intelligence Agency.

Mr. BARRASSO. Mr. President, on September 25 the Central Intelligence Agency announced the creation of the CIA Center on Climate Change and National Security. I am proposing an amendment today to the fiscal year 2010 Defense appropriations bill that would prevent funds in this bill from going to that center. The CIA is responsible for gathering foreign intelligence information for the United States. We have threats from around the world. The most immediate of these threats is the prevention of future terrorist attacks on U.S. soil. I do not believe that creating a Center on Climate Change is going to prevent one terrorist attack.

Why is this administration having our intelligence officials, the men and the women who protect this country, have these men and women staff and operate a climate change center? The creation of this center appears to elevate the issue of climate change to the level of terrorism and foreign espionage.

To me, this raises a number of questions. The CIA always claims to have scarce resources and competing priorities. What are the costs going to be of creating this new climate center? Isn't there a more efficient way to achieve the same results using existing resources? Why can't the CIA get this information through traditional channels, such as the State Department officials in the field, the EPA, the National Ocean and Atmospheric Administration, and other Federal agencies?

How does the CIA get information about other issues—world hunger, disease, financial markets—to make their decisions? Do they have centers for all of these issues as well? Is this center going to make demands on the current CIA bureaucracy? Will they use existing personnel? Will they hire new people? Will necessary personnel have tasking authority?

Tasking authority means the ability to take satellites off of watching terrorists and having them instead watching arctic ice sheets. Will someone sitting in a dark room watching satellite video of northern Afghanistan now be sitting in a dark room watching polar ice caps?

The priorities seem to be out of focus. I believe the Senate should support this amendment and bring the focus back in line with America's national security interests. The CIA has an important job to do. It must not be distracted by being forced to deal with climate change.

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. BOND. 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. BOND. Mr. President, I have two things to do. First, there is an amendment from the Senator from Oklahoma on the National Guard REA accounts. I think the amendment would miss the point and make a faulty assumption that the National Guard/Reserve equipment accounts do not go through a process.

The Secretary of Defense and service chiefs already review the unfunded list that the NGREA funds are put toward. The Air National Guard and Army National Guard, working closely with their major command counterparts, have been able to use these funds on critical capability requirements by leading with funding for integration and procurement of various weapons systems capabilities.

The Army and the Air Force are responsible for equipping their Reserve components, and they do so within budgetary constraints.

We know historically that the Air National Guard has been equipped at a level significantly lower than the Active components and, constitutionally, the Congress has the explicit power to provide for equipping the militia. Even in recent history the Air National Guard's equipment requirements are placed in the supplemental or in the outyears, which often do not survive.

Congress has traditionally understood that the Army cannot meet the Reserve component's equipment requirements. The National Guard has a Federal ''wartime'' mission as an operational Reserve and, in order to ensure that the Reserve component, specifically the Guard, can meet both its Federal and domestic missions, Congress provides the NGREA.

After Katrina, the Guard had only 33 percent of the homeland equipment needed to respond to its State emergency response mission. The Guard primarily focuses its NGREA procurements on critical dual-use items that support both the Chief and the National Guard Bureaus' ''Essential 10'' capabilities—their overseas military responsibility—and the Governors.

The funding provides for the modernization, unfunded MTOE equipment requirements, and items of equipment that are not managed by the Army G4 or G8.

With all that said, I hope my colleagues will continue to recognize that investments in our citizen soldiers and airmen provide the best bang for the taxpayers' hard-earned dollars and, further, that the funds in the National Guard and Reserve equipment account are subject to an internal process review by the Secretary of Defense and respective Guard Chiefs.

Mr. President, I also will ask to call up another amendment that I have. I believe it is at the desk. This is an amendment on behalf of the citizen airmen in the Air National Guard.

At present, the Air Force possesses sufficient numbers of fighter aircraft to accomplish its national military strategy objective which, as its first priority, is the defense of the homeland. However, even with an aggressive strategy to reflow legacy aircraft to Air Guard units, the Air Guard will experience a significant drawdown of fighters as existing fighters reach the end of their service life.

Unfortunately, this is the result of year after year of failing to recapitalize our fighter fleet. This is due to cost growth and production delays of the so-called fifth generation aircraft that have resulted in reduced purchases of aircraft and chronic delivery delays which threaten to put a tremendous bathtub in the available craft needed by the Air Guard for its mission.

Most of us all know what happens when the pot shrinks in the Pentagon. The Guard gets the short end of the stick. The Air Force must recapitalize its older fighter force, the F–15s and F–16s. Fifth generation aircraft investment, proposed investment, is crowding out other Air Force priorities with limited resources when we have to have the resources now for work that the Guard is continuing to do.

Of the F–16s in the Air National Guard, 80 percent will begin to reach the end of their service life in less than 8 years. The net result is the Air Guard is facing a major gap between when the jets are retired and when aircraft to replace them are available.

That is the fighter gap. The result is units would not be capable of supporting the Air Sovereignty Alert; that means defending the skies of the Homeland.

Currently, the Guard covers series 16 of 18 sites where units stand alert 24 hours a day, 7 days a week, 52 weeks a year. Recapitalizing the Air National Guard and modernizing must occur proportionally and in parallel with the total Air Force; otherwise, mission gaps, such as the all-important Air Sovereignty Alert, will come down and the absence of necessary aircraft will leave many units eviscerated.

There is no program or plan that prevents the fighter gap from occurring. I was very pleased to hear the Air Force Chief of Staff, GEN Norton Schwartz, announce at the National Guard Association his intent to work with the Guard to develop a preservation strategy.

The strategy is being developed. At the time, it will be presented to the Air Force, the Guard, and the Adjutant Generals in November. Senator LEAHY and I have continued to endorse the procurement of 4.5-generation aircraft to address the shortfall.

I believe we will have to consider purchasing more F–16s, F–15s or F/A–18s that are relevant to the current and foreseeable war on terror, are cost-effective, and are available to bridge the Guard through the fifth generation.

The Air Guard absolutely needs to be a part of the fifth-generation missions but not at the expense of the vast majority of units it would lose due to a

lack or delay in follow on. We do not need to accept a smaller Air Force, particularly when it is not based on thoughtful analysis but based on the need to cut budgets and cost growth in the procurement of the new planes that are so far behind schedule, underperformance, and overbudget.

We will see too many units shut down. That is why Senator LEAHY and I have offered an amendment to restrict the retirement of the current generation aircraft until the Secretary reports to the Congressional Defense Committees a detailed plan on how the Secretary of the Air Force will fill the force structure, a description of the follow-on missions, an explanation of the criteria for selecting the bases, a plan for the reassignment of regular and Reserve Air Force personnel, and an estimate of the cost avoidance to be achieved by the retirement of such tactical air.

Many of the efforts we have had to wage over the last few years have been the result of the Guard getting shut out of key decisions on resources and equipment. America's oldest fighting force is now more relevant than ever. In today's world, the need for a National Guard is greater than ever before. The Guard has experienced and capable fighting units. There is no program or plan that prevents this fighter gap from occurring. Unless we pass this amendment, the issue remains unresolved. This amendment will prevent the loss of any additional force structure until we get the information needed.

I ask unanimous consent to set aside the pending amendment and call up this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. I reserve the right to object. Let me inquire as to what is pending now.

The PRESIDING OFFICER. The pending amendment is the Barrasso amendment No. 2567. Five other amendments are also pending.

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BOND. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, as we consider the Defense Department Appropriations bill, the most important question we face concerns our military operations in Afghanistan. That is why I have filed an amendment which commends the President for focusing on Afghanistan and Pakistan and for developing a comprehensive, interagency strategy for the region. It also expresses the sense of the Senate that the President should provide Congress and the American people with some basic information before he authorizes any potential increase in troop levels in Afghanistan. In particular, it urges the President to inform Congress how much such an increase would cost, how long he expects it to last, the likelihood that it will have any impact on our ability to confront the al-Qaida safe haven in Pakistan, and the likelihood that it will actually destabilize one or both countries. I realize that we cannot know these things with absolute certainty, but we should have some idea of the expected costs, duration, and likelihood of success or failure before embarking on such a significant undertaking. The President should not send tens of thousands of brave young men and women into harm's way, if he so decides, without first answering these questions, and Congress should not support such a decision without first obtaining this information.

My amendment, which is nonbinding, does not attempt to pressure the President to make a decision about troop levels. I, for one, am pleased to see that this administration is apparently asking some very tough questions about our Afghan strategy. I think it is unfortunate that some, including in this body, have suggested that any delay in responding to General McChrystal's request is unacceptable. The stakes are too high for a rushed decision, and not only for the troops who could be deployed. After 8 long years of war, we need to question all our assumptions and rethink our approach from top to bottom. What was possible and desirable 5 or even 2 years ago may now be neither. Getting Afghanistan right has serious implications for our national security, and the answers to the questions I raise in my amendment will help us, and the people we represent, to know whether we have done so.

Eight years ago, I voted in favor of the authorization to use military force against those who planned and carried out the 9/11 attacks. Since then, I have remained focused on that goal and have noted with alarm the resiliency of al-Qaida's leadership in Pakistan and its growing footholds in Yemen, Somalia, North Africa and elsewhere. The decision to go to war in Iraq was a tragic mistake that undermined our ability to go after al-Qaida. That initial mistake was compounded by flawed thinking as too many people focused narrowly on ''getting Iraq right'' without realizing that the key to getting Iraq right was to place it in the context of a comprehensive, global strategy to defeat al-Qaida. So, too, we cannot simply focus on getting Afghanistan right, we need to make sure that our Afghan approach is part of, and contributes to, that broader strategy I just mentioned.

This administration sees that bigger picture, which is why it has begun to redeploy troops from Iraq, though not as quickly as I would prefer. And President Obama has brought needed focus and attention to the Afghanistan-Pakistan region, but I am concerned that our current and proposed military strategy Afghanistan may play into al-Qaida's hands. Our current approach has mobilized a tribal network in the Afghan-Pakistan border region that does not share al-Qaida's international terrorist agenda but nonetheless opposes our massive military presence in the region. It has driven people into the arms of the Taliban even while Taliban and al-Qaida leadership remains out of reach in Pakistan. And it risks further destabilizing Pakistan, a nuclear-armed country where al-Qaida is now based. Rather than continue down this road, we need a smart, targeted strategy to pursue al-Qaida and Taliban leadership without provoking further militancy in both countries.

Our enemy is agile. It has a network that spans the globe, receives financing from individuals around the world and has a presence in even the most developed nations. We have expanded our ability to go after these networks, working with allies and cutting off the flow of funds. Chasing after elusive Taliban foot soldiers in Afghanistan will not defeat al-Qaida; rather, we must use all elements of our national power to target al-Qaida without getting bogged down in massive military operations with unrealistic goals and potentially dangerous unintended consequences.

Armed nation-building in a country hostile to foreign interventions and with a feckless, corrupt central government is at best an experiment and at worst a dangerous distraction. Rather than looking desperately for a quick fix to the problems that plague that country, we must acknowledge the limits of our ability to radically remake Afghan society no matter how many billions of dollars and tens of thousands of troops we may commit to the cause. Instead, we should pursue a sustainable, civilian-focused strategy to support the emergence of legitimate governance. This is the surest way to defeat the Taliban in the long term.

Unfortunately, while the decision to go to war in Afghanistan was the right one, the exigencies of our military operations are now undermining our ability to help promote such legitimate governance. We have looked the other way when our supposed allies committed human rights abuses, sold drugs or embraced corruption. As General McChrystal stated in his assessment, we have embraced ''problematic'' relationships with ''polarizing and predatory'' power brokers, including in the Afghan National Security Forces, who ''have been major agents of corruption.'' He reported that ''extortion associated with large-scale development projects undermines the economy in Afghanistan.'' Additionally, he notes, the Afghan public ''perceives that ISAF is complicit in'' the abuse of power and corruption.

Some who want to persist with our current strategy are calling for a rapid increase in the size of the Afghan security forces. But without a legitimate, functioning national government, a rapid expansion of these forces is likely to provoke further instability.

Currently, the only face of the Afghan government in many parts of the country is the Afghan police force which is itself beset by corruption.

While our current strategy depends upon our ability to address the corruption that plagues the Afghan government, no one has explained how we can achieve this goal. With the input of millions of dollars, international pressure and additional U.S. troops, we did not even have the ability to prevent wide-scale fraud in the recent presidential election. In the absence of a legitimate local partner, our counterinsurgency goals, while perhaps laudable, appear unrealistic.

Rather than further aligning ourselves with this badly flawed government, we should focus on targeting our aid to those actually working to promote good governance and the rule of law. This does not require a massive military presence. Indeed, attempting to accelerate this process with an increase in U.S. troop levels may well be counterproductive. Countries are typically built by their own people, over time, through a process of building a national consensus. This cannot be imposed by foreigners, especially when they are active participants in an ongoing war in a country that is highly resistant to foreign occupation. And we cannot afford to link this lengthy and unpredictable process to an open-ended and unsustainable military escalation.

General McChrystal has argued that we should significantly increase our military resources in Afghanistan for the purpose of ''protecting'' the Afghan population. However, he acknowledges that, if we endorse his proposal, it ''is realistic to expect that Afghan and coalition casualties will increase.'' This does not make sense. Occupying the population centers of southern Afghanistan is likely to provoke greater resentment and increase the danger to our troops and to the Afghan public. The majority of Afghans oppose an increase in foreign troops and want to see foreign troops leave the country within 2 years. Without giving the American and Afghan people a sense that our military operations will not go on indefinitely, we are unlikely to gain the support needed to accomplish our goals, particularly if we know going in that civilian casualties will only increase in the short term. That is why I have called for a flexible timetable to draw down our troop presence in Afghanistan.

Rather than risking more American lives and spending more American dollars in support of an illegitimate partner in Afghanistan, we must find a way to relentlessly pursue al-Qaida without further destabilizing Afghanistan and its nuclear-armed neighbor. Our massive, open-ended military footprint is not only unnecessary and unlikely to accomplish this goal, it may well be counterproductive.

Now, some will argue that anything short of a troop escalation means ''abandoning'' Afghanistan. That same argument was made about Iraq, and it is just as phony now as it was then. The question is not about abandoning Afghanistan, it is about correctly defining and achieving our goals there. Unlike Iraq, we also hear arguments pointing out that the 9/11 attacks were launched from Afghanistan, which is absolutely true.

But the leaders of al-Qaida and the leaders of the Taliban are in Pakistan, they are not in Afghanistan. We should be concerned about al-Qaida potentially re-establishing a safe haven in Afghanistan, but we should be even more concerned about al-Qaida's current a safe haven in Pakistan. Pakistan is home to a witches' brew of militancy, radicalism, terrorism, nuclear weapons and weak civilian leadership, and getting this country right will be even more challenging, and more important, than Afghanistan.

Our primary goal should be to help support the emergence of a civilian government in Pakistan that is effective, democratic and a reliable partner. It has been widely reported that elements of the Pakistani security services continue to provide support to militants. Our ability to pressure the Pakistani security forces to hold those elements accountable is undermined by our focus on military operations in Afghanistan, specifically our dependence upon our supply line running through Pakistan. Some have suggested that if we redeploy troops from Afghanistan, the Pakistanis will decide we are not committed to the region, and we will lose what leverage we have over them. In fact, we should consider whether drawing down our troops in Afghanistan would help enable us to deal with Pakistan from a position of strength.

The Director of National Intelligence summarized the depth of the problem earlier this year during his testimony before the Senate Select Committee on Intelligence. He stated that:

> No improvement in the security in Afghanistan is possible without . . . Pakistan taking control of its border areas and improving governance, creating economic and educational opportunities throughout the country. . . . [M]ounting economic hardships and frustration over poor governance have given rise to greater radicalization. . . . Islamabad needs to make painful reforms to improve overall macroeconomic stability. . . .

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senator be given 3 additional minutes.

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

Mr. FEINGOLD.

> Among the needed reforms are measures to improve the transparency of government expenditures and impose taxes on wealthy landowners. Such reforms would reduce the opportunities for corruption among Pakistani political leaders, help to establish a more level political playing field, and help build the confidence of average Pakistanis in their government.

As Admiral Blair's testimony illustrates, militancy in the region stems from an incredibly complicated set of problems, few of which are amenable to a military solution. Now that the United States is focused on its relationship with the civilian government in Pakistan after too many years in which we placed all our chips on an unreliable, unpopular and undemocratic strongman, we are finally on the right track, trying to support the emergence of a legitimate government that, in the long run, is more likely to support our counterterrorism goals and provide the stability that country needs.

Progress on this front, however, may well be compromised by our massive presence in Afghanistan. During a recent Senate Foreign Relations Committee hearing, former British foreign service officer, Rory Stewart testified that ''U.S. operations in Afghanistan may, in fact, contribute to the destabilization of Pakistan.'' Special Envoy Holbrooke and Admiral Mullen have also acknowledged to me in appearances before the Foreign Relations Committee that there is a danger that our operations in Afghanistan will further destabilize Pakistan by pushing militants into that country. We must carefully consider the alternatives before we pursue a significant escalation in Afghanistan that is not likely to fix the governance problems in that country or to address the al-Qaida presence in Pakistan, and that could further destabilize the entire region.

Over the last 8 years, we have committed tremendous resources in an effort to dramatically rework Afghan society. We have doubled our troop levels over the past year and, this year alone, we will spend over $50 billion in that country. This has already become the deadliest year for U.S. troops in Afghanistan. Rather than doubling down on a strategy with objectives that may well be unachievable, we should focus on relentlessly pursuing al-Qaida's network in Pakistan and around the world, and set realistic goals for providing civilian assistance to legitimate actors within the Afghan and Pakistani governments. My amendment asks tough questions about any potential military escalation to ensure that we carefully consider the costs of the proposed strategy, its likelihood of achieving our counterterrorism goals, the potential pitfalls and the alternatives. I hope my colleagues will ask themselves these questions as they consider whether to support the underlying bill, which funds a military approach in Afghanistan that is badly in need of rethinking.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. I ask unanimous consent to set aside the pending amendment and call up my amendment at the desk, No. 2588.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, I have no objection to the Senator from Minnesota offering his amendment. I wanted to get two other amendments pending. I ask that I be included in the request.

The PRESIDING OFFICER. Is there objection to modifying the request?

Mr. FRANKEN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRANKEN. I would like to get my amendment in.

Mr. COBURN. If the Senator objects for me, then I will object to him getting his.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 2593

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment 2593 offered by the Senator from Michigan, Mr. LEVIN.

Mr. LEVIN. Mr. President, there are two amendments that we will be voting on next to each other, side by side, relating to the appearance of not only General McChrystal but, if my amendment is passed, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Commander in CENTCOM and General McChrystal, both. That was the approach we used when President Bush, for 3 months, had under consideration an Iraqi surge. Nobody tried to have a hearing at that time to bring in his commander while the President was deliberating to give us the commander's views that he was sharing with his Commander in Chief. As a matter of fact, that commander, General Casey, had views which ran very contrary to his Commander in Chief. But we should follow that same pattern here. We should allow this deliberative process to take place. We should not try to intrude upon it or to put the commander in the field in a position where he is testifying in public relative to what he is advising his Commander in Chief.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I hope everybody had a chance to read the wording of this amendment that says ''appropriate committees of Congress shall hold hearings,'' et cetera, ''promptly after the decision by the President on those matters is announced.'' In other words, we don't have any input into the decisionmaking process. We don't get to hear from the Secretary of Defense on down while the decision is being made by the President as a coequal branch of government. This is bizarre. I have never seen a requirement that we can't call witnesses and won't call witnesses on an issue about sending young Americans into harm's way. This is a remarkable statement that we are not going to be in on the takeoff and so therefore we will not be in on the landing. We aren't going to have a hearing on one of the most pressing and incredible emergencies of our time? We aren't going to have any witnesses before the appropriate committees until after the decision is made? I am not ready to abrogate those responsibilities that I have to the citizens of Arizona who are in harm's way. I urgently ask colleagues to vote against this bizarre amendment.

The PRESIDING OFFICER (Mr. FRANKEN). The question is on agreeing to amendment No. 2593.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

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

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—60

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

NAYS—39

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

NOT VOTING—1

Dodd

The amendment (No. 2593) was agreed to.

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

Mr. NELSON of Nebraska. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Republican leader is recognized.

SENATOR ORRIN HATCH'S 12,000TH VOTE

Mr. MCCONNELL. Mr. President, I rise to honor our colleague and good friend, the senior Senator from Utah, who is about to cast his 12,000th vote. Today, Senator HATCH becomes part of a small group. He is now one of fewer than 15 Senators in history, and the only Senator in the history of Utah, to have cast 12,000 votes in the well of the Senate.

The people of Utah have elected ORRIN HATCH to this body six times, and I am sure they couldn't be more proud to see him reach this milestone. For more than 32 years, he has been a phenomenal representative of the Beehive State. He has made sure no one in Washington, as he likes to put it, has been able to push Utah around. He has also made a lot of sacrifices in the process. A few years ago, when Senator HATCH was deciding whether to run for reelection, his wife Elaine asked him if maybe it was time to leave Washington so they could have a life. ORRIN responded with the words of a public servant: ''This is our life,'' he said. ''My life is a life of service.''

It actually started out early. As a young man growing up in Pittsburg, ORRIN was elected to the student Senate and then as student body president at Baldwin High School. Later, at Brigham Young University, thanks to an alphabetical seating chart, he met Elaine Hansen. It was probably the only thing he ever got in his life simply by way of good luck.

ORRIN was always a hard worker. As a boy, he sold eggs from his family's chickens. He worked as a janitor in college. He left Brigham Young with a degree in history and went on to make some history himself, becoming the longest serving Senator in the history of Utah and one of the most influential and well-known Senators of our time.

Politics came naturally and quickly. Before winning a Senate seat, he had never held elected office. A tireless campaigner, ORRIN set out across his State to meet the people of Utah and to tell them how he could help them in Washington. His message and his work ethic earned him their respect and it earned him 54 percent of the vote.

From the moment he was sworn in, ORRIN kept his early pledge. He has helped the people of Utah and all Americans keep more of their hard-earned money by sponsoring tax relief legislation. He has been a champion of health care reform, particularly children's health, through his work on the Finance and Health, Education, Labor, and Pensions Committees.

Senator HATCH is also known to millions of Americans as a veteran member of the Judiciary Committee. He has been involved in the debate over eight—eight—sitting Supreme Court Justices.

He has been a major player in recent debates over national security, energy, labor, the second amendment, and the current debate over health care, and he has done it all in the spirit of bipartisanship, earning the friendship and respect of every Senator in this Chamber. No one who has ever met ORRIN HATCH isn't struck by his courtesy and the dignity with which he carries out his duties. For Republicans, he is a good friend, a constant ally, and one of the best advocates we have. To Americans, he is the very picture of a Senator.

Incidentally, he is also one of the most prolific songwriters ever to serve in Congress. He wrote all 13 songs from one of his albums over the course of one weekend, and well-known musicians such as Gladys Knight have sung his songs. But he will never be accused of false modesty when it comes to his

talents as a songwriter. ORRIN once told a reporter: Everybody loves my music.

In everything else, though, ORRIN is happy to share the credit. He will be the first to tell you that his success wouldn't be possible without his family. So today we also honor Elaine, their 6 children, and their 23 grandchildren on this very historic occasion.

These milestones are important because they testify to hard work and commitment. But they also give us an opportunity to recognize colleagues whom we admire and respect, colleagues such as the senior Senator from Utah.

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have looked forward for the last half-hour or so to this occasion, recognizing that ORRIN was going to be making his 12,000th vote the next vote.

The people of Utah are proud of Senator HATCH for a lot of reasons. His name is synonymous with Utah. Even though he spent a lot of his growing up in Pennsylvania, the name ''Hatch'' is a prominent name throughout Utah. They even have a town named Hatch. His great-grandfather, Jeremiah Hatch, helped found the town of Vernal. ORRIN, I have to say this: My staff preparing this said the beautiful town of Vernal. I had to change it to say the interesting town of Vernal. But it is an indication of the roots of the Hatch family in Utah. That town of Vernal, UT, was founded more than 130 years ago by Jeremiah, and the heart of every Hatch since then was been part of the State of Utah.

Senator HATCH has chaired the Judiciary Committee on more than one occasion. He spent 7 years at the helm of that panel during some of the most difficult times we have had in the Senate dealing with judicial appointments. He served as chairman of the HELP Committee. In that post, he sat alongside his friend, Ted Kennedy, for almost two decades. Senator HATCH has a lot to be proud of in his legislative record. One of the things that is a hallmark of Senator HATCH: He is the reason we have a Surgeon General's warning on cigarette packages and advertisements. That is because of Senator HATCH.

He has not only been a good Senator, he is also a terrific lawyer. He excelled in his younger days as a basketball player, has fought in the ring, and as we have heard from the Republican leader, he is an accomplished musician, and he really is. He recently wrote a song in honor of Senator Kennedy. It is not the first song he has written about his friend.

ORRIN HATCH has dedicated his life to people, period. As a young man, he took 2 years out of his life to serve as a Mormon missionary in the States of Indiana, Ohio, and Michigan. That is, as some say, similar to going into the Army and not having a gun to carry. It is a very strict 2 years. They have very strict assignments and a routine they go through, and it prepared him well for what we do in the Senate. But during his heavy load in the Senate, he has rarely not been a Sunday school teacher or doing other things with the church.

I think we on this side would agree that ORRIN HATCH on occasion can be fairly partisan, but I would also say that is not always the case. He has almost, nearly alone on a number of occasions, broken away and been responsible for important legislation in recent years, including the Children's Health Insurance Program. Many educational issues, including Leave No Child Behind, have been as a result of his stepping out.

ORRIN and I are not political soulmates, but we are soulmates. He is a wonderful man and a good friend. As we have heard, he is the father of 6, the grandfather of 23, and a great-grandfather. He is one of the most senior Members of this body and one of the most respected.

I think truly the reason that ORRIN is the person he is is because of Elaine. He has an angelic wife, a woman who is at his side, supportive of him through good times and bad. She is a wonderful woman.

I am happy to have as one of my neighbors from the State above ours, Utah, ORRIN HATCH, who will truly go down as one of Utah's outstanding, great Senators, and that is the way it should be.

The PRESIDING OFFICER. The junior Senator from Utah.

Mr. BENNETT. Mr. President, I will not prolong this a great deal, but I need to stand as ORRIN's junior colleague and acknowledge not only all the things the two leaders have acknowledged, but the great friendship I have experienced coming here as a Senator.

ORRIN, we shall now reveal, was somewhat enamored of my opponent when I ran the first time. He, at the same time, in great fairness, reached out to me to become acquainted with me, and after we had a particular problem arise in that campaign, ORRIN reached out to my opponent and settled that problem with the kind of diplomacy and capacity he always has. From that time forward, I could not have had and could not have wished for a more reliable or more supportive senior colleague than ORRIN HATCH.

I am senior to him when it comes to age. You wouldn't think that, but it happens to be true. But never at any time has he treated me as anything but a complete equal. He has acted as a mentor.

I am grateful to the two leaders for their setting aside this time. I wish to join with them in congratulating ORRIN on his 12,000th vote.

The PRESIDING OFFICER. The senior Senator from Utah.

Mr. HATCH. Well, thank you so much to the two leaders. This is embarrassing, but it is very moving to have all my friends and colleagues here. This means so much to me. I didn't realize it was such a big deal, to cast 12,000 votes, but I am grateful the people of Utah have given me this privilege and this opportunity to serve in the greatest legislative body on Earth today, with the most wonderful people I know on both sides of the floor. I appreciate each and every one of you, and as long as I am here, I am going to try to do the very best job I can.

I am very grateful to BOB BENNETT as well. He is a wonderful colleague and a wonderful companion here in the Senate. He has been a wonderful guide, and he has helped me as well.

This body means a great deal to me. We all saw what it meant to Ted Kennedy and the great accolades he received throughout his lifetime. It was a real privilege to be close to him, as I am to almost all of you and will be to all of you. This is a tremendous body. I just wish we could get rid of some of the partisanship as well as work together a little bit better than we have. To the extent that I can, I will certainly try to do that.

I wish to thank my friends on the Democratic side for their patience and their tolerance and kindness and my friends on the Republican side for putting up with me all these years. I am very grateful to you.

By the way, I have three great-grandchildren as well, so I have 26 grandchildren, and I think probably more on the way by now.

When I was a missionary in Ohio, Indiana, and Michigan, they once called me to start the congregation in Sandusky, OH.

We had four members there who hadn't been to church in less than 10 years. Within a month we had 30, all women, of course, and children. I became the first branch president, pastor of that congregation. We have the longest serving woman's organization in the world in the Mormon church, and it is called the Relief Society, which is presided over by women. I don't want you to misconstrue this, but I was also a part of and the president of the Relief Society as well in that small branch of the church.

From those humble beginnings, I have to say I received some of the greatest experiences of my life. That mission was important to me. This is important to me. I love each and every one of you. I think I have expressed that to you in various ways, even at times when I am sure you wondered about it. I am sorry I took so long, but I am moved by this nice care that you have all shown to me. Thank you so much.

(Applause, Senators rising.)

AMENDMENT NO. 2575

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 2575, offered by the Senator from Arizona, Mr. MCCAIN.

Mr. MCCAIN. Mr. President, this amendment says within 45 days that we should have testimony from our military leaders, whom we have given the responsibility for combat operations in Afghanistan.

We have just abrogated the Senate's obligations and constitutional authority for advice and consent, because now, thanks to the passage of the Levin amendment, we will not have testimony from those commanders in the field. I take special exception to it, and so should most people who have their young citizens over there in harm's way today fighting and dying.

What we are going to do is say we cannot have any hearing as regards to strategy concerning how we are going to succeed in Afghanistan. So we are not in on the takeoff, and a lot of us may have trouble being in on the landing. This is an issue regarding which the Senate should have a role—at least of being informed.

I guess maybe we will be restricted to interviews with General McChrystal on ''60 Minutes.'' I urge my colleagues to vote in favor of the amendment.

Mr. LEVIN. Mr. President, I very much oppose the amendment. Secretary Gates opposes it. It would be totally inappropriate, in the middle of a deliberative process, to pit a commander of our troops in the field against the Commander in Chief. We did not do this when President Bush was President and General Casey was the commander. Apparently, he had very different views about the surge. Three months went by while President Bush deliberated on whether to surge troops. We never put General Casey at a hearing to tell us what he was advising President Bush, asking why we heard he might be advising a very different course of action. We never did that to President Bush. We should extend the same courtesy to President Obama during this deliberative process.

There are good reasons why Secretary Gates opposes bringing his commander in front of a public hearing at this time. We should show the same respect for the President of the United States now as we did when President Bush was President.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), is necessarily absent.

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

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—40

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

NAYS—59

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

NOT VOTING—1

Bayh

The amendment (No. 2575) was rejected.

Ms. LANDRIEU. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The junior Senator from Minnesota is recognized.

AMENDMENTS NOS. 2588, 2596, 2585, AND 2566, EN BLOC

Mr. FRANKEN. Madam President, I ask unanimous consent that the pending amendment be set aside, and on behalf of myself and Senators BOND and COBURN, I call up the following amendments en bloc, and ask that once they have been reported by number, they be set aside.

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

Mr. FRANKEN. I call up amendments Nos. 2588, 2596, 2585, and 2566.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. FRANKEN] proposes an amendment numbered 2588.

The Senator from Minnesota [Mr. FRANKEN], for Mr. BOND, for himself and Mr. LEAHY, proposes an amendment numbered 2596.

The Senator from Minnesota [Mr. FRANKEN], for Mr. COBURN, proposes an amendment numbered 2585.

The Senator from Minnesota [Mr. FRANKEN], for Mr. COBURN, proposes an amendment numbered 2566.

The amendments are as follows:

AMENDMENT NO. 2588

(Purpose: To prohibit the use of funds for any Federal contract with Halliburton Company, KBR, Inc., any of their subsidiaries or affiliates, or any other contracting party if such contractor or a subcontractor at any tier under such contract requires that employees or independent contractors sign mandatory arbitration clauses regarding certain claims)

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) None of the funds appropriated or otherwise made available by this Act may be used for any existing or new Federal contract if the contractor or a subcontractor at any tier requires that an employee or independent contractor, as a condition of employment, sign a contract that mandates that the employee or independent contractor performing work under the contract or subcontract resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) The prohibition in subsection (a) does not apply with respect to employment contracts that may not be enforced in a court of the United States.

AMENDMENT NO. 2596

(Purpose: To limit the early retirement of tactical aircraft)

At the appropriate place, insert the following:

SEC. ____. (a) LIMITATION ON EARLY RETIREMENT OF TACTICAL AIRCRAFT.—The Secretary of the Air Force may not retire any tactical aircraft as announced in the Combat Air Forces structuring plan announced on May 18, 2009, until the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report described in this subsection is a report that sets forth the following:

(1) A detailed plan for how the Secretary of the Air Force will fill the force structure and capability gaps resulting from the retirement of tactical aircraft under the structuring plan described in subsection (a).

(2) A description of the follow-on missions for each base affected by the structuring plan.

(3) An explanation of the criteria used for selecting the bases referred to in paragraph (2) and for the selection of tactical aircraft for retirement under the structuring plan.

(4) A plan for the reassignment of the regular and reserve Air Force personnel affected by the retirement of tactical aircraft under the structuring plan.

(5) An estimate of the cost avoidance to be achieved by the retirement of such tactical aircraft, and a description how such funds would be invested under the period covered by the most current future-years defense program.

AMENDMENT NO. 2585

(Purpose: To restore certain funds for the Armed Forces to prepare for and conduct combat operations by accounting for the August 2009 Congressional Budget Office economic assumptions and by reducing funding for congressionally directed spending items for low-priority research and development projects)

On page 239, beginning on line 22, strike ''$294,000,000'' and all that follows through ''$236,000,000'' and insert ''$194,000,000, the total amount appropriated in title III of this Act is hereby reduced by $322,000,000, the total amount appropriated in title IV of this Act is hereby reduced by $336,000,000''.

AMENDMENT NO. 2566

(Purpose: To restore $166,000,000 for the Armed Forces to prepare for and conduct combat operations, by eliminating low-priority congressionally directed spending items for all operation and maintenance accounts)

At the appropriate place, insert the following:

SEC. ____. No amounts appropriated or otherwise made available by this Act may be obligated or expended to fund any congressionally directed spending item included in the report of the Committee on Appropriations of the Senate (Senate Report 111–74) with respect to any account as follows:

(1) Operation and Maintenance, Army.

(2) Operation and Maintenance, Navy.

(3) Operation and Maintenance, Marine Corps.

(4) Operation and Maintenance, Air Force.

(5) Operation and Maintenance, Defense-Wide.

(6) Operation and Maintenance, Army Reserve.

(7) Operation and Maintenance, Navy Reserve.

(8) Operation and Maintenance, Marine Corps Reserve.

(9) Operation and Maintenance, Air Force Reserve.

(10) Operation and Maintenance, Army National Guard

(11) Operation and Maintenance, Air National Guard.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 2588

Mr. FRANKEN. Madam President, the amendment I offer today is inspired by the courageous story of a young woman who has dedicated 4 years of her life to making sure no other woman lives through her nightmare.

Four years ago at the age of 19, Ms. Jamie Leigh Jones signed a contract to become an employee of KBR, then a Halliburton subsidiary. That contract contained a clause which required her to arbitrate any future dispute against her employer—this means to force her to give up her right to seek redress in court if she was wronged. At the time, Ms. Jones had no idea what implications this seemingly innocuous fine-print clause would have.

Ms. Jones arrived in Iraq in July of 2005. Immediately, she complained to supervisors about the hostile conditions imposed by KBR. She was constantly being harassed by her male colleagues and was housed in barracks with 400 men and only a few women. Her pleas for safer housing were ignored.

Four days after her arrival, Ms. Jones was drugged and gang-raped. She requested medical attention, and a doctor administered a rape kit. Parts of that rape kit have since mysteriously disappeared.

After Ms. Jones reported the rape to her supervisors, she was locked in a shipping container with an armed guard and prohibited any contact with the outside world. They locked her in a container. It was only after she convinced one of the guards to lend her a cell phone that she was able to talk to her father, who enlisted the help of Representative TED POE, a Republican Congressman from Texas, to arrange for her safe return to the United States.

But Ms. Jones' horrific plight did not end there. Having survived this ordeal, most of us would expect that she would have had her day in court to seek justice for the actions and inactions of her employer. Instead, KBR sought to enforce the arbitration clause in Ms. Jones' contract and tried to force her into arbitration. So over the past 3 years, Ms. Jones has been fighting for her right to bring a lawsuit, and KBR has been fighting her every step along the way. This is simply too long for a rape victim to wait, just to have her day in court.

The only thing more outrageous than KBR's actions is that Ms. Jones' story is not an isolated one. Since Ms. Jones courageously shared her story, many more women have come out of the shadows saying the same thing happened to them. And, yes, some of these women are still waiting for their day in court too. Others were forced into arbitration, and their outcome remains secret due to the nondisclosure clauses in the arbitration agreement.

Arbitration has its place in our justice system. For two companies haggling over the price of goods, arbitration is an efficient forum, and the arbitrator will undoubtedly have the appropriate expertise. The privacy that arbitration offers can protect their proprietary business information. But arbitration has its limits. Arbitration is conducted behind closed doors and doesn't bring persistent, recurring, and egregious problems to the attention of the public. Arbitration doesn't ever allow a jury of your peers. Arbitration doesn't establish important precedent that can be used in later cases.

Many of our Nation's most cherished civil rights were established by individuals bringing claims in court, the court ruling in their favor, and then extending the protection of those rights to anyone in a similar situation. Arbitration does have a place in our system, but handling claims of sexual assault and egregious violations of civil rights is not its place.

Ms. Jones won a small but important victory just a few weeks ago. The conservative Fifth Circuit Court, encompassing Texas, Louisiana, and Mississippi, ruled that most of Ms. Jones' claims do not belong in arbitration, and she is entitled to her day in court. The Fifth Circuit ruled that even when you sign an employment contract requiring arbitration, there are some rights to sue your employer that can't be signed away. These include assault and battery, infliction of emotional distress, false imprisonment, and negligent hiring, retention, and supervision. But the Fifth Circuit's ruling only applies to the Fifth Circuit's jurisdiction, so it is not settled law throughout the United States. Who can say what might happen to claims filed in other circuits?

My amendment seeks to extend much of the Fifth Circuit's reasoning to government contractors who continually subject workers to these so-called mandatory arbitration clauses. The government shouldn't be doing business with defense contractors such as KBR as long as they continue this practice.

The amendment I am offering today seeks to narrowly target the most egregious violations. The amendment applies to defense contracts, many of which are administered abroad, where women are the most vulnerable and least likely to have support resources. The amendment will apply to many contractors that have already demonstrated their incompetence in efficiently carrying out defense contracts and have further demonstrated their unwillingness and their inability to protect women from sexual assault.

I urge my colleagues to support this amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, it is my understanding the Senator from Louisiana is going to be the next speaker, but I ask unanimous consent at the conclusion of her remarks that the Senator from Georgia be recognized, and that I be recognized after him.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I understand there are several colleagues wishing to speak on the underlying bill. I am going to speak for a minute on an event that happened last night to honor many of our constituents who were here in Washington for a special event. But before I do, and before the Senator from Minnesota leaves the floor, I want to thank him for bringing the amendment he just brought to the bill and to ask that my name be added as a cosponsor.

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

Ms. LANDRIEU. Madam President, I sincerely appreciate the work that has gone into that amendment and hope it will see a significant vote on the Senate floor and that it will help not only the individual he spoke of but perhaps hundreds, if not thousands, of other people who might find themselves in similar situations.

CONGRESSIONAL COALITION ON ADOPTION

Madam President, I see my good friend, Senator INHOFE, on the Senate floor today. He and I have the privilege and honor of cochairing the adoption caucus, and I wanted to speak briefly and to thank the 43 Senators who participated in this annual event by honoring individuals in their States—and, Madam President, you participated as well—for something special they had done on behalf of adoption or foster care in the United States or abroad.

This event is in its eleventh year. Collectively, the Members of Congress—Democrats and Republicans—have honored over 1,500 Americans—

some judges, some social workers, parents, advocates, lawyers in the system—who are helping to find permanent homes for orphans in America and around the world. We have approximately 500,000 children in foster care. That is a large number, but actually a small percentage if you think about all the children in our country—about 100 million. This represents less than one-half of 1 percent. But these children are in the custody of the government. Governments don't, by their nature, love children, human beings do, and parents particularly. So our job as Senators and Congressmen is to try to break down barriers, legal and otherwise, so we can find these orphans permanent homes.

In the last 20 seconds that I have, I want to submit for the RECORD the names of the 43 Senators and their angels from a variety of States in the Union. I want to acknowledge the three national angels: Judge Michael Nash of California, nominated by the Senators from that State and from all of us who started National Adoption Day, where judges such as Judge Nash took the liberty to hold adoptions on Saturdays so we could move a backlog of children. Because of his action, 350 communities now hold adoptions on Saturday.

Al Roker, who greets most Americans in the morning, an adoptive father, is now using his position of power to advocate on behalf of orphans.

And Sean and Leanne Toohey, who adopted a young man at 16 years old, are a couple who had raised two biological children, then adopted a young man who was going nowhere, on a dead-end street. Because of their love and because of their mutual support, he now is the No. 1 draft choice and is going to play for the Baltimore Ravens—a young man with a great deal of potential who just simply didn't have any parents who believed in him. Now he does.

That is the work we do. We honor all of our angels who were here for many days, understanding they are not alone in this fight to find homes for orphans.

Madam President, I ask unanimous consent to have printed in the RECORD the 2009 Congressional Coalition on Adoption Institute Angels in Adoption.

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

2009 CONGRESSIONAL COALITION ON ADOPTION INSTITUTE ANGELS IN ADOPTION

ALABAMA

Linnie and Debbie Dickson; AGAPE of North Alabama, Inc.

ALASKA

Elaine Cordova; Mechele and Ricky Adams.

ARIZONA

James and Virginia Avelar.

ARKANSAS

Christie Erwin; Keith Morrison.

CALIFORNIA

Dan and Brook Meehan; Wanda Bonnell; Christine Devine; Mark D. Widelock; Kimberly Felder; Olive Crest; Knotts Family Agency; Mimi Katz; John and Kathy Prosser; Patrick and Judy Dahlson; Kathy Van Osten.

CONNECTICUT

Haley Dunning.

FLORIDA

Ione and Don Hemby; Michael and Patricia Iania; Sarah and Johnnie James; George and Barbara Kadzis; Dean and Debbie Heaton; Frances P. Allegra; Sarah Franco; Jodi Sue Rutstein, MSW, Esq.; Gia Tutalo-Mote; Shirley Dunlap; Children's Home Society of Florida; Karen and John Burns.

GEORGIA

Rachel Ewald; Mr. Everett Expose'.

IDAHO

Al Barrus.

ILLINOIS

David and Christine McCarty; Lloyd and Gloria Otterson; Jim and Andrea Thome and Paul and Jennifer Konerko; CASA Kane County.

INDIANA

Ben and Debbie Evans; Theresa and Michael Teders; Stacy Lynn Taylor; The Villages.

IOWA

Gary and Sandy Launderville; Ray and Joanne Walton;

KANSAS

Brandon and Melissa Hoffman; Dr. Kimberlee Murphy.

KENTUCKY

Lea Ann Gollihue; Terry Winterberg.

LOUISIANA

Lisa Gould; Edith H. Morris; Barbara Thompson; Irene Williams; Ada Burson.

MAINE

Jaimie and Belinda Erskine.

MARYLAND

Samuel and Mildred Stewart; Lori Weinstein.

MASSACHUSETTS

Etta Lappen Davis; Mary Gambon.

MICHIGAN

Kimberly Roberson and Carroll Baker; Robert and Caroline Deppe; Steve and Sarah Rosinski; Belinda Geertsma; Addie D. Williams; Christ Child House.

MINNESOTA

Dean and Teresa Julkowski; Heidi Reitz; Kari Fletcher.

MISSISSIPPI

Patricia Digby.

MISSOURI

John and Christie Hancock; Anthony and Jennifer Dattoli; Keith and Tami Hoskins; Mike and Holly Hyde; Mary Beck; Fran Albrecht.

NEBRASKA

Sara and Junior Heredia; Steven and Shelley Brune; Boys Town.

NEVADA

Roberta and Merrill Simon; Deanna Workman and Denise Gernant.

NEW JERSEY

Ted and Marsha Burke; Alice Nadelman; Victoria Howard; Brenda Mirly.

NEW MEXICO

Ginni Jones.

NEW YORK

David and Eileen Shifter; Caren Sue Peet; Archbishop Voni Johyn; Frederick J. Magovern; Claudette and Jean Adrien.

NEW HAMPSHIRE

Gail DeGoosh.

NORTH CAROLINA

Ross and Diane Moreton; Dawn Davenport; Walter Johnson; Ken Tutterow.

NORTH DAKOTA

Robert and Vicki Thu; Leanne Johnson.

OHIO

Peter and Angela Schoepflin; Larry and Vicki Palur; Carole Adlard.

OKLAHOMA

Duane and Cathy Shipman.

OREGON

Zak and Alexa Knight; Rose McBride.

PENNSYLVANIA

Thomas and Theresa Stacy; Charles and Shannon Eder; Mary Ann Petrillo; Tom and Patti Long.

RHODE ISLAND

Adoption Rhode Island.

SOUTH CAROLINA

Bob Porterfield.

SOUTH DAKOTA

Bob and Donna Burke; Dan and Becky Foster.

TENNESSEE

Mark, Janet, and Nathan Carlton; Josh and Katrina Hildabrand; Smoky Mountain Children's Home; Michael McDonald.

TEXAS

Holli and Eric Kounce; Jenny L. Womack; A World For Children; Dell and Gladys LeFever.

VERMONT

Lund Family Center.

VIRGINIA

Linda and Vic Sisson; Loren M. Walck, Sr.; Captain Sean Welch.

WASHINGTON

Randy S. Perin; Antioch Adoptions.

WEST VIRGINIA

David and Dawn Heatwole.

WISCONSIN

Marshall and Marjorie Barlow; Aaron and Laura Maki.

WASHINGTON, DC

Michele Zavos.

Ms. LANDRIEU. Madam President, I thank my colleagues for the opportunity to speak briefly and to take the time from this important bill.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Madam President, I would first like to commend the Senator from Louisiana for her great work on this issue of adoption. She has been very diligent over the years in promoting the issue of adoption of needy children across America, and I am very pleased to be a part of that caucus and commend her and thank her for her great work there.

Madam President, what is the status of the business before the Senate?

The PRESIDING OFFICER. The last offered amendment is the Coburn amendment, No. 2566.

AMENDMENT NO. 2608

Mr. CHAMBLISS. Madam President, I ask unanimous consent that the pending amendment be set aside and that I be allowed to call up amendment No. 2608.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for Mr. KYL, proposes an amendment numbered 2608.

The amendment is as follows:

(Purpose: To appropriate an additional $900,000,000 for the Afghanistan Security Forces Fund)

At the appropriate place, insert the following:

SEC. ____. The amount appropriated by title IX under the heading ''AFGHANISTAN SECURITY FORCES FUND'' is hereby increased by $900,000,000.

Mr. CHAMBLISS. Madam President, very quickly, this amendment restores the amount of money for the training of the Afghan security police and military back to the level that was requested both by the President in his budget submitted to this body, as well as restores the number that was approved in the Defense authorization bill that has previously been voted on by this body and is now in conference with the House.

The fiscal year 2010 Defense appropriations bill takes $900 million from the President's request for Afghan security forces at a point in time when our troops are in the trenches fighting and defending us, defending the Afghan people from both the Taliban and al-Qaida, and there is no more critical issue out there right now than training both the Afghan military as well as the Afghan security police.

We have just received General McChrystal's assessment, and let me quote a portion of that assessment where he states as follows:

Failure to provide adequate resources also risks a longer conflict, greater casualties, higher overall cost, and ultimately a critical loss of political support. Any of these risks, in turn, are likely to result in mission failure.

General McChrystal's No. 1 issue is the training of the Afghan military and the Afghan security police because of the fact, if we are ever going to achieve success over there, we have to know that once we root out the bad guys, once we take out the Taliban and al-Qaida, that we can turn that country over to the Afghans, as we are doing in Iraq today, and we can remove our troops with the confidence that the Afghan military and the Afghan security police will be able to maintain security within that country as well as to protect the Afghan people from external sources. But the only way we will be able to do that is to train the military as well as to train the security police.

The President's budget that came over for this particular issue requested $7.5 billion. That is a lot of money—a lot of money for any issue—but certainly a lot of money for training. But it is obviously absolutely necessary if we are going to complete the job.

We are at a very critical crossroads in Afghanistan right now. The President has under consideration the issue of whether to call for additional troops to be sent into Afghanistan. He is obviously weighing that very heavily. While he should, I would hope he is going to make a very quick decision on that particular issue. But whatever the decision is, and whenever he makes it, we know for a fact that the Afghan military and the Afghan security police have to continue to receive the training our troops are providing for them today.

Let me just quote a couple of other statements from other very high-profile individuals who are very knowledgeable and very thorough in their assessment of the situation with respect to the Afghan military and the Afghan security police. First of all, Admiral Mullen, during testimony before the Senate Armed Services Committee on September 15, said the following in response to Chairman LEVIN:

I share your view that larger and more capable Afghan national security forces remain vital to that nation's viability. We must rapidly build the Afghan army and police.

Senator LEVIN, chairman of the Senate Armed Services Committee, at that same hearing stated:

We basically need a much larger Afghan army, much quicker. That is the bottom line. That is the winning strategy.

Senator LIEBERMAN said in July that the commitment to the expansion of Afghan forces ''is a decision that we have avoided making for far too long. Every day we continue to drag our feet and fail to commit to the indigenous security forces hinders the fight against the extremists and delays the pullout of U.S. troops in Afghanistan.''

Lastly, the outgoing Supreme Allied Commander for Europe—the SACEUR—GEN John Craddock, said during his testimony this summer:

I don't think the intent there is to ever occupy and stay. The key, as has been pointed out, is the enabling of development of the Afghan national security forces. As the SACEUR for the last 2½ years, I repeatedly told NATO nations the very first thing we need are more trainers for the army and the police, particularly the police.

Madam President, what this amendment does is add $900 million basically back to the top line. The reason we can do that is that under the appropriations bill, as has been passed, and as compared to the President's budget and the budget passed here, this bill is about $3.5 billion under the budget. So there is room to add this $900 million back in to make sure we are giving the Afghan people the ability to protect themselves from external forces as well as the ability to protect themselves from dangers within their own country.

Last, let me say the President has been very critical of the reduction of this $900 million. In the statement of administration policy, or the SAP that was put out on the 25th of September, here is what the President said:

The administration opposes the reduction of $900 million for ANSF sustainment. Accelerating the growth in size and capability of the Afghanistan National Security Forces is a key component of the U.S. strategy in Afghanistan. The President's full request reflects his commanders' plan for Afghan forces to assume a greater share of responsibility for security as quickly as possible.

Simply stated, it is critically important that this training proceed at a very rapid pace. In order to do that, we have to resource the training that our troops are doing today and we will need to continue to do over the next fiscal year.

I ask this amendment be called up at the appropriate time for a vote by this body and that our colleagues will support the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, let me first comment on the comments made by the Senator from Georgia, because I was privileged to be in Afghanistan several years ago with the Oklahoma 45th, which actually took a great responsibility in the training over there and also turning over some of the training to the Afghans. They have done a good job, but as the Senator pointed out, this takes resources and it takes equipment and it takes money. I applaud him and join him in this effort to provide the resources necessary to make that happen.

Let me make a couple of comments. We will have some amendments coming up concerning the C–17. I wish to share maybe an opposing view to some of the things we have heard. I was deeply distressed, I guess it was in April, when we got the defense portion of the President's budget and the termination of such programs as the F–22, next generation bombers, the Future Combat System, and particularly doing away with our commitment to Poland and the Czech Republic to have an opportunity there to knock down a missile, an ICBM coming to the United States from Iran, when we know they should be having that capability by around 2015.

Today I want to mention a couple of things about the C–17. The Air Force budget justification documents state:

The C–17 can perform the entire spectrum of airlift missions and is specifically designed to operate effectively and efficiently in both strategic and theater environments.

I can remember when the first C–17 came in. The training takes place actually in my State of Oklahoma at Altus Air Force Base, and in 1995, it was the spring of 1995, the first C–17 swept into Altus Air Force Base. At that time the chief was General Fogleman, and I was honored to accompany him and actually sit in the right seat and see what this new spectacular airplane was.

We never dreamed at that time we would have the use of the C–17 to the extent we did in Bosnia and Kosovo, missions we did not dream at that time we would have to be confronted with.

Every time you watch the news or see a disaster or emergency of some type anywhere in this Earth where our military is involved, you are going to see the C–17. The country and its military must be able to engage globally, and the C–17 enables that engagement.

In my 22 years on the Hill, I have seen our airlift requirements increase, not decrease. I have had experience. Sometimes you talk about a system, a platform such as the C–17. Our dealing

with that doesn't happen in a vacuum. Right now we have other lift vehicles. We have the C–130s, better ones, the C–130Js and the C–130Es, which are getting old and outdated. I actually had two experiences on two of my trips coming into and out of Baghdad. One experience was when we actually lost not one engine but two engines. We are talking about some pretty old, beat-up E models that should not be flying right now.

The very next trip, I remember, was the first trip of our recently retired Senator from Florida when we actually received some SAM activity. We had to fire the flares. The reason we did, it was 8 minutes after taking off from Baghdad and the engines should have had us out of SAM's range. However, the E models are getting old and tired. So it is life threatening. I say that even though I am here to talk about C–17s.

We can absorb a lot of deficiencies we have in other areas by increasing our number of C–17s. Currently it is the only aircraft capable of performing every airlift mission, whether ferrying troops and supplies to remote airfields overseas or returning wounded servicemembers back home.

The Congressional Research Service has indicated that the C–17 was designed to fly 1,000 hours a year over 30 years. However, as our overseas commitments have grown since 2001, the fleet has averaged 1,250 hours per year instead of 1,000 hours a year. Some aircraft have even reached as high as 2,400 hours in a single year.

A November 2008 GAO study stated the C–17:

—production line is currently scheduled to close in September 2010 with the supplier base and portions of the line closing sooner.

The study concludes that:

Analysis indicates that once closed it would not be feasible or cost effective to restart the production due to the costs for hiring and training a new workforce, reinstalling tooling, and reestablishing the supply base.

That is what the study concluded. The GAO estimates that restarting the line could cost up to $1 billion.

This is something we are always concerned with when you talk about altering the life of a particular platform, but this is one I don't see how we can get along without. I know we have the C–5. I remember the old C–141—a lot of lift capacity—a lot of tired C–130s, but the prize of all these capabilities is the C–17. While the administration objects to funding 10 additional C–17s based on 205 C–17s and the existing fleet of C–5 aircraft, the Air Force has cut the number of C–5s it plans to fully modernize by more than half because of substantial cost increases in the modernization efforts. In testimony to the House Armed Services Committee in May of 2009, the Air Force said it will fully modernize only 52 of the 40-year-old C–5s.

While we are upgrading some of these aircraft, some of these, specifically the C–5A, had to be retired. However, this Congress, by bill language, is preventing the Air Force from retiring any of the C–5s. In terms of cost, the GAO calculated ''the DOE would need to fully modernize 7 C–5s to obtain the equivalent capability achieved from acquiring 1 C–17 and the costs would be 3 times more.''

It found the unit cost of modernizing one C–5 is $132 million, while the unit cost of one new C–17 is $267 million.

To put it another way, it would take seven modernized C–5s to provide the capability equivalent to one new C–17, or $924 million worth of work on modernizing the C–5 to provide the capability equivalent to procuring one additional new C–17 at $276 million. I am hoping when this issue does come up we will have a chance to think that through.

I would say this: Even if we were inclined to do that, to go along with the smaller number, it would seem to me that we should not be doing that until we have the Quadrennial Defense Review and the upcoming Mobility Capability and Requirements Study. It is my understanding these would come sometime early in 2010. I suggest we at least wait until we have the benefit of that report before taking such drastic action.

Let me mention one other thing that happened last night, for clarification. At midnight last night the highway program of the American people suffered a major loss because of a calculated decision that politics should trump common sense.

I have often thought that congressional inaction is a good thing sometimes, but in this case we failed miserably to do our job. As a result, we are unable to pass the 3-month extension of the highway program that Senator BOXER and I were pushing. It is very interesting when you have a combination such as that. Senator BOXER is a very proud liberal Democrat, I am a very proud conservative Republican, and we both agree one of the major functions of government is infrastructure, and right now we have a crumbling infrastructure. So our failure to work together to fix the rescission, which was $8.7 billion of highway money, before midnight yesterday has resulted in the following: Up to 17,000 jobs could be lost because States may be forced to cancel $500 million worth of projects. We are now stuck with a 30-day extension that cuts highway spending by 25 percent compared to 2009. The 3-month extension would have funded the 2010 equal to 2009.

The short length of this extension is now going to create uncertainty and erratic funding for States that are going to delay projects and gear down the letting of contracts.

I have to say this, too. There will be contracts, due to this 25-percent reduction, that are going to have to be defaulted. There are going to be lawsuits. There will be all kinds of problems that will result from this. It is not just my State of Oklahoma. I am sure the State of Alabama and other States have a crumbling infrastructure that needs to be addressed.

I was on the phone with Gary Ridley, who was our highway director for many years, and I always said he was the best highway director in the country. He is now Oklahoma's transportation secretary. He gave me the impact of our failure to act, just on my State of Oklahoma. He said we would normally receive $53.6 million of Federal money but instead are likely only to receive $36 million. That is the 25-percent reduction. They have a $28 million bond obligation which leaves them only about $8 million for letting projects, instead of $26 million. This means that they will likely only be able to let three or four projects in November, the first letting of the year, and probably none in December. That is my guess. That was his guess.

Here is the real-world impact of what we do here. This will be devastating for construction workers in Oklahoma and will be repeated in every State. This may come as a surprise to those in the other body who have said that this will have no effect on States. They are the ones over there in the House who have made it impossible for us to send something over there and get it complied with. I have been trying to pass a long-term extension with rescission fix since July. At that time opposition from Congressmen and Senators from both sides of the aisle prevented taking care of the problem.

Our attempts to set a prudent length for highway extension has been plagued by some people's unrealistic expectation that we can complete a 6-year transformational highway bill and plug a $150 billion shortfall in the next 3 months if we ''keep the pressure'' on. We do not even have the 3 months now, as of midnight last night. We are looking at 30 days, so it obviously cannot be done. We may have to repeat what we did a few years ago. Between the years of 2003 and 2005 we had a series of short-term extensions where you can't do any funding, planning in advance. That is kind of where we are today.

I was proud to be the chairman of the Environment and Public Works Committee in 2005 when we had a very robust transportation reauthorization bill.

Taking up an extension is always problematic. Unfortunately, some view this as an opportunity to make a point. There are those on my side of the aisle who will not hesitate to hold the entire highway program hostage in order to enumerate yet again their distaste for congressionally directed spending on highway projects. At the same time, the majority leadership has known for months this was coming but was unable to force the issue and take the time to have votes on this important issue. This could have been resolved weeks ago if they had been invested in it.

Fixing the rescission would increase the deficit by just under $500 million.

This is very significant. The other body wanted an offset for this, and they were right. So did I. I wanted an offset. I think the most reasonable offset is the unused stimulus funds. I have stated all along that there was not enough there in the stimulus bill to actually stimulate the economy. In fact, I had amendments during the debate on the stimulus bill that would almost triple the amount of money that would go into highway construction. Those are real jobs. That would be very meaningful. But according to CBO's most recent analysis that was done a month ago, only $85 billion of stimulus funds has actually been spent. Furthermore, less than 60 percent of the stimulus funds has even been obligated, leaving $150 billion in unobligated balances.

Money being unobligated means they do not have a plan for how they are going to spend it and are now nowhere near doing so.

This is clearly not stimulating the economy. It makes sense to move a fraction of this money to something that will actually save jobs—in this case, 17,000 jobs we can identify. It is something that would stimulate the economy and give us something at the end of the day for our money. It is a perfect source to pay for fixing the rescission.

In fact, Senator VITTER's approach from last July was to actually give President Obama's OMB, the Office of Management and Budget, the discretion to pick which stimulus funds would be cut. So he did not care which ones were cut; just we need to put these stimulus funds to work to create jobs. So they couldn't cut the things that were not working or were just congressional pet programs. This is simply cutting the worst 1 percent of the stimulus—something everybody should be able to agree to whether or not you voted for the stimulus, which I did not. But the other side blocked this approach in a show of partisanship. So Senator BOXER and I brokered a bipartisan agreement to use TARP funds, the Troubled Asset Relief Program. To me, this made sense because this would have offset the amount of money that would be lost in the rescission fix, as a way of doing it, and it would have actually taken care of the problem.

Some people thought this would have somehow affected the deficit, but it would not. It meant we would reduce TARP authority by $8.7 billion, which would reduce the deficit by $4.35 billion, according to CBO. Putting aside politics, penciling this out shows that $4.35 billion in deficit reduction, minus the cost of the rescission—$500 million—means a deficit savings of just under $4 billion. I thought this was a good thing. We would preserve up to 17,000 jobs and reduce the deficit—clearly a win-win solution, I thought. I thought this up until late last night because I thought we were going to be able to do it. But there were objections.

We reduced funding for a program that was a bad idea from the inception. I opposed it initially. We are talking about TARP. I voted against it. A lot of those people who are complaining about the amount of money being spent voted for a $700 billion bailout, as it has been referred to. But I did not. I opposed it. Some people supported it, thinking the government buying so-called toxic assets was necessary. But then, when this money was given to unaccountable bureaucrats, it was used for buying insurance companies, car companies, and bailing out banks.

But some of my conservative colleagues opposed this approach because they want to use TARP money for debt reduction. I agree with that. As I pointed out, the compromise Senator BOXER and I were pushing would have resulted in a net reduction of the deficit of about $4 billion.

Even as I say this, I honestly don't understand their opposition. Those who talk about using TARP funds were willing to stimulate the funds, but the Democrats refused to do that. So we came up with another idea: Let's go ahead and use stimulus funds. If we used stimulus funds, I tought that would have overcome the objections that were on the floor last night, and I thought that was a good idea. Unfortunately, the Democrats did not want to do that.

So I think we have tried. I think it kind of demonstrates that it is a serious problem. We had a fix, and the Republicans and the Democrats were equally responsible for not getting it. Now we are going to pay the price. I don't know that the problem is worse in Oklahoma. It is probably not. It is about the same throughout the Nation. But speaking now as a conservative, one who is always ranked in the top two or three conservatives, I have always felt conservatives can be big spenders in some areas. One is defending America, as I talked about a few minutes ago, and the other is in our infrastructure. That is a function our government is supposed to perform.

So I think we failed last night. Hopefully, we will find some way to overcome this problem and get back on track.

I thank Senator BOXER and Secretary LaHood. They both tried very hard. We talked and worked for many hours. There are countless others on both sides of the aisle who worked together and tried to fix this problem. We didn't do it. Let's hope we can do it shortly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Madam President, what is the pending business?

The PRESIDING OFFICER. Amendment 2678 is the pending business.

Mr. SHELBY. I ask unanimous consent that the current amendment be set aside.

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

AMENDMENT NO. 2594

Mr. SHELBY. I call up my amendment No. 2594 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 2594.

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

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

The amendment is as follows:

AMENDMENT NO. 2594

(Purpose: To require reports on certain elements of the ballistic missile defense system)

At the appropriate place, insert the following:

SEC. ____. (a) REPORT ON GROUND-BASED INTERCEPTOR MISSILES.—Not later than 60 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on the utilization of funds to maintain the production line of Ground-Based Interceptor (GBI) missiles. The report shall include a plan for the utilization of funds for Ground-Based Interceptor missiles made available by this Act for the Midcourse Defense Segment, including—

(1) the number of Ground-based Interceptor missiles proposed to be produced during fiscal year 2010; and

(2) any plans for maintaining production of such missiles and the subsystems and components of such missiles.

(b) REPORT ON GROUND-BASED MIDCOURSE DEFENSE SYSTEM.—Not later than 120 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the acquisition strategy for the Ground-Based Midcourse Defense (GMD) system during fiscal years 2011 through 2016. The report shall include a description of the plans of the Missile Defense Agency for each of the following:

(1) To maintain the capability for production of Ground-Based Interceptor missiles.

(2) To address modernization and obsolescence of the Ground-Based Midcourse Defense system.

(3) To conduct a robust test program for the Ground-Based Midcourse Defense system

Mr. SHELBY. Iran and North Korea continue to pose a threat to our Nation and our allies because of their intense efforts at ballistic and nuclear development. My amendment before the Senate now supplements the committee's additional $50 million for ground-based midcourse defense.

The amendment before the Senate is simple. It requires the Missile Defense Agency to conduct two reports related to the ground-based midcourse defense. We need to know the agency's plan for the ground-based interceptor funds in this bill before us. This report would provide further details into exactly what that plan is. I believe this is imperative. Congress and our Nation must fully understand how the Missile Defense Agency will utilize this critical capability for our Nation. The second report asks the Missile Defense Agency to outline the acquisition strategy for the ground-based midcourse defense system over the next 6 years from fiscal year 2011 to 2017.

North Korea and Iran will continue their ballistic efforts, and I believe we must be able to counter those threats.

In its budget request for the year 2010, the administration proposed several funding cuts and eliminations impacting our national missile defense, including a $700 million reduction to GMD. I appreciate Chairman INOUYE and Ranking Member COCHRAN including an additional $50 million in the bill before the Senate for GMD, which will hopefully keep our GBI production line from going cold.

Yet the threat is not diminishing. We must have a plan for countering nations that threaten our security. We need to know the Missile Defense Agency's plan for this fiscal year as well as the next years. Our enemies are still our enemies, and now so more than ever we should be cognizant of the fact that Iran and North Korea are working hard at technological advancement designed to destroy us and our allies.

Despite nearly unanimous opposition in the international community, Iran has pressed on with nuclear ambitions and has shown no intention that I have known of abandoning this reckless path. Every day, Iran continues to add to the thousands of centrifuges it already has to enrich its uranium. It continues to test its ballistic missiles. In fact, the International Atomic Energy Association recently released a report stating that Iran is now working to conjoin ballistic and nuclear capabilities. I believe we need an integrated, layered national missile defense to deter this threat, and we need it now.

Moving forward, I hope that the Missile Defense Agency will ensure our Nation's production line for ground-based interceptors and that their subsystems and components will not die on the vine if we ever have to meet this threat.

The ground-based midcourse defense system and the interceptors in particular are valuable national assets. And I will continue to work with Chairman INOUYE, Senator COCHRAN, and others on the Appropriations Defense Subcommittee to ensure that we have here in the United States a robust national missile defense system.

It is my understanding in talking to the chairman that this amendment has been agreed to by Senator INOUYE and Senator COCHRAN. I hope they will adopt it.

I yield the floor.

The PRESIDING OFFICER. If there is no further debate on the amendment, without objection, the amendment is agreed to.

The amendment (No. 2594) was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2617.

Mr. SANDERS. I ask unanimous consent to lay aside the pending amendment and call up my amendment No. 2617

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

The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 2617.

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

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

The amendment is as follows:

AMENDMENT NO. 2617

(Purpose: To require a report on Federal contracting fraud)

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) The Secretary of Defense shall conduct a study on defense contracting fraud and submit a report containing the findings of such study to the congressional defense committees.

(b) The report required under subsection (a) shall include—

(1) an assessment of the total value of Department of Defense contracts entered into to with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government; and

(2) recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government.

Mr. SANDERS. Madam President, in recent weeks there has been some discussion about what types of organizations might or might not receive Federal funding. I think that is a very appropriate discussion for this legislation which obviously expends many hundreds of billions of taxpayer dollars.

One of the concerns I have is that a number of the largest defense contractors in this country, it turns out, over a period of years, have, time after time, been involved in illegal behavior. I think the American people and the taxpayers of this country want to know how it happened that year after year we continued to do business, to the tune of tens and tens of billions of dollars, with large corporate interests—in this case, defense contractors—that were then found guilty of defrauding the American people. How many times do you have to be found guilty before we say enough is enough? Let me give you a few examples—really, quite a few—of what I am talking about.

According to the Project on Government Oversight, the three largest government contractors—Lockheed Martin, Boeing, and Northrop Grumman—have a history riddled with fraud and other illegal behavior. Combined, these companies, these three companies, have engaged in 109 instances of misconduct since 1995 and have paid fees and settlements totaling over $2.9 billion. Despite this history, these organization received over $77 billion in government contracts in 2007 alone.

Let me repeat. Three major defense contractors—Lockheed Martin, Boeing, and Northrop Grumman—have engaged, combined, in 109 instances of misconduct since 1995 and have paid fees and settlements totaling $2.9 billion. This is not a videotape on a TV show having some people say stupid things. These are people who have been found guilty of defrauding the taxpayers of this country and have paid fees and settlements totaling $2.9 billion.

Let me give you some specificity here.

The largest contractor, Lockheed Martin, has engaged in 50 instances of misconduct since 1995, paying fines and settlements totaling $577 million. Yet in 2007 it still received $34 billion of government contracts.

According to the U.S. Attorney's Office, in 2008 Lockheed Martin Space Systems Company paid $10.5 million to settle charges that it defrauded the government by submitting false invoices for payment on a multibillion-dollar contract connected to the Titan IV space launch vehicle program.

According to the Department of Justice, in 2003 Lockheed Martin paid $38 million to resolve allegations that it fraudulently inflated the costs of performing several Air Force contracts for the purchase and navigation and targeting pods for military jets.

In 2001, Lockheed Martin paid $8.5 million to settle criminal charges that it lied about its costs when negotiating contracts for the repair and restoration of radar pedestals installed in U.S. warships, costing the Navy millions of dollars, also according to the Department of Justice.

But this behavior is not unique to Lockheed Martin. Boeing, the world's leading aerospace company and the largest manufacturer of commercial jetliners and military aircraft, has engaged in 31 instances of misconduct since 1995 and paid $1.5 billion in fines and settlements.

I know people here have expressed concerns about what one group did in, clearly, stupid behavior. But what about a company such as Lockheed Martin which has paid $8.5 million to settle criminal charges? What about companies such as Boeing which has engaged in 31 instances of misconduct since 1995 and paid $1.5 billion in fines and settlements? In 2000, for example, according to the Department of Justice, Boeing agreed to pay $54 million to settle charges that it defrauded the Army by selling it more than 140 helicopters containing defective gears, putting the lives of the men and women in the Air Force in danger. These defective gears resulted in the deaths of at least five servicemen. We are not talking ACORN here. We are talking about $54 million to settle charges and actions that may have resulted in the death of at least five servicemen. How many years does this have to go on before we begin to deal with it? In 2007, Boeing received $24 billion in Federal contracts.

Finally, Northrop Grumman, the third largest contractor, has a similar history, with 27 instances of fraud totaling $790 million over the past 15

years. In 2003, according to the Project on Government Oversight, Northrop Grumman paid $111.2 million to settle charges that a subsidiary overcharged the United States on government contracts; i.e, ripping off the taxpayers. According to the Department of Justice, the Northrop Grumman subsidiary engaged in five separate schemes that increased the cost the Government paid for space projects.

Also in 2003, according to the Department of Justice, Northrop Grumman paid the United States $80 million to settle charges that it overcharged the government and knowingly installed substandard parts in target drones designed for the Navy.

Over and over and over again, year after year after year, the largest defense contractors engage in illegal activity to rip off the taxpayers and, in some instances, put in danger the lives of the men and women in the Armed Forces.

These are only a few snapshots of what appears to be a culture of fraud and entitlement within the military contracting community. We owe it to taxpayers to begin to get to the bottom of the situation. To reform the culture of greed, of illegal behavior, we have to expose it first. For that reason, I am offering an amendment under which the Secretary of Defense would calculate the total amount of money that goes to companies that have engaged in fraud against the United States and then make recommendations about how to penalize repeat offenders. We have an expression when we deal with criminal justice. We say: Three strikes, you are out.

A lot of these guys are getting a lot more than three strikes. They keep striking out and they come back and get lucrative defense contracts. How many times do they have to strike out?

I hope very much this study will be a first step in the process of cleaning up the world of defense contracting. I look forward to continuing to work to make absolutely sure the money we have set aside for our national defense is, in fact, spent on national defense, on protecting the men and women who bravely serve us in the Armed Forces and is not frittered away on fraudulent bids, illegal behavior, and wasteful projects.

I hope very much that when the amendment comes up, we will have bipartisan support. I cannot understand why anybody would be opposed to having us finally address this outrage. I hope the Senate will pass it.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Ohio.

Mr. BROWN. I ask unanimous consent to speak for 10 minutes as in morning business.

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

HEALTH CARE REFORM

Mr. BROWN. Madam President, I support the Sanders amendment and thank him for his good work on these issues.

I come to the floor pretty often to share letters from people in my State. As the Presiding Officer receives letters from New Hampshire, I get letters from people in Ohio who are increasingly dissatisfied not with their health care from the doctor and hospital but with the insurance system and what has happened to so many people who were generally satisfied with their insurance until they got sick and their insurance wasn't as good as the insurance company had promised. I would like to share four letters I have received today from people in my State.

Alan from Logan County in northwest Ohio, northwest Columbus, writes:

> A few years ago, my 57-year-old diabetic sister was found in a diabetic coma by coworkers. She had ''good'' insurance and spent two weeks in the ICU and, thereafter, spent weeks in the regular hospital unit for care and [rehabilitation]. Her doctors indicated that she needed to remain in the hospital for another month and then be transferred to a nursing home for further rehab, even while she was unable to walk. A few days after receiving her doctor's care plan, I was notified by the hospital that my sister was being released the next day because the insurance company denied further payments to the hospital. I drove to the hospital, wheeled her to my car, brought her home where she was bedridden for the next several months. She eventually recovered, but suffered nerve damage and is permanently disabled and unable to walk again.

Alan's sister is another victim of a health care system where someone thought she had good insurance and got a very expensive illness and, as a result, her insurance was taken away. What that did was cost her her health because she didn't get the rehabilitation her doctor knew she needed. That kind of tragedy should not happen in the richest country in the world. It should not happen when somebody such as Alan's sister plays by the rules, works hard, and has decent insurance but not as good insurance as she thought she had.

One of the most important things our bill will do is enact insurance reform. No more denial of care for preexisting conditions, no more denial of care because it got too expensive when someone got sick and their policy was rescinded. ''Rescission'' is the technical term the insurance company uses. No more will someone be discriminated against because of gender or geography or disability. At the same time, we are introducing the public option in our legislation that will keep the insurance companies more honest, that will inject competition so people can choose the public option or they can choose CIGNA or Aetna or, in Ohio, Medical Mutual, any one of these, but the public option will keep the insurance companies a bit more honest.

Becky from Cincinnati on the Ohio River writes:

> As a veteran, I get great health care through the VA system. But my story is about my daughter. She works for a small company who pays for her family's insurance. But their plan doesn't cover emergency care and the yearly deductible is so high they might as well not have health insurance at all. They would like to have another child, but they don't think they can afford the cost of pregnancy alone [because of inadequate insurance]. I'm glad health care reform won't take away my benefits [with the VA], but what about my daughter and her family?

Becky is exactly right. The VA system has the lowest rate of medical errors in the country of any major health care system. The VA buys its prescription drugs at a third or half the cost most of us have to pay because they use the size of the purchasing pool of government to get much better deals from the drug companies. We have VA clinics in Ohio—in Zanesville and Mansfield and Parma and Lima and Findlay, all over the State—community-based outreach clinics that matter for people's care. At the same time, what our legislation will do is help small business. Becky's daughter's employer probably wants to cover her and give her better coverage: emergency care, maternity care, pregnancy care. It doesn't because it is a small business and can't afford it. Our bill will give a tax credit to small businesses and will allow small businesses to pool with other employers so one particularly sick patient or sick employee doesn't shoot up prices so much that the insurance company with the small business can't afford to provide insurance for their employees. That is why this legislation makes so much sense for small business.

Kristin from Cuyahoga County writes:

> My mother has stage 4 cancer and my father is a diabetic. They have a $6,000 deductible; co-pays are $30-$50 a visit. Last December, my mother was pushing for more chemo before the first of the year. They met their deductible and she wanted to get any treatment she could get prior to the end of the year. Instead of her enjoying her limited time with us, she is constantly worrying about the high deductible and funeral costs. I am a nurse and [I] see the stress of the health care costs and the impact it makes in a family's financial situation is astounding. We need reform, reform, reform.

Think about that. Kristin is a nurse. Kristin knows health care from the inside out. Kristin's mother has cancer. Her father is diabetic. A $6,000 deductible hardly counts as insurance. The mother wants to get all the expensive care in December before the end of the year because she has already paid the deductible, the $6,000 that year, but not have to get it at the beginning of the year because she can't afford another $6,000, not to mention the $30 to $50 out of pocket every visit.

My mother recently died in February. She had good health insurance. She had a family who loved her and was with her during hospice home care. I am sure Kristin's family is the same, but I also know it was traumatic enough as a family for my 88-year-old mother who was sick to not have to worry about the funeral costs and a high deductible. It is outrageous that this health care system doesn't take care of people better than that.

Denise from Ashland, a town not far from my hometown of Mansfield in north-central Ohio, writes:

This past February, my husband was laid off from his job. At the end of March our insurance through his employer was canceled. In April we were forced to go onto COBRA which cost us $800 a month. Thankfully, President Obama's plan helped reduce that amount by nearly $300, but that won't last much longer. It's been difficult to save money because since April, I've had two major surgeries and now face higher co-pays and medications. My husband is a diabetic and his medicines are very costly. We are fighting foreclosure, our budget is stretched, and we are considering dropping coverage in October. What happens then?

Denise is in a situation that so many are in right now. Ohio's unemployment rate is over 10 percent. Denise's situation is similar to many. Her husband lost his job and his insurance was dropped, although he was able to keep the insurance through COBRA. But when you have COBRA, it is very expensive because you are paying your own part of the insurance that you paid as an employee and you are also paying the employer's part of the insurance. It is a good program, but not many people can afford it. President Obama and all of us together in the stimulus bill passed earlier in the year provided some subsidies for people who use COBRA, but that will not last forever, as Denise pointed out. Under our legislation, people would not see their insurance run out. People, depending on their income, at a certain price will be able to buy insurance and keep that insurance regardless of whether they lose their job. Life is traumatic enough for people when the major breadwinner loses his or her job. Losing your insurance at the same time, with all the other problems that come—potential foreclosure, the stretching of the budget, generally—is so unfair for those who have worked so hard, paid taxes, been good citizens, and lived by the rules.

That is why I think our legislation is so important. I expect the bill will be voted out of the Finance Committee in the next week or so—maybe even this week. We will continue to fight for the public option, which certainly a majority of the Senate supports. A strong majority of the House of Representatives supports the public option. A survey of doctors recently showed 70 percent of them in the country support a public option. Two-thirds of the voters consistently all year have supported a public option.

A public option will make the insurance companies more honest. It will inject competition into the system so people will have more choices, not fewer choices such as the Republican opponents of the public option want. They only want the insurance companies to be players in this, not any public agency that can compete in a Medicare-like program that can compete with the private insurance companies. It will help keep costs down so the insurance companies do not continue to cause the problems they do.

In addition, you are not going to see anybody denied who has a preexisting condition in the public option anymore than you are going to see somebody denied care because of a preexisting condition in Medicare. That is why this legislation is so important. That is why the version of this bill that passed out of the Health, Education, Labor, and Pensions Committee will serve the public. It will mean that people who are happy with their insurance can keep it. It will mean if you are uninsured, you will get some assistance. It will mean consumer protections so people will not be thrown off their insurance because of an expensive illness or because of discrimination. It will mean assistance for small business so employers can insure their employees, like most employers want to do.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, let me concur with the remarks of the Senator from Ohio. The letters he is receiving from Ohio are exactly the same types of letters I am receiving from Vermont. The time is long overdue for this Congress to pass real health care reform and join the rest of the industrialized world, which guarantees health care for all their people. I congratulate the Senator from Ohio for his leadership position on this issue.

Mr. BROWN. I thank the Senator.

AMENDMENTS NOS. 2559 AND 2601

Mr. SANDERS. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendments Nos. 2559 and 2601.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments will be reported by number.

The bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes amendments numbered 2559 and 2601.

Mr. SANDERS. Madam President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2559

(Purpose: To make available from Research, Development, Test, and Evaluation, Army $12,000,000 for the peer-reviewed Gulf War Illness Research Program of the Army)

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', $12,000,000 shall be available for the peer-reviewed Gulf War Illness Research Program of the Army run by Congressionally Directed Medical Research Programs.

AMENDMENT NO. 2601

(Purpose: To make available from Overseas Contingency Operations $20,000,000 for outreach and reintegration services under the Yellow Ribbon Reintegration Program)

At the appropriate place, insert the following:

SEC. ____. (a) FUNDING FOR OUTREACH AND REINTEGRATION SERVICES UNDER YELLOW RIBBON REINTEGRATION PROGRAM.—Of the amounts appropriated or otherwise made available by title IX. $20,000,000 shall be available for outreach and reintegration services under the Yellow Ribbon Reintegration Program under section 582(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 125; 10 U.S.C. 10101 note).

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for the services described in that subsection is in addition to any other amounts available in this Act for such services.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I ask unanimous consent to address the Senate for no more than 3 minutes as in morning business.

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

COMMENDING THE LAKE ERIE CRUSHERS

Mr. BROWN. Madam President, I rise to honor the Lake Erie Crushers, the 2009 Frontier League Champions. While it looks like the Cleveland Indians will not be playing in October, the Lake Erie Crushers of Avon, OH, in which I live, will spend the month relishing their improbable run to the championship in just their first year in the Frontier League.

The Crushers clinched the championship with a come-from-behind, 13-to-10 victory over the home team River City Rascals of O'Fallon, MO.

Despite being down two games to none in the best-of-five series, the Crushers demonstrated their resilience and composure to win three straight games.

With clutch hitting from series MVP Andrew Davis, Arden McWilliams, Tyler Johnson, Todd Balduf, and Eddie Tisdale, the Crushers put together a seven-run fifth inning outburst to help pitchers Paul Fagan and Cardoza Tucker clinch the championship.

During the celebration after the game, manager John Massareilli said that ''doing this in year one, building a championship [team] from scratch, that's what made this so special.''

The Frontier League is made up of teams from across the heartland—in Kalamazoo, Waterford, and Traverse City, MI; Washington, PA; Evansville, IN, Florence, KY; and the team I mentioned in Missouri.

Players in their early to mid twenties travel from town to town, chasing the dream of one day playing in the Major Leagues.

My wife and I are season ticket holders of the Crushers, and we have enjoyed cheering on our hometown team during their inaugural season. We are proud our community is home to the Crushers, where fans from across northeast Ohio can travel down I–90 and Route 611 to root for a championship team.

I commend the dedicated fans, the outstanding players and coaches, and owner Steve Edelson for their commitment to our city—both on and off the field.

I am pleased to honor the 2009 Frontier League Champions, the Lake Erie Crushers from Avon, OH.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 2598

Mr. BROWNBACK. Madam President, it is tough to follow that act, but I ask unanimous consent that the pending amendment be set aside and call up amendment No. 2598 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 2598.

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

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

The amendment is as follows:

(Purpose: To acknowledge a long history of official depredations and all ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States)

At the appropriate place, insert the following:

SEC. _____. APOLOGY TO NATIVE PEOPLES OF THE UNITED STATES.

(a) ACKNOWLEDGMENT AND APOLOGY.—The United States, acting through Congress—

(1) recognizes the special legal and political relationship Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

(b) DISCLAIMER.—Nothing in this section—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

Mr. BROWNBACK. Madam President, this is an amendment for which the cosponsors include the chairman of the committee and the chairman of the Indian Affairs Committee, Senator DORGAN, as well. It is an amendment that has been cleared through the authorizing committee a multiple of times and it has been cleared through this body previously and we have cleared it on both sides of the aisle.

With the passage of this amendment, we officially apologize for the past ill-conceived policies by the U.S. Government toward the Native Peoples of this land and reaffirm our commitment toward healing our Nation's wounds and working toward establishing better relationships rooted in reconciliation.

Apologies are often times difficult, but like treaties, go beyond mere words and usher in a true spirit of reconciling past difficulties and help to pave the way toward a united future. Perhaps Dr. King said it best when he stated, ''The end is reconciliation, the end is redemption, the end is the creation of the beloved community.'' This is our goal, with this resolution today.

Native Americans have a vast and proud legacy on this continent. Long before 1776 and the establishment of the United States of America, Native peoples inhabited this land and maintained a powerful physical and spiritual connection to it. In service to the Creator, Native peoples sowed the land, journeyed it, and protected it. The people from my State of Kansas have a similar strong attachment to the land.

Like many in my State, I was raised on the land. I grew up farming and caring for the land. I and many in my State established a connection to this land as well. We care for our Nation and the land of our forefathers so greatly that we too are willing to serve and protect it, as faithful stewards of the creation with which God has blessed us. I believe without a doubt citizens across this great Nation share this sentiment and know its unifying power. Americans have stood side by side for centuries to defend this land we love.

Both the Founding Fathers of the United States and the indigenous tribes that lived here were attached to this land. Both sought to steward and protect it. There were several instances of collegiality and cooperation between our forbears—for example, in Jamestown, VA, Plymouth, MA, and in aid to explorers Lewis and Clark. Yet, sadly, since the formation of the American Republic, numerous conflicts have ensued between our Government, the Federal Government, and many of these tribes, conflicts in which warriors on all sides fought courageously and which all sides suffered. Even from the earliest days of our Republic there existed a sentiment that honorable dealings and a peaceful coexistence were clearly preferable to bloodshed. Indeed, our predecessors in Congress in 1787 stated in the Northwest Ordinance:

''The utmost good faith shall always be observed toward the Indians.''

Today we live up to this goal, today we right a wrong that has been committed in this nation.

Many treaties were made between the U.S. Government and Native peoples, but treaties are far more than just words on a page. Treaties represent our word, and they represent our bond. Unfortunately, again, too often the United States did not uphold its responsibilities as stated in its covenants with Native tribes.

I have read all of the treaties in my State between the tribes and the Federal Government that apply to Kansas. They generally came in tranches of three. First, there would be a big land grant to the tribe. Then there would be a much smaller one associated with some equipment and livestock, and then a much smaller one after that.

Too often, our Government broke its solemn oath to Native Americans. For too long, relations between the United States and Native people of this land have been in disrepair. For too much of our history, Federal tribal relations have been marked by broken treaties, mistreatment, and dishonorable dealings.

This amendment extends a formal apology from the United States to Tribal Governments and Native peoples nationwide—something we have never done; something we should have done years and years ago.

Further, this resolution will not resolve the many challenges still facing Native Americans, nor will it authorize, support or settle any claims against the United States. It doesn't have anything to do with any property claims against the United States. That is specifically set aside and not in this bill. What this amendment does do is recognize and honor the importance of Native Americans to this land and to the United States in the past and today and offers an official apology for the poor and painful path the U.S. Government sometimes made in relation to our Native brothers and sisters by disregarding our solemn word to Native peoples. It recognizes the negative impact of numerous destructive Federal acts and policies on Native Americans and their culture, and it begins—begins—the effort of reconciliation.

President Ronald Reagan spoke of the importance of reconciliation many times throughout his Presidency. In a 1984 speech to mark the 40th anniversary of the day when the Allied armies joined in battle to free the European Continent from the grip of the Axis powers, Reagan implored the United States and Europe to ''prepare to reach out in the spirit of reconciliation.''

I do not pretend that this apology is a panacea, but perhaps it signals the beginning of the end of division and a faint first light and first fruits of reconciliation and the creation of beloved community Dr. King so eloquently described.

This is an apology and a resolution of reconciliation. It is a step toward healing the wounds that have divided our country for so long—a potential foundation for a new era of positive relations between tribal governments and the Federal Government.

It is time, as I have stated, for us to heal our land of division, all divisions,

and bring us together and I am proud that today we are closer to that goal.

Madam President, I understand the amendment has been cleared, and I ask unanimous consent for its immediate adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. INOUYE. We support the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, without objection, the amendment is agreed to.

The amendment (No. 2598) was agreed to.

Mr. BROWNBACK. Thank you very much, Madam President.

I wish to thank my colleagues for being willing to consider this amendment in an expedited fashion, but it is actually an issue for which there have been hearings held, research done, and has been voted on by this body over 5 years. So I am delighted we could move it on through.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 2571

Mr. INOUYE. Madam President, on behalf of Senator BYRD, I call up amendment No. 2571 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. BYRD, proposes an amendment numbered 2571.

The amendment is as follows:

(Purpose: To require a report on the use by the Department of Defense of live primates in training programs relating to chemical and biological agents)

At the appropriate place, insert the following:

SEC. ____. (a) REPORT ON USE OF LIVE PRIMATES IN TRAINING RELATING TO CHEMICAL AND BIOLOGICAL AGENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a detailed description of the requirements for the use by the Department of Defense of live primates at the United States Army Medical Research Institute of Chemical Defense, and elsewhere, to demonstrate the effects of chemical or biological agents or chemical (such as physostigmine) or biological agent simulants in training programs.

(b) ELEMENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) The number of live primates used in the training described in subsection (a).

(2) The average lifespan of primates from the point of introduction into such training programs.

(3) An explanation why the use of primates in such training is more advantageous and realistic than the use of human simulators or other alternatives.

(4) An estimate of the cost of converting from the use of primates to human simulators in such training.

Mr. INOUYE. Madam President, this amendment has been cleared by both sides, both leaders. It is a good amendment. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 2571) was agreed to.

Mr. INOUYE. Thank you, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2567

Mrs. FEINSTEIN. Madam President, I rise to oppose the Barrasso amendment No. 2567, which would ban funding to the CIA's new Center on Climate Change and National Security. I make these remarks as chairman of the Intelligence Committee and one who strongly supports the new Climate Change center at the CIA.

The Center on Climate Change and National Security that the CIA recently established is fully consistent with the intelligence community's mission of protecting the United States.

It is important to note what the Center will not do. It will not do the science of climate change. It will not make judgments about how or whether the climate is changing. It will not make judgments about why the climate is changing. That work will be done where it belongs, with the scientific community.

The Center will have three tasks. One, it will continue the decade-long program of declassifying imagery for passage to climate change scientists.

Let me give you an example of some of that imagery. It is here on my right, as shown in these photographs. This is Barrow, AK. This is Barrow. This is the Chukchi Sea. As shown here, this is July of 2006. In this picture, this is that same area in July of 2007. You see the decomposition of the ice. They point out its variation by time and, therefore, you can track the impact of the change brought about by global warming from our satellites. So our satellites are used to measure and predict change.

Here is another one. This is the Beaufort Sea in August of 2001. You see the melt ponds in the center, and you see the ice. You see it here—winter in August of 2007. This is from a satellite.

The third one is much more difficult to see, but it is the Bering Glacier in Alaska. Here it is in May of 2005. Here are the big chunks that have broken off. Here they are there. As shown here, this is another satellite photo of the Bering Glacier in Alaska.

The second task of the CIA Center on Climate Change and National Security will be to assess the plans and intentions of other countries, and it will help the administration design verification regimes for any climate change treaties so policymakers can negotiate from a position of strength. This is, in fact, a traditional role for the intelligence community on a wide range of foreign policy issues.

Thirdly, the Center on Climate Change and National Security will assess the national security implications of climate change, which many experts believe will be significant. This will include assessing the national security implications of increased competition for resources, population shifts, water shortages, changes in crop yields, and the spread of climate-sensitive diseases such as malaria.

This is the work that the IC is better positioned than anyone else in the government to do and where CIA's contacts in the academic and think tank communities will pay big dividends.

On September 25, the CIA announced it was going to launch this new center and tackle the devastating long-term challenges that climate change might present to our Nation's security. In other words, this will give the intelligence community the opportunity to collect information and predict how change is going to affect certain countries—the movement of populations, the devastation of crops, the disappearance of water supplies—to be able to anticipate what impact that will have on the Nation's policy and on our national security.

I have no doubt climate changes are going to have an impact on our Nation's security. I also have no doubt our satellites can give us a very positive—meaning in the sense of crisp and delineated—view of these changes as our satellites track climate change across the years.

I believe very strongly the Center on Climate Change is warranted. I believe it will produce intelligence dividends for the Nation, and I believe it is entirely appropriate. Therefore, I would oppose the Barrasso amendment, which would effectively eliminate this new center.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, I join the distinguished Senator from California in opposing the Barrasso amendment.

The Director of the Central Intelligence Agency recently created the Center for Climate Change and National Security. The mission of this center is fully consistent with the mission of the intelligence community.

The center has three main tasks. As pointed out by the Senator from California, the first is to continue the decades-long program of declassifying imagery for use by the scientific community. Second, the center will assess the plans and intentions of other countries and assist the administration to design verification regimes for any climate change treaties so that policymakers can negotiate from a position of strength. Third, as noted by the Senator from California, this center will assess the national security implications of climate change, which many

believe will be very significant. This will include assessing the national security implications of increased competition for resources, population shifts, water shortages, changes in crop yields, and the spread of climate-sensitive diseases such as malaria.

This center will not work on the science of climate change. That work will be done where it belongs—with the scientific community. This center will continue in the traditional role of the intelligence community to support policymakers on a wide range of foreign policy issues.

Therefore, I join my colleague from California in urging my colleagues to oppose the Barrasso amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. 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. INOUYE. Madam President, I would like to say a few words on a few of the contentious issues before us.

The administration requested $7.4 billion for the Afghanistan security forces fund in fiscal year 2010. This is an increase of $1.8 billion over fiscal year 2009 levels. This is to continue to train and equip the Afghan National Army and the Afghan National Police.

The committee was informed by officials of the Department of Defense that $1.8 billion of this request would not be spent until fiscal year 2011. I would like to repeat that. This amount will not be spent until 2011. And there was $1.9 billion remaining from the fiscal year 2009 appropriations.

At the same time, the committee was also aware of a validated urgent but unfunded requirement from the Department of Defense for additional all-terrain MRAP vehicles for our troops in Afghanistan, something that the military has been asking for with great urgency.

Recognizing that these funds would not be obligated until fiscal year 2011—the funds I mentioned earlier—and were not required for long lead equipment of infrastructure projects, the committee transferred $900 million from the Afghan security forces fund to the MRAP fund to pay for this urgent requirement.

The redirecting of funds was not an attempt to curtail our efforts to train and equip the Afghan security forces. It was solely based on the Department's ability to execute the required resources during fiscal year 2010 and the urgent unfunded and validated requirement to procure additional all-terrain MRAPs for our troops in Afghanistan.

There is a tremendous amount of debate in both the Halls of Congress and the Pentagon over the size of the Afghan security forces—how fast they can be trained, equipped, and executing missions independent of coalition forces.

While many would like to grow the Afghan security forces beyond the current plan, the Department of Defense has not been able to say that they can absorb additional resources in fiscal year 2010 or that they can source additional trainers to reach these new levels. This is a situation where, yes, we need the money, but we cannot spend it. We want you to appropriate it so we can leave it in the bank. That is a hell of a way to run the government.

Since 2005, Congress has appropriated nearly $19 billion for the training and equipping of the Afghan security forces. These funds have greatly increased over the years, starting from $1.3 billion in fiscal year 2005 to $5.6 billion in fiscal year 2009 to $7.4 billion in fiscal year 2010.

Of the $5.6 billion appropriated in the last fiscal year, nearly $1.9 billion remains unobligated, and the Department of Defense does not anticipate obligating these funds until July of 2010.

The $7.4 billion fiscal year 2010 request for the Afghan security forces fund is projected to obligate $5.6 billion in fiscal year 2010 and $1.8 billion in the next fiscal year, 2011.

The Afghan security forces fund is a 2-year funding account to enable long lead equipment procurement and infrastructure projects that obligate over a 2-year period. The funds transferred from the Afghan security forces trust fund to meet the urgent operational requirement of additional all-terrain MRAPs for Afghanistan were taken from sustainment requirements of the Afghan National Army and the Afghan National Police which would have been obligated in fiscal year 2011 and do not require long lead appropriations. We took money they did not need or can use.

Areas funded through the sustainment program include fuels, salary, incentive pay, clothing, individual equipment, rental equipment—all of which do not require long lead time. Therefore, the fiscal year 2010 sustainment request for the Afghan National Army is a 45-percent increase over 2009 and a 108-percent increase over fiscal year 2009 for the Afghan National Police.

Even with the decrease in this fund, there is substantial flexibility and resources in the Afghan security forces fund to meet unanticipated requirements of the security forces and to expedite the growth of the Afghan National Army and Afghan National Police.

Madam President, I decided to share these numbers with my colleagues to make certain they know the committee has acted on this very carefully. When we were convinced that the Department of Defense could not use that money, we decided to use it for some other more urgent purpose.

I should point out once again this bill was passed by the committee, made up of Democrats and Republicans, conservatives and liberals, by a vote of 30 to 0. Unanimous.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I ask unanimous consent that Senators MCCASKILL and DEMINT be added as cosponsors to amendment No. 2560 to H.R. 3326, the 2010 Department of Defense Appropriations Act.

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

The Senator from Illinois.

Mr. BURRIS. Madam President, I ask unanimous consent to speak in morning business.

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

YOUTH VIOLENCE PANDEMIC

Mr. BURRIS. Madam President, last Thursday, just outside of a Chicago community center, a 16-year-old honor student was beaten to death. His name was Derrion Albert. There had been a shooting at the school earlier in the day. Afterwards, two rival groups of teens confronted each other in the street. Derrion was not a part of either group. He just happened to be passing in the area on his way home from school.

In the violent chaos of that confrontation, as other teenagers punched and kicked each other, young Derrion got caught in the middle. He was beaten to death with railroad ties.

The shocking murder was caught on video. It is extremely difficult, Madam President, if you have watched that film clip. But when you see this terrible scene unfold, you are struck by several things. No. 1, this did not happen in some distant country; it happened in our backyard, right outside of a community center on a populated street. It did not even happen at night. Derrion was murdered in broad daylight with people all around to witness the scene. And it did not happen to them. It did not happen to people unlike ourselves. It happened to us. Derrion Albert could have been anybody's son, grandson, nephew, brother, or friend.

Just the other night, in a different Chicago neighborhood, another young boy was beaten within inches of his life. This violence is not confined to a single area or group of people. The problem is pervasive and it touches all of us.

It is tearing apart families, communities, and our own sense of security. These acts are committed against our community by our community. In the last school year alone, 36 Chicago students were shot to death. This number does not include those who survived shootings in other violence. That statistic would be far higher.

In the wake of last year's murders, the local government and Chicago police tried to put a stop to the terrible cycle of violence. But now, only a few weeks into the new school year, another young boy has been taken from us.

I am thankful the suspects in Derrion's murder have already been arrested and charged with the crime. I am proud of the job our local law enforcement officers have done to make sure justice is served. But that is not enough. That is just not enough. It will never be enough.

This problem is not unique to Chicago or Illinois. A national pandemic of violence has taken hold in every major city across the country. We can no longer stand by as an entire generation of young men and women fall victim to these senseless crimes.

Government cannot do it all. Law enforcement can only do so much. That is why it is time for us to stand together as a community and as a nation to end youth violence.

The old saying, ''It takes a village to raise a child,'' is very true. It takes a community to protect them. Our communities must take responsibility for our youngsters. We cannot tolerate violence any longer. Our parents must take ownership of their children and shoulder the responsibility of steering them away from gangs and violence. We cannot stand by and hope this problem resolves itself. We cannot expect someone else to find a solution. It is time to join with one voice and say: Enough is enough. This cannot stand. This cannot continue.

It is time to take back our streets, our schools, our community centers, and our children. It is time for parents, teachers, neighbors, and friends to join with community leaders to put an end to the violence. It means afterschool programs to keep kids involved and off the streets. It means seeking opportunities for youth who are at risk. It means being present in young peoples' lives. Ask if your son's homework is done. See which school subject your daughter enjoys the most. Encourage kids to continue their education, to play a sport, or to go out and get a part-time job if they can find it. Be a good role model for your children and your neighbor's children. Be involved, but do not settle for the status quo. Do not let the young people of America continue to cut each other down in the streets.

This will not go away on its own, and it is not someone else's problem. This youth violence that has gone on in our country is our problem, our future, and we must work together to solve it. The only way we are going to solve it is working together and recognizing that across this country there is a problem with our young people, and we can no longer tolerate that.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, at this moment—and I repeat, at this moment—there are 10 amendments ready for voting—10. I have been advised that most of them will require rollcall votes. So may I advise my colleagues to prepare themselves for a long evening.

In addition to that, there are 10 other amendments that we are in the process of discussing and negotiating which may require rollcall votes. So this may be a long night.

The leadership has advised me that voting should begin in about 15 minutes, at 5:30. Since we have some time, and in anticipation that one of the amendments would be the one from the Senator from Oklahoma, I wish to say a few words about that.

AMENDMENT NO. 2569

Madam President, I rise to oppose the amendment of the Senator from Oklahoma which seeks to increase the operation and maintenance funding by $294 million in the Department of Defense bill by reducing the funds available for research and development activities by that same amount. I understand the Senator incorrectly assumes that the operation and maintenance account is underfunded due to a change in current year inflation.

Economic recovery means that projected inflation is now higher than anticipated a few months ago. My colleague is correct that inflation assumptions have changed. However, the budget adjustment the Senator finds objectionable does not only correct for the current year inflation; in fact, the committee reviews the historical price growth embedded in the budget baseline. Due to the recession, inflation in fiscal years 2008 and 2009 was below the levels built into the budget. Therefore, the fiscal year 2010 budget base was inflated over actual experience. The bill before us adjusts for that baseline error.

The operation and maintenance title is fully funded to meet the Department's needs. There is no shortage. Let me repeat that: The O&M account—or the operation and maintenance account—is fully funded. The committee is deeply concerned that the critical operational needs of our soldiers, sailors, airmen, and marines are financed. We want to be certain that every member has the equipment, gear, training and support they need. The bill meets these needs. And we fully fund family support programs, base operations, and major equipment maintenance.

The proposed amendment would add $294 million in unneeded funds, an action that could promote waste and expenditures on low priority programs. I note the amendment does not specify what program is underfunded or would benefit from this transfer. This amendment would move funds for unidentified purposes, which undermines the careful program-by-program review which the committee accomplished.

On the other hand, it unduly penalizes the resource and development activities of the Department. The R&D title is already below the President's requested funding level. Research and development is the seed corn for the future. It is the basis of all the technological improvements that have proved invaluable in making our fighting forces the most capable in the world. This blunt axe approach to cut funds and undermine the future is uninformed, unexplained, and untargeted. Therefore, I urge my colleagues to oppose this measure.

I yield the floor.

Madam President, I have been advised that the statement I made that we may begin voting at 5:30 has slightly changed. We will now begin voting about 6 o'clock.

So may 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. COBURN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. COBURN. Madam President, I think the leadership has been working on some amendments and agreements. I don't think any of our amendments are going to come up for votes tonight, but I did want to take a couple of moments talking about several of them.

AMENDMENT NO. 2560

One is a McCain amendment I am a cosponsor on, amendment No. 2560, on competitive bidding.

Every time we bring this amendment to the floor we get a side-by-side amendment so everybody on the other side who does not want us to competitively bid earmarks can have cover to say they voted for competitive bidding. The fact is, in this bill are directed earmarks that are not competitively bid to individuals and companies out there, for specialization of what one Senator may want in their home State.

There is nothing wrong with wanting to help your home State. What is wrong is to not competitively bid. If it is something we need, why shouldn't we use a competitive bidding process to get the best quality and the best value for all this money we are going to spend?

We are going to see again on the McCain amendment the competitive bidding amendment—I have offered this on many of the appropriations bills we have—a side by side. America should not be fooled. If you do not vote for the McCain amendment and you vote for the side by side, what you are saying is you still want your earmarks protected and not competitively bid. That is what it says.

I have another amendment that addresses earmarks. The problem with earmarks is it takes our eye off the ball. It is not they are not good ideas, but we vote on bills on the basis of having an earmark in the bill rather than on the total bill and what is in the best interest of the country, not our particular parochial State.

The competitive bidding amendment, when it has the side by side, what you are going to see is you are going to see the true competitive bidding amendment defeated and the false competitive bidding amendment win. That is

because if you count the number of Senators who actually have earmarks that are not competitively bid, you get the majority of the Chamber. That is true on every appropriations bill. So we will not ever pass it until the Members start thinking about the long term and what is best for the country, rather than what is best for them. I thought that explanation needed to be made.

AMENDMENT NO. 2565

I also want to discuss for a moment an amendment, Amendment No. 2565, a very simple amendment. We know the National Guard has gotten short-changed a lot of times in terms of equipment. I don't think there is anything wrong with setting aside money for the National Guard. But the way the bill is written is the chain of command in the U.S. Government, in terms of our military, will be excluded from the decisions made on how to spend this $1.5 billion.

The Secretary of Defense, who is ultimately responsible for the defense of the Nation—even though we use National Guard, and part of this money is going to be used for our Army Reserve, a very small amount—is not going to be able to have any input. The only people who are going to have input is the Appropriations Committee.

What that says is the American people are not going to get to know, we are not going to have the judgment of the people with the best experience to comment on it. I am not even saying they have to veto it. What we are saying is they have to be aware of it, they have to be part of the process. Yet they are not. So the more concern I have with our amendment the more concern I have about what is happening with this $1.5 billion. My hope is we will eventually find out. We may not find out until after the $1.5 billion will have been spent. But the problem is will it be spent efficiently and properly for the National Guard and the Reserve? The secrecy that shrouds this process is somewhat concerning, and also the reaction that we would offer an amendment that says we want somebody in the chain of command to be involved in this, outside just the Appropriations Committee and the individual guard units.

AMENDMENT NO. 2562

On another amendment, amendment No. 2562, other than national security issues, why should not every report in this bill be made available to every American? It is a real straightforward amendment. If we want transparency in our Government, then the reports that do not have anything to do with anything that would be a national security risk, for example, ought to be made available to the other Senators in the Chamber and the body as well as the American people. That is a pretty hard amendment to say ''No, you don't,'' because there is not a good defense to that if it is not related to a national security concern, and, Americans—43 cents out of every dollar we are spending we are borrowing from our grandkids. We ought to be proud to let them see what we are doing with the money.

AMENDMENT NO. 2569

Finally, I have an amendment that is a prohibition. We have this operation and maintenance account that has been robbed heartily for earmarks. I know I will never win the battle on earmarks. But should not we say it comes from somewhere else, other than to fund the actual day-to-day operation and maintenance of our military? We have already cut into the amount of money that is in the O&M account because we are using a false inflation number, to the tune of about $300 some odd million—$294 million. Shouldn't we say, if we are going to take that, let's take it from somewhere else in the military rather than operations and maintenance? What is a greater priority than making sure the troops on the ground have what they need on a timely basis?

It was just last year that the Navy ran out of O&M money. They restricted flight training. They restricted training on the ships. We had to pass an emergency supplemental because we did not authorize them enough, we didn't appropriate them enough money to adequately operate and maintain their force structure. Yet we have all this money, including other money that is related to other amendments, that comes out of their operation and maintenance account. If we want to do something that is outside the scope and outside what the military wants to have done, let's not make two wrongs. Let's not take the money from O&M. What this amendment would do is simply prohibit any directed earmark from coming from O&M funds.

Our military needs us to be efficient. I think overall on this bill the appropriators have done a good job. I think there is tons of waste we could get out of the Defense Department. I think it is about $50 billion a year that we could actually squeeze, which would make plenty of money for earmarks, it wouldn't hurt operation and maintenance, yet we will not have the oversight, we will not do the things that are necessary to lessen the waste that is in the military. My hope is, as we come back next week—I notice we are going to have a couple of votes here in a little while; not on these amendments. No. 1, my hope is the American people will let us know about priorities and what we ought to be doing. I think these are straightforward amendments.

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

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

AMENDMENT NO. 2621, AS MODIFIED

Mr. CHAMBLISS. Madam President, I ask the pending amendment be set aside and that my amendment No. 2621, as modified, at the desk, be called up, please.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] proposes an amendment numbered 2621, as modified.

The amendment is as follows:

(Purpose: To express the Sense of the Senate on Joint STARS re-engining)

At the appropriate place, insert the following:

SEC. (a) FINDINGS.—The Senate makes the following findings.

(1) Real time intelligence, surveillance, and reconnaissance (ISR) is critical to our warfighters in fighting the ongoing wars in Iraq and Afghanistan.

(2) Secretary of Defense Gates and the military leadership of the United States have highlighted the importance of collecting and disseminating critical intelligence and battlefield information to our troops on the ground in Iraq and Afghanistan.

(3) The Chief of Staff of the Air Force, General Norton Schwartz, has stated that the Air Force is ''all-in'' for the joint fight.

(4) One of the most effective and heavily tasked intelligence, surveillance, and reconnaissance assets operating today is the Air Force's E–8C Joint Surveillance Target Attack Radar System, also known as Joint STARS.

(5) Commanders in the field rely on Joint STARS to give them a long range view of the battlefield and detect moving targets in all weather conditions as well as tactical support to Brigade Combat Teams, Joint Tactical Air Controllers and Special Operations Forces convoy overwatch.

(6) Joint STARS is a joint platform, flown by a mix of active duty Air Force and Air National Guard personnel and operated by a joint Army, Air Force, and Marine crew, supporting missions for all the Armed Forces.

(7) With a limited number of airframes, Joint STARS has flown over 55,000 combat hours and 900 sorties over Iraq and Afghanistan and directly contributed to the discovery of hundreds of Improvised Explosive Devices.

(8) The current engines greatly limit the performance of Joint STARS aircraft and are the highest cause of maintenance problems and mission aborts.

(9) There is no other current or programmed aircraft or weapon system that can provide the detailed, broad-area ground moving target indicator (GMTI) and airborne battle management support for the warfighter that Joint STARS provides.

(10) With the significant operational savings that new engines will bring to the Joint STARS, re-engining Joint STARS will pay for itself by 2017 due to reduced operations, sustainment, and fuel costs.

(11) In December 2002, a JSTARS re-engining study determined that re-engining provided significant benefits and cost savings. However, delays in executing the re-engining program continue to result in increased costs for the re-engining effort.

(12) The budget request for the Department of Defense for fiscal year 2010 included $205,000,000 in Aircraft Procurement, Air Force, and $16,000,000 in Research, Development, Test, and Evaluation, Air Force for Joint STARS re-engining.

(13) On September 22, 2009, the Department of Defense reaffirmed their support for the President's Budget request for Joint STARS re-engining.

(14) On September 30, 2009, The Undersecretary of Defense (Acquisition, Technology, and Logistics) signed an Acquisition Decision Memorandum directing that the Air Force proceed with the Joint STARS re-engining effort, to include expenditure of procurement and research, development, test, and evaluation funds.

(b) SENSE OF SENATE.—It is the sense of the Senate that——

(1) Funds for re-engining of the E–8C Joint Surveillance Target Attack Radar System (Joint STARS) should be appropriated in the correct appropriations accounts and in the amounts required in fiscal year 2010 to execute the Joint STARS re-engining system design and development program; and

(2) the Air Force should proceed with currently planned efforts to re-engine Joint STARS aircraft, to include expending both procurement and research, development, test, and evaluation funds.

Mr. CHAMBLISS. Madam President, I ask unanimous consent that Senators BILL NELSON, INHOFE, DODD, ISAKSON, and LIEBERMAN be added as cosponsors.

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

Mr. CHAMBLISS. Madam President, this amendment is a sense-of-the-Senate amendment on a weapons system that is critical to the U.S. Air Force from an intelligence gathering standpoint. It has to do with the re-engining of the Joint STARS weapons system. Real-time intelligence is critical to our warfighters in fighting the ongoing wars in Iraq and Afghanistan, just as in all other military conflicts. Secretary Gates and our military leadership have consistently highlighted to us the importance of collecting and disseminating critical intelligence and battlefield information to our troops on the ground and theaters of conflict, such as Iraq and Afghanistan.

One of the most effective ISR assets operating today is the Air Force's E–8C Joint Surveillance Target Attack Radar System, also known as Joint STARS, or more succinctly, JSTARS.

I ask unanimous consent a memorandum signed yesterday from Ashton Carter, Under Secretary of Defense, addressing JSTARS be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. CHAMBLISS. JSTARS has proven itself to be a critical asset to our military since deploying to Iraq in 1991. It is one of the most highly tasked systems in our fleet today. Our commanders in the field are constantly asking for JSTARS so they can access its tremendous ISR capability to give them a long-range view of the battlefield and detect moving targets in all weather conditions. There is no other current or programmed aircraft or weapons system that can provide the detailed, broad-area ground-moving target indicator and airborne battle management support for the warfighter than JSTARS provides.

The Chief of Staff of the Air Force, GEN Norton Schwartz, has stated that the Air Force is ''all-in'' for the joint fight. JSTARS is truly a joint platform. Flown by a mixed active-duty Air Force/Air Guard unit, it operates with an Army and Air Force mission crew and, in Afghanistan, also with a Marine. It also supports missions of all the military services.

With over 55,000 combat hours and 900 sorties flown by only a handful of airplanes over Iraq and Afghanistan, JSTARS has directly contributed to the discovery of hundreds of IEDs.

Having flown with the 116th Air Control Wing out of Robins Air Force Base in Warner Robins, GA, I have seen firsthand the remarkable capability that JSTARS can bring to the battlefield in support of our warfighters. Although developed and built to fight the Cold War for tracking Soviet troop movements, JSTARS is an integral part of today's battlefield and will be even more relevant in the near future.

JSTARS needs to be modified with new engines to keep this critical asset available to better support our soldiers. Air Force studies show the airframe is sound and will be useful well beyond 2050. JSTARS faces limitations in operational restrictions because the engines are the original 1960s-era engines. They have never been replaced. They are old and expensive to operate and maintain. Replacing them is a safety issue as well as an operational necessity.

What this sense-of-the-Senate resolution does is to emphasize the importance of funding the re-engining of the JSTARS weapons system.

And it is my hope that in conference, the chairman and the ranking member will do what they can to make sure this funding is available. I have talked with Senator INOUYE as well as Senator COCHRAN about this. They are well aware of the value of this weapons system. It has been funded in the House appropriations bill. By adopting this sense-of-the-Senate amendment, it sends a strong message for the conferees to do everything possible to make sure the appropriate funding will be available when this conference report returns to the Senate.

EXHIBIT 1

THE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY AND LOGISTICS,

Washington, DC, September 30, 2009.

MEMORANDUM FOR SECRETARY OF THE AIR FORCE

SUBJECT: E–8C Joint Surveillance Target Attack Radar System (JSTARS) Acquisition Decision Memorandum (ADM)

I designate JSTARS as a special interest program.

I direct the Air Force to continue the JSTARS re-engining System Design and Development phase, including the development, flight testing, and production of the initial increment of re-engine shipsets. The Air Force should immediately identify and obligate RDT&E and procurement funding necessary to execute this direction. Report back to me when this is accomplished with the amounts and timing of RDT&E and procurement funding obligations.

My point of contact for this ADM is Mr. David Ahern, Director, Portfolio Systems Acquisition (OUSD (AT&L)).

ASHTON B. CARTER.

Mr. CHAMBLISS. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Madam President, I thank the distinguished Senator from Georgia for presenting his amendment. I am pleased to advise him that Senator COCHRAN and I have discussed this matter. We would like to see this passed. We agree with the Senator.

Mr. CHAMBLISS. At the appropriate time, I will ask for a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2621), as modified, was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2592, AS MODIFIED

Mr. CASEY. Madam President, I ask unanimous consent that the pending amendment be set aside.

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

Mr. CASEY. Madam President, I ask unanimous consent to call up amendment No. 2592, which is at the desk and has modifications at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. CASEY], for himself and Mr. DURBIN, Mr. REID, Mr. KERRY, and Mr. NELSON of Florida, proposes an amendment numbered 2592, as modified.

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

The amendment, as modified, is as follows:

AMENDMENT NO. 2592, AS MODIFIED

(Purpose: To ensure that work under contracts under the Logistics Civil Augmentation Program complies with certain standards)

At the appropriate place, insert the following:

SEC. ___. (a) LIMITATION ON AVAILABILITY OF FUNDS FOR EXECUTION OF CONTRACTS UNDER LOGCAP.—No later than 90 days after enactment of this Act none of the funds appropriated or otherwise made available by this Act may be obligated or expended for the execution of a contract under the Logistics Civil Augmentation Program (LOGCAP) unless the Secretary of the Army determines that the contract explicitly requires the contractor—

(1) to inspect and immediately correct deficiencies that present an imminent threat of death or serious bodily injury so as to ensure compliance with generally accepted electrical standards as determined by the Secretary of Defense in work under the contract;

(2) monitor and immediately correct deficiencies in the quality of any potable or nonpotable water provided under the contract to ensure that safe and sanitary water is provided; and

(3) establish and enforce strict standards for preventing, and immediately addressing and cooperating with the prosecution of, any instances of sexual assault in all of its operations and the operations of its subcontractors.

(b) WAIVER.—The Secretary of the Army may waive the applicability of the limitation in subsection (a) to any contract if the Secretary certifies in writing to Congress that—

(1) the waiver is necessary for the provision of essential services or critical operating facilities for operational missions; or

(2) the work under such contract does not present an imminent threat of death or serious bodily injury.

Mr. CASEY. I rise to speak about an amendment Senator DURBIN, the assistant majority leader, and I have worked on, as well as getting support and cosponsorship by the majority leader, Senator REID, and by Senator KERRY and Senator NELSON of Florida. It has three fundamental goals. The first is to deal with the horrific situation our troops have faced where we have a number of troops who have died in Iraq, not as a result of enemy fire or in combat but in a circumstance in which they should have a reasonable expectation of safety. In the case of one of my constituents, SSG Ryan Maseth, Ryan was from the city of Shaler, PA, out in western Pennsylvania. He was taking a shower in Iraq, in his barracks, and was killed, was electrocuted because of shoddy electrical work. So the first part of this amendment speaks to that fundamental problem we still have today. The second part of the amendment ensures that our brave fighting men and women serving in war zones have clean water. Thirdly, this amendment would establish strict standards for preventing and prosecuting sexual assaults on Army bases.

These are all commonsense reforms. I will focus principally in my remarks—I know we have limited time—on the issue of electrocution.

As I mentioned, SSG Ryan Maseth died on January 2, 2008. He was electrocuted in his barracks in Iraq. Unfortunately for his family, who have been seeking answers to why he was killed in that way, the nightmare has not ended, nor for a lot of other families. Families from Georgia, Texas, California, Nevada, Oregon, Hawaii, Minnesota, and Pennsylvania, all of those States, have been affected by these deaths.

It continues into last month. On September 1 of this year, Adam Hermanson, who grew up in San Diego and Las Vegas, served three tours of duty in Iraq with the Air Force and then went back to work for a contractor. He, too, lost his life in a horrific way, by electrocution. His wife Janine is waiting for answers. I spoke to her earlier today.

Fundamentally, what this amendment does as it relates to the electrocution problem is attempt to right a wrong by ensuring that the Army reviews the language of the contract at the time of formation to ensure it includes explicit language that clearly requires contractors to immediately correct deficiencies such as improperly grounded equipment or facilities. We are talking about basic electrical work here being done in a way that would protect anyone's safety in a way that they should have a right to expect.

So when I think of Ryan and his family and his mother Cheryl Harris and I think of Mr. Hermanson and his family, his wife Janine, we are not just thinking about some far-off concept here, we are talking about a real problem that is not yet corrected and still threatens our fighting men and women.

Let me conclude my remarks by saying, in addition to urging my colleagues to support this amendment, which I think is so fundamental it does not require a lot of explanation, our troops ought to be able to take a shower or engage in other activities of daily life in Iraq or Afghanistan or anywhere around the world with that reasonable expectation of safety. We can't guarantee that right now, unfortunately. This amendment will take a step in that direction.

Obviously, the other parts, the other two elements in the amendment are that our troops should have the ability to drink clean water and, finally, that no women serving in the military should ever fear the potential or the threat of sexual assault.

All of these parts of this amendment are vitally important. I don't understand why anyone would not support it.

I have already submitted for the RECORD earlier the Associated Press story about the death by electrocution of Adam Hermanson. I wanted to cite two statements, two reflections by Adam's wife and his mother. His wife said, when talking about their plans to move back to Pennsylvania:

He was supposed to come back and we had a lot of plans.

After three tours of duty in Iraq as a soldier and then another tour as a contractor, they were looking forward to his coming back to the United States and, in this case, coming back to Pennsylvania. They had a lot of plans. Those plans were completely destroyed. His life was ended because of a fundamental problem in our system of how we ground electrical outlets, how we install showers in Iraq and threaten troops in the process. We have to correct it for Adam in his memory and for Ryan and so many others, as well as for those they left behind; in this case, Adam's wife Janine.

I will conclude with what his mother Patricia said, as she was reflecting on what happened to Adam. She said everyone in their family was struggling to understand how he could survive four war tours—three as a soldier, one as a contractor—and then die suddenly in a seemingly safe place.

We should make sure, by way of this amendment and anything else we can do, that our troops are at least safe when taking a shower or in a barracks or living in a situation where they are away from the battlefield, away from a fire fight, away from the threat of enemy fire. That is the least we can do as legislators. I urge my colleagues to support the amendment, hoping we can deal with this amendment in the next hour or so.

I yield the floor.

Mr. DURBIN. Madam President, it is time to address some serious problems that have plagued the LOGCAP contract that the Army uses to supply our troops in Iraq and Afghanistan.

For years, this work has been managed by the former subsidiary of Halliburton, KBR.

The controversies surrounding these two companies are many. Senator CASEY and I have offered an amendment to help deal with some of the worst failures and protect the safety of our troops and others.

The amendment would prevent the Army from spending funds on a LOGCAP contract unless the Army Secretary determines that the contract explicitly requires the contractor to ensure safe electrical work, ensure safe and sanitary water, and establish and enforce strict sexual assault prevention policies.

It also allows the Secretary an opportunity to waive the restriction, if that is necessary to the provision of essential services.

In 2001, the Army awarded a sole-source contract to Halliburton-KBR to provide housing, meals, water, trash collection, and other support services for American troops abroad.

By the start of this year, the Army had paid KBR more than $31 billion under the contract, known as LOGCAP.

KBR has had tremendous difficulty executing government contracts properly. One of the many failures of this company has led to the death of U.S. troops.

With our constituents' taxes, our Nation has paid billions of dollars to KBR to provide support to our troops deployed in harm's way. Some of the funds were designated to provide a safe place for our troops as they go about their daily business—to provide them the safe food and shelter they need as they put their lives on the line for us.

We, and all taxpayers, have a right to expect that this company would use those hard-earned tax dollars for the safest and best support we can provide.

What we didn't expect is for KBR, through its negligence, to provide conditions that would injure or kill our troops in their showers. But that is what has happened.

Since March 2003, at least 16 service members and 3 contractors have been killed by electrocution in our own facilities in Iraq.

It wasn't a problem that was hidden for years and then suddenly emerged as a surprise. As early as 2004, Army experts warned that negligent electrical work created potentially hazardous conditions for American personnel.

While we don't whether every single one of those deaths was the fault of KBR, we do know that KBR has been given major contracts involving wiring facilities for our troops in Iraq.

We know that in 2008, 94 troops stationed in Iraq, Afghanistan or other Central Command countries sought medical treatment for electric shock, according to Defense Department health data.

And we know from military records that KBR's database lists 231 electric shock incidents in the facilities the company runs in Iraq.

So we know that our soldiers are being injured and sometimes killed as a direct result of KBR's shoddy electrical work in our facilities.

This is clearly a problem that needs some tough questions answered. How does it come to pass that we put our personnel in unnecessary harm's way so often?

The DOD inspector general sought to answer this question and looked at a particular case I would like to share with my colleagues. The case is that of SSG Ryan Maseth, and it demonstrates the level of KBR's negligence.

In January 2008, Sergeant Maseth was killed in Iraq. This decorated service member was not killed by the bullets or bombs of Iraqi insurgents. He became another victim of contractor negligence when he was electrocuted in a shower at a U.S. base in Baghdad that once was one of Saddam Hussein's palaces.

On July 24 of this year, the DOD inspector general released a scathing report describing the negligence of KBR that contributed to Sergeant Maseth's senseless death. The IG catalogued a distressing litany of KBR negligence and malfeasance. It found that ''KBR did not ground equipment during installation or report improperly grounded equipment identified during routine maintenance''; ''KBR did not have standard operating procedures for the technical inspection of facilities''; KBR personnel ''had inadequate electrical training and expertise''; and ''Operations and maintenance contractor facility maintenance records were incomplete and lacked specificity, precluding the identification and correction of systemic maintenance problems.''

We have paid KBR billions and billions of dollars, and this is what they have given us in return.

It is tragic. It is wrong. And it has to stop.

In March of this year, DOD launched an emergency effort to examine every facility in Iraq to determine the scope of the problem.

The results of those inspections are disturbing. According to Task Force Safety Actions for Fire and Electricity, SAFE, of the 20,340 facilities maintained by KBR and inspected immediately, 6,935 failed the government inspection and required major electrical repairs.

Think about that for a moment. For years, KBR has been making money hand over fist in Iraq, providing maintenance and support for what grew to a portfolio of almost 90,000 facilities. Yet nearly one-third of the facilities included in this emergency inspection failed the inspection.

So for years our brave service members have used these facilities, expecting that they were safe, expecting that the billions of dollars we were spending on war support was devoted to their safety. Little did they know that—thanks to KBR's callous carelessness—what they were really doing was playing ''Russian roulette'' every time they stepped into a shower.

You don't have to take my word for the level of incompetence demonstrated by KBR. Listen to the experts.

Listen to Jim Childs, a master electrician hired by the Army to review KBR's electrical work with Task Force SAFE. He called KBR's work ''the most hazardous, worst quality work'' he'd ever seen.

Mr. Childs found that even when KBR tried to fix problems, they couldn't—that the rewiring work done in buildings that were previously safe resulted in the electrical system becoming unsafe.

Or listen to Eric Peters, a master electrician who worked for KBR in Iraq as recently as this year. Mr. Peters testified that 50 percent of the KBR-managed buildings he saw were not properly wired. Mr. Peters estimated that at least half the electricians hired by KBR would not have been hired to work in the United States because they were not trained to meet U.S. or U.K. electrical standards.

He characterized KBR managers as ''completely unqualified.''

American soldiers—and their loved ones back home—placed themselves—placed their loved ones—in the hands of what was then a subsidiary of Halliburton known by the acronym KBR, and this is what they received.

Shock. Electrocution. And in some cases death.

Why? Because of a careless disregard for the safety of our troops.

We must stop the negligence and ensure that U.S. contracts keep our soldiers safe.

The story is not much better when it comes to the water KBR has provided to our troops.

Here in America, we tend to take clean water for granted. We turn on the tap and, with rare exceptions, clean water flows out.

It is not that simple in a war zone.

The Federal Government entrusted to Halliburton subsidiary KBR the job of providing our troops with clean, safe drinking water.

What the company supplied to our troops, instead, was unsafe, unhealthy, and potentially dangerous water.

A basic necessity of life, a critical commodity in the desert heat of the Middle East, and KBR failed to get it right, even though we were paying them top dollar for the privilege of serving our troops in harm's way.

According to a Department of Defense inspector general report, dozens of soldiers fell sick between January 2004 and February 2006 due to ''unmonitored and potentially unsafe'' water supplied by Halliburton-KBR to fulfill its contract with the Department of Defense.

Water used for washing, bathing, shaving, and cleaning did not meet minimum safety standards set forth in military regulations.

KBR reportedly failed to perform quality control tests, resulting in the use of unsafe water by our troops.

DOD noted that KBR's failure to do its job may have resulted in soldiers suffering skin abscesses, cellulitis, skin infections, diarrhea, and other illnesses.

I do not understand how a company could demonstrate such a callous disregard for the health and welfare of our troops in Iraq. But that is what they did, time and time again.

If it weren't for a whistleblower, we might not know about Halliburton-KBR's mishandling of the water contract. But Ben Carter, a former Halliburton employee and water purification specialist, blew the whistle on KBR's malfeasance.

In January 2006, Mr. Carter testified about his experiences working at Camp Ar Ramdi, home to 5,000 to 7,000 U.S. troops.

Mr. Carter was appalled by what he found there. According to Mr. Carter's testimony:

> KBR [had] exposed the entire camp to water twice as contaminated as raw water from the Euphrates River. KBR was apparently taking the waste water . . . which should have been dumped back in to the river, and using that as the non-potable water supply. Such problems had been happening for more than a year . . . No trained specialist could claim that the water was fit for human consumption.

KBR's response to Mr. Carter's discovery of this substandard, potentially life-threatening situation? Employees of KBR instructed Mr. Carter to keep it quiet. Thank goodness he didn't.

This dirty water problem was not limited to Camp Ar Ramdi. Another whistleblower, Wil Granger, KBR's overall water quality manager for Iraq, reported that there were deficiencies in providing safe water in camps across Iraq.

For example, Granger reported that water used for showering was not being disinfected. According to Mr. Granger, ''This caused an unknown population to be exposed to potentially harmful water for an undetermined amount of time.''

Mr. Carter says it best:

> Our men and women overseas deserve the best our taxpayer dollars can buy, and it saddens me to report that we're falling short on something as simple and essential as providing them with clean, safe water.

If only KBR had seen it that way. But our troops did not receive the clean water supplies they deserved, even though KBR made its profits.

Rape has long been outlawed as an instrument of warfare. But for Halliburton subsidiary KBR, it has become

an all too common occurrence. Too often, KBR employees have been the accused perpetrators, while the victims have been pressured to keep silent.

Dawn Leamon is one of my constituents. She is a 42-year-old paramedic who hails from Lena, IL. She has two sons who have served as soldiers in war zones.

On February 3, 2008, she was working for Service Employees International, Inc., a foreign subsidiary of KBR. She was assigned to Camp Harper, a remote military base near Basra, Iraq. That night she was brutally raped and sodomized by a U.S. soldier and a KBR colleague.

After she reported the attack to KBR employees, she was discouraged from reporting it to the authorities. She was told to keep quiet.

Later, when she spoke out, KBR asked her to sign a nondisclosure agreement.

She bravely testified at a Senate hearing in April of last year, telling the story of this awful incident and the terrible treatment she suffered at the hands of KBR after the attack.

Dawn testified at the hearing:

> I hope that by telling my story here today, I can keep what happened to me from happening to anyone else.

Mary Beth Keniston testified at that same hearing in April 2008. Ms. Keniston worked as a truck driver for KBR, also in Iraq. She testified about being raped in the cab of her truck by a coworker who was the driver of a vehicle that was parked behind her tanker as they waited one night to fill up with water from the Tigris River.

Ms. Keniston reported the attack immediately. But no one at KBR suggested an investigation, referred her for medical treatment, or even offered to escort her back through the dark to her quarters that night.

As Ms. Keniston testified at the hearing:

> I am in a war zone—and, I have to worry about being attacked by my coworkers.

When Jamie Leigh Jones went to Iraq in 2005, she surely did not expect that the most serious threat she would face would come from Halliburton-KBR coworkers. But that is exactly the threat she faced in Iraq in July 2005.

This young woman from Texas was drugged and then brutally gang raped by KBR employees while she was unconscious.

Rather than support her after she reported the attack, KBR put her under guard in a shipping container with a bed, and warned her that if she left Iraq for medical treatment, she would be out of a job.

Ms. Jones has formed a nonprofit organization to support the many other women with similar stories. She reports that she has spoken to more than 40 women like herself, like Mary Beth Keniston, like Dawn Leamon. She says:

> Part of the reason I am going forward with this case is to change the system. Who knows how many of us rape victims are out there?

Certainly the perpetrators of these violent crimes should be held accountable for their criminal actions. These women deserve justice.

But KBR should not escape accountability for its actions. These women were brutally violated by KBR employees—by people whom KBR placed in their orbit.

Rather than taking some measure of responsibility to help prosecute the crimes and comfort the women who had been attacked, it looks like KBR attempted to hide the offenses and punish the women for wanting to report them. Instead of being a champion for its employees, KBR perpetuated the nightmare for each one of these women.

It is time to hold this contractor accountable and demand reforms to ensure employees are protected.

That is why Senator CASEY and I offered this amendment. I urge the Senate to adopt it.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Vermont.

AMENDMENT NO. 2617

Mr. SANDERS. Let me congratulate Senator CASEY for that very good amendment. I look forward to supporting it.

Mr. President, I wish to say a few words on amendment No. 2617, which is pending, and talk about why I offered it.

This is a very important amendment. Everybody in the country is concerned that we have today a $12 trillion national debt. Everybody is concerned that this year we will run up the largest deficit in the history of the country. What that means is the taxpayers rightfully and absolutely want to know that the money we expend, whether it is for defense, which is what we are discussing this evening, whether it is for housing, education, any other purpose, they want to know that every nickel of Federal dollars spent is expended as wisely and as cost-effectively as possible. They also want to know that the corporations and the institutions and the individuals who receive that Federal funding are honest and trustworthy in terms of how they can expend those Federal dollars. That is what the people want, and they certainly have every right to those expectations.

Several weeks ago, the Senate voted to prohibit any funding going to an organization called ACORN. That decision was largely motivated by a videotape which showed employees of ACORN involved in an outrageous and absurd discussion with actors who were posing as a prostitute and a pimp. Those employees, appropriately enough, were fired for their outrageous behavior. My understanding is that over a period of 15 years, ACORN received about $53 million to promote affordable housing, encourage voter registration, and other things. I voted against the ACORN resolution, not because I condoned the behavior of these employees or other problems associated with the organization over the years. I don't. I opposed it because we need a process to determine what the criteria are in terms of defunding an organization engaged in improper or illegal behavior.

Frankly, I don't think a videotape on TV is good enough justification. We need a process, and that is what this amendment is about.

The sad truth is, virtually every major defense contractor has, for many years, been engaged in systemic illegal and fraudulent behavior while receiving hundreds and hundreds of billions of dollars of taxpayer money. We are not talking here about the $53 million that ACORN received over 15 years. We are talking about defense contractors that have received many billions of dollars in defense contracts and, year after year, time after time, have violated the law, ripping off the taxpayers big time.

In some instances, these contractors have done more than steal money from taxpayers. In some instances, they have actually endangered the lives and well-being of the men and women who serve our country in the Armed Forces.

Let me cite a few examples. According to the Project on Government Oversight, a nonpartisan, widely respected organization focusing on government waste, the three largest government defense contractors, Lockheed Martin, Boeing, and Northrop Grumman, all have a history riddled with fraud and other illegal behavior. Combined, these companies have engaged in 109 instances of misconduct since 1995. This is going back to 1995, 109 instances of misconduct, and have paid fees and settlements for this misconduct totaling $2.9 billion.

Let me repeat that. These three companies—Lockheed Martin, Boeing, and Northrop Grumman—have engaged in 109 instances of misconduct since 1995 and have paid fees and settlements for this misconduct totaling $2.9 billion. Here is the kicker: Despite violating the law time after time after time, despite being fined time after time after time, guess what the penalty has been.

Here is what the penalty is. It is a pretty harsh penalty. In 2007, their punishment was $77 billion in government contracts. That is a pretty steep penalty, I have to admit, $77 billion. This is not ACORN. They were defunded immediately because of a 2-minute videotape. These are guys who time after time violated the law, ripped off the taxpayers, and their punishment was in 2007, 1 year alone, not $53 million over 15 years but $77 billion in 1 year.

Based on a video on TV, we took away funding for ACORN. What are we going to do with the major defense contractors who have been found guilty in courts of law, not on a videotape, time after time?

Let me give a few specifics so we know what we are talking about. Lockheed Martin, the largest defense contractor in the country, has engaged in

50 instances of misconduct since 1995, paying fines and settlements totaling $577 million. Yet it received $34 billion in government contracts in 2007. That is telling them who is boss. That is sticking it to them for violating the law.

Here is the type of behavior we are talking about. According to the U.S. Attorney's Office, in 2008, Lockheed Martin's Space Systems Company paid $10.5 million to settle charges that it defrauded the government by submitting false invoices for payment on a multibillion-dollar contract connected to the Titan IV space launch vehicle program. According to the Department of Justice, in 2003, Lockheed Martin paid $38 million to resolve allegations that it fraudulently inflated the cost of performing several Air Force contracts for the purchase of navigation and targeting pads for military jets.

In 2001, Lockheed Martin paid $8.5 million to settle criminal charges that it lied about its costs when negotiating contracts for the repair and restoration of radar pedestals installed in U.S. warships.

But in fairness to Lockheed Martin, we should be clear that they are not the only defense contractors involved in fraud. Frankly, it is endemic in the industry. Boeing is the world's largest aerospace company and the largest manufacturer of commercial jet liners and military aircraft. Since 1995, Boeing has either been found guilty, liable, or reached settlements in 31 instances of misconduct and, as a result, paid $1.5 billion in fines, judgments, and settlements. I am talking about real money.

In 2000, according to the Department of Justice, Boeing agreed to pay $54 million to settle charges that it placed defective gears in more than 140 CH–47D Chinook helicopters and then sold the defective helicopters to the U.S. Army. When one of the gears failed in flight, it caused an Army Chinook helicopter to crash and burn while on a mission in Honduras, and five servicemen aboard were killed. We are not just talking about fraud; we are talking about activities which resulted in the death of U.S. servicemen.

In a report made public this past Tuesday, the DOD inspector reported that Boeing may have recovered $271 million in ''unallowable costs'' from the government. That is this last Tuesday. Still, Boeing received $24 billion in Federal contracts in 2007.

Finally, Northrop Grumman, the third largest contractor, has a similar history, with 27 instances of misconduct totaling $790 million over the past 15 years. It is not just the big three. On June 9, 2004, KBR overbilled for dining facilities by at least 19 percent, according to KBR's own studies, and it could be as high as 36 percent. As reported in its 2005 10–K, the government eventually agreed to withhold $55 million from KBR.

United Technologies reached a settlement amounting to over $50 million.

A few weeks ago the Senate voted to strip funding from an organization called ACORN which received $53 million in Federal funds for a period of 15 years. What do we do with some of the largest defense contractors that have time after time after time been involved with fraud?

I think one has to be pretty obtuse not to perceive that this type of behavior, this recurrent behavior, is systemic in the industry and it is part of the overall business model. Let me add, what I describe now is what these companies have been caught doing. We do not know what they have done in which they have not been caught.

The time is long overdue for us to get to the bottom of this situation. We owe that not only to the taxpayers of the country but to the men and women in our Armed Forces.

For that reason, I am proposing an amendment today under which the Secretary of Defense would calculate the total amount of money that goes to companies that have engaged in fraud against the United States, and then make recommendations about how to penalize repeat offenders. In other words, they have to be held accountable. It is absurd that year after year these companies continue doing the same things—illegal behavior, fraudulent activities—and year after year they keep getting away with it, and year after year they come back and they get hundreds of billions of dollars in Federal funds.

I hope very much this study will receive strong bipartisan support and will be a first step in moving us forward to cleaning up the world of defense contracting.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I ask unanimous consent to speak as in morning business.

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

HONDURAS

Mr. DEMINT. Mr. President, I want to take a few moments in the middle of the debate on the Defense appropriations bill to talk about a situation in Honduras and, maybe equally important, a situation here in the Senate.

Honduras has come to the attention of many Americans because of the change in government there and the questions about whether this was done constitutionally. I had arranged a trip, along with a few House Members, to go to Honduras and meet with officials and find out more about the situation. Unfortunately, I found out this afternoon that the chairman of the Foreign Relations Committee was blocking my trip, along with the State Department.

It is very concerning since no Member of the Senate has taken the time to go to Honduras, which is a very close ally to this country, where we have a military base. And they certainly depend on our support. I have a growing concern of what appears to be intimidation and bullying from our administration, and I wanted to have a fact-finding trip. This body normally accords fellow Members the courtesy, and this was very disturbing that we would use politics to block a trip such as this.

But I wish to give a little bit of background on Honduras. Since so many other things are going on, not many people here in the Senate seem to even be aware of the situation.

On June 28, then-President Manuel Zelaya was removed from office and arrested by the Honduran military, on orders from the Honduran Supreme Court, and in accordance with the Honduran Constitution.

Charged with crimes of both public corruption and abuse of power, President Zelaya was attempting to subvert the Honduran Constitution and install himself as a dictator in the mold of his close friend Hugo Chavez.

Within hours, the Obama administration made an uninformed decision to call this constitutional process a ''coup,'' despite no one at the State Department or the White House having made a thorough review of the facts and the law.

Instead, we simply follow the lead of the Western Hemisphere's most corrupt and anti-American tyrants: Fidel Castro of Cuba, Daniel Ortega of Nicaragua, and Hugo Chavez of Venezuela. The President sided with these thugs and against Honduras—a poor, loyal, and democratic friend of the United States.

To date, I am unaware of any provision in the Honduran Constitution that was violated in Zelaya's removal from office, except perhaps removing him from the country instead of putting him in jail.

The Congress, of Zelaya's party, the Supreme Court, the Attorney General, the Supreme Electoral Tribunal, and the vast majority of the Honduran people support Zelaya's removal.

The Honduran military has remained at all times under civilian control. The November 29 elections remain on schedule. Interim President Roberto Micheletti is not on the ballot. The nominees for the major political parties are campaigning, and the country's citizens are preparing for a free, fair, and transparent election.

If that does not sound like a coup to you, you are not alone. Last month, a thorough report—and I have it here—by the Congressional Research Service found that the removal of Zelaya and the actions of the Congress and Supreme Court were both legal and constitutional—a very detailed evaluation which apparently the administration has not taken the time to see. There was no coup. But the Obama administration, nevertheless, has cut off Honduras from millions of dollars of badly needed United States aid.

The trip I planned—which is tomorrow—along with three Members of the House of Representatives was to get to the bottom of this so we could report back to the Senate and the House as to what was going on.

Our trip met every necessary criteria. I have scheduled meetings with President Micheletti, the Supreme Court, and the leading candidates in next month's Presidential election. I was going to meet with the business and civic leaders.

This afternoon, I was informed that the Senator from Massachusetts, Senator KERRY, chairman of the Foreign Relations Committee, was blocking the trip. No reason was given, except that there were concerns at the State Department. If I were the Obama State Department, I would have concerns too, concerns the American people might find out the truth about what we are doing to the Honduran people.

To date, not a single Member of the Senate has assessed the situation in Honduras firsthand, and the Obama administration refuses to allow Honduran leaders and even private citizens to come here to talk to us. What are they afraid of? Are they afraid of the world discovering that their policy is based on a lie concocted by Hugo Chavez and the Castro brothers? That we are backing a corrupt would-be tyrant?

This administration is only too eager—or at least seems to be too eager—to talk to any anti-American tyrant on Earth, but not even Members of Congress may visit a loyal ally 3 hours away.

I want to take this opportunity to thank the Republican leader, Senator MITCH MCCONNELL, for stepping in and authorizing the trip. He would like to get to the bottom of this as well.

The trip is back on, and I look forward to reporting back to the Senate next week after my return. But this is an outrage, if not a surprise. For 8 months, President Obama has circled the globe, apologizing for America, appeasing our enemies, and insulting our friends. Meanwhile, the President has spent more time lobbying for the Olympics and appearing on late-night comedy shows than meeting with his advisers about the troop surge in Afghanistan.

Apparently, the administration is upset with me because I am asking for a debate and vote on two nominations they want for the State Department. Indeed, I was told today if I lifted my holds, the trip would be authorized by the Foreign Relations Committee.

The two nominees are Thomas Shannon, currently Assistant Secretary of State for Latin America, President Obama's nominee to be Ambassador to Brazil, and Arturo Valenzuela, currently an academic nominated to replace Shannon at the Latin American desk.

I am asking for debate and a vote on Mr. Shannon's nomination because he has supposedly been behind our policy in Latin America in recent years. Our mistakes in Honduras occurred on his watch, and with his advice. He was a Bush appointee, but I have a lot of questions about what is going on in Honduras. He supports the Obama aid cutoff and the ''coup'' classification. He hardly deserves now to represent America in the largest country in Latin America, at least without a debate and a vote.

Mr. Valenzuela shares these positions, even though he admitted at his confirmation hearing he was not up to date on the facts.

Unless and until the Obama administration reverses its ill-informed and baseless claim that Zelaya's removal was a coup and also restores American aid, I will continue to ask for a debate and vote on these nominees so we can discuss the issue openly on the floor of the Senate.

This country also needs to recognize the upcoming election, which has been going on. The campaign is open and transparent, but the Obama administration is threatening not to recognize the election, which is destabilizing the country and threatening to do more harm not only in Honduras but throughout Latin America. This policy is confirming Hugo Chavez. It certainly is not confirming a constitutional form of government.

I look forward to reporting back to my fellow Members what I find in Honduras. I again thank MITCH MCCONNELL for taking the initiative to make sure the trip is authorized.

With that, Mr. President, I yield back.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

Mr. SESSIONS. Mr. President, I was concerned to learn on September 17 of the President's decision to forgo the deployment of 10 long-range, ground-based interceptors in Poland and a radar site in the Czech Republic which was designed for the defense of Europe and the United States against long-range Iranian ballistic missiles.

Just a few days ago, the Iranians demonstrated their determination, even after they agreed to meet with the United States, to deploy such a system by launching their top mid-range missile. That is not long from, of course, a long-range missile.

The Senate Armed Services Committee held a full committee hearing on the subject last week, and it did little to quell my initial concerns and has, in fact, added apprehension about the lack of specifics in the plan we are hearing will now be employed. More important, the geopolitical implications of reneging on prior U.S. commitments to key allies should not be underestimated.

With respect to the so-called ''Phased Adaptive'' approach, President Obama would have us believe that ''this new approach will provide capabilities sooner, build on proven systems, and offer greater defenses against the threat of missile attack than the 2007 European Missile Defense Program.''

I will add, parenthetically that the Europeans did agree and NATO did agree to the deployment of ground-based interceptors in Poland and the radar in the Czech Republic.

The reality is more complicated than the President indicates. I have to say, frankly, first, it is not clear this new approach will provide capabilities sooner. In fact, it does not appear to.

Under the first phase of this new plan, which is essentially underway, the United States would defend our allies against short-range threats by providing ''SM–3 Block 1A capable warships when necessary for the protection of parts of Southern Europe.'' That would mean we would deploy an Aegis cruiser armed with SM–3 missiles. But this is no different from what the previous plan called for. To suggest that is some new plan is inaccurate. To be sure, even today, we have AEGIS ships with SM–3 missiles plying the waters of the Mediterranean, and Patriot units deployed in and around Europe for our defense against short-range missiles.

In phase 2 of this new plan, which is, we are told, going to be completed by 2015, a more advanced version of the theater SM–3, the IB, would be deployed at sea and on land. Likewise, under the old plan, the IB missile would be deployed and fielded by 2015, though perhaps not on land. But it had been discussed. In fact, the last budget prepared by the previous administration called for an increase in the inventory of THAAD and SM–3 missiles to over 440 missiles in the European area by 2015, 2016.

I have not seen any inventory projection for this new plan, but I would be surprised to learn their numbers are significantly greater than what was previously planned. In fact, the administration has not gotten off to a good start in this respect, as the fiscal year 2010 budget request includes no funding for a new SM–3 or THAAD purchases. This is the only budget year request we have been presented by the administration, and they are not requesting any new THAAD and any new SM–3 missiles.

The administration's request funds previous purchases of missiles but requests not a single new interceptor that would be deployed. By 2018, in the third phase of the new plan—2018, over 8 years from now—a newly developed SM–3 block IIA missile would be added to the inventory to protect all of Europe against intermediate-range Iranian missiles—the kind of intermediate range the Iranians just tested Monday. This is by 2018.

Under the old plan, the plan we have been working on for quite a number of years, this SM–3 IIA capability was meant to complement the deployment of 10 ground-based interceptors in Poland, which would have provided protection for most of Europe and the United States against long-range Iranian missiles in the 2015 timeframe. In

other words, these 10 interceptors would have been capable of protecting all of Europe and the United States. If a missile were launched from Iran aimed at hitting the United States, it would fly basically over Poland and Central Europe. As a result, this would be a prime place to deploy a defensive missile system. The ground-based interceptor that would have been used would have essentially been the same missile we currently have deployed in Alaska. Our Presiding Officer, Senator BEGICH, has been very engaged in that, and I know we both are concerned to see the number of interceptors planned for that site being reduced. The key difference in the missiles is that our interceptors in Alaska and California are three-stage missiles, while two-stage missiles would be used to fit our needs in Europe.

Finally, the new plan would call for the development of IIB missiles by 2020, which would ''further augment the defense of the U.S. homeland from potential ICBM threats.'' That is what they are telling us would happen. But I have been around here a while, and we don't have this SM–3 IIB missile even on the drawing board. They just conjured up this idea a few days ago—at least that is the first I have heard about it. So we have to build this new missile—not build on the one we have already emplaced in Alaska and are building now, but build a whole new missile. That will take 10 years. And who is to say the Congress will be faithful to this 10-year plan? I will tell you one thing: President Obama will not spend a dime of his money on it. This is in the distant future. That worries me because my experience is that plans like this don't always come to fruition. When you abandon a proven technology, that we are almost ready to deploy now, after some hope in the future, this makes me nervous.

The two-stage GBI intended for Poland in the old plan would have been fielded by 2015, 5 years earlier than this vision of a IIB, if the ratification of all the agreements had occurred and we pushed for that. The 2015 date is important because Iran may have, by then, long-range missiles capable of reaching all of Europe and the United States.

In March of this year, General Craddock, then-commander of U.S. European Command, testified before Congress,

> By 2015, Iran may also deploy an intercontinental ballistic missile capable of reaching all of Europe and parts of the United States.

That was his testimony, given under oath.

In May of this year, 2009, an unclassified intelligence report issued by the National Air and Space Intelligence Center stated:

> With sufficient foreign assistance, Iran could develop and test an ICBM capable of reaching the United States by 2015.

In the final analysis, it is not clear that the new plan will field capabilities any sooner—and indeed it appears later than the previous plan—which may leave us with a gap in coverage in Europe for at least 5 years if we were to move forward with the plan to develop this missile. So forgive me if I am not buying into this. This plan sounds like an excuse for giving up on the European site for the GBI.

The President also claims that his approach is based on proven technology—the assumption being, perhaps, that the previous plan was fraught with technological risk. Again, that claim is not correct.

The administration argues that its approach to providing defense of Europe with SM–3 block IIA, and ultimately augmented with this IIB system in 2020, is based on proven technology of the currently deployed SM–3 IA missile. Well, that is just not accurate. The SM–3 that would be effective against an ICBM is much larger in diameter. It is an entirely new missile. Just because the SM–3 is performing very well for theater defense doesn't mean they can build an entirely new SM–3 and it is going to be as effective. I assume they could, and move forward with it, but it is not a sure thing.

While I have confidence in the ability of the SM–3 missile to eventually evolve into an ICBM interceptor, I would note that the two-stage GBI intended for Poland is also based on proven technology of the three-stage GBI now deployed in Alaska and California, which, according to General Cartwright, has a 90-percent probability of intercepting a rogue missile—presumably coming in from North Korea.

This is a great system. We have invested decades of effort in it, over 20 years. Thirty-plus years have gone into developing an antimissile system. We have finally got it so that we have a 90-percent chance of having one of these interceptors—knockdown, hit-to-kill technology—in space over the Pacific Ocean to obliterate an incoming missile. We have the radar system designed to pick up these missiles on launch, to track them, and to guide the missile into that kill system.

It is certainly questionable to me whether the SM–3 block II variant, which requires new boosters and a new kill vehicle, is less technologically risky than a two-stage GBI, which is scheduled for flight testing in the coming years.

Finally, the President contends that his approach would offer greater defense than the previous approach. Here he assumed the old approach included only 10 ground-based interceptors in Poland and that his new approach would provide more theater defense on land and on sea.

I would just say that this bothers me because that has never been our plan. Our plan always has been to emplace ICBMs or theater missiles in Europe, as well as the 10 interceptors in Poland that would protect us from a rogue attack from a country like Iran, which seems determined to do this.

So this is where we have been. And I am pleased to see my colleague, Senator LIEBERMAN, who throughout his time in the Senate has maintained a superb understanding of national missile defense as part of his duties on the Senate Armed Services Committee. He is probably the most knowledgeable person in the Senate on that issue, and I think he shares some of my concerns.

I thank the Senator for coming, and I would be pleased to join with him in an amendment that could improve our situation today. I will be glad to yield to my colleague. The only thing I see new in this plan is the abandonment of the Polish site, the ground-based interceptor, which indeed is capable of knocking down a missile from Iran.

Mr. President, I yield the floor, and I would be pleased to hear Senator LIEBERMAN share some of his thoughts.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair, and I thank Senator SESSIONS, my colleague from Alabama, for the statement he made and for his leadership on this issue. I am proud to join with him and a number of Senators—Senators BAYH, MCCAIN, INHOFE, VITTER, KYL, and BENNETT—to introduce this amendment.

Mr. President, has the amendment actually been called up?

The PRESIDING OFFICER. It has not.

AMENDMENT NO. 2616

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2616.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

> The Senator from Connecticut [Mr. LIEBERMAN], for himself, and Mr. SESSIONS, proposes an amendment numbered 2616.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

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

The amendment is as follows:

(Purpose: Relating to the two-stage ground-based interceptor missile)

At the appropriate place, insert the following:

SEC. ____. (a) FUNDING FOR TWO-STAGE GROUND-BASED INTERCEPTOR MISSILE.—Of the amounts appropriated or otherwise made available by this Act for a long-range missile defense system in Europe, or appropriated or otherwise made available for the Department of Defense for a long-range missile defense system in Europe from the Consolidated Security Disaster Assistance, and Continuing Appropriations Act of 2009 (Public Law 110–329) and available for obligation, $151,000,000 shall be available for research, development, test, and evaluation of the two-stage ground-based interceptor missile.

(b) PROHIBITION ON DIVERSION OF FUNDS.—Funds appropriated or otherwise made available by this Act for the Missile Defense Agency for the purpose of research, development, and testing of the two-stage ground based interceptor missile shall be utilized solely for that purpose, and may not be reprogrammed or otherwise utilized for any other purpose.

(c) REPORT.—Not later than February 1, 2010, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the following:

(1) A comprehensive plan for the continued development and testing of the two-stage ground-based interceptor missile, including a description how the Missile Defense Agency will leverage the development and testing of such missile to modernize the Ground-based Midcourse Defense component of the ballistic missile defense system.

(2) Options for deploying an additional Ground-based Midcourse Defense site in Europe or the United States to provide enhanced defense in response to future long-range missile threats from Iran, and a description of how such a site may be made interoperable with the planned missile defense architecture for Europe and the United States.

Mr. LIEBERMAN. Mr. President, this bipartisan amendment is both a response to the administration's decision to cancel the ground-based midcourse missile defense system that was going to be in Poland and the Czech Republic and the subsequent decision of our friends and colleagues on the Appropriations Defense Subcommittee to withdraw a significant amount of money that the administration has said it still wanted to be preserved for the ground-based interceptors; that is, the interceptors that would have been launched from Poland at a missile presumably from Iran headed toward Europe, the Middle East, or particularly toward the United States.

Let me explain some background here as quickly as I can.

I was disappointed by the administrations's decision to cancel the planned deployment of this missile defense system to Poland and the Czech Republic. This system would have provided our European allies and others with a first line of defense against short- and medium-range ballistic missiles that Iran already possesses and could fire at our allies in the region and in Europe. But the point I want to focus in on here is that the—I am going to call it the GMD—it is the ground-based midcourse missile defense system, the GMD for Poland and the Czech Republic would also have provided a layer of what the military missile experts call redundancy for the defense of the United States against an intercontinental ballistic missile fired from Iran at us. This is not just sort of pie-in-the-sky kind of hyperanxiety, imagination. We know that Iranians are developing long-range ballistic missiles and, as I will mention in a moment, experts predict they will have that capacity by the middle of the next decade, 2015.

The Polish-Czech system would have provided, in addition to a defense of Europe, a redundant defense of the United States. What does redundancy mean in this case? It means we have more than one line of defense to protect us. Those of us who are privileged to serve on the Armed Services Committee or Appropriations Committee and others know our military tries to build redundancy into equipment, for instance. I was up at the Sikorsky helicopter manufacturing facility in Stratford, CT, a little while ago. They are building a new model of helicopter. There are three or four levels of redundancy in that system, in that single helicopter. Why? So if one element breaks down, there are two or three other elements that will keep it going for the protection of our American military inside that helicopter.

In the same way, if an intercontinental ballistic missile is fired in 2015 toward the United States of America, we have one line of defense.

My friend from Mississippi, Senator COCHRAN, is here. I remember so well when he and I in the decade of the 1990s were trying to convince our colleagues to invest some money in developing a ballistic missile defense system. People said two things: No. 1, we were getting carried away with our fears and, No. 2, even if it was something to be concerned about, it was impossible to develop a ballistic missile defense system. I remember people said we are talking about trying to hit a bullet with a bullet.

Well, by God, American military, American innovation, American enterprise, American manufacturing have done it. We now have two ground-based missile defense systems, one in Alaska, one in California, to protect the American homeland from ballistic missile attack.

But we need redundancy. Just like the pilot and the crew in that Sikorsky helicopter need redundancy in that helicopter in case one of the lead systems goes, we want to know they have backup. If a missile is headed—well, probably with a nuclear weapon on it—toward the United States of America, I think we want some redundancy. We want more than one line of defense to protect our people and our country. Right now we just have that system in California and Alaska.

The ideal here, according to the people who think about this, is to have what they call a ''shoot look and shoot'' defense. A missile is fired from Iran. We gauge that it is heading toward the United States. The plan for the ground-based system in Poland and Czechoslovakia is we have our first shot at that missile heading toward us from Poland. Then we look. If we missed it, we have a second opportunity to knock it down from California or Alaska.

Unfortunately, the alternative system the administration has chosen, which has many positive aspects to it for the defense of Europe and the Middle East from Iranian short- and medium-range missiles, leaves most of the United States without that second shot at that incoming missile.

I do not have pictures with me from a report that the Congressional Budget Office did, a diagram, but the eastern part of the United States would have a redundant defense but everything pretty much west of the Mississippi would not. That is serious stuff. That is why I am disappointed by the decision that was made.

I want to explain a little more about how the administration has dealt with that concern about America's homeland and what I think we can do about it. They have proposed—there is a lot of technical language here; let's see if I can do it without confusing everybody—that they would eventually develop—they have this SM–3 missile defense system that will be the basis of the alternative to the Polish-Czech defense, and that will be good for Europe and the Middle East. But the administration knows it leaves America without that second line of defense to a missile attack. So they are proposing to build block IIA and Block IIB interceptors as part of this so-called SM–3, advanced developments of that system which, they argue, could protect the United States of America from a long-range missile fired from Iran.

The problem is the Block IIA and IIB of this SM–3 missile do not exist. They are on paper. General Cartwright acknowledged so much in testimony to us. The ground-based interceptor that was going to go into Poland exists. It has been manufactured. It was scheduled to go into testing this year. In the proposal the administration has made, they say the SM–3 Block IIA, the first one that could possibly defend the United States, will not be available until 2018, at the earliest. The Block IIB, even more sophisticated, will be available in 2020 at the earliest.

Let me try to explain through a quote what worries me about that. Earlier this year, in testimony before the Armed Services Committee, the then-commander of our European Command, the Supreme Allied Commander in Europe, Bantz Craddock, stated this:

> By 2015 Iran may also deploy an intercontinental ballistic missile capable of reaching all of Europe and parts of the United States.

I know that is not a hard prediction, but that is the range that most people in the intelligence community, the military community, give, that sometime in the middle of the next decade, maybe a little later, the Iranians will have a long-range ballistic missile that can hit the United States of America.

Look, they can do better than that and may surprise us. We have been surprised before by the ballistic missile capabilities of our adversaries. The North Korean Taepodong test of 1998 comes to mind, of course, an unfortunate instance in which the North Korean Government tested a long-range missile 7 days after our intelligence community concluded that North Korea was another 3 years away from having that capability.

One of the reasons the administration has given for this change to the SM–3 defense is that it provides a quicker, better defense for Europe and the Middle East to short- and medium-range missiles, and the administration concludes the Iranians are making more progress more quickly on those

two, short- and medium-range missiles, than we thought they would. If they are making progress on the short- and medium-range missiles more quickly than we thought they would, they might also make progress more quickly on the long-range missile that could hit the United States of America.

Here is what I am worried about. I understand these are not exact numbers. By 2015, according to General Craddock, Iran may have a long-range ballistic missile that could hit the United States of America. At the earliest the SM–3 Block IIA missile, to give some protection, second line of defense to that missile, will not be available until 2018 at the earliest. Remember, this is now a paper missile. It has not been built, let alone tested. You have 3 years there, and probably more, where there will be a ballistic missile defense gap in which Iran could fire at us and only have to get by the ground-based missile defense systems in Alaska and California.

I think the administration, as testimony went on, understood our concern about that. In fact, when the Secretary of Defense Gates and General Cartwright rolled out the administration's new architecture for missile defense, canceling the Polish-Czech program and going to the new system, one of the points General Cartwright emphasized was that the administration would continue to develop the two-stage ground-based interceptor, the one that was supposed to go in Poland. He continued:

> Those tests are funded, and will continue, so we will have two ways to address this threat.

The following week Under Secretary of Defense for Policy Michele Flournoy testified before the Senate Armed Services Committee and she also expressed a commitment to continue to develop this two-stage ground-based interceptor. Presumably the thought is it could be located at another site in Europe or perhaps somewhere on the east coast of the United States of America, to give that second line of defense to our entire country.

Secretary Flournoy said when they were discussing the canceling of the European missile defense program, Secretary Gates ''had to be convinced of a couple of things.'' Those are her words, namely that ''we could still''—I am quoting Secretary Flournoy—Secretary Gates wanted to know that:

> we could still defend the United States homeland should an Iranian ICBM threat develop earlier than what was predicted [and] that we should have technical options should the development of later Blocks . . . of SM–3 missile, either fail or be delayed.

That is exactly what we have been talking about.

In response to these requirements, Secretary Gates told his staff—again I quote Secretary Flournoy:

> we are going to continue the development of the 2-stage ground-based interceptor as a technological hedge—

against the failure to adequately develop these alternative long-range systems, the missile defense systems against an Iranian threat.

Here is the problem. Despite this administration's statements of support for continued development and testing of the two-stage ground-based interceptor, the Defense appropriations bill before us has reduced funding for that program by $151 million.

I gather the Department of Defense has already appealed this reduction, arguing that it would force the cancellation or postponement of a pair of two-stage GBI tests soon, and that losing this funding could render the entire ground-based mid-course defense system less effective.

Now comes the amendment Senator SESSIONS and I and our cosponsors have offered, which would restore the funding by allowing the Missile Defense Agency to access no less than $50 million and up to the original $151 million of funds provided in fiscal year 2009–2010 Defense Appropriations Act for a long-range missile defense system and use those funds to support the continued development and testing of the two-stage ground-based interceptor. The amendment would also fence funding for the two-stage program to protect it from being reprogrammed and require a report detailing specific options for how the two-stage GBI can be used to enhance the defense of the United States against the emerging threat of Iranian long-range missiles.

Bottom line, this acknowledges on my part the disappointment at the decision the administration has made. It doesn't try to turn it around, but says OK, under the new administration program we are going to do at least as good, maybe a little better, at protecting Europe and the Middle East, but we are going to do worse at protecting the United States of America from a long-range missile, which the Iranians particularly are working so hard to develop. So let's at least keep testing this missile we have got, the ground-based interceptor, as a hedge so we are ready in case these other alternatives don't work, to put it in the ground in Europe or perhaps in the east coast of the United States to give the American people the two lines of defense they deserve against an Iranian long-range missile, and thereby to close what will now be a ballistic missile defense gap for the United States of America that will otherwise develop in the middle of the next decade and go on, in my opinion, for at least 3 years.

Again, I thank Senator SESSIONS. It is always a pleasure to work with him. This is complicated stuff. But it is the heart of our national security in the next decade. I hope my colleagues will support our amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I would like to say how much I have enjoyed the clarity and integrity with which Senator LIEBERMAN has stated the situation in which we find ourselves. It comes from great experience over a number of years, both on the technical matters of missile defense and on the geopolitical threats this Nation faces. I certainly value his opinion.

I would share one thought with my colleagues. I hope my colleagues will understand this. What happened in this year's budget request was a major shift from a very long lead plan to develop a very robust missile defense system.

We can disagree about some of the details of this or that. But let me give some examples of what has occurred: In this year's budget request, the President canceled the Kinetic Energy Interceptor, the KEI. It was a high-speed missile that would be less expensive and have great capability, particularly in the ascent-phase of an attack against the United States. The president's budget zeroed that out. We have been working on that for quite a number of years.

They also are working toward and doing research on an MKV, a Multi Kill Vehicle, in which you can put on a single ground-based interceptor booster three or more kill vehicles, that could knock down multiple missiles or decoys. The budget zeroed that out.

We had a plan we have been developing for a number of years to develop an airborne laser, have a laser on an airplane that can fly in an area where you may expect a launch to occur. It does not have to be very close but in the region. They catch a missile in the boost phase. The laser can hit it and knock it out of the sky. It is a remarkable capability. That has been debated, I will admit, but it has been funded for a number of years. It will be tested this year.

The Defense Department expects that test to be successful. We did have enough money, or there was enough money in the bill to at least test it. But after that, zeroed out. No funding for ABL.

So what about our ground-based interceptors and GMD system that we have been working on for 30-plus years, spent over $20 billion on, that was planned to implant 44 interceptors in Alaska—most of them in Alaska and some in California? That has been cut from 44 to 30.

What about the plan to deploy 10 in Poland and Europe to give us redundancy and protect Europe? Zeroed out.

So this is not just a little nibbling away in missile defense. This is an erroneous policy that makes me nervous. Because we have a system that is ready to go forward. We stop it. We promise we are going to have a new system out here 10 years from now. There's many a slip twixt the cup and the lip. I am not sure whether we will ever get that done waiting on some new system to come along.

As Senator LIEBERMAN noted, the administration requested $151 million to be obligated for a long-range missile

defense system in Europe. They requested that that money be used for research and development and testing of this two-stage system.

This amendment that Senator LIEBERMAN and I have proposed would prohibit the diversion of that away from what the Obama administration initially requested and to require it to be spent on the two-stage GBI, including options for deployment in Europe and elsewhere. So why is it necessary? Well, the mark we are dealing with on the floor today cuts the $151 billion from the BMD test and targets program element, and, though the language itself does not expressly target this cut against testing for the two-stage GBI, the Missile Defense Agency understands this is what the Senate Appropriations Committee intends. Hence, they have submitted to us an appeal letter and asked us not to do it.

MDA argues this cut will require cancellation of fiscal year 2010 testing activities related to two planned two-stage GBI flight and intercept tests. We have proven the technology of the three-stage interceptor. Therefore, it is simpler to have a two-stage one. We have to test it and develop it.

Such a cancellation, as occurs in this bill, will also impact data collection applicable to the three-stage GBI requiring further testing in the future at additional costs.

Reduced funding would increase, risk, and delay the proving out of the two-stage GBI avionics capabilities required for the European component and future three-stage avionics capabilities. Slowing the development and testing of the two-stage GBI is inconsistent with the administration's intent to continue such development as a hedge against developmental problems for the SM3 Block IIa and IIB, the ones that are intended in the distant future for Europe.

So General Cartwright, our commander in Europe, has indicated, by 2015, this would be a potential threat against the United States. That is why we have offered this language. I believe it is the right thing to do, to keep this program at least ongoing and not to waste the effort we have expended so far and complete the testing of the GBI, which can also be used in the United States as part of a layered defense against incoming missiles also.

In the appeal submitted to the committee from the Department of Defense, they note this language:

> Cancelling fiscal year 2010 activities for these tests would have a major impact on the test program and on data collection applicable to two-stage and three-stage ground-based interceptors and associated M&S.

So they say it would have a major impact on the program and the administration has asked us to keep it. That is the purpose of this amendment. I was hoping we could reach some sort of accord that we could work on with the committee. I am not sure we have been able to do that at this stage. But the matter is important. I hate to have to come to the floor and offer this amendment. I like to respect our committees. It is important. However, the concerns Senator LIEBERMAN and I have explained today are why we felt it necessary to do so.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I am pleased to say to my friend from Alabama that the leadership, the manager of the bill, Senator INOUYE, has agreed, if we modify the amendment as we had agreed to modify it to say: Not less than $50 million, and up to the $151 million could be available for research, development, test, and evaluation of the two-stage ground-based interceptor missile, that the committee would accept our amendment by voice vote—if that is OK with my friend from Alabama.

Mr. SESSIONS. I thank Senator LIEBERMAN. I have confidence in the chairman and the ranking member on that committee. Of course, it is not much different than what the mark is today. It is below what President Obama requested. I think he has unwisely cut too much already from Defense. So I am uneasy about it.

But I am being a practical person, and knowing my colleagues would like to go home, Senator LIEBERMAN, I think that is maybe something I would agree to. Perhaps you and I could talk briefly if we have a quorum call.

Mr. LIEBERMAN. I am glad to do that. But at the moment, I ask unanimous consent that we modify our amendment with the changes that I believe are at the desk at this time.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 2616), as modified, is as follows:

AMENDMENT NO. 2616, AS MODIFIED

At the appropriate place, insert the following:

SEC. ____. (a) FUNDING FOR TWO-STAGE GROUND-BASED INTERCEPTOR MISSILE.—Of the amounts appropriated or otherwise made available by this Act for a long-range missile defense system in Europe, or appropriated or otherwise made available for the Department of Defense for a long-range missile defense system in Europe from the Consolidated Security Disaster Assistance, and Continuing Appropriations Act of 2009 (Public Law 110–329) and available for obligation, $151,000,000 shall be available for research, development, test, and evaluation of the two-stage ground-based interceptor missile.

(b) PROHIBITION ON DIVERSION OF FUNDS.—Funds appropriated or otherwise made available by this Act for the Missile Defense Agency for the purpose of research, development, and testing of the two-stage ground based interceptor missile shall be utilized solely for that purpose, and may not be reprogrammed or otherwise utilized for any other purpose.

(c) REPORT.—Not later than February 1, 2010, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the following:

(1) A comprehensive plan for the continued development and testing of the two-stage ground-based interceptor missile, including a description how the Missile Defense Agency will leverage the development and testing of such missile to modernize the Ground-based Midcourse Defense component of the ballistic missile defense system.

(2) Options for deploying an additional Ground-based Midcourse Defense site in Europe or the United States to provide enhanced defense in response to future long-range missile threats from Iran, and a description of how such a site may be made interoperable with the planned missile defense architecture for Europe and the United States.

Mr. LIEBERMAN. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business.

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

AFGHANISTAN AND PAKISTAN

Mr. CASEY. I rise tonight, as we continue work on this Defense appropriations bill, to talk about the challenges we face in Afghanistan and Pakistan and will be sharing some thoughts tonight which I know are consistent with a lot of the concerns that have been expressed over the last couple days and weeks and months about the policy going forward and what we confront as a country when it comes to both the strategy going forward with Afghanistan and Pakistan.

As we do in any conflict, with any threat, we face the grave question of war and what will happen to our military strategy, what we will ask of our troops, what we will ask of the American people, both in terms of our blood and treasure, as well as what is the strategy going forward.

I think when we confront the grave question of war, we have to get it right. I believe the stakes are higher with regard to Afghanistan and Pakistan than they were even in the conflict we waged in Iraq. I believe the stakes are higher for our national security. So we have no choice but to get it right. And when I say ''we,'' I think there is a lot of discussion, debate, and focus on President Obama and his administration. That is appropriate because he is the Commander in Chief.

But there is probably not enough discussion about what the Congress is going to do, what this Congress should do or not do and, in this case, what the Senate should do or should not do. I think we would be better off spending our time focusing on a substantive and thorough debate in the Senate rather than just pointing a finger at the President, the administration, and saying: They have to do this or the President must do this.

It is important, when we talk about getting this policy right, that the Senate gets it right. If the Senate puts the time in to debate and discuss these critical issues—and there is a lot to do in a rather short amount of time. I believe the President should be given a reasonable amount of time to review this policy.

As we know, he set forward a strategy this past spring, in March, our policy with regard to both Afghanistan and Pakistan. If you remember how he articulated the mission, he talked about defeating al-Qaida, disabling and dismantling al-Qaida, and he talked a lot in his remarks about Pakistan, about what would happen with regard to our strategy in Pakistan.

But I believe there has not been today in the Senate anything approaching a full and robust and thorough and substantive debate about what we are going to do going forward in Afghanistan or Pakistan. I hope people on both sides of the aisle, when we begin this debate—we have done some of it; we need to do a lot more—that we don't just dust off talking points from the war in Iraq, that we don't just dust off or employ sound bites. There is a time and place to use sound bites and discussions and debates. But if we are going to get this policy right, it is not going to be a Democratic solution or strategy only, and it will not be a Republican solution or strategy only. We have to get it right. That means we have to do a lot better than we did when it came to the debate before and during the war in Iraq, which is still a conflict that is ongoing, even as we draw down troops. We have to have a much better debate in the Senate on Afghanistan and Pakistan than took place here with regard to Iraq. That is an understatement. Sound bites will not do it. Political rhetoric and positioning will not do it because that is not a full debate.

In short, what we have to do—the administration has to do it, but we have to do it as well—in the Senate is get the strategy right and debate the strategy before we have a long debate about resources. That is critically important. I know there are a lot of people in Washington who want to focus on one or two issues and make it simple—you are either for or against this or that. We have a long way to go. We have not had a debate about strategy. We have had a lot of discussion and coverage of resources, be they troops or other resources, military or nonmilitary. We have not had a discussion about the strategy. We have to do that first—strategy before resources.

I had the opportunity, as many of our colleagues did in the summer, in August, to go to both Afghanistan and Pakistan for a limited period. But even in a short amount of time, one can learn a lot—2 days in Afghanistan, 1 day in Pakistan. One of the highlights of my visit to Afghanistan, after having been there in May of 2008, was the briefing from General McChrystal, a tremendous and thorough overview of what is happening on the ground, the threat to our national security as he sees it, also a review not only of the military strategy and the military challenges but the nonmilitary as well.

Sitting at the same table with General McChrystal were distinguished Americans who are serving us in nonmilitary capacities—the Department of State, the USAID, the Department of Agriculture, all kinds of help from various Federal Government agencies that involve the other part of counterinsurgency, not only the military campaign.

Obviously, we have to do more than that. General McChrystal, like many of his predecessors, is doing everything he can to get this right.

I, like others, have reviewed his classified report. We have heard him give a summary of the strategy. It is very important that we weigh those considerations and weigh that assessment seriously going forward. General McChrystal's report is one of the things we have to weigh. We have to weigh a lot of other things as well. We have to listen to experts within our government and outside, experts within the administration, experts in the Congress. The Senate is made up of so many Senators who have long records on foreign policy as well as national security and making sure we get this right. Some are Democrats, some are Republicans, and some are Independents. I will draw upon, as we all should, that experience. I will talk more about that in a moment.

One thing stressed by General McChrystal—and it has been stressed by President Obama and the administration and should be stressed by us—is this policy, this strategy going forward in Afghanistan has to involve a couple of basic elements. It obviously has to involve and be focused on security. That is essential, obviously. But in addition to security and the military challenge, we also have to be concerned about governance. And we are concerned about the results of the election. We are concerned about whether President Karzai is doing what he needs to do to govern his country, to have a strong judiciary, to deliver services to his people, to make sure the people of Afghanistan have confidence in his leadership.

So we have to be concerned about security and governance but also, thirdly, development, what is going to happen on the ground. A lot of people working as part of provisional reconstruction terms, so-called PRTs, are doing great work on the ground. It is not in the newspaper very often. It is not heralded like a battle is or like a controversy might be, but that is part of building up communities throughout the country in Afghanistan so people can take control of their own lives, take control of their own communities, and take control of their own security and their own future.

We also had a chance to talk at length about what is happening in Pakistan and the threats that come across the border from Pakistan into Afghanistan, threats that involve al-Qaida or other extremist or insurgent groups that have some loose confederation with or connection to al-Qaida and threaten our national security, threaten the security of the Afghan people, and even threaten the security of the Pakistani Government. These are very difficult challenges we face. They do involve our national security. We have to get it right with regard to what we do in Afghanistan as well as in Pakistan.

I mentioned before there were a number of Senators in both parties who have been trying to begin and amplify the debate. I happen to be a member of the Foreign Relations Committee. Our chairman, Senator KERRY, has had a number of hearings on various aspects of this policy, not only going back the last 2 or 3 weeks but going back months. That informs this debate. Chairman KERRY has shown great leadership on these issues as well as broader national security issues.

Chairman LEVIN gave a speech recently that laid out a thoughtful approach. He talked about building up the Afghan Army and the National Police prior to a serious consideration of additional troops. He wants to accelerate, as we all do, the building up of the Army and Police in Afghanistan and maybe in a much shorter timeframe. That is critically important. We have to spend a lot more time talking about and debating and informing ourselves about how best to accelerate the training of the Afghan Army and Police. Chairman LEVIN, as well, has shown, through his leadership of the Armed Services Committee, how important these issues are.

On the other side of the aisle, I read a Wall Street Journal piece recently by JOHN MCCAIN, ranking member of the Armed Services Committee, Senator LINDSEY GRAHAM, and Senator LIEBERMAN. We have to consider those points of view, not just in that op-ed but in other discussions and debates on the Senate floor.

As I said before, there will not be one party that is going to solve this. There is not going to be one party to implement a counterinsurgency strategy because when it comes to war and when it comes to the nonmilitary challenges we have that are connected to a war or a campaign, there is not a Democratic or Republican way to fight a war. There is only an American way. We need an American solution. We need a kind of consensus that we may not need on some other issues, but on this one, to get it right, we are going to need both parties. And we will need the support of the American people to get it right.

Finally, let me say one more word about why we are doing this, why we should have a thorough debate going forward, why it is important we spend a lot of hours here, not just on the floor of the Senate but in hearings and

discussions and briefings with various experts who come before us, and to thoroughly question and ask the tough questions of the administration.

I was glad we voted today on a list of administration officials we want to come before the Senate after the President makes fundamental determinations about this policy. Once he has made a decision, then we should have a series of hearings where we can cross-examine not only General McChrystal and the underpinnings of his policy but so many others in the administration, a very strong administration, I would argue, on foreign policy and national security. I will not go through all the names tonight that would give evidence to that.

Finally, if we are going to get this right for the fighting men and women we send out on the battlefield, if we are going to get this right for taxpayers who will be financing this effort, whether it is military or nonmilitary, we do have to get it right. One thing we have to bear in mind is, when we send troops out to fight a battle, we have to make sure the policy that undergirds their fight, that the strategy that leads to a discussion about what the resources are to give them all the resources they need to fight a battle, whether it is very wide or very narrow in focus, whatever it is, we have to make sure what we do here is worthy of their sacrifice; that what we do in the Senate on strategy or policy is worthy of what we are asking them to do on the battlefield. We haven't done that yet. We are a long way from doing it.

I hope in the next couple of weeks, even as the President is asking tough questions and making determinations about policy, that we do our job in the Senate to ask those tough questions, to have that important debate, and make sure it is substantive and not political; make sure it is about strategy and not just the politics or the sound bites of the moment. To be worthy of their valor, those fighting men and women, and to be worthy of their sacrifice, we have to do our job in the Senate. That has not happened yet. We have to make sure we do that in short order.

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. INOUYE. Mr. 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. 2563; 2585; 2617; 2559; 2562, AS MODIFIED; 2568; 2614; AND 2615

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate proceed to consider the following list of amendments that I will identify, if not pending, then once this agreement is entered, the amendment be considered called up for consideration; and that the amendments be agreed to and the motions to reconsider be considered made and laid upon the table en bloc; that no amendments be in order to the amendments included in this agreement; further, that if there are modifications to any of the listed amendments, then the amendment be modified and agreed to, as modified: Nos. 2563, 2585, 2617, 2559, 2562, 2568, 2614, and 2615; and further that amendment No. 2569 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 2563, 2585, 2617, and 2559) were agreed to.

The amendments (Nos. 2562, as modified; 2568; 2614; and 2615) were agreed to, as follows:

AMENDMENT NO. 2562, AS MODIFIED

(Purpose: To express the sense of Congress, and to require a report, on expanding the mission of the Nevada Test Site)

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) It is the sense of Congress that—

(1) All of the National Nuclear Security Administration Sites, including the Nevada Test Site, can play an effective and essential role in developing and demonstrating—

(A) innovative and effective methods for treaty verification and the detection of nuclear weapons and other materials; and

(B) related threat reduction technologies; and

(2) the Administrator for Nuclear Security should expand the mission of the Nevada Test Site to carry out the role described in paragraph (1), including by—

(A) fully utilizing the inherent capabilities and uniquely secure location of the Site;

(B) continuing to support the Nation's nuclear weapons program and other national security programs; and

(C) renaming the Site to reflect the expanded mission of the Site.

(b) Not later than one year after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a plan for improving the infrastructure of the Nevada Test Site of the National Nuclear Security Administration and, if the Administrator deems appropriate, all other Sites under the jurisdiction of the National Nuclear Security Administration—

(1) to fulfill the expanded mission of the Site described in subsection (a); and

(2) to make the Site available to support the threat reduction programs of the entire national security community, including threat reduction programs of the National Nuclear Security Administration, the Defense Threat Reduction Agency, the Department of Homeland Security, and other agencies as appropriate.

AMENDMENT NO. 2568

(Purpose: To make available from amounts available for the Office of the Secretary of Defense $250,000 for the declassification of the 2001 nuclear posture review)

At the appropriate place, insert the following:

SEC. ____. Of the amounts appropriated or otherwise made available by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' and available for the Office of the Secretary of Defense, up to $250,000 may be available to the Under Secretary of Defense for Policy for the declassification of the nuclear posture review conducted under section 1041 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–262) upon the release of the nuclear posture review to succeed such nuclear posture review.

AMENDMENT NO. 2614

(Purpose: To make available from Operation and Maintenance, Defense-Wide, $15,000,000 for implementation of the Military and Overseas Voter Empowerment Act)

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated or otherwise made available by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $15,000,000 may be available for the implementation by the Department of Defense of the responsibilities of the Department under the Military and Overseas Voter Empowerment Act and the amendments made by that Act.

AMENDMENT NO. 2615

(Purpose: To provide that none of the funds appropriated or otherwise made available by this Act may be used to dispose of claims filed regarding water contamination at Camp Lejeune, North Carolina, until the Agency for Toxic Substances and Disease Registry (ATSDR) fully completes all current, ongoing epidemiological and water modeling studies)

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. None of the funds appropriated or otherwise made available by this Act may be used to dispose of claims filed regarding water contamination at Camp Lejeune, North Carolina, until the Agency for Toxic Substances and Disease Registry (ATSDR) fully completes all current, ongoing epidemiological and water modeling studies pending as of the date of the enactment of this Act.

Mr. INOUYE. I thank you, Mr. President.

Mr. COCHRAN. Mr. President, I want to congratulate the chairman of the committee for helping work out this agreement. We appreciate the cooperation of all Senators.

Mr. INOUYE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2592, AS MODIFIED

Mr. CASEY. Mr. President, Senator DURBIN and I have an amendment, amendment No. 2592, and I ask that it be made pending.

The PRESIDING OFFICER. Without objection, the amendment is now pending.

Is there further debate on the amendment?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 2592) as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

SCAR PROGRAM FUNDING

Mr. GRAHAM. Mr President, I would like to engage in a brief colloquy with

the esteemed Senator from Hawaii, the chairman of the Defense Appropriations Subcommittee, Senator INOUYE.

The bill before us includes a significant cut of $9 million from U.S. SOCOM's SCAR Program—special operations combat assault rifle. The SCAR was selected in a fair and open competition and has undergone some of the most rigorous testing of any small arms program in U.S. history. It is widely regarded as one of the best and most versatile weapons in the world. While this weapon has passed all tests, the only issue now is what mix of versatility—7.62mm models or 5.56mm models—they want to have at the ODA level operational detachment alpha—that is the Special Forces A team level which is as close to the ground level fight as you can get.

I understand there are recent concerns regarding contracting delays and the ability to obligate these funds. I have been assured by SOCOM that they will be able to spend all funds requested within the appropriate timeframe. The Special Forces is intensely engaged in combat operations all over the world including Afghanistan and they need the versatility and capability offered by this unique weapon system. The President's Budget included $9.746 million for this program. The House-passed version of this bill fully funds the President's request. I would encourage the chairman to ensure this program is fully funded in the Senate as requested in the President's budget.

Mr. INOUYE. I thank the Senator from South Carolina for his comments. I assure him that the reductions to the program were taken without prejudice, and the committee supports providing this capable series of rifles to Special Operations Command. His points on the importance of this program will be fully and carefully considered when this issue is addressed in conference on this bill.

TACTICAL WHEELED VEHICLE FUNDING

Mrs. HUTCHISON. Mr. Chairman, I request to enter into a colloquy concerning appropriations for the Army's medium tactical vehicle fleet.

Mr. INOUYE. I am pleased to engage the senior Senator from Texas in a colloquy.

Mrs. HUTCHISON. Mr. Chairman, the Army has recently announced its decision on the future contract for the family of medium tactical vehicles, a major acquisition program in the Army's tactical wheeled vehicle fleet. Several Senators—some who may join us in this colloquy—are deeply concerned about the Army's decision. However, since the Army's announcement came after the committee finished its work on this bill, Members of the committee had no opportunity to express their concern or to question the decision. Consequently, I have asked the Government Accountability Office to conduct a review of the Army's tactical wheeled vehicle strategy. I would therefore like the chairman's commitment to having the Defense Subcommittee focus on this issue at the earliest possible opportunity.

Mr. INOUYE. I would say to the Senator from Texas that I know she is greatly interested in how the Army's tactical wheeled vehicle budget is spent. I hope that we will be informed by the GAO review that she has requested, and I can pledge that the subcommittee will review this issue thoroughly as we go forward.

Mrs. HUTCHISON. I thank the Chairman for his leadership on this important issue.

Mr. KOHL. I appreciate the comments of the chairman and respect the work of the Senator from Texas on this issue. The Army's decision impacts both of our States, but it is imperative that GAO is allowed to conduct its investigation free of individual prejudices. The taxpayers and men and women of the Armed Forces deserve an objective review. I look forward to working with the Chairman and all my colleagues on this issue.

IN SUPPORT OF THE NCADE PROGRAM

Mr. TESTER. Mr. President, I rise to engage in a colloquy with the chairman and with my colleague Senator BAUCUS about funding in this bill for missile defense. It is my understanding that in testimony before the Senate Armed Services Committee earlier this year, Lieutenant General O'Reilly told the committee that the Missile Defense Agency requested $3.5 million in fiscal year 2010 for the missile defense program known as Net Centric Airborne Defense Element, NCADE. It is my further understanding that the committee does not, at this point, have concerns with the allocation of funds to the NCADE program. Is that correct?

Mr. INOUYE. The gentleman is correct. The bill before the Senate provides $104.8 million for research, development, testing and evaluation of ballistic missile defense technology, which is the appropriate account for NCADE funding.

Mr. BAUCUS. Mr. President, NCADE is a missile defense concept that uses a modified AIM–9X seeker launched from an aircraft to intercept a boosting missile target. I am aware that the Missile Defense Agency has conducted several tests of this system and it continues to show progress. I believe it is important that the Missile Defense Agency continue to develop this technology. Short- and medium-range ballistic missiles pose a significant threat to the United States, our Armed Forces, and our allies around the world. Could the chairman clarify that the Missile Defense Agency could use funds provided in this bill for the continued development of NCADE, consistent with the budget request?

Mr. INOUYE. Under the Senate bill, the MDA could continue to work on this interesting technology.

Mr. BAUCUS. I thank the chairman. This is very important work for our national security and we are pleased that some of it is being done in Montana.

Mr. TESTER. I want to echo the observations of my colleague. Work on the NCADE project is done in part in Montana and that work provides valuable employment opportunities in a part of the State where the unemployment rate is in double digits.

Ms. COLLINS. Mr. President, I rise today in support of the Fiscal Year 2010 National Defense Appropriations Act. Let me begin by thanking the committee's distinguished chairman, Senator INOUYE, and ranking member, Senator COCHRAN, for their leadership in crafting this bill and for their strong commitment to our Nation's Armed Forces.

This legislation will provide funding for essential training, equipment, and support to our troops as they bravely and skillfully engage in national security efforts at home and abroad. This is a critical time in our Nation's history and the committee has, once again, demonstrated its strong support of our soldiers, airmen, sailors, and marines.

This legislation also will fund critical force protection and health care initiatives for our troops, while continuing development of important technologies and acquisition programs to counter existing and emerging threats.

The legislation before us includes a strong commitment to strengthening Navy shipbuilding. Our Nation needs a strong and modern naval fleet allowing us to project power globally and to respond to threats. This bill authorizes $1 billion in funding for construction of the third DDG–1000, a priority of mine. The Pentagon's decision to have Bath Iron Works, BIW, build all three of the DDG–1000s demonstrates well-deserved confidence in BIW and will help ensure a stable work load for the shipyard and more stable production costs for the Navy.

In addition, this legislation authorizes $2.2 billion for continued DDG–51 procurement and nearly $150 million for the DDG–51 modernization program. The lessons and technology developed in the design of the DDG–1000 can be incorporated into the DDG–51 program to reduce crew size and to improve capabilities.

The legislation fully funds the F–35 Joint Strike Fighter request for both the Navy and the Air Force. This aircraft, powered by the superb engines made by Pratt & Whitney, will enable our service men and women to continue to maintain our air superiority.

An additional $1.5 billion is included for the National Guard and Reserve equipment account, which should help sustain critical equipment such as combat vehicles, aircraft, and weapons. This funding should directly benefit the Maine National Guard's readiness posture as additional units prepare to deploy to Iraq and Afghanistan in the upcoming year.

At the request of Senator SNOWE and myself, the committee provides $20 million for humvee maintenance to be performed at Maine Military

Authority's, MMA, Army National Guard Readiness Sustainment Site, RSMS, located in Limestone, ME. For nearly 13 years, the Army National Guard has relied on Maine Military Authority to provide a dependable service to our Nation's warfighters. The dedicated and talented professionals at MMA have demonstrated their value to the Army and to the Nation and consistently have performed humvee refurbishment at a lower cost than the Army's own depots. This funding would help to ensure that MMA's valued workforce and high quality product remain a national asset supporting the defense of our country.

The bill also provides $240 million for cancer research through the Defense Health Programs with $150 for the Breast Cancer Research Program, $80 million for Prostate Cancer Research Program, and $10 million for the Ovarian Cancer Research Program. I believe that there is simply no investment that promises greater returns for America than its investment in biomedical research. These research programs at the Department of Defense are important to our Nation's efforts to treat and prevent these devastating diseases that also affect our veterans and service members.

The bill provides $307 million to address the Tricare private sector shortfall in fiscal year 2010 as identified by the Department of Defense. I know Tricare funding is vital to so many Maine veterans. We must continue to support robust funding for this important program and limit increases in Tricare premiums and copayments.

I strongly support the additional $15.6 million to strengthen the Office of the Inspector General in order to keep pace with the growth in the size of the defense budget and the number of defense contractors. More vigorous oversight of defense contracts to prevent waste, fraud, and abuse of taxpayer dollars will complement the procurement reforms we approved earlier this year.

The Senate's fiscal 2010 Defense appropriations bill also includes funding for other defense-related projects that would benefit Maine and our national security. Funding is provided, for example, to Saco Defense in Saco, ME, to enable the company to continue manufacturing weapons that are vital to the Armed Forces.

In addition, at my urging, the legislation appropriates $3.6 million for the University of Maine. This funding would support the development of LGX high temperature acoustic wave sensors and allow the University of Maine to continue to investigate fundamental sensor materials and design concepts as well as demonstrate functional prototypes of acoustic wave sensors that will be tested under extreme temperature environments. The funding for the university will also provide for woody biomass conversion to JP–8 fuel, which will provide affordable alternative sources for military aviation fuel.

The appropriations bill provides the vital resources that our troops need and recognizes the enormous contributions made by the State of Maine to our national security. From the Portsmouth Naval Shipyard in Kittery to the Pratt and Whitney engine plant in North Berwick to BIW's shipbuilders to the University of Maine's engineers to the Maine Military Authority in Aroostook, Mainers all over our State are leading the way to a stronger national defense.

Mr. REID. Mr. President, there has been a tremendous amount of work going into getting us to where we are now. It is long and tedious and one of the most complicated bills we do. It is the most complicated appropriations bill we do. So I very much appreciate the work done by Senators COCHRAN and INOUYE. They are both experienced and terrific individuals and great Senators, their staffs, and all the floor staff.

Mr. President, I ask unanimous consent that when the Senate resumes consideration of H.R. 3326 on Tuesday, October 6, the following list of first-degree amendments be the only amendments remaining in order to H.R. 3326, other than any other pending amendments, if not listed, and the committee substitute amendment; that no second-degree amendment or side-by-side amendment be in order to any of the listed amendments, except as provided below:

Franken amendment No. 2588; Barrasso amendment No. 2567; Bond amendment No. 2596; Coburn amendment No. 2565; Coburn amendment No. 2566; Kyl amendment No. 2608; that once agreement is entered into, it will be withdrawn; Sanders amendment No. 2601; Inhofe amendment No. 2618; McCain amendment No. 2580; McCain amendment No. 2584; McCain amendment 2560, with an Inouye side-by-side amendment in order and would be voted prior to the vote in relation to amendment No. 2560; McCain amendment No. 2583; Lieberman-Sessions amendment No. 2616, as modified; that it be in order for the managers to offer managers' amendments, which have been cleared by managers and leaders, and that if offered, the amendments be considered and agreed to and the motion to reconsider laid on the table; that in the case in which the managers are agreeable with a modification of a listed amendment, then the amendment be so modified with the changes agreed upon; that upon disposition of the listed amendments, the committee-reported substitute, as amended, be agreed to, and the motion to reconsider be laid on the table; that the bill, as amended, be read the third time, and the Senate then proceed to vote on passage of the bill, as amended; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees on the part of the Senate, with the subcommittee appointed as conferees; provided further that if a point of order is raised and sustained against the substitute amendment, then it be in order for a new substitute to be offered, minus the offending provision; that the new substitute be considered and agreed to, no further amendments be in order, with provisions in this agreement listed after adoption of the original substitute amendment remaining in effect; that the vote sequence with respect to the listed amendments be entered later and that the only debate time remaining be 2 minutes, equally divided in the usual form, prior to each vote; and that on any sequenced votes, the vote time be limited to 10 minutes each after the first vote; further, that the cloture motions be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2847

Mr. REID. Mr. President, I ask unanimous consent that at 4 p.m., Monday, October 5, the Senate proceed to the consideration of Calendar No. 87, H.R. 2847, the Commerce, Justice Appropriations Act; and that once the bill is reported, there be debate only, with no amendments in order except the committee-reported substitute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

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

NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

Mr. REID. Mr. President, I rise today in recognition of National Disability Employment Awareness Month. This annual observance is an opportunity for us to celebrate the achievements of people with disabilities, whose contributions to the workforce have strengthened our Nation. During the month of October, we pay tribute to these men and women while renewing our commitment to ensuring opportunity and inclusion for all Americans—regardless of their ability or disability.

National Disability Employment Awareness Month originated in 1945 when Congress designated a week in October as a time to educate the public about the employment issues facing people with disabilities. Eventually expanded to the entire month of October, the observance has become a valuable tool to enhance the American people's understanding of these issues. It is also

an important opportunity to mark the progress we have made and the steps forward yet to be taken.

Today, more people with disabilities than ever are graduating from school, participating in their communities, and succeeding in the labor market. For the tens of millions living in the United States with a disability, realizing the American dream is a real possibility that often did not exist a generation ago. I am especially heartened by the growing recognition that tapping these individuals' talent, character, and hard work is as important to the Nation's future as it is to theirs.

At the same time, we must acknowledge the sobering reality that faces too many people with disabilities, including our brave servicemembers and veterans returning from war with severe injuries and conditions. While people with disabilities have long experienced far higher unemployment rates, they are also particularly hard hit by the current economic downturn. Physical, financial, and social barriers to employment remain, as well as the discrimination and prejudice that keep some from competing in the American economy on equal footing as everyone else. Moreover, many individuals with disabilities struggle to afford good, continuous health coverage, a hardship given their intensive health care needs.

Clearly, we have much work ahead of us in order to fulfill the promise of National Disability Employment Awareness Month. I am pleased that Congress is continuing to work toward this priority, most recently with the enactment of the ADA Amendments Act and the Higher Education Opportunity Act. On behalf of all Nevadans, I look forward to building on these successes in the 111th Congress.

TRIBUTE TO JOHN C. HOUBOLT

Mr. DURBIN. Mr. Presdient, on July 20, 2009, we celebrated the 40th anniversary of the first time man set foot on the Moon. On that day 40 years ago, an estimated 500 million people around the world watched as the crew of Apollo 11, Neil Armstrong, Michael Collins, and Edwin ''Buzz'' Aldrin, made history. It was a remarkable accomplishment, the magnitude of which has not diminished over the years.

As part of the anniversary festivities, Congress awarded John Glenn, the first American to orbit the Earth, and the crew of Apollo 11 the Congressional Gold Medal. I cosponsored the legislation and am pleased that they were recognized with it.

Most recently I had the chance to meet two Illinois astronauts, Scott Altman and John Grunsfeld, whom earlier this year successfully completed the last service mission of the Hubble Telescope. We will be able to explore even deeper into the mysteries of our universe for many years to come because of their incredible work.

Today, I wish to recognize Dr. John C. Houbolt, a scientist born and raised in Joliet, IL, who has received far less acclaim, but who deserves our Nation's gratitude for making the Moon landing possible.

One of the most important and hotly debated technical decisions during the Apollo Program was how to land on the Moon and return safely to Earth. Amid many ideas and obstacles, Dr. Houbolt recognized that the most efficient way to execute the Moon landing was with a lunar-orbit rendezvous plan.

His concept involved a mother craft that would orbit the Moon while a lighter craft descended from it to the surface of the Moon carrying some of the astronauts. Eventually, the smaller aircraft would lift off and rendezvous with the mother ship.

For many years NASA's leadership favored other concepts to reach the lunar surface. But, Dr. Houbolt's determination, persistence, and perseverance moved this innovative concept forward. As former NASA Deputy Director George Low noted, without Dr. Houbolt's efforts, NASA ''might not have chosen the Lunar Orbit Rendezvous Mode'' and ''had the Lunar Orbit Rendezvous Mode not been chosen, Apollo would not have succeeded.''

On the 40th anniversary of the lunar landing, as we celebrated with the crew of Apollo 11 in Washington, DC, a new exhibit aptly named ''The Soaring Achievements of John C. Houbolt'' opened at the Joliet Area Historical Museum. I encourage my fellow Illinoisans, especially students, to visit this exhibit.

Dr. Houbolt's inspiring story, like the stories of Neil Armstrong, Michael Collins, Buzz Aldrin, and John Glenn, is a testament to what we can achieve with persistence and the passion to reach for new heights.

ADDITIONAL STATEMENTS

REMEMBERING JAMES D. RANGE

• Mr. ALEXANDER. Mr. President, earlier this year, we lost a great Tennessean and champion of the great American outdoors. James D. Range was a lifelong outdoorsman who loved America's wild spaces. He grew up in Johnson City, TN, hunting and fishing in the backwoods of the Appalachian Mountains. It was in his those early years that Jim—who was also an Eagle Scout—became passionate about preserving our outdoors for future generations.

He became a passionate advocate for the country's fish and wildlife and their habitat and a true champion of natural resource conservation.

Jim was a trusted advisor and counsel to Senate majority leader Howard Baker and the Senate Environment and Public Works Committee, where he served with integrity and distinction. As a Senate staffer, Jim was instrumental in the crafting and passage of a string of landmark laws, including the Clean Water Act.

After Jim left the Senate, he continued to pursue his love for the outdoors by cofounding and serving as chairman of the Theodore Roosevelt Conservation Partnership, an organization that is dedicated to the stewardship of America's natural landscape, helping to expand fish and wildlife habitat and increasing public access to quality hunting and fishing.

Jim didn't stop there. He furthered his commitment to the cause of conservation through service on the boards of directors for Trout Unlimited, Ducks Unlimited, the Wetlands America Trust, the Recreational Boating and Fishing Foundation, the American Sportfishing Association, the American Bird Conservancy, the Pacific Forest Trust, the Yellowstone Park Foundation, the Bonefish and Tarpon Trust, the National Fish and Wildlife Foundation, the Interstate Commission on the Potomac River Basin, the Sportfishing and Boating Partnership Council, and the Valles Caldera Trust.

Jim was so instrumental in the conservation movement in this country that he was awarded the U.S. Department of the Interior's Great Blue Heron Award, was named Conservationist of the Year in 2003 by Outdoor Life magazine and received the Norville Prosser Lifetime Achievement Award from the American Sportfishing Association.

Both our natural and political environments are better because of Jim Range. Tennesseans, and all Americans, owe Jim a great debt of gratitude. His leadership serves as a great example to all of us.•

TRIBUTE TO CECIL EYESTONE

• Mr. BROWNBACK. Mr. President, today I recognize a great Kansan for his long service to the youth of the State of Kansas.

''Teaching by example,'' was Cecil Eyestone's philosophy in his 31-year Kansas 4–H career. He served 12 years as a Montgomery County club agent and 19 years as a State 4–H specialist. He was a pioneer for leadership opportunities for teens. Cecil initiated the first junior leaders club for the teens in Montgomery County. His determined attitude for developing teen leaders through hands-on experiences resulted in 80 percent of Kansas counties adopting the concept. A State Junior Leadership Camp was held in 1959 at Rock Springs 4–H Center that continued for 15 years with annual participation of 200–300 youth. Cecil and his brother Merle have sponsored a 4–H leadership scholarship for 24 years.

Cecil was Collegiate 4–H Club adviser for 16 years, reaching over 4,000 students. He organized eight collegiate clubs at other Kansas universities and colleges. Cecil guided the animal science 4–H program and helped develop horse, dog and rabbit projects. He created the Horse Panorama to teach horse care and judging.

Retired in 1977, Cecil volunteers for the Governor's Mental Health Advisory, National Active and Retired Federal Employees, Sertoma, Riley County Flint Hills AMI, Methodist's Men and First United Methodist Church, Flint Hills Veterans Coalition and KSU WWII Veterans Memorial. He stays busy with his family, but finds time to judge 4 to 10 county fairs annually.

Last year, Cecil was inducted into the National 4–H Hall of Fame. This Sunday, October 4, 2009, Cecil will be honored at a special reunion of the 4–Hers he mentored during his time as the Montgomery County 4–H agent. During this reunion, the first two recipients of a scholarship named in Cecil's honor will be announced. These scholarships were made possible by donations from the 1946–1957 Montgomery County 4–H alumni.

As a former 4–H member myself during Cecil's tenure as the State 4–H specialist, it is an honor for me to speak on behalf of the thousands of Kansas 4–Hers who were touched by Cecil's commitment to the Kansas 4–H program. It is a privilege for me to honor this fine Kansan for his leadership and service and to join in congratulating him on his induction into the National 4–H Hall of Fame.●

REMEMBERING HARVEY STOWER

● Mr. FEINGOLD. Mr. President, it is with great sadness that I pay tribute to a dear friend and a great Wisconsinite who passed away earlier this week. Harvey Stower was an extraordinary man; he was a deeply principled legislator, a dedicated mayor, and a beloved friend to those of us lucky enough to know him.

I was honored to serve with Harvey in the Wisconsin Legislature, where he worked tirelessly for the progressive values he held dear. His commitment to representing family farmers and protecting the environment were an inspiration to countless Wisconsinites.

He then served as the mayor of Amery, where he and his wife Marilyn, who sadly passed away in 2008, were pillars of the community. Harvey was such a wonderful mayor because he understood the strength of our small towns, and cherished the sense of community they create.

Harvey was also an ordained United Methodist minister, and an active member of his community in countless ways, both through his work as mayor and through many community organizations.

He also remained active on issues on a statewide level, through his service on the Wisconsin Land & Water Conservation Board and the boards of the Wisconsin Federation of Cooperatives, the Western Wisconsin Intergovernmental Collaborative, Wisconsin Church and Society—the United Methodist Church, and Inter-County Cooperative Publishing Association.

Harvey's passing is an immeasurable loss for his family, for the people of Amery, and for our State. He was truly one of the nicest people I have come across in many years in public life. I respected Harvey so much, and I will always think of him as someone who represented the very best of Wisconsin. I join people across our State in remembering him today and honoring the many contributions he made to his State and his community.●

TRIBUTE TO MARY PAPPEY

● Mr. KERRY. Mr. President, all of us in public life have been privileged to have very special people come into our public lives who dedicate their time, energy, and passion to helping us serve, but even among these special people, there are those who stand out. I am speaking today of just such a person—my friend, Mary Pappey. And I am speaking today because it is a special day for this special person—it is her 85th birthday.

Mary has served on my staff in Boston since 1988, longer than just about anybody who has ever worked with me. It is often said that when God closes one door, He opens another. And that is how Mary came to us. She was a homemaker whose happy life was upended when her husband Nicholas passed away in 1988. To help fill the void, she asked if she could volunteer in our office a couple of days a week. And she has been there ever since.

It is hard to remember a time that Mary hasn't been there in my Boston office, whether answering phones, handling mail, or just making sure everyone is OK doing whatever had to be done. She is an incredible mother to her children; in so many ways she has also been a mother to our Boston office family. And always, she has been a calming presence in what can be a hectic environment. It helps, too, that she bakes a mean baklava that can bring some needed sweetness to the most frenetic of work days.

But that isn't all. Far from it. Mary has had a very special job in my Boston office. Since joining my staff, she has advanced all the applications we have received from students seeking appointments to the military service academies. She has made sure the applications are complete, all deadlines are met and, when necessary, held the hands of anxious applicants and even more anxious parents of applicants. For 21 years, Mary has handled this job with special skills and sensitivities. And, in fact, she has shepherded through an entire generation of service academy appointees from Massachusetts.

Mary's grandchildren, the joys of her life, call her ''Yaya,'' which is Greek for grandmother. I think we could all call her that, because she has been a kind of grandmother to all of us—someone who offers reassurance when it is needed, someone who puts her heart and soul into everything she does, someone to watch over all of us, with kindness and affection. I can't recall a time I didn't get a huge hug from Mary whenever I came by the office.

I should also mention that Mary has a special way with words, or rather, with one word in particular the word ''dear.'' At some point, she has referred to everyone in the office as ''dear,'' especially when they are having a rough day. That is not surprising. But what is surprising is how, when she is helping with the phones, Mary often addresses the caller as ''dear.'' Again, that is not surprising, except when you consider that sometimes it is an anonymous caller, someone so frustrated by what they just saw on television or by the run around they are getting from Federal bureaucracies that can at times seem unreasonably cold, that they don't want to identify themselves. But it is hard for them to stay mad with Mary calling them ''dear.'' She brings out the very best in all of us.

So, I want to thank ''dear'' Mary for her devotion to the people of Massachusetts, for all her years of service on my staff and for being such a wonderful, generous friend. And I especially want to wish ''dear'' Mary all of my best and hope that this will be a very happy birthday.●

● Mr. LIEBERMAN. Mr. President, I ask to have printed in the RECORD a poem written by Mr. Albert Carey Caswell. Mr. Caswell is a valued tour guide of the U.S. Capitol whose great enthusiasm and love of our country has inspired him to compose over 500 poems. Mr. Caswell wrote this poem in tribute to the remarkable life and work of our beloved late colleague Senator Ted Kennedy.

The information follows.

UPON THIS FLOOR

Upon this floor . . .
From our forefathers so bore . . .
A dream, for all our futures to ensure . . .
Now in history, the world's greatest of all democracies . . .
Upon this floor . . .
For as the years have played out . . .
The United States Senate, would so tout!
Some of the greatest, from Clay, Calhoun to Webster no doubt . . .
Men of conscience and of faith, who would so debate . . .
Who but in their hands, were but put our nation's future fate.
Upon this floor!
Who all but for the greater good, did but all they could . . .
Giants one and all, who but heard our nation's call . . .
Her call to public service, upon this floor . . .
And now as the years have gone by . . .
A new great, a new giant has so arrived . . .
A name we now so utter with tear in eye . . .
Edward M. Kennedy, who upon this floor spoke so eloquently!
Whose word, was one to be cherished and respected!
The most effective Senator, as John McCain expressed this!
For legislation can be a blood sport . . .
For only those of great heart and courage, will like lions roar!
And yet, in all that heat . . . it takes a leader who can make minds meet!
As was this man, so charming and sweet!
And leave their most hallowed marks upon this floor . . .

With Teddy's passing, I rise to state . . .
Without objection, we have lost one of the truly greats!
There will be no quorum call, or voice vote expected!
Or a bill, for The President to sign . . . stating of such perfection!
For he, was A Man For All Seasons . . .
Who knew how to debate, and more importantly how to reason!
A giant among mere men, who with his principles would so splendidly and steadfastly defend!
Motivating women and men, with but his heart of a champion . . .
Time and time again, upon this floor . . .
Ted, you are gone, but not forgotten . . .
For history and heaven so holds a place, for the champions of the downtrodden!
For artists, who know how to so create . . . and legislate!
Whether, with a voice of a lion making the Senate quake!
Or like a fine surgeon, so delicately legislation you'd manipulate . . .
Yea, Teddy . . . Daniel Webster ain't got nothing on you!
And in the Senate reception room . . .
And upon this floor my son . . . history will you so view!
One of the greatest who's who!
Now, up in Heaven . . . it's the greatest of debates between Daniel and you!

In honor of and in memory of Senator Edward M. Kennedy—Albert Carey Caswell.●

TRIBUTE TO KEVORK S. HOVNANIAN

● Mr. MENENDEZ. Mr. President, I wish to pay tribute to the memory of Kevork S. Hovnanian, a friend and New Jersey businessman and community leader. A hard working Armenian immigrant, Mr. Hovnanian embodied the American dream. Already the owner of a successful construction company in Iraq in 1959, Mr. Hovnanian was forced to flee Iraq and arrived in New Jersey to rebuild his life, and rebuild it he did.

He started another construction company and, along with his brothers, committed himself to making affordable housing available to young families and first-time home buyers—first in New Jersey, then nationwide. He built a successful business and, at the same time, gave something back to the community, to New Jersey, and to the Nation. Through his chosen profession, he shared his realization of the American dream by helping others establish themselves in their own homes and took pride in having helped. As his business grew, Mr. Hovnanian never forgot his adopted community and generously supported numerous charities and organizations. His philanthropy touched the lives of all of us in New Jersey. Every child who enters the K. Hovnanian Children's Hospital at Jersey Shore University Medical Center benefits from his generosity. Every worshiper who enters St. Stepanos Armenian Church in Elberon, New Jersey knows Kevork Hovnanian generously supported its construction in memory of his mother. He remained committed to bringing the Armenian genocide to light and supporting Armenian autonomy. He was a man who worked hard, achieved his dreams, but always believed in the concept of community, each of us working together for the betterment of all.

As we celebrate Kevork Hovnanian's life and memory, our heartfelt thoughts and prayers are with his family and friends, his beloved wife Sirwart, and his sons, daughters, and grandchildren who will miss his love and laughter. May he rest in peace.●

RECOGNIZING SMRT

● Ms. SNOWE. Mr. President, on Thursday, October 8, citizens of the city of Portland will gather at the steps of City Hall to witness the proclamation of John Calvin Stevens Day on the 154th anniversary of his birth. The most renowned architect in Maine's history, Mr. Stevens' distinctive style is recognizable in numerous structures throughout the region. Today, I rise to acknowledge the company he founded, now known as SMRT, as we celebrate the 125th anniversary of its founding.

SMRT's founder, John Calvin Stevens, was born in Boston in 1855, and moved with his family to Portland 2 years later. On July 4, 1866, Mr. Stevens witnessed the devastating Great Fire of Portland, which was responsible for 1,800 buildings burning to the ground, as well as the subsequent reconstruction of the city. After completing high school, he joined Francis H. Fassett's architectural firm, which did much of the work to rebuild the city in the fire's aftermath.

Following a decade at the Fassett firm, Mr. Stevens founded his own one-man architectural firm, John Calvin Stevens Architects, in 1884 in Portland. Mr. Stevens ran this business until his death in 1940, during which time he received over 300 commissions to design or update a variety of structures on the Portland peninsula alone, from government buildings to churches to residential houses. The Stevens family remains involved in the company's day-to-day operations, as Mr. Stevens' great-grandson, Paul Stratton Stevens, is one of the company's principals.

Above all other techniques, John Calvin Stevens is known as a pioneer and promoter of the quintessentially New England ''shingle'' style. Most often associated with the Maine coast and the Boston area, the practice is essentially an adaptation of the Victorian-era Queen Anne architectural style with the additional of shingles. The cottage-like houses built in the style frequently feature wide porches, broad gables, graceful and distinct profiles, and, of course, wooden shingles lining the roofs and sides. Because of Mr. Stevens' diligent efforts, this style became a mainstay of seaside and residential homes across the region.

As the continuation of Mr. Stevens' multidisciplinary brainchild, SMRT—previously known as Stevens Morton Rose & Thompson to represent the last names of the company's partners—is a widely recognized expert in the areas of architecture, engineering, planning, and interior design. SMRT designs and constructs functional spaces and aesthetically pleasing edifices for its plentiful clientele. The company now has additional offices in Manchester, NH; North Andover, MA; and Albany, NY.

Throughout its lengthy history, SMRT has been responsible for designing, building, altering, or restoring countless landmark buildings across the State of Maine. SMRT lent its architectural talents to the new Dorothy Walker Bush Pavilion at Southern Maine Medical Center in Biddeford, as well as the Eastern Maine Medical Center pediatrics wing in Bangor. The company has also had a hand in a diverse range of interior design projects at Bowdoin College in Brunswick, Fairchild Semiconductor in Portland, and the Burton M. Cross State Office Building in the State capital of Augusta. Additionally, the firm has completed projects for other companies in a variety of industries, including: bioscience and healthcare, food and beverage, as well as clean manufacturing and electronics.

One area where SMRT has distinguished itself is in green design, particularly as a member of the U.S. Green Building Council, which oversees the Leadership in Energy and Environmental Design, LEED, accreditation process. The LEED, green building certification system aims to provide energy savings through building design that reduces carbon dioxide emissions and improves overall indoor environmental quality. SMRT offers its clients the opportunity to engage in the LEED certification process, and consistently keeps energy concerns at the forefront when planning new buildings by utilizing natural daylight and employing cutting-edge technologies. In fact, the Maine General Medical Center's Harold Alfond Center for Cancer Care in Augusta, which was designed by SMRT, recently received a LEED silver certification, and is the first health care facility in Maine to achieve the status.

In short, John Calvin Stevens is responsible for much of the way Portland looks today—from the Old Port to the houses of the Western Promenade—and his legacy is carried on today in the company he founded, SMRT, and the intricate and stunning work they do. I am proud that John Calvin Stevens saw it fitting to choose Portland for his company's home 125 years ago, and I am delighted that it has remained a bedrock of our State's architectural heritage through all of these years. Congratulations to everyone at SMRT on this monumental anniversary, and best wishes for continued success. ●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:56 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1289. An act to improve title 18 of the United States Code.

S. 1707. An act to authorize appropriations for fiscal year 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1053. An act to require the Office of Management and Budget to prepare a crosscut budget for restoration activities in the Chesapeake Bay Watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes.

H.R. 1333. An act to amend chapter 40 of title 18, United States Code, to exempt the transportation, shipment, receipt, or importation of explosive materials for delivery to a federally recognized Indian tribe or agency of such a tribe from various Federal criminal prohibitions relating to explosives.

H.R. 1727. An act to establish a national criminal arsonist and criminal bomber registry program and establish guidelines and incentives for States, territories and tribes to participate in such program.

H.R. 1771. An act to reauthorize the Chesapeake Bay Office of National Oceanic and Atmospheric Administration, and for other purposes.

H.R. 3663. An act to amend title XVIII of the Social Security Act to delay the date on which the accreditation requirement under the Medicare Program applies to suppliers of durable medical equipment that are pharmacies.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 51. Concurrent resolution recognizing the 50th anniversary of the—signing of the Antarctic Treaty.

At 11:48 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, with amendments, in which it requests the concurrence of the Senate:

S. Con. Res. 41. Concurrent resolution providing for the acceptance of a statue of Helen Keller, presented by the people of Alabama.

At 1:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, and agrees to the conference asked by the Senate on disagreeing votes of the two Houses thereon, and appoints the following Members as managers of the conference on the part of the House: Mr. PRICE of North Carolina, Mr. SERRANO, Mr. RODRIGUEZ, Mr. RUPPERSBERGER, Mr. MOLLOHAN, Mrs. LOWEY, Ms. ROYBAL-ALLARD, Mr. FARR, Mr. ROTHMAN, Mr. OBEY, Mr. ROGERS of Kentucky, Mr. CARTER, Mr. CULBERSON, Mr. KIRK, Mr. CALVERT, and Mr. LEWIS of California.

At 2:47 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 151. Concurrent resolution expressing the sense of Congress that China release democratic activist Liu Xiabo from imprisonment.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1053. An act to require the Office of Management and Budget to prepare a crosscut budget for restoration activities in the Chesapeake Bay watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1333. An act to amend chapter 40 of title 18, United States Code, to exempt the transportation, shipment, receipt, or importation of explosive materials for delivery to a federally recognized Indian tribe or an agency of such a tribe from various Federal criminal prohibitions relating to explosives; to the Committee on the Judiciary.

H.R. 1727. An act to establish a national criminal arsonist and criminal bomber registry program and establish guidelines and incentives for States, territories and tribes to participate in such program; to the Committee on the Judiciary.

H.R. 1771. An act to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration; and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 51. Concurrent resolution recognizing the 50th anniversary of the signing of the Antarctic Treaty; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3194. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed agreement for the export of defense articles or services to Saudi Arabia relative to the maintenance of the S–92A helicopter, SA–92 Ground Based Trainer, and night vision goggles in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3195. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the assembly in Canada of 25mm HEI–T and TP–T Ammunition; to the Committee on Foreign Relations.

EC–3196. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services relative to the RD–180 Liquid Propellant Rocket Engine Program to Russia in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3197. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of defense articles, including, technical data, and defense services to the Republic of Korea relative to the manufacture of AH–64D fuselages and fuselage parts in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–3198. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the transfer of defense articles, including, technical data, and defense services to Australia relative to the F/A–18 Program in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–3199. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services relative to the manufacture of the Mini-Pointer/Tracker Assembly, for the Large Aircraft Infrared Countermeasure System for end—use by the U.S. Department of Defense in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–3200. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Japan relative to the manufacture of the J79 engine parts in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–3201. A communication from the Assistant Secretary, Bureau of Legislative Affairs,

Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services relative to the manufacture of sixteen CH–47F Chinook Helicopters for the Italian Ministry of Defense in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–3202. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of defense articles, including, technical data, and defense services relative to the Proton launch of the W7 Commercial Communications Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3203. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services relative to the manufacture of the New Dawn commercial communication satellite, ground system equipment and associated software, and the Dynamic Satellite Simulator for Mauritius in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3204. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services relative to the Proton launch of the EchoStar XV Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3205. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services to Japan relative to the JCSAT–13 Commercial Communications Satellite in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3206. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to Saudi Arabia relative to the Saudi Arabia National Guard Tactical Communications Systems in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3207. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the proposed removal from the U.S. Munitions List of a differential electronic preamplifier originally designed for use on a submarine towed array; to the Committee on Foreign Relations.

EC–3208. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the proposed removal from the U.S. Munitions List of a particular valve regulated, sealed lead acid aircraft battery; to the Committee on Foreign Relations.

EC–3209. A communication from the General Counsel of the Department of Defense, transmitting proposed legislation relative to the transfer of certain naval vessels by grant and by sale; to the Committee on Foreign Relations.

EC–3210. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Japan relative to F100 Air Turbine Engines and Parts in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3211. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to the Commonwealth of Australia relative to MK 32 MOD 9 Surface Vessel Torpedo Tubes; to the Committee on Foreign Relations.

EC–3212. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed transfer of major defense equipment with an original acquisition value of more than $14,000,000 for Chile; to the Committee on Foreign Relations.

EC–3213. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Anglo—Irish Agreement Support Act of 1986 and Executive Order 12163, certification that the Board of the International Fund for Ireland (the Fund) is, as a whole, broadly representative of the interests of the communities in Ireland and Northern Ireland and fiscal years 2008 and 2009 U.S. contributions to the Fund; to the Committee on Foreign Relations.

EC–3214. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Thiamethoxam; Pesticide Tolerances'' (FRL No. 8436–5) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3215. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''User Fees for Agricultural Quarantine and Inspection Services'' (Docket No. APHIS–2009–0048) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3216. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Commuted Traveltime'' (Docket No. APHIS–2009–0055) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3217. A communication from the Commission on Wartime Contracting in Iraq and Afghanistan, transmitting, pursuant to law, a report entitled ''Defense Agencies Must Improve Their Oversight of Contractor Business Systems to Reduce Waste, Fraud, and Abuse''; to the Committee on Armed Services.

EC–3218. A communication from the Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the Inventories of Contracts for Services of (14) Department of Defense Agencies and Activities; to the Committee on Armed Services.

EC–3219. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64)(Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–8095)) received in the Office of the President of the Senate on October 1, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–3220. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Reimbursements for Providing Financial Records; Recordkeeping Requirements for Certain Financial Records'' (Regulation S; Docket No. R–1325) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–3221. A communication from the Chairman and President of the Export—Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC–3222. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Special Regulations; Areas of the National Park System'' (RIN1024–AD79) received in the Office of the President of the Senate on October 1, 2008; to the Committee on Energy and Natural Resources.

EC–3223. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, the Commission's Strategic Plan for fiscal years 2009–2014; to the Committee on Energy and Natural Resources.

EC–3224. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Strategic Petroleum Reserves 2008 Emergency Test Exchanges to mitigate the petroleum shortages following Hurricanes Gustav and Ike; to the Committee on Energy and Natural Resources.

EC–3225. A communication from the Regulatory Affairs Division Chief, Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Minerals Management: Adjustment of Cost Recovery Fees'' (RIN1004–AE01) received in the Office of the President of the Senate on September 26, 2009; to the Committee on Environment and Public Works.

EC–3226. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting a report entitled ''Interim Guidance Providing Communities with Opportunities for Independent Technical Assistance in Superfund Settlements''; to the Committee on Environment and Public Works.

EC–3227. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting a report entitled ''Lead Dust Hazard Standards and Definition of Lead-Based Paint; TSCA Section 21 Petition; Notice of Receipt and Request for Comment''; to the Committee on Environment and Public Works.

EC–3228. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Update to Materials Incorporated by Reference'' (FRL No. 8952–8) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Environment and Public Works.

EC–3229. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for New Hampshire'' (FRL No. 8955–9) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Environment and Public Works.

EC–3230. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions'' (FRL No. 8937–8) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Environment and Public Works.

EC–3231. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Reporting of Green House Gases'' (FRL No. 8963–5) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Environment and Public Works.

EC–3232. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''TD–9465—Determination of Interest Expense Deduction of Foreign Corporations'' (RIN1545–BF71) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Finance.

EC–3233. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Counties'' (Notice 2009–81) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Finance.

EC–3234. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extension of Package Use-Up Rule for Roll-Your-Own Tobacco and Pipe Tobacco (2009R–368P)'' (RIN1513–AB75) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Finance.

EC–3235. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the biennial report entitled ''The Impact of the Caribbean Basin Economic Recovery Act''; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–84. A joint resolution adopted by the General Assembly of the State of Tennessee urging the Department of Veterans Affairs (VA) to accept Rhea County's proposed donation of its old hospital building, facilities, and campus to the VA and to utilize such building, facilities, and campus to locate a VA medical facility at such site; to the Committee on Veterans' Affairs.

HOUSE JOINT RESOLUTION NO. 546

A Resolution relative to the location of a U.S. Department of Veterans Affairs medical facility in Rhea County.

Whereas, East Tennessee is in great need of a medical facility to serve its brave veterans; and

Whereas, because of Rhea County's central location, the location of a U.S. Department of Veterans Affairs (VA) hospital there would serve approximately 30,000 veterans from East Tennessee, North Georgia, and Northern Alabama; and

Whereas, presently, veterans living in East Tennessee must travel 150 miles to the Alvin C. York VA facility in Murfeesboro for medical treatment; this extensive travel creates a hardship for most of these veterans; and

Whereas, Rhea County has recently opened a new hospital and has generously offered to donate its old hospital building, facilities, and campus to the VA for the express purpose of locating a much needed medical facility there to serve the veterans of East Tennessee; and

Whereas, the Old Rhea County Medical Center building could be easily modified to house 150 beds, and the building is still equipped with modern technology and modern operational systems; and

Whereas, easily accessible from U.S. Highway 27, the old Rhea County hospital property includes 132 vacant acres that could be utilized for expansion in the future; and

Whereas, in addition to serving the medical needs of our East Tennessee veterans, the location of a VA medical facility in Rhea County would create new jobs in the area; and

Whereas, our veterans have sacrificed a great deal in defending and protecting our Nation, and the State of Tennessee and the Federal Government should work together to adequately provide for the medical needs of these valiant citizens; Now, therefore, be it

Resolved by the House of Representatives of the one hundred sixth General Assembly of the State of Tennessee, the Senate concurring, That this General Assembly strongly urges and encourages the U.S. Department of Veterans Affairs to accept Rhea County's proposed donation of its old hospital building, facilities, and campus to the VA and to utilize such building, facilities, and campus to locate a VA medical facility at such site. Be it further

Resolved, That this General Assembly urges each member of Tennessee's Congressional delegation to use the full measure of his or her power and influence to facilitate the location of a VA medical facility at the old Rhea County hospital campus; and be it further

Resolved, That an enrolled copy of this resolution be transmitted to the Honorable Brack Obama, President of the United States; the U.S. Secretary of Veterans Affairs; the Speaker and the Clerk of the U.S. House of Representatives; the President and the Secretary of the U.S. Senate; each member of Tennessee's Congressional delegation; and the Honorable Phil Bredesen, Governor of Tennessee.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 327, a bill 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 (Rept. No. 111–85).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Joseph A. Greenaway, Jr., of New Jersey, to be United States Circuit Judge for the Third Circuit.

Roberto A. Lange, of South Dakota, to be United States District Judge for the District of South Dakota.

Irene Cornelia Berger, of West Virginia, to be United States District Judge for the Southern District of West Virginia.

Charlene Edwards Honeywell, of Florida, to be United States District Judge for the Middle District of Florida.

David Lyle Cargill, Jr., of New Hampshire, to be United States Marshal for the District of New Hampshire for the term of four years.

Timothy J. Heaphy, of Virginia, to be United States Attorney for the Western District of Virginia for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURR (for himself and Mrs. HAGAN):

S. 1735. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Indian Affairs .

By Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. MENENDEZ, Mr. FEINGOLD, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. REID):

S. 1736. A bill to provide the spouses and children of aliens who perished in the September 11 terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence; to the Committee on the Judiciary.

By Mr. FRANKEN (for himself, Ms. MURKOWSKI, and Mr. BINGAMAN):

S. 1737. A bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to increase the number of children eligible for free school meals, with a phased-in transition period; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. CANTWELL (for herself, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. LIEBERMAN, Mr. CARDIN, Mr. KAUFMAN, Mr. DURBIN, Mr. WEBB, Mr. MERKLEY, Mrs. BOXER, Mr. WHITEHOUSE, Mr. KERRY, Mr. SCHUMER, Mr. LAUTENBERG, Mr. AKAKA, Mr. DODD, Mr. BURRIS, Mr. MENENDEZ, Mr. HARKIN, Mr. WARNER, Mr. REED, Mrs. MURRAY, Mrs. HAGAN, Mr. BROWN, and Mrs. GILLIBRAND):

S. 1738. A bill to provide lasting protection for inventoried roadless areas within the National Forest System; to the Committee on Energy and Natural Resources.

By Mr. DODD:

S. 1739. A bill to promote freedom of the press around the world; to the Committee on Foreign Relations.

By Mrs. MURRAY (for herself, Mr. BROWN, and Mr. DODD):

S. 1740. A bill to promote the economic security and safety of victims of domestic violence, dating violence, sexual assault, or stalking, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 1741. A bill to authorize States or political subdivisions thereof to regulate fuel economy and emissions standards for taxicabs; to the Committee on Commerce, Science, and Transportation.

By Mr. WHITEHOUSE (for himself, Mr. CASEY, and Mr. SPECTER):

S. 1742. A bill to amend the Public Health Service Act to provide assistance for graduate medical education funding for women's hospitals; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself and Ms. SNOWE):

S. 1743. A bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 1744. A bill to require the Administrator of the Federal Aviation Administration to prescribe regulations to ensure that all crewmembers on air carriers have proper qualifications and experience, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MCCASKILL:

S. 1745. A bill to expand whistleblower protections to non-Federal employees whose disclosures involve misuse of Federal funds; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DORGAN:

S. 1746. A bill to amend title XVIII of the Social Security Act to exempt small pharmacies from certain Medicare accreditation requirements for the purpose of providing diabetic testing strips under part B; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1747. A bill for the relief of Javier Lopez-Urenda and Maria Leticia Arenas; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 1748. A bill to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter; to the Committee on Commerce, Science, and Transportation.

By Mr. SHELBY (for himself, Mr. VITTER, and Mr. ROBERTS):

S.J. Res. 20. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 percent of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WEBB:

S. Res. 297. A resolution to recognize the Dyke Marsh Wildlife Preserve as a unique and precious ecosystem; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Ms. CANTWELL, Mr. AKAKA, Mr. ENSIGN, Mr. INOUYE, and Mr. MENENDEZ):

S. Res. 298. A resolution recognizing Filipino American History Month in October 2009; considered and agreed to.

By Mr. CARDIN (for himself and Mr. BURR):

S. Res. 299. A resolution expressing support for the goals and ideals of National Infant Mortality Awareness Month 2009; considered and agreed to.

By Ms. COLLINS (for herself, Mr. CARPER, Mr. DODD, Mr. MCCAIN, and Mr. LIEBERMAN):

S. Res. 300. A resolution supporting the goals and ideals of Fire Prevention Week and the work of firefighters in educating and protecting the communities of this Nation; considered and agreed to.

By Mr. SESSIONS (for himself and Mr. SHELBY):

S. Con. Res. 42. A concurrent resolution providing for the acceptance of a statue of Helen Keller, presented by the people of Alabama; considered and agreed to.

By Mr. MCCONNELL (for himself and Mr. REID):

S. Con. Res. 43. A concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Senator Edward Brooke; considered and agreed to.

ADDITIONAL COSPONSORS

S. 254

At the request of Mrs. LINCOLN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 456

At the request of Mr. DODD, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 493

At the request of Mr. CASEY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 524

At the request of Mr. FEINGOLD, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 524, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

S. 604

At the request of Mr. SANDERS, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 850

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 883

At the request of Mr. KERRY, the name of the Senator from Missouri (Mrs. MCCASKILL) 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. 991

At the request of Mr. INHOFE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 991, a bill to declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid misconstructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a rule of naturalization under article I, section 8, of the Constitution.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of

their dedicated service during World War II.

S. 1215

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1215, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 1375

At the request of Mr. ROBERTS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1375, a bill to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

S. 1379

At the request of Mr. WHITEHOUSE, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1379, a bill to encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities.

S. 1532

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1532, a bill to establish partnerships to create or enhance educational and skills development pathways to 21st century careers, and for other purposes.

S. 1652

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1652, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1683

At the request of Mr. BENNET, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1683, a bill to apply recaptured taxpayer investments toward reducing the national debt.

S. 1692

At the request of Mr. LEAHY, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1692, a bill to extend the sunset of certain provisions of the USA PATRIOT Act and the authority to issue national security letters, and for other purposes.

S. 1709

At the request of Ms. STABENOW, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1709, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

S. RES. 263

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Res. 263, a resolution designating October 2009 as ''National Medicine Abuse Awareness Month''.

S. RES. 295

At the request of Mr. BAYH, the names of the Senator from Montana (Mr. TESTER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Res. 295, a resolution designating October 13, 2009, as ''National Metastatic Breast Cancer Awareness Day''.

S. RES. 296

At the request of Mrs. LINCOLN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Res. 296, a resolution designating October 2009 as ''National Work and Family Month''.

AMENDMENT NO. 2555

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 2555 proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2560

At the request of Mr. COCHRAN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of amendment No. 2560 intended to be proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2561

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 2561 intended to be proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2562

At the request of Mr. ENSIGN, his name was added as a cosponsor of amendment No. 2562 proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2582

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 2582 intended to be proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN (for himself, Ms. MURKOWSKI, and Mr. BINGAMAN):

S. 1737. A bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to increase the number of children eligible for free school meals, with a phased-in transition period; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FRANKEN. Mr. President, in a country as wealthy as ours, it is shameful to let any child go hungry. That is why today, Senator MURKOWSKI and I are introducing the Expand School Meals Act. By eliminating the reduced price meals category and replacing it with the free meal program, this legislation will ensure that low-income children are not denied nutritious food during the school day if their family can't afford to pay for it.

It is important to remember that this will improve student readiness for school. Parents have long known, and recent studies confirm, that children cannot learn on empty stomachs. Hungry children perform worse on achievement tests, have trouble concentrating, and are more likely to act out in school. Securing access to healthy foods for low-income children is therefore not only a means of reducing child hunger, but also an important strategy for narrowing the achievement gap.

There are 3.1 million low-income children across the Nation, and 54,000 children in Minnesota are eligible for reduced-price school meals. This means that the families of these children pay for part of their children's school meals. Currently, these families must pay 40 cents for each lunch and 30 cents for each breakfast their children eat at school. While this may not sound like a lot of money to members of Congress, to a family that is barely scraping by, especially in today's economy, the cost can be prohibitive.

In this tough economy, a growing number of these families simply can no longer afford to pay. Low-income children in Minnesota and across the country are increasingly being turned away from school lunch counters because they don't have enough money in their meal accounts. In some districts, children in the reduced price meal program are humiliated when they are forced to pay small fees in front of their peers, or when they are handed cheese sandwiches instead of regular meals on the days they cannot afford to pay. It then becomes abundantly clear to all of their peers in the lunchroom that they are in the reduced price program. Teachers in Minnesota and elsewhere have reported that many children choose to avoid this stigma by just skipping meals.

The indecency of turning away children from the school lunch counter becomes all too evident when one hears the stories of the food service workers and teachers who have to confront these children directly. In the Roseville, Minnesota, school district, for example, schools recently reported that parents with health problems showed up at the district office unable to pay for reduced-price lunch. The families,

however, had too much income to qualify for the free lunch program. The district policy is that children who cannot pay for school lunches can receive cheese sandwiches for three days, and then must be turned away. Roseville cashiers and food service managers have been using their own money to cover children who they know cannot pay.

This situation is entirely unacceptable. It is unacceptable not only because we are allowing children to go hungry today, but also because we know the impact of this hunger on their future. We know that insufficient access to food will negatively affect their development, as well as their educational outcomes, which together will have a lasting impact on their ability to reach their potential.

Recent studies show just how devastating the impact of food insecurity is on the academic and social outcomes of school children. For example, researchers at Cornell and the University of Michigan found that children ages 6 to 11 who lacked sufficient food had significantly lower arithmetic scores, and were more likely to have repeated a grade than their peers. Furthermore, they found that teenagers who lacked sufficient food were almost three times as likely to have been suspended from school. Similarly, researchers at Harvard Medical School, and Massachusetts General Hospital found that children who, according to their parents, were experiencing hunger, were two to four times more likely than other children to repeat a grade, access special education services, or receive mental health counseling.

Based on this research, it is clear that child hunger must be one of the factors that we address if we are serious about closing the achievement gap and giving every child in America a genuine opportunity to succeed.

I would like to conclude by commending my colleagues on both sides of the aisle for their leadership in advocating for the extension of free school meals to children of the working poor. These efforts began with Senator Elizabeth Dole, who in 2003 introduced a bill that would have also phased out the reduced price meals category. And in 2004, Senator Dole advocated for a provision to be included in the Child Nutrition and WIC Reauthorization Act that authorized a 5 State pilot project to test the feasibility of eliminating the reduced price category. Funding for this project, unfortunately, was never appropriated.

Some States and districts therefore decided to take matters into their own hands. I am proud to represent a State that decided to eliminate the reduced price category for school breakfasts. Based on the experience of these localities, we have learned that expanding eligibility for free meals to children in the reduced price category significantly increases their participation in school breakfast and lunch programs.

In light of the experiences of these localities, and the difficult economic times, I am hopeful that this will be the year that we expand eligibility for free school meals. I urge all of my colleagues to join us in this endeavor and do right by our children.

By Mrs. FEINSTEIN:

S. 1747. A bill for the relief of Javier Lopez-Urenda and Maria Leticia Arenas; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am introducing a private relief bill on behalf of Javier Lopez-Urenda and his wife, Maria Leticia Arenas. Mr. Lopez-Urenda and his wife are Mexican nationals living in Fremont, California, and the loving parents of three U.S. citizen children, Bryan, age 16, Ashley, age 12, and Nancy, age 6.

I have decided to introduce this private bill to ensure that this family stays together because they have demonstrated an extraordinary commitment to each other and the greater community in the Bay area. I believe Mr. Lopez-Urenda and Ms. Arenas merit Congress' special consideration for such an extraordinary form of relief as a private bill.

Javier Lopez-Urenda was born in Michoacán, Mexico. When he was 19 years old, his father was stabbed and murdered while working as a cab driver. In 1990, at the age of 23, Mr. Lopez-Urenda came to the United States to find a higher paying job to support his extended family. Leticia Arenas came to the U.S. at the age of 17 after her mother died of cancer. Mr. Lopez-Urenda and Ms. Arenas have now been living in the U.S.for almost 20 years.

Mr. Lopez-Urenda is the sole financial provider for his wife and three U.S. citizen children and owns his own home. For over 17 years, Mr. Lopez-Urenda has worked at Full Bloom Baking Company, a commercial bakery in San Mateo, California, and was the second employee that they hired. With Mr. Lopez-Urenda's help, the company grew to one of the largest commercial bakeries in the Bay Area, which currently employs approximately 385 people in the bay area.

Full Bloom Baking Company has stated:

> Javier is critical to the operation of our business. . . . He holds a tremendous amount of 'institutional knowledge' that can never be replaced. He mentors and develops Team members, conducts training classes, and has deep understanding of complex industrial baking equipment and is an expert on how to produce wonderful artisan quality products from the intricate interactions of formula, people and equipment.

Mr. Lopez-Urenda's coworkers have also written to me about his value to the company. Coleen Donnelly writes:

> I am lucky enough to have worked with Javier briefly at the bakery he helped build from the ground up. I always knew he was in the room before I saw him. His presence is such a positive force. He has the natural ability to manage and lead people and make it all seem like play, not work. Without Javier at the bakery, the lives of hundreds of people will change.

With the encouragement of his employer, Mr. Lopez-Urenda sought legal advice in 1996 in an attempt to legalize his status. However, the enactment of the Illegal Immigration Reform and Immigration Responsibility Act, IIRIRA, eliminated his ability to apply for suspension of deportation.

Mr. Lopez-Urenda also attempted to legalize through his employer, but the labor certification remained unadjudicated for nearly three years. Once the Department of Labor granted his labor certification, Mr. Lopez-Urenda could have legalized his status but for the fact that his removal case had already been resolved against him due to the change in law.

When the Ninth Circuit Court denied his appeal, the Court acknowledged the compelling circumstances of Mr. Lopez-Urenda's case. The court stated:

> We are not unmindful of the unique and extremely sympathetic circumstances of this case. By all accounts, Petitioner has been an exemplary father, employee, and member of his local community. If he were to be deported, he would be separated from his wife, three U.S. citizen children, and the life he has worked so hard to build over the past seventeen years. In light of the unfortunate sequence of events leading up this juncture and Petitioner's positive contributions to society, Petition may very well be deserving of prosecutorial grace.

Unfortunately, Mr. Lopez-Urenda faces deportation today despite his sympathetic circumstances and the significant positive contributions that he and his family have made to society.

These contributions to the San Mateo and Fremont communities have truly been exceptional. He is an active volunteer for the Women's Foundation of California, Lance Armstrong's Livestrong Foundation, the Saint Patrick Proto Cathedral Parish, the American Red Cross, and just last year he was one of the key organizers of the California AIDS Ride.

Ms. Arenas has also volunteered in the community as a religious school teacher at Our Lady of the Rosary Church, a health promoter at the Tiburcio Vasquez Health Center, and a sexual assault counselor at Bay Area Woman Against Rape.

My office has received 46 letters of support on behalf of this family staying together in the community that they have helped build. Below are a few notable excerpts from the letters I have received reflecting the impact of this family on the community:

Patricia W. Change, CEO of Feed the Hunger Foundation, former President/CEO of the Women's Foundation of California, and a prior San Francisco Commissioner and U.S. Commissioner writes:

> Mr. Urenda has always operated with the highest integrity. Asking Mr. Urenda to leave the United States would deprive his children of their father, an upstanding resident of the country. It would deprive the community of an active participant, leader, and volunteer.

The Bay Area Women Against Rape indicates that Leticia has been ''successful, available, [and] committed to the cause of breaking the silence of sexual abuse in our community.''

Judy Patrick, President/CEO of the Women's Foundation of California, writes:

Javier Urenda is fulfilling tremendous needs within his community. He is a model participant in this society.

Christine Bozzini, a friend and former coworker of Mr. Lopez-Urenda, writes:

Javier strives to create a meaningful and rewarding life with his children, focusing on supporting them in their studies, as well as a variety of athletic pursuits and personal interests. For example, over the last few years he has taken great pride in traveling to various U.S. monuments in order to teach his children about the birth of their country.

One of the other compelling reasons for permitting these parents to remain in the United States is the impact that deportation would have on their three U.S. citizen minor children, Bryan, Ashley, and Nancy.

All too often, U.S. citizen children face the loss of a parent through deportation. A January 2009 report by the Department of Homeland Security Office of Inspector General found that, over the last 10 years, 108,434 immigrant parents of U.S. citizen children were removed from this country.

A separate report completed this year by Dorsey & Whitney LLP for the Urban Institute affirms what many of us know—the deportation of a parent is deeply traumatic and causes long-lasting harm to U.S. citizen children.

Mr. John Arthur Balano, Head Coach and Faculty Instructor at the City College of San Francisco, has known Mr. Lopez-Urenda through his volunteer work at Washington High School in Fremont, California. He has stated that Mr. Lopez-Urenda ''actively participates in the daily life of his children. Be it school, domestic, or extracurricular activities, socialization and citizenship, Javier is always furthering their growth.''

In addition, Ms. Marlene Davis, the Principal of Patterson Elementary School, where two of the Lopez-Urenda children currently attend, has written me, stating that:

Mr. Lopez-Urenda and his wife are very involved in their children's lives and school work. If they were not, the children would not be doing as well as they are. I think without his presence, the children would definitely fare very poorly indeed both because of the psychological shock of having their father taken away but also academically because their mother would not be as available and one half of their scholastic support would be missing. . . . This would be a terrible strategy which could be avoided if the children are able to remain in the same stable environment with two loving and supportive parents who are committed to their children's success.

Enactment of the legislation I am introducing today on behalf of Mr. Lopea-Urenda and Maria Leticia Arenas will enable this family to continue to remain in the U.S. and make positive contributions to each other and their extensive community in Fremont, California.

Mr. President, I urge my colleagues to support this private bill.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

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

S. 1747

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

SECTION 1. PERMANENT RESIDENT STATUS FOR JAVIER LOPEZ-URENDA AND MARIA LETICIA ARENAS.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Javier Lopez-Urenda and Maria Leticia Arenas shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Javier Lopez-Urenda or Maria Leticia Arenas enter the United States before the filing deadline specified in subsection (c), that alien shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only to an application for issuance of an immigrant visa or an application for adjustment of status that is filed, with appropriate fees, within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Javier Lopez-Urenda or Maria Leticia Arenas, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of that alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of that alien's birth under section 202(e) of such Act (8 U.S.C. 1152(e)).

FULLBLOOM BAKING COMPANY,
Newark, CA, July 20, 2009.

Senator DIANNE FEINSTEIN,
San Francisco, CA.

DEAR SENATOR FEINSTEIN: I am writing you to ask for your help to support my key employee and friend, Javier Lopez-Urenda, and his family in their efforts to lawfully remain in the United States. Mr. Lopez-Urenda's case is extremely sympathetic. He had the misfortune of beginning the process of legalizing his status in the summer of 1996. It was prior to the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). As you know, IIRIRA brought a sea of change to our immigration laws, which has now left Javier, his wife and their three U.S. citizen children facing the imminent prospect of being forced to leave the U.S., essentially forever.

Mr. Lopez-Urenda challenged the retroactive application of IIRIRA to his case, but the Ninth Circuit Court has recently ruled against him. While the Ninth Circuit case was pending, based on humanitarian concerns and his extensive community involvement, he sought deferred action of his removal from the U.S. Immigration and Customs Enforcement (USICE). He requested that the agency exercise its prosecutorial discretion to grant a request for deferred action, considering Javier's immigration history, length of U.S. residence, criminal history, and cooperation with law enforcement, future admissibility, community attention and humanitarian concerns. However, the agency denied his request and has issued a surrender notice for Monday, May 24, 2004.

The Labor certification that my company, FullBloom Baking Company filed for Javier on April 26, 2001, after 3 long years, was finally granted on March 19, 2004. We immediately filed a petition to immigrate Javier with the California Service Center. Our lawyers have also filed a motion to reopen and request for stay at the Board of Immigration Appeals (BIA) for Javier, but I am told that it is unlikely the BIA will grant such a motion if the USICE does not join or does not oppose this motion. Therefore, I am requesting that you call officials at USICE and urge them join or to not oppose Javier's motion to reopen now pending before the BIA. (Contact names and numbers attached). We acknowledge that this type of action is only taken in the most extraordinary cases, but as you will see below, Javier is an extraordinary individual and a very well-respected member of his community.

Javier, a 42-year-old native of Mexico, first came to the U.S. in March of 1990 and resides in Fremont, CA with his wife and three U.S. citizen children, Bryan who is sixteen, Ashley who is twelve, and Nancy who is six. In 1996, Javier sought the advice of an immigration attorney and started the process to legalize his status. Javier appeared at an immigration hearing on January 29, 1999, where he attempted to file for suspension of deportation but was informed that because his court proceedings did not begin until September 7, 1997; he was not eligible for that relief. However, the Immigration Judge remarked that ''[t]he Court believes that . . . he would have been a good candidate for that relief and appears to be a good person who would contribute to this country in a meaningful and positive way.'' Javier appealed the decision to the Board of Immigration Appeals (BIA), but the BIA dismissed the case on February 14, 2002. Javier's employer, FullBloom Baking Company, filed a labor certification for Javier on April 26, 2001 which would make him eligible for permanent residence, but the application has not yet been approved. On March 15, 2002, Javier filed a Petition for Review with the Ninth Circuit, which was dismissed. He subsequently filed a petition for rehearing en banc which was dismissed on January 2, 2004.

Javier has been a resident of the U.S. for more than 19 years, and has never departed the U.S. since his first entry. He has worked at FullBloom for the past 17 years where he now is the Production Process Manager, managing the transition of recipes from the R&D bench top prototypes to fully scaled up production runs. He supervises four line supervisors and up to 210 production employees in the company's daily production of more than 346,000 pieces of artisan organic and natural pastries that are distributed to a wide range of grocery stores & cafes including FullBloom's largest client, Starbucks Coffee Company (Nationally). Javier is critical to the operation of our business which has grown from an idea in 1989 to a run rate of over $55MM/year in gross revenue. He holds a tremendous amount of ''institutional memory'' that can never be replaced. He mentors and develops Team members, conducts training classes, has deep understanding of complex industrial baking equipment and is an expert on how to produce wonderful artisan quality products from the intricate interactions of formula, people and equipment.

He is an outstanding member of his community; Javier has helped to raise money for

numerous local organizations and participates in the annual AIDS Ride. He volunteers regularly with his son's swim team, the local homeless shelters; Lance Armstrong's Livestrong Foundation and is an active member of his local church. He has absolutely no criminal history and has always attended his court hearings and, with the help of his employer, has tried repeatedly to legalize his status, but has been the victim of changes in the law and a slow-moving labor certification system. Moreover, Javier's removal from the U.S. would render him effectively ineligible for future immigration as he has more than one year of unlawful presence and is subject to the ten-year bar to admissibility. Most importantly, Javier's removal from the U.S. would cause emotional and financial hardship to his family, especially his three U.S. Citizen children. If his family remains in the U.S. and he is removed, they would be unable to support themselves, and more importantly, his U.S. citizen children would be separated from their devoted father at a critical point in their lives. On the other hand, if his children accompany him to Mexico, they would suffer extreme hardship in adjusting to life in a completely foreign country at the ages of sixteen, twelve and six.

I thank you for your interest in and willingness to review Javier's case. I will contact you to further discuss this case once you have had a chance to review this letter. You may also feel free to contact me at any time.

Sincerely,

KAREN TRILEVSKY,
Founder & CEO.

JULY 22, 2009.

Senator DIANNE FEINSTEIN,
San Francisco, CA.

DEAR SENATOR FEINSTEIN: In February of this year, I stood and applauded as you accepted the Anne B. Stanton Award for Extraordinary Leadership and Dedication to Bay Area Youth given to you by Larkin Street Youth Services. It was a great moment, knowing the history of your involvement with the agency and how it has allowed Larkin Street to survive and flourish. As everyone knows, your actions were critical in securing the future of this organization and the futures of the many people it serves.

I am asking you now to consider another very important intervention. Javier Urenda is set to be deported from this country next week after 19 years of living here as a responsible citizen. This action defies reason. He has a family, a career, owns his home and gives back to the community through volunteer work. He is exactly the kind of person this country needs more of, not fewer!

I am lucky enough to have worked with Javier briefly at the bakery he helped build from the ground up. I always knew he was in the room before I saw him. His presence is such a positive force. He has the natural ability to manage and lead people and make it all seem like play, not work. Without Javier at the bakery, the lives of hundreds of people will change.

His family has relied on him to provide for them and he has never let them down. The Urendas are part of their community, part of what makes up this country as it has evolved. To send him away is moving backwards. I urge you to take action to reverse this destructive trend towards tearing apart families that have the same right to be here as you and I do.

Senator Feinstein, this is a defining moment. Javier is not the only one unfairly facing deportation. Many before have been forced to leave and if this practice is left unchecked many more will follow.

Please help. All of us who care about this issue are grateful for your consideration.

Sincerely,

COLEEN DONNELLY.

FEED THE HUNGER FOUNDATION,
San Francisco, CA, July 22, 2009.

Senator DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am respectfully writing to you, as a citizen, a prior San Francisco Commissioner and a Commissioner of the United States, a former President & CEO of the Women's Foundation of California, and the current CEO of Feed The Hunger Foundation. I am writing in support of Javier Urenda Lopez and urging you to allow Mr. Urenda to remain in the United States as a lawful permanent resident, eligible for citizenship to the United States of America.

Mr. Urenda deserves to be in the United States on both procedural as well as personal grounds.

Mr. Urenda recently received an approved labor certification (pending for the last three years), and is finally eligible for adjustment of status. However, the recently issued ''surrender notice'' takes effect on July 29, 2009. Had the approved labor certification been approved in a timely manner, this current ordeal would have been unnecessary. If the Board were to reopen his case, he could adjust his status immediately and be a lawful permanent resident.

I have had the honor and pleasure of knowing Mr. Urenda over the past ten years as an employee of FullBloom Baking Co., a volunteer of the Women's Foundation of California, an active community member and a friend.

Mr. Urenda has, in the time that I have known him, been the Managing Director of FullBloom Baking Co., supervising and mentoring over 190 employees. His intellect, ability and hunger to learn, and perhaps most importantly, his motivation and spirit, has enabled FullBloom Baking Co. to become a multi-million dollar business and a major contributor to communities in California. FullBloom Baking Company is a leader in the field of small businesses both in terms of its treatment and advancement of employees, and in being a model corporate citizen. No other company of which I am aware, provides free bilingual courses in both English and Spanish, computers, dentistry, a matching pension program, and numerous gifts to all of their employees and to their respective family members as FullBloom Baking Co. In addition, this company contributes nearly $1 million per year to the community. Mr. Urenda has made this possible.

I first met Mr. Urenda when he personally delivered baked goods to the graduation party of 50 participants of the Women's Foundation of California's welfare to work program. Mr. Urenda could have sent one of his company's drivers to deliver these donated goods. However, he wanted to support those individuals who were struggling to gain skills and become active contributors to the economy of this country—just as he has done. Mr. Urenda has, since that time, become a volunteer to the Women's Foundation of California, serving on a committee determining which non-governmental organizations would receive funding and assistance from the foundation as well as mentoring young adults. Mr. Urenda has always operated with the highest integrity. He is reliable, hard working, and creative.

Mr. Urenda is an individual who contributes all of himself to all of his endeavors. He has involved himself in the arena of sports: engaging in five day bike-a-thons to raise money for AIDS; running in races for his community and others; and coaching swimming and soccer meets. He consistently takes classes at night to improve his skills and resources in management, business development, and in the arts.

On top of all that I described, Mr. Urenda is a devoted father to three children of the United States who he is teaching to be upstanding citizens of this country. Asking Mr. Urenda to leave the United States would deprive his children of his guidance, love, and mentorship. It would deprive his children of their father, an upstanding resident of this country. It would deprive the community of an active participant, leader, and volunteer. It would deprive FullBloom Baking Co. and its employees of an unparalleled decision maker, manager, and mentor. And it would deprive our country of an individual who lives up to the very values and standards that make the United States a great nation.

If Mr. Urenda's family were to leave with him, it would cause an extreme hardship to his wife and three children, aged 6, 12 and 16. His children would leave the only country they have ever known, to go to a country that they have never visited and where they do not speak the language. Bryan, his eldest son, would be unable to receive treatment for a learning disability for which he has been diagnosed.

Thank you for your kind attention and assistance to this matter. If you have any questions about Mr. Urenda, please do not hesitate to contact me.

Sincerely,

PATRICIA W. CHANG,
President & CEO.

JULY 21, 2009.

Re request for assistance in the case of Javier Lopez-Urenda and family.

Senator DIANNE FEINSTEIN,
San Francisco, CA.

DEAR SENATOR FEINSTEIN: It is with the utmost faith that I submit this letter to you, with the hope that you will prevent a potentially devastating tragedy with exponential ramifications from occurring by sponsoring a private bill for my former coworker and friend, Javier Lopez-Urenda. It is my understanding that at this time, the only hope for this upstanding family man, leader, and community volunteer to remain in the U.S. is through a private bill. Please sponsor this outstanding person and prevent the senseless tragedy of losing such a valuable contributor to our country.

During these past years of a complex legal battle, I have often reflected on the irony that a person who so greatly embodies the ideal citizen could be ejected from our country. Javier is more than a model citizen. He goes beyond what any average person would do to better his community, his workplace, the lives of his family members, and himself. Every year, Javier participates in charity events such as the AIDS ride and the Providian Relay supporting organ donation, as well as being an active member in his church and a frequent contributor to many local food banks. At FullBloom Baking Company, where we worked together for eight years, Javier's leadership helped to launch the company and to propel it into its newest phase of growth and success in a new cutting edge facility, where staff and production levels have recently doubled.

I've literally never known a more dedicated and loving father. Javier strives to create a meaningful and rewarding life with his children, focusing conscientiously on supporting them in their studies, as well as a variety of athletic pursuits and personal interests. For example, over the last few years he has taken great pride in traveling to various U.S. monuments in order to teach his

children about the great country of their birth. I can think of nothing more destructive and unfair to Bryan, 16; Ashley, 11; and Nancy, 5; than to either face separation from their father, or to be forced to leave their country of origin, the only country they have ever known.

During the years I've know Javier, he has been a great inspiration to me and many others, sharing his captivating warmth, his compassionate support for those who need help, and his passion for learning (English, French, neuroscience, politics—you name it!). To this day, I attribute my fluency in Spanish to him, telling people, ''Everything I know, I learned from Javier''. The thought that he, a person who exemplifies the spirit and the triumph of America, is threatened with deportation brings tears to my eyes and keeps me up at night. It is utterly unfathomable the extent to which our legal system has failed Javier and his family, leading to this urgent plea for your support to quite literally ''save'' them.

Please help to prevent this potentially disgraceful tragedy through your crucial sponsorship.

Sincerely,

CHRISTINA BOZZINI,
Psychotherapist.

DEPARTMENT OF PHYSICAL EDUCATION, ATHLETICS AND DANCE,
San Francisco, CA, July 22, 2009.

Senator DIANNE FEINSTEIN,
San Francisco, CA.

U.S. DEPARTMENT OF JUSTICE,
Immigration and Customs Enforcement, Sansome Street, San Francisco, CA.

DEAR SENATOR FEINSTEIN: I am exceedingly humbled by opportunity to write this letter on behalf of Javier Urenda. It has been my good fortune to know Javier the past 18 years. During this time I have been continually astounded at his remarkable embrace of the very values we all share as citizens of our great land.

As a person commitment to his family. their wellbeing, and Javier actively participates in the daily life of his children. Be it school, domestic, or extra-curricular activities, socialization and citizenship, Javier is always furthering their growth. His belief in family as a solid foundation, where meals and private time is shared. Javier fundamentally understands that these critical, formative years are critical to his children's future so that they may fully embrace the untold opportunities our great country affords our citizens. Javier's belief is that when children feel truly loved in the home, with a solid foundation of right and wrong therefore, creating an intrinsic obstacle to the many pestiferous temptations that the youths of today encounter.

As well, Javier is a good husband, who works hard to provide not only the material but, assuring that there is always calm, reason, and attentiveness. Javier affection can be found in simply hand picking flower rather than the ostentatious. I have witnessed thoughtful his response in uncomfortable situations rather than pugnacious. Always respecting and embracing the other point of view, nurturing too, the love of his wife. It's that constant striving for synergy that constantly amazes me.

As a member of academia, I am proud that Javier continually seeks knowledge and makes time to further his education. He fundamentally understands that knowledge is power and with that, his affect and direct contribution to society magnified. I subscribe to the notion that each and every single citizen contributes to our society; and the more knowledgeable the individual, society's enrichment as a whole is not insignificant. In my lifetime, with extreme confidence, Javier is a shining example to that end.

The strong sense of community in Javier is expressed by his deeds. He was volunteer coach for me when I was the Head Track and Field Coach at Washington High School in Fremont, California. There, Javier assisted with the distance runners who had many levels of athleticism and talent, His grassroots approach and caring for each student/athlete as an individual and maximizing their own individual potential made that diverse group flourish. Beyond the track, they had the highest GPA on the team. To this day, I firmly believe that Javier's influence in embracing challenge and to look at it not as an obstacle but, as an opportunity, played a significant role in their academic success,

Holding dear the notion of our country's diversity, Javier has participated in several AIDS Rides, personally raising thousands of dollars to contribute to fighting that virulent disease. Annually, he volunteered for a transition station with the Providian Relay which supports organ donation. At present he continues to support a myriad of other events and community fund-raisers through his running and cycling efforts. He lends time too, to the less fortunate in feeding the homeless within the community. All the while, Javier shuns kudos for his efforts and is embarrassed by any attention as he believes that is what a neighbor typically does for his fellow human being.

Penning this letter to you gives me great pride. In our United States, during these very trying times, Javier Lopez-Urenda is a beacon for responsibility, accountability, compassion, and active citizenship.

I hope that I have conveyed to you my thoughts on Javier and why he should remain a part of our country. He has contributed to our society immensely thus far by being who he is; a person with strong family values understands the significance of education, volunteerism, and hard work in making the United States the leader of the free world it is today. It is those very tenets that many of us hold dear; yet Javier embodies them. He has been encouraging to each person he meets, be it in passing or those in need and a trusted and loyal friend.

There are citizens in our land from all walks of life, from every possible background and social status that comprise the bedrock in continuing to make our country strong. Javier is the type of person that makes us a better land and continues to remain a shining light of limitless opportunity.

I pray that the good Lord will allow for the rendering of a favorable decision to allow Javier to remain in the country that I love.

Thank you so very much in allowing me to be a voice for my dear friend.

Respectfully,

JOHN ARTHUR BALANO,
City College of San Francisco.

PATTERSON SCHOOL,
Fremont, CA, August 25, 2009.

Re Javier Lopez-Urenda.

Senator DIANNE FEINSTEIN,
San Francisco, CA.

DEAR SENATOR FEINSTEIN, I am writing on behalf of Javier Lopez-Urenda's United States citizen children. They have all attended Patterson Elementary School. Nancy, the youngest, is currently in first grade this year. Ashley graduated from sixth grade last year. Bryan graduated about five years ago.

The Lopez-Urenda children have sometimes struggled academically, particularly Bryan. However, as a result of keen parental involvement, they are doing well. Mr. Lopez-Urenda has volunteered his time as a coach for after-school sports that Bryan was involved in. Teachers have reported that he and his wife are actively involved in their children's school activities and meet with teachers in order to support their children's schoolwork and try to help them address areas of concern.

All the children have been a pleasure to have in school. As an educator, I can tell you that I have witnessed the spectrum of parental involvement from parents who are actively involved in their children's lives to those who are at best minimally engaged in their children's activities. Javier Lopez-Urenda and his wife are very involved in their children's lives and schoolwork. If they were not, the children would not be doing as well as they are. I think without his presence, the children would definitely fare very poorly indeed both because of the psychological shock of having their father taken away but also academically because their mother would not be as available and one half of their scholastic support would be missing. In my experience, that void is generally filled with bad behavior, bad influences, poor decisions and academic deterioration. With three children who struggle in school already, I honestly cannot foresee anything positive for the children in the future if their father is no longer living with them and supporting their academic milestones. Rather, I imagine it would be quite possible that they would drop out or flunk out. This would be a terrible tragedy which could be avoided if the children are able to remain in the same stable environment with two loving and supportive parents who are committed to their children's success.

Sincerely,

MARLENE C. DAVIS,
Principal.

BAY AREA WOMEN AGAINST RAPE,
Oakland, CA, July 21, 2009.

U.S. Citizenship and Immigration Service,
St. Albans, VT.

TO WHOM IT MAY CONCERN: This letter pertains to Javier L Urenda and it gives me great pleasure to furnish you with pertinent facts and information about this extraordinary supporter of the oldest rape crisis center in the nation, Bay Area Women Against Rape (BAWAR).

I have known Mr. Urenda for nearly a year. I had the privilege of meeting Mr. Urenda through his wife Leticia Arena at that time when she was taking our intensive state certified rape crisis training. One of the things that is crucial towards the successful completion of our training is the support that trainees receive from their family members. Not only are participants trained for three months, but they are also in commitment to volunteer 36 hours per month for 9 consecutive months after their certification. I believe that without the support that Mr. Urenda gave to Leticia during her training and during her volunteer activities at our agency she would not had been as successful, available or committed to the cause of breaking the silence of sexual abuse in our community.

In addition, Mr. Urenda not only gives constant support to his wife's social responsibility, but he also is an active participant in our fundraising events. Mr. Urenda has shown to be a strong supporter for our walkathon in benefit of sexually assaulted youth. Just last month, Mr. Urenda went to his employer at Full Moon and bravely asked for an in-kind donation of 500 delicacies to be given away to walkers the day of the event. This came to BAWAR's great surprise since we did not expect this massive contribution. Mr. Urenda has far exceeded our expectations and by far surpassed the in-kind donations that other advocates have tried to acquire from local donors. It was for this reason that Mr. Urenda holds a very special place in our agency.

To this end and without reservation, I strongly believe that Mr. Urenda will be a wonderful and positive addition to our community. If you have further questions or concerns, please feel free to contact me.

Sincerely,

KRISTINA MOLINA,
Latina Outreach Coordinator.

THE WOMEN'S FOUNDATION OF CALIFORNIA,
San Francisco, CA, July 22, 2009.

Senator DIANNE FEINSTEIN,
San Francisco, CA.

DEAR SENATOR FEINSTEIN: On behalf of the Women's Foundation of California, we are writing to convey our support for Javier Urenda to remain in the United States and become a lawful permanent resident.

Javier is a vital member of his community who participates at all levels: he is a hard-working and dedicated employee of FullBloom Baking Company, a Newark, California based company which did $58 million in business last year; he is a devoted husband and father to three US citizen children; and he is an important role model to community members and co-workers. Javier was the second person hired by FullBloom and has helped grow FullBloom to a company which now has 388 employees. Javier's dedication, technical know-how and effective management abilities have been critical to FullBloom's success. The local community has been well served by FullBloom, which provides employment, health benefits and educational opportunities to its employees and their children. Javier's community would also be severely impacted if it were to lose his volunteer efforts in his children's schools and his tireless fundraising for charity.

The Women's Foundation of California has a long history of supporting immigrants and immigrant communities throughout the state. Through our research, grantmaking, and other programs, we have seen many of the benefits that new Americans give to our economy, society, and our overall infrastructure. The state's economy would suffer tremendously without the incredible achievements of immigrants.

Javier has recently received an approved labor certification (which had been pending for nearly three years) and is now eligible for adjustment of status. However, he has been issued a ''surrender notice'' which takes effect on July 29, 2009. If he is forced to leave the country, he would be barred from returning for 10 years causing his children and his employer enormous hardship. If Javier were granted a stay of his deportation order, he could adjust status immediately and be a lawful permanent resident.

We understand that the Immigration and Naturalization Service has established immigration policy to meet the needs of this country and others. Javier Urenda is fulfilling tremendous needs within his community. He is a model participant in this society and deserves to remain here legally.

Thank you for your consideration.

Sincerely,

JUDY PATRICK,
President and CEO.

By Mrs. BOXER:

S. 1748. A bill to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, I rise to speak on the introduction of the Southern Sea Otter Recovery and Research Act.

The southern sea otter is a keystone species that plays a critical role in central California's kelp forest ecosystem. By maintaining a healthy and productive ecosystem capable of supporting many other marine species, they also contribute to California's $22 billion ocean tourism, recreation, and fishing industries.

Already listed as threatened under the Endangered Species Act, southern sea otters recently experienced their largest population decline in over a decade. They face a variety of threats, including food limitation, disease, and habitat degradation—but the exact causes of their decline are unknown.

Sea otters are a sentinel species that serve as an indicator of ecosystem health, so this population decline is extremely alarming. Understanding and addressing the causes of this decline would help us protect the health of our kelp ecosystems as a whole.

My legislation would require the Department of the Interior to monitor the population of southern sea otters and assess the major factors limiting their recovery. It would also establish a competitive grant program for research and recovery projects.

The language has been drafted in consultation with numerous scientists, agency officials, conservation groups, and fishermen. Companion legislation was reported by the House Natural Resources Committee by voice vote in May, and passed the full House of Representatives in July. I look forward to working with my colleagues to achieve a successful outcome in the Senate.

With this legislation, we can finally put the southern sea otter on a path to recovery—and restore central California's magnificent kelp forests to a healthy, thriving condition.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 297—TO RECOGNIZE THE DYKE MARSH WILDLIFE PRESERVE AS A UNIQUE AND PRECIOUS ECOSYSTEM

Mr. WEBB submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 297

Whereas the Dyke Marsh Wildlife Preserve on the west bank of the Potomac River just south of Alexandria in Fairfax County is one of the largest remaining freshwater tidal marshes in the Greater Washington, DC, area;

Whereas Congress expressly designated the Dyke Marsh ecosystem for protection in 1959, fifty years ago, under Public Law 86–41 ''so that fish and wildlife development and their preservation as wetland wildlife habitat shall be paramount'';

Whereas the Honorable JOHN D. DINGELL of Michigan, the late Honorable John P. Saylor of Pennsylvania, and the late Honorable Henry S. Reuss of Wisconsin were instrumental in passing this legislation and in preventing proposed development along the Potomac River, thereby protecting the Dyke Marsh ecosystem from further dredging, filling, and other activities incompatible with a preserve;

Whereas Dyke Marsh is 5,000 to 7,000 years old and is a unique natural treasure in the national capital region, with more than 6,500 species of plants, insects, fish, birds, reptiles and amphibians contained within an approximately 485-acre parcel;

Whereas the Dyke Marsh Wildlife Preserve is a significant element in the historic character of the Mount Vernon Memorial Parkway;

Whereas freshwater tidal marshes are rare, and the Dyke Marsh Wildlife Preserve is one of the few climax, tidal, riverine, narrow-leafed cattail wetlands in the United States National Park Service system;

Whereas wetlands provide ecological services such as flood control, attenuation of tidal energy, water quality enhancement, wildlife habitat, nursery and spawning grounds, and recreational and aesthetic enjoyment;

Whereas the Dyke Marsh Wildlife Preserve serves as an outdoor laboratory for scientists, educators, students, naturalists, artists, photographers, and others, attracting people of all ages; and

Whereas the Friends of Dyke Marsh is a conservation advocacy group created in 1975 and dedicated to the preservation and restoration of this wetland habitat and its natural resources: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the Dyke Marsh Wildlife Preserve of Fairfax County, Virginia, as a unique and precious ecosystem that serves as an invaluable natural resource both locally and nationally;

(2) recognizes and expresses appreciation for Representative JOHN DINGELL's, Representative John Saylor's, and Representative Henry Reuss's leadership in preserving this precious natural resource;

(3) celebrates the 50th anniversary of the Federal legislation designating the Dyke Marsh Wildlife Preserve as a protected wetland habitat;

(4) expresses the need to continue to conserve, protect and restore this fragile habitat, in which a diverse array of plants, animals and other natural resources is threatened by past dredging and filling, a gradual depletion in size, urban and suburban development, river traffic, stormwater runoff, poaching, and non-native invasive species; and

(5) commends the Friends of Dyke Marsh for its longstanding commitment to promoting conservation and environmental awareness and stewardship, so that the Dyke Marsh Wildlife Preserve may be enjoyed by generations for the next 50 years and into the future.

SENATE RESOLUTION 298—RECOGNIZING FILIPINO AMERICAN HISTORY MONTH IN OCTOBER 2009

Mr. REID (for himself, Ms. CANTWELL, Mr. AKAKA, Mr. ENSIGN, Mr. INOUYE, and Mr. MENENDEZ), submitted the following resolution; which was considered and agreed to:

S. RES. 298

Whereas the earliest documented Filipino presence in the continental United States was on October 18, 1587, when the first ''Luzones Indios'' set foot in Morro Bay, California, on board the Manila-built galleon ship Nuestra Senora de Esperanza;

Whereas the Filipino American National Historical Society recognizes the year of 1763 as the date of the first permanent Filipino settlement in the United States in St. Malo, Louisiana, which set in motion the focus on

the story of our Nation's past from a new perspective by concentrating on the economic, cultural, social, and other notable contributions that Filipino Americans have made in countless ways toward the development of the history of the United States;

Whereas the Filipino-American community is the second largest Asian-American group in the United States, with a population of approximately 3,100,000 people;

Whereas Filipino-American servicemen and servicewomen have a longstanding history serving in the Armed Services, from the Civil War to the Iraq and Afghanistan conflicts, including the 250,000 Filipinos who fought under the United States flag during World War II to protect and defend this country;

Whereas 9 Filipino Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Filipino Americans are an integral part of the United States health care system as nurses, doctors, and other medical professionals;

Whereas Filipino Americans have contributed greatly to the fine arts, music, dance, literature, education, business, literature, journalism, sports, fashion, politics, government, science, technology, and other fields in the United States that enrich the landscape of the country;

Whereas efforts should continue to promote the study of Filipino-American history and culture, as mandated in the mission statement of the Filipino American National Historical Society, because the roles of Filipino Americans and other people of color have been overlooked in the writing, teaching, and learning of United States history;

Whereas it is imperative for Filipino-American youth to have positive role models to instill in them the importance of education, complemented with the richness of their ethnicity and the value of their legacy; and

Whereas Filipino American History Month is celebrated during the month of October 2009: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the celebration of Filipino American History Month 2009 as a study of the advancement of Filipino Americans, as a time of reflection and remembrance, and as a time to renew efforts toward the research and examination of history and culture in order to provide an opportunity for all people in the United States to learn and appreciate more about Filipino Americans and their historic contributions to the Nation; and

(2) urges the people of the United States to observe Filipino American History Month 2009 with appropriate programs and activities.

SENATE RESOLUTION 299—EXPRESSING SUPPORT FOR THE GOALS AND IDEALS OF NATIONAL INFANT MORTALITY AWARENESS MONTH 2009

Mr. CARDIN (for himself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 299

Whereas infant mortality refers to the death of a baby before his or her first birthday;

Whereas the United States ranks 29th among industrialized nations in the rate of infant mortality;

Whereas premature birth, low-birth weight, and shorter gestation periods account for more than 60 percent of infant deaths in the United States;

Whereas high rates of infant mortality are especially prevalent in communities with large minority populations, high rates of unemployment and poverty, and limited access to safe housing and medical providers;

Whereas premature birth is a leading cause of infant mortality and, according to the Institute of Medicine, costs the United States more than $26,000,000,000 annually;

Whereas infant mortality rates can be substantially reduced through community-based services such as outreach, home visitation, case management, health education, and interconceptional care;

Whereas support for community-based programs to reduce infant mortality can result in lower future spending on medical interventions, special education, and other social services that may be needed for infants and children who are born with a low-birth weight;

Whereas the United States Department of Health and Human Services, through the Office of Minority Health, has implemented the ''A Healthy Baby Begins With You'' campaign;

Whereas public awareness and education campaigns on infant mortality are held during the month of September 2009; and

Whereas September 2009 has been designated as National Infant Mortality Awareness Month: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Infant Mortality Awareness Month 2009;

(2) supports efforts to educate Americans about infant mortality and its contributing factors;

(3) supports efforts to reduce infant deaths, low-birth weight, pre-term births, and disparities in perinatal outcomes;

(4) recognizes the critical importance of including efforts to reduce infant mortality and its contributing factors as part of prevention and wellness strategies; and

(5) calls upon the people of the United States to observe National Infant Mortality Awareness Month during September 2009 with appropriate programs and activities.

SENATE RESOLUTION 300—SUPPORTING THE GOALS AND IDEALS OF FIRE PREVENTION WEEK AND THE WORK OF FIREFIGHTERS IN EDUCATING AND PROTECTING THE COMMUNITIES OF THIS NATION

Ms. COLLINS (for herself, Mr. CARPER, Mr. DODD, Mr. MCCAIN, and Mr. LIEBERMAN) submitted the fllowing resolution; which was considered and agreed to:

S. RES. 300

Whereas since the organization of the first fire departments during the colonial era of this Nation, firefighters have maintained their dedication to protecting the health and safety of the American public;

Whereas firefighters presently provide a multitude of services to our communities, including emergency medical services, special rescue response, hazardous material and terrorism response, and public safety education;

Whereas 103 firefighters lost their lives in the line of duty in 2008;

Whereas the Nation's fire departments respond to emergency calls nearly once per second and are dispatched to fire emergencies every 22 seconds;

Whereas approximately 1,145,000 fires were reported in 2008;

Whereas firefighters always respond with courage, whether they are confronted with acts of terrorism, natural disasters, or other emergencies;

Whereas Fire Prevention Week is the longest running public health and safety observance on record, as firefighters have been honored for their role in educating the American public since the first Fire Prevention Week was declared by President Warren G. Harding in 1922;

Whereas the National Fire Protection Association has designated the week of October 4 through October 10, 2009, as Fire Prevention Week; and

Whereas educating all Americans to ''Stay Fire Smart'' continues to be a priority for all firefighters: Now, therefore, be it

Resolved, That the Senate—

(1) supports the work of firefighters in educating and protecting the communities of this Nation; and

(2) supports the goals and ideals of Fire Prevention Week.

SENATE CONCURRENT RESOLUTION 42—PROVIDING FOR THE ACCEPTANCE OF A STATUE OF HELEN KELLER, PRESENTED BY THE PEOPLE OF ALABAMA

Mr. SESSIONS (for himself and Mr. SHELBY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 42

Whereas Helen Keller was born in Tuscumbia, Alabama on June 27, 1880, and at the age of 19 months lost her sight and hearing as a result of meningitis;

Whereas Helen was liberated from the ''double dungeon of darkness and silence'' by her teacher, Anne Sullivan, when she discovered language and communication at the water pump when she was 7 years old;

Whereas Helen enrolled in Radcliffe College in 1900 and graduated cum laude in 1904 to become the first deaf and blind college graduate;

Whereas Helen's life served as a model for all people with disabilities in America and worldwide;

Whereas Helen became recognized as one of Alabama's and America's best known figures and became ''America's Goodwill Ambassador to the World'';

Whereas Helen pioneered the concept of ''talking books'' for the blind;

Whereas LIFE Magazine hailed Helen as ''one of the 100 most important Americans of the 20th Century—a national treasure''; and

Whereas Helen's presence in the Capitol will become an even greater inspiration for people with disabilities worldwide: Now, therefore, be it

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

SECTION 1. ACCEPTANCE OF HELEN KELLER, FROM THE PEOPLE OF ALABAMA, FOR PLACEMENT IN THE CAPITOL.

(a) IN GENERAL.—The statue of Helen Keller, furnished by the people of Alabama for placement in the Capitol, in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of Congress are tendered to the people of Alabama for providing this commemoration of one of Alabama's most eminent personages.

(b) PRESENTATION CEREMONY.—The State of Alabama is authorized to use the Rotunda of the Capitol on October 7, 2009, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police

Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The Architect of the Capitol shall provide for the display of the statue accepted under this section in the Rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be displayed in the Capitol, in accordance with the procedures described in section 311(e) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132(e)).

SEC. 2. TRANSMITTAL TO GOVERNOR OF ALABAMA.

The Secretary of the Senate shall transmit an enrolled copy of this concurrent resolution to the Governor of Alabama.

SENATE CONCURRENT RESOLUTION 43—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL TO FORMER SENATOR EDWARD BROOKE

Mr. MCCONNELL (for himself and Mr. REID) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 43

Whereas Edward William Brooke III was the first African American elected by popular vote to the United States Senate and served with distinction for 2 terms from January 3, 1967, to January 3, 1979;

Whereas on March 29, 2007, the United States Senate passed S. 682, sponsored by the late Senator Edward M. Kennedy with 68 cosponsors, by unanimous consent, to award Senator Brooke the Congressional Gold Medal;

Whereas on June 10, 2008, the House passed S. 682 under suspension of the rules by voice vote and a similar measure, H.R. 1000 was introduced in the House by Representative ELEANOR HOLMES NORTON with 286 co-sponsors; and

Whereas the President signed the bill on July 1, 2008, and it became Public Law 110-260: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL.

The rotunda of the United States Capitol is authorized to be used on October 28, 2009, for the presentation of the Congressional Gold Medal to former Senator Edward Brooke. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2588. Mr. FRANKEN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

SA 2589. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2590. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2591. Mr. CASEY (for himself, Mr. DURBIN, Mr. REID, Mr. KERRY, Mr. NELSON of Florida, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2592. Mr. CASEY (for himself, Mr. DURBIN, Mr. REID, Mr. KERRY, Mr. NELSON, of Florida, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2593. Mr. LEVIN (for himself, Mr. WEBB, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2594. Mr. SHELBY (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2595. Mr. LIEBERMAN (for himself, Mr. SESSIONS, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2596. Mr. BOND (for himself, Mr. NELSON, of Florida and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2597. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2598. Mr. BROWNBACK (for himself, Mr. DORGAN, and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2599. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2600. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2601. Mr. SANDERS (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2602. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2603. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2604. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2605. Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2606. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2607. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2608. Mr. KYL (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2609. Mr. SESSIONS (for himself, Mr. LIEBERMAN, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2610. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2611. Mr. WYDEN (for himself, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. ROBERTS, Mr. HARKIN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2612. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2613. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2614. Mr. NELSON of Nebraska (for himself, Mr. CORNYN, Mr. SCHUMER, Mr. CHAMBLISS, Mr. BENNETT, Mr. JOHANNS, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2615. Mrs. HAGAN (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill H.R. 3326, supra.

SA 2616. Mr. LIEBERMAN (for himself, Mr. BAYH, Mr. MCCAIN, Mr. INHOFE, Mr. VITTER, Mr. KYL, Mr. SESSIONS, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2617. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2618. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2619. Mr. INHOFE (for himself, Mr. WARNER, Mr. WEBB, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2620. Mr. CHAMBLISS (for himself, Mr. DODD, Mr. LIEBERMAN, Mr. NELSON of Florida, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2621. Mr. CHAMBLISS (for himself, Mr. DODD, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. INHOFE, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2622. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2610 submitted by Mr. SESSIONS and intended to be proposed to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2623. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2588. Mr. FRANKEN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) None of the funds appropriated or otherwise made available by this Act may be used for any existing or new Federal contract if the contractor or a subcontractor at any tier requires that an employee or independent contractor, as a condition of employment, sign a contract that mandates that the employee or independent contractor performing work under the contract or subcontract resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) The prohibition in subsection (a) does not apply with respect to employment contracts that may not be enforced in a court of the United States.

SA 2589. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. None of the funds appropriated or otherwise made available by this Act or any other Act may be used for the program described on page two of Annex II to the Classified Annex to S. 1494 (111th Congress, agreed to in the Senate on September 16, 2009) prior to the date that the staff of the Select Committee on Intelligence of the Senate is provided access to such program, as described in such Classified Annex.

SA 2590. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) FINDINGS.—The Senate makes the following findings:

(1) The President has emphasized the need for a comprehensive, regional, inter-agency strategy for Afghanistan and Pakistan.

(2) The President has rightly focused on the need to address the threat emanating from the Afghanistan-Pakistan border region.

(3) On September 20, 2009, the President stated that he will ask how any proposed strategy ensures that '' . . . al Qaeda and its extremist allies cannot attack the United States homeland, our allies, [and] our troops who are based in Europe''.

(4) United States troop levels in Afghanistan have doubled over the last year.

(5) On September 20, 2009, the President cautioned against the idea that ''by sending more troops [to Afghanistan] we're automatically going to make Americans safe''.

(6) 2009 has already become the deadliest year for United States troops in Afghanistan.

(7) General McChrystal has stated that it ''is realistic to expect that Afghan and coalition casualties will increase''.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the President has brought needed leadership and focus to one of the key national security challenges facing the United States; and

(2) if the President decides to increase United States troop levels in Afghanistan, before doing so he should provide Congress and the American people with information on the following:

(A) The expected costs of the increased troop levels.

(B) The expected length of time for which troop levels will be increased.

(C) The likelihood that the increase in troop levels will advance United States efforts to eliminate al Qaeda's safe haven in Pakistan.

(D) The likelihood that the ongoing United States military presence in Afghanistan will increase militancy and instability in Afghanistan and Pakistan.

SA 2591. Mr. CASEY (for himself, Mr. DURBIN, Mr. REID, Mr. KERRY, Mr. NELSON of Florida and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense, for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) LIMITATION ON AVAILABILITY OF FUNDS FOR EXECUTION OF CONTRACTS UNDER LOGCAP.—None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the execution of a contract under the Logistics Civil Augmentation Program (LOGCAP).

(b) WAIVER.—The Secretary of the Army may waive the applicability of the limitation in subsection (a) to any contract if the Secretary certifies in writing to Congress that—

(1) the contract explicitly requires the contractor—

(A) to inspect and immediately correct deficiencies that present an imminent threat of death or serious bodily injury so as to ensure compliance with the United States National Electric Code in work under such contract;

(B) monitor and immediately correct deficiencies in the quality of any potable or nonpotable water provided under such contract to ensure that safe and sanitary water is provided; and

(C) establish and enforce strict standards for preventing, and immediately addressing and cooperating with the prosecution of, any instances of sexual assault in all of its operations and the operations of its subcontractors;

(2) the waiver is necessary for the provision of essential services to troops in the field; or

(3) the work under such contract does not present an imminent threat of death or serious bodily injury.

SA 2592. Mr. CASEY (for himself, Mr. DURBIN, Mr. REID, Mr. KERRY, Mr. NELSON of Florida, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) LIMITATION ON AVAILABILITY OF FUNDS FOR EXECUTION OF CONTRACTS UNDER LOGCAP.—None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the execution of a contract under the Logistics Civil Augmentation Program (LOGCAP) unless the Secretary of the Army determines that the contract explicitly requires the contractor—

(1) to inspect and immediately correct deficiencies that present an imminent threat of death or serious bodily injury so as to ensure compliance with the United States National Electric Code in work under the contract;

(2) monitor and immediately correct deficiencies in the quality of any potable or nonpotable water provided under the contract to ensure that safe and sanitary water is provided; and

(3) establish and enforce strict standards for preventing, and immediately addressing and cooperating with the prosecution of, any instances of sexual assault in all of its operations and the operations of its subcontractors.

(b) WAIVER.—The Secretary of the Army may waive the applicability of the limitation in subsection (a) to any contract if the Secretary certifies in writing to Congress that—

(1) the waiver is necessary for the provision of essential services to troops in the field; or

(2) the work under such contract does not present an imminent threat of death or serious bodily injury.

SA 2593. Mr. LEVIN (for himself, Mr. WEBB, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) HEARINGS ON STRATEGY AND RESOURCES WITH RESPECT TO AFGHANISTAN AND PAKISTAN.—Appropriate committees of Congress shall hold hearings, in open and closed session, relating to the strategy and resources of the United States with respect to Afghanistan and Pakistan promptly after the decision by the President on those matters is announced.

(b) TESTIMONY.—The hearings described in subsection (a) should include testimony from senior civilian and military officials of the United States, including, but not limited to, the following:

(1) The Secretary of Defense.

(2) The Secretary of State

(3) The Chairman of the Joint Chiefs of Staff.

(4) The Commander of the United States Central Command.

(5) The Commander of the United States European Command and Supreme Allied Commander, Europe.

(6) The Commander of United States Forces–Afghanistan.

(7) The United States Ambassador to Afghanistan.

(8) The United States Ambassador to Pakistan.

SA 2594. Mr. SHELBY (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) REPORT ON GROUND-BASED INTERCEPTOR MISSILES.—Not later than 60 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on the utilization of funds to maintain the production line of Ground-Based Interceptor (GBI) missiles. The report shall include a plan for the utilization of funds for Ground-Based Interceptor missiles made available by this Act for the Midcourse Defense Segment, including—

(1) the number of Ground-based Interceptor missiles proposed to be produced during fiscal year 2010; and

(2) any plans for maintaining production of such missiles and the subsystems and components of such missiles.

(b) REPORT ON GROUND-BASED MIDCOURSE DEFENSE SYSTEM.—Not later than 120 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the acquisition strategy for the Ground-Based Midcourse Defense (GMD) system during fiscal

years 2011 through 2016. The report shall include a description of the plans of the Missile Defense Agency for each of the following:

(1) To maintain the capability for production of Ground-Based Interceptor missiles.

(2) To address modernization and obsolescence of the Ground-Based Midcourse Defense system.

(3) To conduct a robust test program for the Ground-Based Midcourse Defense system.

SA 2595. Mr. LIEBERMAN (for himself, Mr. SESSIONS, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) FUNDING FOR TWO-STAGE GROUND-BASED INTERCEPTOR MISSILE.—Of the amounts appropriated or otherwise made available by this Act for a long-range missile defense system in Europe, or appropriated or otherwise made available for the Department of Defense for a long-range missile defense system in Europe from the Consolidated Security Disaster Assistance, and Continuing Appropriations Act of 2009 (Public Law 110–329) and available for obligation, $151,000,000 shall be available for research, development, test, and evaluation of the two-stage ground-based interceptor missile.

(b) PROHIBITION ON DIVERSION OF FUNDS.—Funds appropriated or otherwise made available by this Act for the Missile Defense Agency for the purpose of research, development, and testing of the two-stage ground based interceptor missile shall be utilized solely for that purpose, and may not be reprogrammed or otherwise utilized for any other purpose.

(c) REPORT.—Not later than February 1, 2010, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the following:

(1) A comprehensive plan for the continued development and testing of the two-stage ground-based interceptor missile, including a description how the Missile Defense Agency will leverage the development and testing of such missile to modernize the Ground-based Midcourse Defense component of the ballistic missile defense system.

(2) Options for deploying an additional Ground-based Midcourse Defense site in Europe or the United States to provide enhanced defense in response to future long-range missile threats from Iran, and a description of how such a site may be made interoperable with the planned missile defense architecture for Europe and the United States.

SA 2596. Mr. BOND (for himself, Mr. NELSON of Florida, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) LIMITATION ON EARLY RETIREMENT OF TACTICAL AIRCRAFT.—The Secretary of the Air Force may not retire any tactical aircraft as announced in the Combat Air Forces structuring plan announced on May 18, 2009, until the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report described in this subsection is a report that sets forth the following:

(1) A detailed plan for how the Secretary of the Air Force will fill the force structure and capability gaps resulting from the retirement of tactical aircraft under the structuring plan described in subsection (a).

(2) A description of the follow-on missions for each base affected by the structuring plan.

(3) An explanation of the criteria used for selecting the bases referred to in paragraph (2) and for the selection of tactical aircraft for retirement under the structuring plan.

(4) A plan for the reassignment of the regular and reserve Air Force personnel affected by the retirement of tactical aircraft under the structuring plan.

(5) An estimate of the cost avoidance to be achieved by the retirement of such tactical aircraft, and a description how such funds would be invested under the period covered by the most current future-years defense program.

SA 2597. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. It is the sense of the Senate to urge the Secretary of Defense to establish in the Department of Defense a single training center for the civilian law enforcement force of the Department of Defense in order to—

(1) promote the standardization of civilian law enforcement training throughout the Department; and

(2) ensure that post, camps, and stations of the Department have a civilian law enforcement force adequate to ensure that mission commanders in the Armed Forces have access to adequate numbers of active duty military law enforcement personnel to deploy and support ongoing contingency operations.

SA 2598. Mr. BROWNBACK (for himself, Mr. DORGAN, and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. APOLOGY TO NATIVE PEOPLES OF THE UNITED STATES.

(a) ACKNOWLEDGMENT AND APOLOGY.—The United States, acting through Congress—

(1) recognizes the special legal and political relationship Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

(b) DISCLAIMER.—Nothing in this section—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

SA 2599. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) It is the sense of Congress that the Haiti Stabilization Initiative (HSI) has proven successful in combining defense, diplomatic, and development assets in a focused mission addressing the root causes of instability in Haiti.

(b)(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in concurrence with the Secretary of State, shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives an unclassified report on the Haiti Stabilization Initiative.

(2) The report required under this subsection shall address—

(A) the role of the Haiti Stabilization Initiative in contributing to security, stability, and development in Cité Soleil and Martissant, Haiti, and recommendations for the possible expansion of the program in other parts of Haiti; and

(B) challenges and lessons learned from HSI as a model for interagency cooperation on security and stability programs.

SA 2600. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) FUNDING FOR OUTREACH AND REINTEGRATION SERVICES UNDER YELLOW RIBBON REINTEGRATION PROGRAM.—Of the amounts appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', $20,000,000 shall be available for outreach and reintegration services under the Yellow Ribbon Reintegration Program under section 582(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 125; 10 U.S.C. 10101 note).

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for

the services described in that subsection is in addition to any other amounts available in this Act for such services.

SA 2601. Mr. SANDERS (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) FUNDING FOR OUTREACH AND REINTEGRATION SERVICES UNDER YELLOW RIBBON REINTEGRATION PROGRAM.—Of the amounts appropriated or otherwise made available by title IX. $20,000,000 shall be available for outreach and reintegration services under the Yellow Ribbon Reintegration Program under section 582(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 125; 10 U.S.C. 10101 note).

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for the services described in that subsection is in addition to any other amounts available in this Act for such services.

SA 2602. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. The amount appropriated by title III under the heading ''PROCUREMENT, DEFENSE-WIDE'' is hereby increased by $9,740,000, with the amount of the increase to be available for the Special Operations Forces Combat Assault Rifle (SCAR) in accordance with amounts requested for that rifle in the budget of the President for fiscal year 2010.

SA 2603. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) The Secretary of Defense shall conduct a study on defense contracting fraud and submit a report containing the findings of such study to the congressional defense committees.

(b) The report required under subsection (a) shall include—

(1) an assessment of the total value of Department of Defense contracts entered into to with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government; and

(2) recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government.

SA 2604. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) In collaboration with the Secretary of Defense, the Secretary of State shall develop a plan for replacing private security contractors with United States Government personnel within one year after the date of the enactment of this Act at United States missions in war zones where the United States Armed Forces are engaged in combat operations.

(b) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit the plan developed under subsection (a) to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SA 2605. Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) AMOUNT FOR EVALUATIONS OF CERTAIN LASER SYSTEMS.—Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'' and available for Advanced Weapons Technology (PE# 0603605F), up to $5,000,000 may be available to carry out the evaluations and analyses required by subsection (b).

(b) EVALUATIONS AND ANALYSES OF CERTAIN LASER SYSTEMS.—The Secretary of Defense shall, in a manner consistent with the October 8, 2008, report of the Air Force Scientific Advisory Board entitled ''Airborne Tactical Laser (ATL) Feasibility for Gunship Operations''—

(1) carry out additional enhanced user evaluations of the Advanced Tactical Laser system on a variety of instrumented targets; and

(2) enter into an agreement with a federally funded research and development center under which the center shall—

(A) conduct an analysis of the feasibility of integrating solid state laser systems onto C–130, B–1, and F–35 aircraft platforms to provide close air support; and

(B) estimate the cost per unit of such laser systems and the cost of operating and maintaining each such platform with such laser systems.

SA 2606. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. The amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'' is hereby reduced by $10,000,000, with the amount of the reduction to be allocated to amounts available for the Maui Space Surveillance System (MSSS) for PanSTARRS.

SA 2607. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. The amount appropriated by title IX under the heading ''AFGHANISTAN SECURITY FORCES FUND'' is hereby increased by $900,000,000, with the amount designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403 of S. Con Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 2608. Mr. KYL (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. The amount appropriated by title IX under the heading ''AFGHANISTAN SECURITY FORCES FUND'' is hereby increased by $900,000,000.

SA 2609. Mr. SESSIONS (for himself, Mr. LIEBERMAN, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) COMPTROLLER GENERAL ASSESSMENT OF PHASED ADAPTIVE APPROACH TO MISSILE DEFENSE IN EUROPE.—The Comptroller General of the United States shall submit to Congress a report setting forth the assessment of the Comptroller General of the so-called ''Phased Adaptive'' approach to missile defense in Europe.

(b) ELEMENTS.—The assessment required by subsection (a) shall include the following:

(1) A comparison of the capabilities, schedule, cost, technology risk, requirements for basing agreements, and geopolitical implications of the ''Phased Adaptive'' approach to missile defense in Europe, as proposed by the Department of Defense on September 17, 2009, with the approach to missile defense in Europe, as outlined in the budget for fiscal year 2009 for the Department of Defense and the future-years defense program, to provide short, medium, intermediate and long-range missile defense capabilities for the protection of the United States its deployed forces, and allies against the threat of Iranian ballistic missiles

(2) A review of the intelligence data used to inform each of the approaches.

(c) DEADLINE AND FORM OF SUBMITTAL.—The report required by subsection (a) shall be submitted not later than the date of the submittal to Congress of the budget of the President for fiscal year 2011 (as submitted pursuant to section 1105 of title 31, United States Code). The report may be submitted

in the form of an initial briefing provided not later than such submittal date, with a written report submitted not later than 30 days after such initial briefing.

SA 2610. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act for the KC–X tanker aircraft replacement program may be obligated or expended until the Secretary of the Air Force releases comparable pricing data to both offerors under the previous competition for that program.

SA 2611. Mr. WYDEN (for himself, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. ROBERTS, Mr. HARKIN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) BENEFITS UNDER PDMRA PROGRAM.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) BENEFITS.—The benefits authorized under this section are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed $200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed $200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) EXCLUSION OF CERTAIN FORMER MEMBERS.—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) FORM OF PAYMENT.—The paid benefits authorized under this section may be paid in a lump sum or installments, at the election of the Secretary concerned.

(e) CONSTRUCTION WITH OTHER PAY AND LEAVE.—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(f) DEFINITIONS.—In this section:

(1) The term ''Post-Deployment/Mobilization Respite Absence program'' means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term ''Secretary concerned'' has the meaning given that term in section 101(5) of title 37, United States Code.

(g) TERMINATION.—(1) The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

SA 2612. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. During the one-year period beginning on the date of the enactment of this Act, none of the funds appropriated or otherwise made available by this Act may be obligated or expended to carry out section 7306a or 7306b of title 10, United States Code, with respect to any naval vessel stricken from the Naval Vessel Register.

SA 2613. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) Beginning 90 days after the date of the enactment of this Act, none of the funds appropriated or otherwise made available by this Act may be used for any existing or new Federal contract if the contractor or a subcontractor at any tier requires that an employee or independent contractor, as a condition of employment, sign a contract that mandates that the employee or independent contractor performing work under the contract or subcontract resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) The prohibition in subsection (a) does not apply with respect to employment contracts that may not be enforced in a court of the United States.

SA 2614. Mr. NELSON of Nebraska (for himself, Mr. CORNYN, Mr. SCHUMER, Mr. CHAMBLISS, Mr. BENNETT, Mr. JOHANNS, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated or otherwise made available by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $15,000,000 may be available for the implementation by the Department of Defense of the responsibilities of the Department under the Military and Overseas Voter Empowerment Act and the amendments made by that Act.

SA 2615. Mrs. HAGAN (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. None of the funds appropriated or otherwise made available by this Act may be used to dispose of claims filed regarding water contamination at Camp Lejeune, North Carolina, until the Agency for Toxic Substances and Disease Registry (ATSDR) fully completes all current, ongoing epidemiological and water modeling studies pending as of the date of the enactment of this Act.

SA 2616. Mr. LIEBERMAN (for himself, Mr. BAYH, Mr. MCCAIN, Mr. INHOFE, Mr. VITTER, Mr. KYL, Mr. SESSIONS, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) FUNDING FOR TWO-STAGE GROUND-BASED INTERCEPTOR MISSILE.—Of the amounts appropriated or otherwise made available by this Act for a long-range missile defense system in Europe, or appropriated or otherwise made available for the Department of Defense for a long-range missile defense system in Europe from the Consolidated Security Disaster Assistance, and Continuing Appropriations Act of 2009 (Public Law 110–329) and available for obligation, $151,000,000 shall be available for research, development, test, and evaluation of the two-stage ground-based interceptor missile.

(b) PROHIBITION ON DIVERSION OF FUNDS.—Funds appropriated or otherwise made available by this Act for the Missile Defense Agency for the purpose of research, development, and testing of the two-stage ground based interceptor missile shall be utilized solely for that purpose, and may not be reprogrammed or otherwise utilized for any other purpose.

(c) REPORT.—Not later than February 1, 2010, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the following:

(1) A comprehensive plan for the continued development and testing of the two-stage ground-based interceptor missile, including a description how the Missile Defense Agency will leverage the development and testing of

such missile to modernize the Ground-based Midcourse Defense component of the ballistic missile defense system.

(2) Options for deploying an additional Ground-based Midcourse Defense site in Europe or the United States to provide enhanced defense in response to future long-range missile threats from Iran, and a description of how such a site may be made interoperable with the planned missile defense architecture for Europe and the United States.

SA 2617. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) The Secretary of Defense shall conduct a study on defense contracting fraud and submit a report containing the findings of such study to the congressional defense committees.

(b) The report required under subsection (a) shall include—

(1) an assessment of the total value of Department of Defense contracts entered into to with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government; and

(2) recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government.

SA 2618. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. None of the funds appropriated or otherwise made available by this Act may be used by the Secretary of the Army to transition government-owned ammunition production assets to the private sector until 60 days after the Secretary submits a report to the congressional defense committees on the effects of privatizing conventional ammunition production, military readiness, and the United States industrial base. The report shall include, at a minimum, the following:

(1) A cost-benefit analysis for converting additional government-owned ammunition production assets to the private sector, including cost-savings comparisons.

(2) A projection of the impact on the ammunition production industrial base in the United States of converting such assets to the private sector.

(3) A projection of the capability to meet current and future ammunition production and national security requirements by both government-owned and private sector ammunition production assets, as well as a combination of the two production assets.

(4) A projection of potential impact on military readiness as a result of implementing Department of Defense Directive 5160.65.

(5) An implementation plan for the Department of the Army to transition such assets to the private sector, pursuant to Department of Defense Directive 5160.65.

SA 2619. Mr. INHOFE (for himself, Mr. WARNER, Mr. WEBB, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'' and available for Program Element #060300, up to $4,000,000 may be available for the Rehabilitation Technology Transition Center.

SA 2620. Mr. CHAMBLISS (for himself, Mr. DODD, Mr. LIEBERMAN, Mr. NELSON of Florida, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.____ (a) FINDINGS.____.:—The Senate makes the following findings:

(1) Real time intelligence, surveillance, and reconnaissance (ISR) is critical to our warfighters in fighting the ongoing wars in Iraq and Afghanistan.

(2) Secretary of Defense Gates and the military leadership of the United States have highlighted the importance of collecting and disseminating critical intelligence and battlefield information to our troops on the ground in Iraq and Afghanistan.

(3) The Chief of Staff of the Air Force, General Norton Schwartz, has stated that the Air Force is ''all-in'' for the joint fight.

(4) One of the most effective and heavily tasked intelligence, surveillance, and reconnaissance assets operating today is the Air Force's E–8C Joint Surveillance Target Attack Radar System, also known as Joint STARS.

(5) Commanders in the field rely on Joint STARS to give them a long range view of the battlefield and detect moving targets in all weather conditions as well as tactical support to Brigade Combat Teams, Joint Tactical Air Controllers and Special Operations Forces convoy overwatch.

(6) Joint STARS is a joint platform, flown by a mix of active duty Air Force and Air National Guard personnel and operated by a joint Army, Air Force, and Marine crew, supporting missions for all the Armed Forces.

(7) With a limited number of airframes, Joint STARS has flown over 55,000 combat hours and 900 sorties over Iraq and Afghanistan and directly contributed to the discovery of hundreds of Improvised Explosive Devices.

(8) The current engines greatly limit the performance of Joint STARS aircraft and are the highest cause of maintenance problems and mission aborts.

(9) There is no other current or programmed aircraft or weapon system that can provide the detailed, broad-area ground moving target indicator (GMTI) and airborne battle management support for the warfighter that Joint STARS provides.

(10) With the significant operational savings that new engines will bring to the Joint STARS, re-engining Joint STARS will pay for itself by 2017 due to reduced operations, sustainment, and fuel costs.

(11) In December 2002, a JSTARS re-engining study determined that re-engining provided significant benefits and cost savings. However, delays in executing the re-engining program continue to result in increased costs for the re-engining effort.

(12) The budget request for the Department of Defense for fiscal year 2010 included $205,000,000 in Aircraft Procurement, Air Force, and $16,000,000 in Research, Development, Test, and Evaluation, Air Force for Joint STARS re-engining.

(13) On September 22, 2009, the Department of Defense reaffirmed their support for the President's Budget request for Joint STARS re-engining.

(14) On September 30, 2009, The Undersecretary of Defense (Acquisition, Technology, and Logistics) signed an Acquisition Decision Memorandum directing that the Air Force proceed with the Joint STARS re-engining effort, to include expenditure of procurement and research, development, test, and evaluation funds.

(b) SENSE of SENATE.—It is the sense of the Senate that—

(1) Funds for re-engining of the E–8C Joint Surveillance Target Attack Radar System (Joint STARS) aircraft should be appropriated in accordance with the budget request of the President for fiscal year 2010; and

(2) the Air Force should proceed with currently planned efforts to re-engine Joint STARS aircraft, to include expending both procurement and research, development, test, and evaluation funds.

SA 2621. Mr. CHAMBLISS (for himself, Mr. DODD, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. INHOFE, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

Strike all after the first word, and insert the following:

(a) FINDINGS.—The Senate makes the following findings:

(1) Real time intelligence, surveillance, and reconnaissance (ISR) is critical to our warfighters in fighting the ongoing wars in Iraq and Afghanistan.

(2) Secretary of Defense Gates and the military leadership of the United States have highlighted the importance of collecting and disseminating critical intelligence and battlefield information to our troops on the ground in Iraq and Afghanistan.

(3) The Chief of Staff of the Air Force, General Norton Schwartz, has stated that the Air Force is ''all-in'' for the joint fight.

(4) One of the most effective and heavily tasked intelligence, surveillance, and reconnaissance assets operating today is the Air Force's E–8C Joint Surveillance Target Attack Radar System, also known as Joint STARS.

(5) Commanders in the field rely on Joint STARS to give them a long range view of the battlefield and detect moving targets in all weather conditions as well as tactical support to Brigade Combat Teams, Joint Tactical Air Controllers and Special Operations Forces convoy overwatch.

(6) Joint STARS is a joint platform, flown by a mix of active duty Air Force and Air National Guard personnel and operated by a joint Army, Air Force, and Marine crew, supporting missions for all the Armed Forces.

(7) With a limited number of airframes, Joint STARS has flown over 55,000 combat hours and 900 sorties over Iraq and Afghanistan and directly contributed to the discovery of hundreds of Improvised Explosive Devices.

(8) The current engines greatly limit the performance of Joint STARS aircraft and are the highest cause of maintenance problems and mission aborts.

(9) There is no other current or programmed aircraft or weapon system that can provide the detailed, broad-area ground moving target indicator (GMTI) and airborne battle management support for the warfighter that Joint STARS provides.

(10) With the significant operational savings that new engines will bring to the Joint STARS, re-engining Joint STARS will pay for itself by 2017 due to reduced operations, sustainment, and fuel costs.

(11) In December 2002, a JSTARS re-engining study determined that re-engining provided significant benefits and cost savings. However, delays in executing the re-engining program continue to result in increased costs for the re-engining effort.

(12) The budget request for the Department of Defense for fiscal year 2010 included $205,000,000 in Aircraft Procurement, Air Force, and $16,000,000 in Research, Development, Test, and Evaluation, Air Force for Joint STARS re-engining.

(13) On September 22, 2009, the Department of Defense reaffirmed their support for the President's Budget request for Joint STARS re-engining.

(14) On September 30, 2009, The Undersecretary of Defense (Acquisition, Technology, and Logistics) signed an Acquisition Decision Memorandum directing that the Air Force proceed with the Joint STARS re-engining effort, to include expenditure of procurement and research, development, test, and evaluation funds.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) Funds for re-engining of the E–8C Joint Surveillance Target Attack Radar System (Joint STARS) should be appropriated in the correct appropriations accounts and in the amounts required in fiscal year 2010 to execute the Joint STARS re-engining system design and development program; and

(2) the Air Force should proceed with currently planned efforts to re-engine Joint STARS aircraft, to include expending both procurement and research, development, test, and evaluation funds.

SA 2622. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2610 submitted by Mr. SESSIONS and intended to be proposed to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act for the KC–X tanker aircraft replacement program may be obligated or expended unless the Secretary of the Air Force includes in the request for proposals for such program penalties for any proposal based on an aircraft that benefitted from development subsidies identified by the United States Trade Representative as illegal. Any penalties so imposed on a proposal shall be proportional (as determined by the Secretary in consultation with the United States Trade Representative) to the competitive advantage the proposal receives due to such illegal development subsidies.

SA 2623. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) NATURE OF FULL AND OPEN COMPETITION FOR CONGRESSIONALLY DIRECTED SPENDING ITEMS.—Each congressionally directed spending item specified in this Act or the report accompanying this Act that is intended for award to a for-profit entity shall be subject to acquisition regulations for full and open competition on the same basis as each spending item intended for a for-profit entity that is contained in the budget request of the President.

(b) EXCEPTIONS.—Subsection (a) shall not apply to any contract awarded—

(1) by a means that is required by Federal statute, including for a purchase made under a mandated preferential program;

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.); or

(3) in an amount less than the simplified acquisition threshold described in section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)).

(c) CONGRESSIONALLY DIRECTED SPENDING ITEM DEFINED.—In this section, the term ''congressionally directed spending item'' means the following:

(1) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark for purposes of rule XXI of the House of Representatives.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, October 8, 2009, at 10 a.m., in room SE–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nominations of Marcia K. McNutt, to be Director of the United States Geological Survey, and Arun Majumdar, to be Director of the Advanced Research Projects Agency-Energy, Department of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Amanda_kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 1, 2009, at 10:30 a.m., in room 216 of the Hart Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 1, 2009, at 10 a.m., to hold a hearing entitled ''Afghanistan's Impact on Pakistan.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 1, 2009, at 2:30 p.m., to hold a hearing entitled ''Violence against Women: Global Costs and Consequences.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. INOUYE. 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 October 1, 2009, at 2:30 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on October 1, 2009, at 9:30 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. INOUYE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 1, 2009, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Ms. MURKOWSKI. Madam President, I ask unanimous consent that a military fellow in my office, MAJ John Vargas, be granted the privilege of the floor for the duration of the debate on the fiscal year 2010 Defense appropriations bill.

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

Mr. BARRASSO. Mr. President, I ask unanimous consent that Andrew

Julson, of Senator DEMINT's staff, be granted the privilege of the floor during the duration of the debate on H.R. 3326.

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

Mr. COCHRAN. Mr. President, I ask unanimous consent that LCDR Steven McDowell, a Navy fellow in Senator COLLINS' office, be provided full floor privileges for the duration of the consideration of H.R. 3326.

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

PROVIDING FOR THE ACCEPTANCE OF A STATUE OF HELEN KELLER

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Con. Res. 42.

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

The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 42) providing for the acceptance of a statue of Hellen Keller, presented by the people of Alabama.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, and that any statements relating to the matter be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 42) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 42

Whereas Helen Keller was born in Tuscumbia, Alabama on June 27, 1880, and at the age of 19 months lost her sight and hearing as a result of meningitis;

Whereas Helen was liberated from the ''double dungeon of darkness and silence'' by her teacher, Anne Sullivan, when she discovered language and communication at the water pump when she was 7 years old;

Whereas Helen enrolled in Radcliffe College in 1900 and graduated cum laude in 1904 to become the first deaf and blind college graduate;

Whereas Helen's life served as a model for all people with disabilities in America and worldwide;

Whereas Helen became recognized as one of Alabama's and America's best known figures and became ''America's Goodwill Ambassador to the World'';

Whereas Helen pioneered the concept of ''talking books'' for the blind;

Whereas LIFE Magazine hailed Helen as ''one of the 100 most important Americans of the 20th Century—a national treasure''; and

Whereas Helen's presence in the Capitol will become an even greater inspiration for people with disabilities worldwide: Now, therefore, be it

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

SECTION 1. ACCEPTANCE OF HELEN KELLER, FROM THE PEOPLE OF ALABAMA, FOR PLACEMENT IN THE CAPITOL.

(a) IN GENERAL.—The statue of Helen Keller, furnished by the people of Alabama for placement in the Capitol, in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of Congress are tendered to the people of Alabama for providing this commemoration of one of Alabama's most eminent personages.

(b) PRESENTATION CEREMONY.—The State of Alabama is authorized to use the Rotunda of the Capitol on October 7, 2009, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The Architect of the Capitol shall provide for the display of the statue accepted under this section in the Rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be displayed in the Capitol, in accordance with the procedures described in section 311(e) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132(e)).

SEC. 2. TRANSMITTAL TO GOVERNOR OF ALABAMA.

The Secretary of the Senate shall transmit an enrolled copy of this concurrent resolution to the Governor of Alabama.

AUTHORIZING USE OF THE CAPITOL ROTUNDA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 43.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 43) authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Senator Edward Brooke.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 43) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 43

Whereas Edward William Brooke III was the first African American elected by popular vote to the United States Senate and served with distinction for 2 terms from January 3, 1967, to January 3, 1979;

Whereas on March 29, 2007, the United States Senate passed S. 682, sponsored by the late Senator Edward M. Kennedy with 68 cosponsors, by unanimous consent, to award Senator Brooke the Congressional Gold Medal;

Whereas on June 10, 2008, the House passed S. 682 under suspension of the rules by voice vote and a similar measure, H.R. 1000 was introduced in the House by Representative Eleanor Holmes Norton with 286 co-sponsors; and

Whereas the President signed the bill on July 1, 2008, and it became Public Law 110-260: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL.

The rotunda of the United States Capitol is authorized to be used on October 28, 2009, for the presentation of the Congressional Gold Medal to former Senator Edward Brooke. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

FILIPINO AMERICAN HISTORY MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 298.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 298) recognizing Filipino American History Month in October 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 298) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 298

Whereas the earliest documented Filipino presence in the continental United States was on October 18, 1587, when the first ''Luzones Indios'' set foot in Morro Bay, California, on board the Manila-built galleon ship Nuestra Senora de Esperanza;

Whereas the Filipino American National Historical Society recognizes the year of 1763 as the date of the first permanent Filipino settlement in the United States in St. Malo, Louisiana, which set in motion the focus on the story of our Nation's past from a new perspective by concentrating on the economic, cultural, social, and other notable contributions that Filipino Americans have made in countless ways toward the development of the history of the United States;

Whereas the Filipino-American community is the second largest Asian-American group in the United States, with a population of approximately 3,100,000 people;

Whereas Filipino-American servicemen and servicewomen have a longstanding history serving in the Armed Services, from the Civil War to the Iraq and Afghanistan conflicts, including the 250,000 Filipinos who fought under the United States flag during World War II to protect and defend this country;

Whereas 9 Filipino Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Filipino Americans are an integral part of the United States health care system as nurses, doctors, and other medical professionals;

Whereas Filipino Americans have contributed greatly to the fine arts, music, dance, literature, education, business, literature, journalism, sports, fashion, politics, government, science, technology, and other fields in the United States that enrich the landscape of the country;

Whereas efforts should continue to promote the study of Filipino-American history and culture, as mandated in the mission statement of the Filipino American National Historical Society, because the roles of Filipino Americans and other people of color have been overlooked in the writing, teaching, and learning of United States history;

Whereas it is imperative for Filipino-American youth to have positive role models to instill in them the importance of education, complemented with the richness of their ethnicity and the value of their legacy; and

Whereas Filipino American History Month is celebrated during the month of October 2009: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the celebration of Filipino American History Month 2009 as a study of the advancement of Filipino Americans, as a time of reflection and remembrance, and as a time to renew efforts toward the research and examination of history and culture in order to provide an opportunity for all people in the United States to learn and appreciate more about Filipino Americans and their historic contributions to the Nation; and

(2) urges the people of the United States to observe Filipino American History Month 2009 with appropriate programs and activities.

NATIONAL INFANT MORTALITY AWARENESS MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 299.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 299) expressing support for the goals and ideals of National Infant Mortality Awareness Month 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 299) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 299

Whereas infant mortality refers to the death of a baby before his or her first birthday;

Whereas the United States ranks 29th among industrialized nations in the rate of infant mortality;

Whereas premature birth, low-birth weight, and shorter gestation periods account for more than 60 percent of infant deaths in the United States;

Whereas high rates of infant mortality are especially prevalent in communities with large minority populations, high rates of unemployment and poverty, and limited access to safe housing and medical providers;

Whereas premature birth is a leading cause of infant mortality and, according to the Institute of Medicine, costs the United States more than $26,000,000,000 annually;

Whereas infant mortality rates can be substantially reduced through community-based services such as outreach, home visitation, case management, health education, and interconceptional care;

Whereas support for community-based programs to reduce infant mortality can result in lower future spending on medical interventions, special education, and other social services that may be needed for infants and children who are born with a low-birth weight;

Whereas the United States Department of Health and Human Services, through the Office of Minority Health, has implemented the ''A Healthy Baby Begins With You'' campaign;

Whereas public awareness and education campaigns on infant mortality are held during the month of September 2009; and

Whereas September 2009 has been designated as National Infant Mortality Awareness Month: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Infant Mortality Awareness Month 2009;

(2) supports efforts to educate Americans about infant mortality and its contributing factors;

(3) supports efforts to reduce infant deaths, low-birth weight, pre-term births, and disparities in perinatal outcomes;

(4) recognizes the critical importance of including efforts to reduce infant mortality and its contributing factors as part of prevention and wellness strategies; and

(5) calls upon the people of the United States to observe National Infant Mortality Awareness Month during September 2009 with appropriate programs and activities.

FIRE PREVENTION WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 300, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 300) supporting the goals and ideals of Fire Prevention Week and the work of firefighters in educating and protecting the communities of this Nation.

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President, I rise in support of S. Res. 300, supporting the work of firefighters to educate and protect the Nation's communities, and the goals and ideals of Fire Prevention Week. Senators CARPER, DODD, and MCCAIN join me in sponsoring this resolution to honor and promote the lifesaving work of the National Fire Protection Association.

Fire prevention is an ancient concern. Two thousand years ago, the city of Rome not only had had thousands of paid firefighters, but also wardens who would patrol the streets and enforce fire-prevention laws.

Thousands of American cities and towns such as San Francisco, Chicago, and Portland, ME, have suffered disastrous fires in the past. Even in our agrarian, Colonial era, cities such as Boston and Philadelphia were organizing paid and volunteer fire companies to fight the hazards of fire.

Today, flames continue to exact a deadly toll on citizens and firefighters every year. The National Fire Protection Association reports that in 2008, an estimated 1.45 million fires in this country killed nearly 3,320 civilians and injured another 16,705, while also killing 103 firefighters.

When President Harding designated the first Fire Prevention Week in 1922, fires were killing about 15,000 Americans every year. Advances in safety technology, education, fire prevention, and firefighting have brought great progress in reducing the number of fatalities, especially considering the great increase in population. But fire still poses an enormous threat to life, health, and property of all Americans.

As a cochair of the Congressional Fire Services Caucus, I have proudly joined in bipartisan efforts to honor the heroic service of our firefighters and to support legislation to assist them in securing the personnel, equipment, training, and benefits they need. Today, I am proud to submit this resolution to support their work in educating the public on the vital concern of fire prevention.

The more people understand the importance of avoiding fire hazards and dangerous practices, of installing and maintaining smoke alarms, and of planning escape routes, the fewer lives will be lost among our citizens and our firefighters.

I thank my colleagues for joining me in support of this resolution in support of our firefighters' work and of the Fire Prevention Week of October 4 through 10, 2009.

Mr. REID. 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.

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

The resolution (S. Res. 300) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 300

Whereas since the organization of the first fire departments during the colonial era of this Nation, firefighters have maintained their dedication to protecting the health and safety of the American public;

Whereas firefighters presently provide a multitude of services to our communities, including emergency medical services, special rescue response, hazardous material and terrorism response, and public safety education;

Whereas 103 firefighters lost their lives in the line of duty in 2008;

Whereas the Nation's fire departments respond to emergency calls nearly once per second and are dispatched to fire emergencies every 22 seconds;

Whereas approximately 1,145,000 fires were reported in 2008;

Whereas firefighters always respond with courage, whether they are confronted with

acts of terrorism, natural disasters, or other emergencies;

Whereas Fire Prevention Week is the longest running public health and safety observance on record, as firefighters have been honored for their role in educating the American public since the first Fire Prevention Week was declared by President Warren G. Harding in 1922;

Whereas the National Fire Protection Association has designated the week of October 4 through October 10, 2009, as Fire Prevention Week; and

Whereas educating all Americans to ''Stay Fire Smart'' continues to be a priority for all firefighters: Now, therefore, be it

Resolved, That the Senate—

(1) supports the work of firefighters in educating and protecting the communities of this Nation; and

(2) supports the goals and ideals of Fire Prevention Week.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, you will note my closing script is here. I will end after 9 o'clock tonight. I think that is fairly clear.

ORDERS FOR MONDAY, OCTOBER 5, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, October 5; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business until 4 p.m., with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate proceed to the consideration of H.R. 2847, the Commerce-Justice-Science appropriations bill.

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

Mr. REID. Mr. President, does the Chair agree with me, it is after 9 o'clock?

The PRESIDING OFFICER. The Chair agrees with the majority leader.

PROGRAM

Mr. REID. Mr. President, as previously announced, there will be no rollcall votes on Monday.

ADJOURNMENT UNTIL MONDAY, OCTOBER 5, 2009, AT 2 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 9 p.m., adjourned until Monday, October 5, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

CHRISTINE H. FOX, OF VIRGINIA, TO BE DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION, DEPARTMENT OF DEFENSE. (NEW POSITION)

EXPORT-IMPORT BANK OF THE UNITED STATES

ROSZELL HUNTER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT—IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2013, VICE J. JOSEPH GRANDMAISON, TERM EXPIRED.

NATIONAL TRANSPORTATION SAFETY BOARD

MARK R. ROSEKIND, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 2009, VICE KATHRYN HIGGINS, RESIGNED.

MARK R. ROSEKIND, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2014. (REAPPOINTMENT)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PAUL K. MARTIN, OF MARYLAND, TO BE INSPECTOR GENERAL, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE ROBERT WATSON COBB.

SOCIAL SECURITY ADMINISTRATION

CAROLYN W. COLVIN, OF MARYLAND, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2013, VICE ANDREW G. BIGGS, RESIGNED.

DEPARTMENT OF LABOR

SARA MANZANO-DIAZ, OF PENNSYLVANIA, TO BE DIRECTOR OF THE WOMEN'S BUREAU, DEPARTMENT OF LABOR, VICE SHINAE CHUN, RESIGNED.

EXTENSIONS OF REMARKS

A PROCLAMATION HONORING MATT WHEELER FOR WINNING THE BOYS' DIVISION III STATE BASEBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. SPACE. Madam Speaker:

Whereas, Matt Wheeler showed hard work and dedication to the sport of baseball; and

Whereas, Matt Wheeler was a supportive team player; and

Whereas, Matt Wheeler always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Matt Wheeler on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

HONORING MARSHALL AND MARJORIE BARLOW

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to congratulate Marshall and Marjorie Barlow for being selected for the 2009 Angels in Adoption Award. This award is to honor the tremendous and selfless work of two of my constituents that has enriched the lives of foster children and orphans. I believe the Barlow family is truly deserving of this high honor and I want to commend them for their service to our community.

According to most recent data from the Department of Health and Human Services, in 2006, 79,000 children were taken away from their parents in the court systems but only 51,000 were adopted. According to the same data, in 2006, there were a total of 510,000 children in the U.S. foster care system that needed a safe environment to live. These startling facts demonstrate that foster care families, like the Barlows, are so tremendously important for helping and preserving our nation's most valuable investment for the future, our children.

Marshall and Marjorie have gone consistently above and beyond the call of duty by taking on a rather specialized role in the foster care system. In addition to over 400 children who have entered their doors, the Barlow family serves as an assessment family. Assessment families are on call 24 hours a day, 7 days a week in order to ensure that a potential adopting family meets the requirements for providing a safe and caring environment for the children.

The Barlow family also shows their deep and personal dedication to the foster care system through many different aspects of their own lives. For example, their household contains what they call a ''virtual store,'' a collection of clothes, toys, and care items for children of all ages. Another example of their generosity is when Marjorie and Marshall, already parents of three, opened their family to one of their foster children. The first young woman that they took in was pregnant and they helped her give birth to the first child that they adopted into their own family, Taliyah.

Marshall and Marjorie Barlow are truly deserving of this honor and recognition for their dedication to such a noble cause. The Barlow family is a true inspiration to us for touching the lives of so many children that desperately need our help.

IN HONOR OF DR. BENJAMIN F. PAYTON

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. BISHOP of Georgia. Madam Speaker, I rise today to pay tribute to Dr. Benjamin F. Payton of Tuskegee, AL. Dr. Payton will retire next year after 28 years as the president of Tuskegee University. During his tenure, he guided the university through unprecedented growth and development.

A native of Orangeburg, SC, Dr. Payton graduated Phi Beta Kappa from South Carolina State University in 1955 with a B.A. in social studies. He went on to receive a B.D. from Harvard in political theology, an M.A. from Columbia in the philosophy of religion, and a Ph.D. in social ethics from Yale.

Prior to joining Tuskegee, Dr. Payton was program officer of Higher Education and Research at the Ford Foundation in New York City (1972–81); president of Benedict College in Columbia, SC (1967–72); executive director of the Commission on Religion and Race at the Department of Social Justice at the National Council of Churches in the U.S.A. (1966–67); director of the Office of Church and Race at the Protestant Council of the City of New York (1965–66); and an assistant professor at Howard University in Washington, DC (1963–65).

Dr. Payton has served Tuskegee since 1981. Among his many accomplishments at the university, he established and developed a number of programs for students in the fields of engineering, health care, bioethics, and business.

Additionally, he has been instrumental in raising funds for various renovation and improvement projects on campus, has helped to increase the endowment almost sevenfold, and has served as a shining example of leadership and moral courage for every student who steps on the Tuskegee University campus.

He has received three Presidential appointments, first by President Ronald Reagan to the Board for International Food and Agricultural Development, by President George H. Bush to lead the Task Force on Agricultural and Economic Development to Zaire, and most recently by President George W. Bush to chair the Advisory Board on Historically Black Colleges and Universities.

Madam Speaker, it is my distinct honor to recognize Dr. Benjamin F. Payton on the occasion of his retirement and I commend him for his dedication, outstanding leadership and, above all, thank him for his years of sacrifice, hard work, and service to his community and to the United States.

RECOGNIZING INDIANA UNIVERSITY OF PENNSYLVANIA'S COMMITMENT TO OUR STUDENTS AND COMMUNITY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. MURTHA. Madam Speaker, Indiana University of Pennsylvania (IUP) has been providing quality, affordable higher educational opportunities to students since 1875.

With over 14,000 students, 1,600 employees, and an annual operating budget of nearly $250 million, IUP is one of the top economic drivers in Indiana County, and the reason why unemployment rates there fall well below the national and state averages.

In this tough economy, IUP has the largest student enrollment in University history, and has been frequently ranked as a ''best value for public colleges and universities.''

Madam Speaker, when my grandfather, Charles Ray, graduated from IUP in 1902, there were only twenty-five students in his class. Twenty-five years later, my mother graduated from IUP, and by the time my daughter graduated from IUP the University had over 10,000 students.

Having worked with IUP over the last few decades, I have witnessed both their academic achievements and their strong leadership within our community. University officials work hand-in-hand with our local and state representatives to identify projects that have the greatest academic impact on our students and the greatest economic impact on our community.

The Foundation for IUP is currently working with city and county officials to make a series of main street improvements to downtown Indiana. The Foundation's $500,000 investment is transforming the city's main thoroughfare and improving the livability of our community.

IUP is near the completion of a multi-phase residential revival program, a $270 million public-private collaboration that is the largest of its kind in the nation. These new student housing facilities integrate ''living-learning'' space and are beautifying both the campus and community.

Most recently, IUP began construction of a 150,000 square-foot convention and athletic complex. The complex, built on the site of a former salvage company, will provide IUP and the community with space to accommodate large events that will bring in both patrons and revenue.

Madam Speaker, I rise to commend the achievements of Indiana University of Pennsylvania, and to thank them for their exceptional commitment to our students and to our community.

A PROCLAMATION HONORING JOHNNY IACOBUCCI FOR WINNING THE BOYS' DIVISION III STATE BASEBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. SPACE. Madam Speaker:

Whereas, Johnny Iacobucci showed hard work and dedication to the sport of baseball; and

Whereas, Johnny Iacobucci was a supportive team player; and

Whereas, Johnny Iacobucci always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Johnny Iacobucci on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

COPPER QUEEN COMMUNITY HOSPITAL 125TH ANNIVERSARY

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Ms. GIFFORDS. Madam Speaker, I rise today to recognize the Copper Queen Community Hospital, which has been providing exceptional healthcare in Bisbee and Southeastern Arizona for 125 years.

Copper Queen Community Hospital began serving residents in this historic mining community of Bisbee in the 1880s. Like the community it serves, the hospital has come a long way since those rough and tumble days, when its medical care was offered in a mining cave.

The first hospital building was built by the mining companies in 1900—a dozen years before Arizona even became a state. Twenty-six years later, a new hospital was constructed to provide services to the miners and other patients. At that time, Bisbee was a thriving and bustling community, a town that grew prosperous because of copper, gold, silver and other minerals.

Today's current hospital building opened in 1961, thanks to the Phelps Dodge Corporation. It was operated by the mining company until 1976, when the hospital and all equipment were donated to the Cochise County Hospital Association. At that time, the Bisbee Hospital Association was established to oversee hospitals operations and to ensure that Southeastern Arizona had access to necessary medical services and high-quality patient care. This new association was open to community members and leaders, beginning a tradition of community involvement that continues to this day.

The Copper Queen Community Hospital of 2009 is a 14-bed critical-access, non-profit facility that provides a full range of medical services to residents of Bisbee and Cochise County. In recent years, clinics in outlying areas have extended healthcare to rural communities.

The hospital's strong commitment to rural healthcare makes it a worthy recipient of federal assistance. Needed funding allows for the ever expansion of the emergency room, improvement in patient services and help for those in need in Cochise County.

For more than a century, Copper Queen Community Hospital has held true to its mission of providing access to primary healthcare in southeastern Cochise. The hospital is one of only four in Arizona to be on the list of the 100 Top Regional Hospitals in the United States. It plays a critical role in the delivery of medical services to the people of Congressional District 8.

I am proud to join with a grateful community to commend Copper Queen Community Hospital for its long tradition of quality healthcare and I wish it continued success.

CONGRATULATIONS CHANCELLOR ANGELA MERKEL

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. WILSON of South Carolina. Madam Speaker, on September 29, 2009, The New York Times reported that "Europe's Socialists Suffering Even in Downturn." This comes on the heels of the September 27th elections in Germany where the socialist parties faired poorly receiving only 23 percent of the vote—their worst result since World War II.

I want to congratulate Chancellor Angela Merkel on her re-election to the position of chancellor and commend her on her capable and strong leadership for the German people and in the world community. She now leads a coalition made up of the Christian Democrats and Free Democrats who received 33.8 percent and 15 percent of the vote respectively.

Following her original election, Merkel was the first person from the former East Germany to assume the post of chancellor of the unified Germany. This is a tremendous achievement since she grew up under the communism of East Germany.

With a center-right majority, Chancellor Merkel will continue to lead with conservative principles towards greater prosperity. Germany will continue to be a vital member of NATO promoting peace through strength.

I am grateful for my German heritage which German Ambassador Klaus Scharioth substantiated for me this year. My ancester Daniel Weisiger was born in Frankfort in 1709 and immigrated in 1731, from Rotterdam, the Netherlands, to Philadelphia, Pennsylvania. He settled in Chesterfield County, Virginia. I am proud to continue my German heritage with my first name being Addison, even though my nickname is Joe. My second son and first grandson now continue the name Addison.

A PROCLAMATION HONORING JIM MONIGOLD FOR WINNING THE BOYS' DIVISION III STATE BASEBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. SPACE. Madam Speaker:

Whereas, Jim Monigold showed hard work and dedication to the sport of baseball; and

Whereas, Jim Monigold was a supportive coach; and

Whereas, Jim Monigold always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Jim Monigold on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

AIDING AMERICAN SAMOA IN QUAKE AND TSUNAMI RECOVERY EFFORTS

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mrs. CHRISTENSEN. Madam Speaker, I once again today rise to extend my thought and prayers to the victims of the 8.0 magnitude earthquake and the subsequent tsunami that devastated our brothers and sisters in the U.S. territory in the South Pacific, American Samoa and Western Samoa.

Any my heart and that of all Virgin Islanders go out with sympathy to those that have lost loved ones as a result of yesterday's tragedy.

As the Congresswoman from the U.S. Virgin Islands, a community of islands that are also vulnerable to tropical disasters, and former chair of the Subcommittee on Insular Affairs, I am well aware of the toll that it can take on people, on infrastructure, on our time and resources but most especially—individuals and families. And the emotional repercussions go on long after the physical recovery is done.

Having visited American Samoa on several occasions and Western Samoa once, I know of the many struggles especially faced by the people of American Samoa, but I also know of their close family and community ties, their strength of spirit and most importantly, their faith.

The people of my district, the U.S. Virgin Islands and I stand in solidarity with the people of American Samoa at this time of their great distress.

I extend my support of our colleagues and friend—the Dean of the territorial delegation—Congressman ENI FALEOMAVAEGA as we make the necessary arrangements to mobile and deploy the urgently needed emergency assistance that our President has directed, and assure them that the American people and the

people of the other offshore territories stand ready to assist them in their time of need.

As I said earlier, the people of American Samoa and Western Samoa are a strong and resilient people. I know that their faith and their strong cultural bonds and traditions will help; them meet this present challenge, as they have ones that have come before.

On behalf of myself, my staff and the people of the Virgin Islands, please know that you can count on us in your hour of need, but also as you move forward in recovery and then to address the other longstanding challenges that your leaders so clearly and passionately outlined for us when we were there last month.

EXPRESSING SUPPORT FOR THE PEOPLE OF AMERICAN SAMOA

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. RAHALL. Madam Speaker, I rise to express my heartfelt condolences and deepest sympathies to the people of American Samoa as they cope with the effects of the powerful earthquake and tsunami that struck American Samoa, Independent Samoa and Tonga yesterday, September 29, 2009.

Our fellow Americans in American Samoa are presently facing tragic losses of life and property as a result of the most devastating of circumstances. It has been reported that survivors of the deadly earthquake-triggered tsunami described how they watched the in-rushing sea swallow up coastal towns and villages leaving devastation in its wake.

At least 111 people are confirmed killed in Independent Samoa, American Samoa's neighbor to the north and on Tonga and officials in the Polynesia region have expressed fears the toll will rise as rescue workers struggle to reach outlying villages submerged and flattened by the wave.

Additionally the island is without telephone service; homes and government buildings have been destroyed and the airport runway has been severely damaged. I applaud President Obama for his prompt response in declaring this a major disaster. I also want to commend our colleague, Congressman ENI FALEOMAVAEGA for his efforts facilitating the relief efforts that are currently underway.

Last month, I had the distinct pleasure of visiting American Samoa where we were graciously hosted by my good friend Congressman ENI FALEOMAVAEGA and the American Samoa Fono. In Pago Pago and the village of Leone, two areas severely hit, we were showered with beautiful and ornate traditional gifts and received with the warmest of welcomes and hospitality.

American Samoans in the Pacific and in the mainland United States are an integral part of our country's history and of our American social fabric. They are our brothers who fight valiantly in our wars and contribute immensely to the prosperity of our country. Today, I send my thoughts and prayers to the victims and their family members in this moment of grief and tragic loss. We stand in solidarity with our brothers and pray for their speedy recovery.

A PROCLAMATION HONORING JEREMY BOLON FOR WINNING THE BOYS' DIVISION III STATE BASEBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. SPACE. Madam Speaker:

Whereas, Jeremy Bolon showed hard work and dedication to the sport of baseball; and

Whereas, Jeremy Bolon was a supportive coach; and

Whereas, Jeremy Bolon always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Jeremy Bolon on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

INTRODUCTION OF A HOUSE RESOLUTION COMMEMORATING THE CANONIZATION OF FATHER DAMIEN DE VEUSTER, SS.CC. TO SAINTHOOD

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Ms. HIRONO. Madam Speaker, I rise today to introduce a resolution commemorating the canonization of Father Damien de Veuster, a member of the Congregation of the Sacred Hearts of Jesus and Mary, to sainthood on October 11, 2009. Some 600 people from Hawaii are traveling to the Vatican to witness his elevation.

As many of you know, Father Damien is recognized for his 16 years of selfless service to the people who were forcibly isolated on the peninsula of Kalaupapa on the island of Molokai, Hawaii, because they were diagnosed with leprosy, also known as Hansen's disease. Living among the people of Kalaupapa from 1873 to 1889, he eventually contracted Hansen's disease and ultimately died and was buried on Molokai.

The policy of exiling persons with the disease that was then known as leprosy began under the Kingdom of Hawaii and continued under the governments of the Republic of Hawaii, the Territory of Hawaii, and the State of Hawaii. Children, mothers, and fathers were forcibly separated and sent to the isolated peninsula of Kalaupapa, which for most of its history could only be accessed by water or via a steep mule trail. Children born to parents at Kalaupapa were taken away from their mothers and sent to orphanages or to other family members outside of Kalaupapa. Hawaii's isolation laws for people with Hansen's disease were not repealed until 1969, even though medications to control the disease had been available since the late 1940s.

I believe that all people, regardless of their religious beliefs, can recognize truly extraordinary persons who give of themselves without reserve for the betterment of their fellow human beings. Father Damien was surely such a person. No disease was as feared as leprosy in the late 1800s, but he volunteered to serve at Kalaupapa and requested to stay there in order to serve those who most shunned. He recognized the human rights and inherent dignity of all people, especially those he lived alongside at Kalaupapa.

Father Damien worked with those who were isolated at Kalaupapa to improve living conditions. A skilled carpenter, he led in the building of houses and hospitals, six chapels, a home for boys, and a home for girls. At the same time, he ministered to the spiritual and physical needs of his parishioners and helped to bury the hundreds who died during his years there.

It is noteworthy that, shortly after Hawaii became a State, Father Damien was the first selection of the State legislature to be memorialized in a statue as part of the National Statuary Hall Collection. Despite the fact that he was not born in Hawaii and lived so long ago, Hawaii's people recognized that his life embodied the true spirit of aloha (love, compassion, mercy, grace) and malama (to care for).

I have visited Father Damien's church and grave at Kalawao on the Kalaupapa peninsula. I hope that some of you will have the opportunity to visit Kalaupapa at some point in your lives. I know that you will be deeply moved, as I was, by the example of this man, soon to be recognized as a saint, as well as by the courage and perseverance of the people he dedicated his life to serving.

TRIBUTE TO MR. ROBERT TILLSLEY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay tribute to Mr. Robert Tillsley of Franklin Lakes, New Jersey for his dedicated support to the Boy Scouts of Northern New Jersey as well as Ramapo College and the members of the community of Bergen County. Tonight, Mr. Tillsley is being honored by the Iaoapogh Mountains District of the Northern New Jersey Council of the Boy Scouts for his commitment to improving the local community. This district serves more than 3,000 youth, guided by 1,000 adult volunteers through 32 Cub Packs, 26 Boy Scout Troops and 6 Venture Crews.

Robert T. Tillsley has been a member and friend of scouting for his entire life. He started as a member of Troop 55 in Paterson, New Jersey, and worked his way up from Patrol Leader to become Junior Assistant Scoutmaster. In November of 1960, he achieved the honor of Eagle Scout and has consistently held true to its creeds—"once an Eagle Scout, always an Eagle Scout."

Mr. Tillsley also supports a variety of commendable organizations outside of the Boy Scouts. He serves as the chairman of the Foundation Board of Governors at Ramapo College and has chaired several board committees over the years. He has worked with McBride Corporate Real Estate since 1988 where he started as a Senior Vice President responsible for the marketing of multi-tenant office buildings and then moved on to

McBride's National Services division to serve as President in 1994. His responsibilities include the oversight of national services, customer service, database implementation, maintaining relationships, and implementation of marketing services for the division. He is an active member of the Society of Industrial & Office Realtors, the Industrial & Office Real Estate Brokers Association of Metropolitan New York, and CORFAC International—a worldwide commercial real estate network through which he has spoken at numerous global conferences and serves as an Executive Committee member.

As Boy Scouting founder Lord Baden Powel once said, ''It is the spirit within, not the veneer without, which makes a man.'' Robert Tillsley's spirit can be seen in his laudable educational and business pursuits on behalf of the Boy Scouts of America throughout the 5th district of New Jersey; I join with his family, friends, and community in celebrating this momentous occasion.

TRIBUTE TO MR. STUART FROHM

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. CAMP. Madam Speaker, I rise today to honor and commend Mr. Stuart Frohm, a prolific political journalist, columnist, and editor.

Stu will retire today, September 30, 2009, after 30 years with the Midland Daily News, my hometown newspaper. He was the political writer and wire editor for state, national, and world stories and photos.

Stu was a true newspaper man, a balanced mix of watchdog and champion for the Midland area community. He was a tireless and dedicated reporter and editor who fully understood politics. He was thorough and he was fair, even when critical. Most importantly, he informed readers and helped bring us together, even through the toughest decisions, the way only a professional journalist can.

I have shared many experiences with Stu. After each election, Stu and I talked. After State of the Unions, major votes, and important moments in our political history, Stu and I would talk on the phone. In fact, I vividly remember that it was Stu on the phone with me as the events of 9/11/2001 unfolded in Washington, D.C., and we were still talking as the Capitol Police told us to run out of the Cannon House Office Building.

Stu is much more than a reporter, much more than a columnist, and much more than an editor. He is a dedicated husband, beloved father and cherished community leader. It is an honor to consider him a friend, and I say that ''on the record.''

I ask my colleagues to join me in congratulating Mr. Stuart Frohm, a journalist, editor, and friend, and wishing him the best of luck in his retirement.

A PROCLAMATION HONORING ZANE SHUSS FOR WINNING THE BOYS' DIVISION III STATE BASEBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. SPACE. Madam Speaker:

Whereas, Zane Shuss showed hard work and dedication to the sport of baseball; and

Whereas, Zane Shuss was a supportive team player; and

Whereas, Zane Shuss always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Zane Shuss on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

HONORING MARILYN M. MATHIS FOR HER SERVICE TO MURFREESBORO CITY SCHOOLS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor Marilyn M. Mathis who is leaving Murfreesboro City Schools after 26 years of service to pursue a new phase in her distinguished career.

Marilyn joined City Schools in 1983 as the Assistant Superintendent for Administration under the leadership of School Director Dr. John Hodge Jones. After Dr. Jones' retirement in 1997, Marilyn was appointed Director of Schools.

During her 26 year tenure, Marilyn has seen the City School's student population nearly doubled. As Director, she has been influential in improving City Schools over the last 12 years.

Marilyn was determined to live up to the standards set by the No Child Left Behind Act and strived to make City Schools one of the top school districts in the state of Tennessee. She led the system by its mission statement: ''to assure academic and personal success for each child.''

Under Marilyn's leadership, City Schools added three new schools including the Bellwood-Bowdoin Preschool for more than 400 at-risk preschool students, and the opening of Scales and John Pittard Elementary Schools. She also established Bradley Academy as ''An Arts Integrated School,'' the Discovery School for high achieving students at Reeves-Roger, and named Hobgood Elementary as a NASA Explorer School.

Marilyn also supported and participated in a public education foundation for Murfreesboro City Schools and created a partnership agreement with Middle Tennessee State University located in Murfreesboro.

Her legacy to City Schools will live on for years to come, and the students of Murfreesboro are better prepared for the future because of her hard work and dedication.

Thank you Marilyn. I wish you the best of luck in your new position as Executive Director of the Association for Independent and Municipal Schools.

IN HONOR OF MORT WEISBERG

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of Mort Weisberg, recipient of the Jewish National Fund's Tree of Life Award.

The Tree of Life Award is one of the Jewish National Fund's highest honors; a humanitarian award given in recognition of outstanding community involvement, leadership and service. Furthermore, the award is a symbol of a strong and improved Israel and allegiance to American-Israeli friendship.

Mr. Weisberg is the president and chief executive of Multi-Care Management, a nursing home operator, in the Greater Cleveland area. In addition to running a successful care-taking facility, Mort is the chairman of the Ohio Board of Examiners of Nursing Home Administrators. His active and generous participation in numerous Cleveland area charities further exhibits his commitment to the community.

Madam Speaker and colleagues, please join me in honor of Mort Weisberg for being presented the Tree of Life Award by the Jewish National Fund. I offer my congratulations to Mort as he is recognized for his service to the communities of Cleveland and dedication to a strong American-Israeli relationship.

STATEMENT COMMEMORATING THE INCEPTION OF REPRESENTATIONAL GOVERNMENT IN LYCIA

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. McMAHON. Madam Speaker, many of us in this Chamber are familiar with the Roman and Greek fundamentals of our nation and our democracy. In addition to these two great nations and traditions a third cornerstone of democracy also existed in the Mediterranean of which our Founding Fathers also drew inspiration from.

There is a renewed effort by scholars to emphasize the link between our democracy and that of Patara, which was the capital of Lycia, an ancient civilization of democratic principles. The Lycian government, known as the Lycian League existed along Turkey's Mediterranean coast from roughly 167 BC until 400 AD, and served as an inspiration to the framers of the U.S. Constitution.

The Lycian League was the first democratic union in history to utilize proportional representation as a model for political organization.

At least twenty-three city-states were united under the League that presided over federal institutions. Depending on its size, each of the League's 23 city-states was eligible to send up to three representatives to the parliament

(Bouleuterion) located in Patara. Medium-sized towns sent two, whereas smaller towns could unite together to send one representative to the capital on their behalf. The number of representatives from each city-state determined taxes and other financial obligations. The general assembly was responsible for electing federal officers controlling communal land and determining trade and civil rights, as well.

The "Lyciarch," was the Parliament's president, which at various times served as the League's religious, military, and political leader. Many historians believe that women have served in Patara as the Lyciarch.

One of the thinkers who impacted the debate over our own constitution was Montesquieu. In Book IX of his Spirit of the Laws, he argues the utility of confederacy, stating: "It is unlikely that states that associate will be of the same size and have equal power. . . . If one had to propose a model of a fine federal republic, I would choose the republic of Lycia."

Alexander Hamilton and James Madison picked up on this concept, and cited the Lycian League as a model for our own system of government.

Both Alexander Hamilton and James Madison used the Lycian form of government in the Federalist Papers. The semicircular rows of the Lycian parliament building was a model to the seating arrangements in the U.S. Congress today.

In the Federalist Papers No. 16, Alexander Hamilton wrote, "I shall content myself with barely observing here, that of all the confederacies of antiquity, which history has handed down to us, the Lycian and Achaean leagues, as far as there remain vestiges of them, appear to have been most free from the fetters of that mistaken principle, and were accordingly those which have best deserved, and have most liberally received, the applauding suffrages of political writers."

This is how an ancient civilization thousands of miles away and over two thousand years ago made a major impact on our system as a representative democracy, preventing the possibility of tyranny, as feared by Alexander Hamilton and James Madison.

IN HONOR AND REMEMBRANCE OF GUNNERY SERGEANT ADAM F. BENJAMIN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of United States Marine Gunnery Sergeant Adam F. Benjamin, who courageously and selflessly rose to the call of duty, and made the ultimate sacrifice on behalf of our country.

Gunnery Sergeant Benjamin grew up in Garfield Heights and graduated from Garfield Heights High School in 1993. Shortly after graduating, he followed his dream to serve our country and enlisted in the United States Marine Corps. He quickly rose up the ranks and by 2006, at the age of 31, was promoted to the position of Gunnery Sergeant. He was a loyal, courageous and dedicated Marine, who loved every aspect of serving our nation in the military. Throughout his youth and career in the military, Gunnery Sergeant Benjamin was known for his positive outlook on life, caring nature and great sense of humor. He touched countless lives with his kind heart, generosity and sense of concern for others.

Gunnery Sergeant Benjamin was a brave and honorable United States Marine and an exceptional human being. The sacrifice, service and courage he has displayed will be forever honored and remembered by the entire Cleveland community, and by the nation. Gunnery Sergeant Benjamin's warm smile, generous heart, easy laugh, and joy for life will live on within the hearts and memories of those who loved and knew him best—his family, friends and fellow Marines. He will never be forgotten.

Madam Speaker, and colleagues, please join me in honor and remembrance of United States Marine Gunnery Sergeant Adam F. Benjamin. His life, gone far too soon, was framed by his great love of family, friends and country. I extend my deepest condolences to his mother and father, Judy Watters and Frank Benjamin; to his step-father, Robert Watters; to his brothers and sisters: Aaron, Amanda, Asa, Abram, Abigail, Amos, Amaryah, Aric, Anyah, Alexis and Allen; to his grandmothers, Yolanda and Mary; and to his extended family and many close friends.

CONGRATULATING THE SMOKY MOUNTAIN CHILDREN'S HOME FOR 2009 ANGELS IN ADOPTION PROGRAM

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. ROE of Tennessee. Madam Speaker, I want to congratulate the Smoky Mountain Children's Home for their long heritage as residential care center and an adoption placement agency.

I was honored to nominate the Smoky Mountain Children's Home for the 2009 Angels in Adoption™ program. The Congressional Coalition on Adoption Institute, which orchestrates the Angels in Adoption™ program, presented an award to The Smoky Mountain Children's Home along with more than 190 Angels from across the Nation.

Madam Speaker, the Smoky Mountain Children's Home's philosophy comes from a basic faith based belief that every child deserves a family.

I am thankful for the important work that is being done at the Smoky Mountain Children's Home. They are working each day toward one of the most noble causes imaginable—to improve the life of a child by bringing him or her together with a loving family.

I am grateful for programs such as Angels in Adoption™ who recognize the good work done by great organizations like the Smoky Mountain Children's Home.

COMMEMORATING SEA OTTER AWARENESS WEEK

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. FARR. Madam Speaker, I rise today to call attention to the 7th Annual Sea Otter Awareness Week, September 28–October 3, 2009, sponsored by Defenders of Wildlife. This week-long event provides the opportunity to educate the broader public about sea otters, their natural history, the integral role that sea otters play in the near-shore marine ecosystem, and the conservation issues they are facing.

In the early 1700's, before wide-scale hunting began, sea otters ranged across the North Pacific rim from Japan to Baja California. The worldwide population estimates for that time range from the hundreds of thousands to possibly a million or more. Before the hunting began, there were approximately 16,000–20,000 along California's coast. Killing these animals for their fur brought down their numbers until they were thought to be extinct off California by the early 1900s.

But they were not driven completely to extinction. In the 1930's a small population, of less than 100 animals that had escaped the hunt, was discovered in a remote cove on a coastal ranch in Big Sur, on the Central Coast of California. Since that time, groups such as Defenders of Wildlife, Friends of the Sea Otter, and Ocean Conservancy have raised public awareness and helped protect this important species under the Marine Mammal Protection Act and the Endangered Species Act. The presence of the California sea otter has become an icon of the state's coastal environment and culture, and these charismatic animals bring significant tourism revenue to Californian coastal communities.

The three year population average, counted by the U.S. Geological Survey this year, totals only 2,813 animals, a decrease of half a percent and the first such decline in over a decade. These numbers are significantly less than what is necessary to consider the population decline in recent years is highly concerning. Researchers are beginning to identify indirect hazards for sea otters such as non-point source pollution, pathogens, and entrapment in fisheries gear that are causing their population growth to reverse. Such realizations support the need for continued research and preventive measures to respond to these issues, while continuing to ward against the direct killings/takings that still occur.

The decline of Southern Sea Otters off of the California Coast not only impacts the species itself, but it affects other marine populations and the surrounding ecosystem because Sea Otters are what scientists refer to as a keystone species. This means that they are integrally important to the ecosystem in which they live. The demise of sea otters allows their prey, sea urchins, to proliferate unchecked leading to the alarming overgrazing of kelp beds—one of the oceans nursery grounds for many marine animals. Research shows that the absence of sea otters has a direct link to the sharp decline of kelp along portions of California's coast. Further, the Sea Otter is also what scientists refer to as a sentinel or an indicator species. In this way, the

Sea Otters are the canaries in the coal mine for our coastal health. The Sea Otters are all too effective at monitoring toxins and diseases in the marine environment, which can affect the health of humans and other wildlife.

California took the first step toward addressing these emerging concerns by signing into law California Assembly Bill 2485, establishing a state fund for sea otter conservation: again this year Californians had the option of donating a portion of their tax returns to sea otter conservation. I want to emphasize that this means that Californians voluntarily pay a little more on their tax return to help protect these animals. Even during these trouble economic times, more than $220,000 has already been raised this year.

However, this is a federally protected species and California cannot go it alone. In addition to continuing to work with my colleagues to secure Federal funds to support a continued and complete recovery of the population, I am proud that H.R. 556, The Southern Sea Otter Recovery and Research Act was passed by the House of Representatives this past July. This tremendous success was buoyed by the support and devotion of many people. We are one step closer to making the act into law and bringing needed resources to this threatened species.

Madam Speaker, I applaud the many accomplishments of Defenders of Wildlife, who carry out the important mission to preserve our nation's wildlife and habitat. I also applaud the other nonprofit environmental organizations, working with the Monterey Bay Aquarium, researchers, fishermen, state and federal agencies, schools, and many other institutions and individuals, who devote tremendous effort to protect and recover the southern/California sea otter. Sea Otter Awareness Week is just one of their many activities geared towards honoring and saving this species, and I am proud to be associated with this vital work.

IN HONOR AND RECOGNITION OF THE CSARDAS DANCE COMPANY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the founders, members and performers of the Csardas Dance Company of Cleveland, Ohio, as they celebrate fifteen of years of promoting the history and heritage of Hungary, through the ageless and colorful expressions of the songs and dances of Hungary.

Richard Graber, who grew up in Cleveland as the son of Hungarian immigrants, founded Csardas Dance Company in 1994. He is now the Director of Programs and Services with the Houston, Texas Arts Alliance, and serves on the Board of the Hungarian American Cultural Association of Houston. Christopher L. Smith, former Artistic Director, set a precedent of historical authenticity and keen attention to detail, which still reflect in the brilliant colors and fabrics of the dancers' wardrobes, and also, in the artistic direction of Csardas. Stuart Meyer and Judith Horvath have both served as Csardas Youth Ensemble Rehearsal Instructors, drawing on their backgrounds as professional dancers and instructors. Toni Gras, Managing Director, has been with the Company for the past ten years. As a child, she performed with Hungarian dance troupes, and her daughter danced for nine years in the Csardas Youth Ensemble.

Over the years, hundreds of young dancers have had the enriching opportunity to be part of the Csardas Dance Company, which continues to inspire and delight audiences throughout Ohio. Since it creation in 1994, the mission of the Csardas Dance Company has not wavered: To preserve and promote the dance, music and song of the people of Hungary. The Company also strives to bolster the public's support of, and appreciation for, the performing ethnic arts.

Madam Speaker and colleagues, please join me in honoring the Csardas Dance Company, for enlightening, entertaining and engaging audiences with song and dance that reflect a certain vibrancy in movement and music—bringing to life the age-old stories of village life in Hungary. The Csardas Dance Company is an arts treasure in Cleveland, and its continued existence is vital to the performing ethnic arts foundation of our entire community—serving as an audiovisual record of our heritage and our history and connecting us all through the universal language of dance and song.

REMARKS OF THE ISRAELI PRIME MINISTER AT THE UNITED NATIONS

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Ms. BERKLEY. Madam Speaker, I seek to call my colleagues' attention to the powerful and important speech that Israeli Prime Minister Benjamin Netanyahu delivered to the United Nations General Assembly on September 24, 2009. In it, he calls on all nations to stand with Israel in confronting the threats posed by Iran and by terrorists around the world. This is a conflict between civilization and barbarity, he says, and the record of the United Nations hangs in the balance.

PRIME MINISTER BENJAMIN NETANYAHU'S SPEECH TO THE GENERAL ASSEMBLY

Mr. President, ladies and gentlemen, nearly 62 years ago, the United Nations recognized the rights of the Jews, an ancient people 3,500 years old, to a state of their own in their ancestral homeland.

I stand here today as the Prime Minister of Israel, the Jewish state, and I speak to you on behalf of my country and my people.

The United Nations was founded after the carnage of World War II after the horrors of the Holocaust. It was charged with preventing the reoccurrence of such horrendous events.

Nothing has undermined that mission, nothing has impeded it more, than the systematic assault on the truth. Yesterday the President of Iran stood at this very podium, spewing his latest anti-Semitic rants. Just a few days earlier, he again claimed that the Holocaust is a lie.

Last month, I went to a villa in a suburb of Berlin called Wannsee. There, on January 20, 1942, after a hearty meal, senior Nazi officials met and decided to exterminate my People. They left detailed minutes of that meeting and these minutes have been preserved for posterity by successive German governments. Here is a copy of the minutes of the meeting of senior Nazi officials instructing the Nazi government exactly how to carry out the extermination of the Jewish people. Is this protocol a lie? Is the German government, are all German governments lying?

A day before I was in Wannsee, I was given in Berlin the original construction plans for the Auschwitz-Birkenau concentration camp. These plans of the Auschwitz-Birkenau concentration camps I now hold in my hand. They contain a signature by Heinrich Himmler—Hitler's deputy himself. Are these plans of the Auschwitz-Birkenau concentration camp where one million Jews were murdered, are they a lie too?

This June, President Obama visited another concentration camp—one of many—the Buchenwald concentration camp. Did President Obama pay tribute to a lie?

And what of the Auschwitz survivors whose arms still bear the tattooed numbers branded on them by the Nazis? Are those tattoos a lie too?

One-third of all Jews perished in the great conflagration of the Holocaust. Nearly every Jewish family was affected, including my own. My wife's grandparents, her father's two sisters and his three brothers, and the aunts, and uncles and cousins—all murdered by the Nazis. Is this a lie?

Yesterday, the man who calls the Holocaust a lie spoke from this podium. To those who refused to come and to those who left in protest, I commend you. You stood up for moral clarity and you brought honor to your countries.

But to those who gave this Holocaust-denier a hearing, I say on behalf of my people, the Jewish people, and decent people everywhere: Have you no shame? Have you no decency?

A mere six decades after the Holocaust, you give legitimacy to a man who denies the murder of six million Jews while promising to wipe out the State of Israel, the State of the Jews. What a disgrace! What a mockery of the charter of the United Nations!

Now, perhaps some of you think that this man and his odious regime, perhaps they threaten only the Jews. Well, if you think that, you're wrong—dead wrong. History has shown us time and time again that what starts with attacks on the Jews eventually ends up engulfing many, many others.

For this Iranian regime is fueled by an extreme fundamentalism that burst onto the world scene three decades ago after lying dormant for centuries. In the past thirty years, this fanaticism has swept across the globe with a murderous violence that knows no bounds and with a cold-blooded impartiality in the choice of its victims. It has callously slaughtered Moslems and Christians, Jews and Hindus, and many others.

Though it is comprised of different offshoots, the adherents of this unforgiving creed seek to return humanity to medieval times. Wherever they can, they impose a backward regimented society where women, minorities, gays or anyone else deemed not to be a true believer is brutally subjugated.

The struggle against this fanaticism does not pit faith against faith nor civilization against civilization. It pits civilization against barbarism, the 21st century against the 9th century, those who sanctify life against those who glorify death.

Now the primitivism of the 9th century ought to be no match for the progress of the 21st century. The allure of freedom, the power of technology, the reach of communications should surely win the day. Ultimately, the past cannot triumph over the future.

And our future offers all nations magnificent bounties of hope because the pace of

progress is growing, and it is growing exponentially. It took us centuries to get from the printing press to the telephone, decades to get from the telephone to the personal computer, and only a few years to get from the personal computer to the Internet.

What seemed impossible a few years ago is already outdated, and we can scarcely fathom the changes that are yet to come. We will crack the genetic code. We will cure the incurable. We will lengthen our lives. We will find a cheap alternative to fossil fuel and yes, we will clean up the planet.

I am proud that my country Israel is at the forefront of many of these advances—in science and technology, in medicine and biology, in agriculture and water, in energy and the environment. These innovations in my country and many of your countries offer humanity a sunlit future of unimagined promise.

But if the most primitive fanaticism can acquire the most deadly weapons, the march of history could be reversed for a time. And like the belated victory over the Nazis, the forces of progress and freedom will prevail only after a horrific toll of blood and fortune has been exacted from mankind.

This is why the greatest threat facing the world today is the marriage between religious fundamentalism and the weapons of mass destruction. The most urgent challenge facing this body today is to prevent the tyrants of Tehran from acquiring nuclear weapons.

Are the members of the United Nations up to that challenge? Will the international community confront a despotism that terrorizes its own people as they bravely stand up for freedom?

Will it take action against the dictators who stole an election in broad daylight and then gunned down Iranian protesters who died on the sidewalks and on the streets choking in their own blood? Will the international community thwart the world's most pernicious sponsor and practitioner of terrorism?

Above all, will the international community stop the terrorist regime of Iran from developing atomic weapons, thereby endangering the peace of the entire world?

The people of Iran are courageously standing up to this regime. People of goodwill around the world stand with them, as do thousands of people who have been protesting and demonstrating outside this hall all this week. Will the United Nations stand by their side?

Well, ladies and gentlemen, the jury is still out on the United Nations, and recent signs are not encouraging.

Rather than condemning the terrorists and their Iranian patrons, some here in the United Nations have condemned their victims. This is exactly what a recent UN report on Gaza did, falsely equating terrorists with those they targeted.

For eight long years, Hamas fired rockets, from Gaza on nearby Israeli cities and citizens—thousands of missiles, mortars—hurtling down from the sky on schools, homes, shopping centers, bus stops. Year after year, as these missiles were deliberately fired on our civilians, not a single UN resolution—not one!—was passed condemning those criminal attacks. We heard nothing—absolutely nothing—from the UN Human Rights Council, a misnamed institution if there ever was one.

In 2005, hoping to advance peace, Israel unilaterally withdrew from every inch of Gaza. It was very painful. We dismantled 21 settlements—really bedroom communities and farms. We uprooted over 8,000 Israelis. We just yanked them out from their homes. We did this because many in Israel believed that this would get peace.

Well, we didn't get peace. Instead we got an Iranian backed terror base fifty miles from Tel Aviv. Life in the Israeli towns and cities immediately next to Gaza became nothing less than a nightmare. You see the Hamas rocket launchers and the rocket attacks not only continued after we left, they actually increased dramatically. They increased tenfold. And again, the UN was silent—absolutely silent.

Finally, after eight years of this unremitting assault, Israel was forced to respond. But how should we have responded? Well, there is only one example in history of thousands of rockets being fired on a country's civilian population. This happened when the Nazis rocketed British cities during World War II. During that war, the allies leveled German cities, causing hundreds of thousands of casualties.

I'm not passing judgment. I'm stating a fact—a fact that is the product of the decision of great and honorable men—the leaders of Britain and the United States fighting an evil force in World War II.

It is also a fact that Israel chose to respond differently. Faced with an enemy committing a double war crime of firing on civilians while hiding behind civilians—Israel sought to conduct surgical strikes directed against the rocket launchers themselves. Now mind you that was no easy task because the terrorists were firing their missiles from homes and from schools. They were using mosques as weapons depots, as missile caches, and they were ferreting explosives in ambulances.

Israel, by contrast, tried to minimize casualties by urging Palestinian civilians to vacate the targeted areas. We dropped countless flyers over their homes. We sent thousands and thousands of text messages to the Palestinian residents. We made thousands and thousands of cellular phone calls urging them to vacate, to leave. Never has a country gone to such extraordinary lengths to remove the enemy's civilian population from harm's way.

Yet faced with a clear-cut case of aggressor and victim, whom do you think the United Nations Human Rights Council decided to condemn? Israel. A democracy legitimately defending itself against terror is morally hanged, drawn and quartered, and given an unfair trial to boot.

By these twisted standards, the UN Human Rights Council would have dragged Roosevelt and Churchill to the dock as war criminals. What a perversion of truth! What a perversion of justice!

Now, Delegates of the United Nations, and the Governments whom you represent, you have a decision to make. Will you accept this farce? Because if you do, the United Nations would revert to its darkest days, when the worst violators of human rights sat in judgment against the law-abiding democracies, when Zionism was equated with racism and when an automatic majority could be mustered to declare that the earth is flat.

If you had to choose a date when the United Nations began its descent, almost a free fall, and lost the respect of many thoughtful people in the international community, it was that decision in 1975 to equate Zionism with racism. Now this body has a choice to make. If it does not reject this biased report, it would vitiate itself: It would begin or re-begin the process of vitiating itself from its own relevance and importance.

But it would do something else; it would send a message to terrorists everywhere, saying: Terrorism pays; all you have to do is launch your attacks from densely populated areas, and you will win immunity.

And then a third thing: in condemning Israel, this body would also deal a mortal blow to peace. Let me explain why. When Israel left Gaza, many hoped that the missile attacks would stop. Others believed that even if they didn't stop, at the very least Israel would have made this gesture, an extraordinary gesture for peace, but it would have international legitimacy to exercise its right of self-defense if peace failed. What legitimacy? What self-defense?

The same UN that cheered Israel as we left Gaza, the same UN that promised to back our right of self-defense, now accuses us—my people, my country—of being war criminals? And for what? For acting responsibly in self-defense, for acting in a way that any country would act with a restraint unmatched by many. What a travesty!

Ladies and gentlemen, Israel justly defended itself against terror. This biased and unjust report provides a clear-cut test for all governments. Will you stand with Israel or will you stand with the terrorists?

We must know the answer to that question now. Now—not later. Because if Israel is again asked to take more risks for peace, we must know today that you will stand with us tomorrow. Only if we have the confidence that we can defend ourselves can we take further risks for peace.

And make no mistake about it. All of Israel wants peace. Any time an Arab leader genuinely wanted peace with us, we made peace. We made peace with Egypt led by Anwar Sadat. We made peace with Jordan led by King Hussein. And if the Palestinians truly want peace, I and my government, and my people, will make peace. But we want a genuine peace, a defensible peace, a permanent peace.

In 1947, this body voted to establish two states for two peoples—a Jewish state and an Arab state. The Jews accepted this resolution. The Arabs rejected it and invaded the embryonic Jewish state with hopes to annihilate it. We ask the Palestinians to finally do what they refused to do for 62 years: Say yes to a Jewish state! As simple, as clear, as elementary as that. Just as we are asked to recognize a nation-state for the Palestinian people, the Palestinians must be asked to recognize the nation-state of the Jewish people.

The Jewish people are not foreign conquerors in the Land of Israel. It is the land of our forefathers. Inscribed on the walls outside this building is the great Biblical vision of peace: ''Nation shall not lift up sword against nation. They shall learn war no more.'' These words were spoken by the great Jewish prophet Isaiah 2,800 years ago as he walked in my country, in my city—in the hills of Judea and in the streets of Jerusalem. We are not strangers to this land. This is our homeland.

But as deeply connected as we are to our homeland, we also recognize that the Palestinians also live there and they want a home of their own. We want to live side by side with them, two free peoples living in peace, living in prosperity, living in dignity.

Peace, prosperity and dignity require one other element. We must have security. The Palestinians should have all the powers to govern themselves except a handful of powers that could endanger Israel.

This is why the Palestinian state must be effectively demilitarized. I say effectively, because we don't want another Gaza, or another South Lebanon, another Iranian backed terror base abutting Jerusalem and perched on the hills a few kilometers from Tel Aviv. We want peace.

I believe that with good will and with hard work, such a peace can be achieved. But it requires from all of us to roll back the forces of terror, led by Iran, that seek to destroy peace, that seek to eliminate Israel and to overthrow the world order. The question facing the international community is whether

it is prepared to confront those forces or to accommodate them.

Over 70 years ago, Winston Churchill lamented what he called the ''confirmed unteachability of mankind.'' By that he meant the unfortunate habit of civilized societies to sleep and to slumber until danger nearly overtakes them.

Churchill bemoaned what he called the ''want of foresight, the unwillingness to act when action will be simple and effective, the lack of clear thinking, the confusion of counsel until the emergency comes, until self-preservation strikes its jarring gong.''

Ladies and gentlemen, I speak here today in the hope that Churchill's assessment of the ''unteachability of mankind'' is for once proven wrong. I speak here today in the hope that we can learn from history—that we can prevent danger in time.

In the spirit of the timeless words spoken to Joshua over 3,000 years ago, let us be strong and of good courage. Let us confront this peril, secure our future and, God willing, forge an enduring peace for generations to come.

[Translation from the Hebrew] ''The Lord will give strength to His people, the Lord will bless His people with peace.''

IN HONOR AND REMEMBRANCE OF FRANCES WOLPAW

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Frances Wolpaw, devoted wife, mother and accomplished professor, whose passion, integrity and wisdom served to inspire, guide and motivate countless young lives, including my own.

Professor Wolpaw was a former assistant dean and communications professor at Case Western Reserve University in Cleveland, Ohio. Her scholarly research in speech and rhetoric led her to become a renown expert on the life and words of Abba Hillel Silver, a rabbi from northeast Ohio and advocate for issues affecting Israel on the national and international political stage.

She began her career in education in 1961 as a lecturer at Case Western Reserve University. In 1969, Professor Wolpaw was named assistant dean of Case Western's former women's college—the Flora Stone Mather College. Undaunted by the lack of opportunity for women in academia, Professor Wolpaw forged ahead, and her work earned her a high level of respect and admiration from students and faculty. Throughout her career, she had the loving support and encouragement from her husband, the late Ralph Wolpaw, who was a physician at Mt. Sinai Hospital of Cleveland.

Her accomplishments as professor and leader at Case Western Reserve University opened doors for countless women who would follow in her path. As a professor, Frances Wolpaw's reputation reflected toughness, yet her high expectations for her students was also accented by kindness, fairness and her genuine concern for the welfare of her students. She taught by example, living each day with a sense of wonder, joy and integrity.

Madam Speaker and colleagues, please join me in honor and remembrance of Frances Wolpaw, whose joy for life, kind heart and scholarly work and guidance will forever reflect within the hearts and memories of those who loved and knew her best—especially her family, friends, and former students. I extend my heartfelt condolences to Professor Wolpaw's sons—Jonathan, James and Daniel; her grandchildren and great-grandchildren; her sisters, and her extended family members and many friends. Frances Wolpaw's loving devotion to her family and to her community—especially in the way of inspiring and guiding students of all ages—has made our community a better place, and she will be remembered always.

HONORING THE LIFE AND SERVICE OF JESSE DONALD PHELPS

HON. WALT MINNICK

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. MINNICK. Madam Speaker, I would like to recognize and honor the legacy of Jesse Donald Phelps, Chief Warrant Officer 2nd Class, U.S. Army, an Idaho native who gave his life during the war in Vietnam. Nearly forty-four years after his helicopter crashed in the jungle near An Khe, his remains have been returned to his family.

Officer Phelps was born in Boise on October 1, 1937 and spent his childhood in Nampa. He stayed in Idaho as an adult and married Dee Phelps in 1955, the year that he graduated from high school. In time, he and Dee had four children, and he enlisted in the National Guard before becoming an army pilot.

On December 28, 1965, Officer Phelps was part of a four-person U.S. Army Huey helicopter crew charged with delivering munitions and supplies to a group of soldiers through the An Khe Pass, in Binh Dinh Province, South Vietnam. The routine mission was only meant to take 30 minutes, and 8–10 minutes after takeoff, the crew radioed their target company to say that the weather ''doesn't look bad.'' It was the last communication from the plane, which disappeared into the trees shortly thereafter. Search efforts were fruitless, and Officer Phelps and his crew were later pronounced ''Died While Missing/Body Not Recovered.'' Ten years after her wedding, Dee Phelps received a telegram informing her that her husband was gone.

Thanks to more recent search efforts and DNA testing, Officer Phelps's wife, children, and grandchildren can be certain that the head of his family has returned home once more. I and the people of Idaho value his sacrifice and honor Officer Phelps's commitment to serving his country. We owe the strength of our nation to the steady courage of veterans like Officer Phelps.

IN RECOGNITION OF THE JOHN ADAMS HIGH SCHOOL CLASS OF 1969

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the John Adams High School Class of 1969 as they commemorate their 40 Year Reunion Celebration. The 1969 alumni of the John Adam's Rebels will observe this momentous occasion on Saturday, August 8th, 2009.

John Adams High School opened in 1923 at East 116th Street and Corlett Avenue. The school was home to generations of Cleveland teenagers for decades, until it was closed in 1995, along with West Technical, and Aviation High Schools, to help cut the cities budget. John Adams High School was representative of the strong public education system, working class family environment and racial and cultural diversity that characterizes the city of Cleveland. After eleven years, John Adams High School was rebuilt and reopened in 2006.

The class of 1969 was a cohesive and talented group who has since moved throughout the country, spanning from California to New York. But they maintained a strong base in the Cleveland area. This group of alumni is clearly dedicated to each other, and they have gathered for several reunions throughout the decades since their graduation. This reunion will surely be another success as they come together again to celebrate each other and the significant and momentous occasions that have taken place throughout their lives.

Madam Speaker and colleagues, please join me in recognition of the John Adams High School Class of 1969 as they gather for their 40 Year Reunion Celebration. Their dedication to their past educational achievements and city of Cleveland is sure to provide for a joyous and memorable occasion.

BASIS CHARTER SCHOOL

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Ms. GIFFORDS. Madam Speaker, I rise today to recognize the nationally acclaimed BASIS Charter Schools, which provide outstanding educational services in Tucson, Arizona.

American students often lag behind their counterparts in other countries and we know that action must be taken to reverse this trend. BASIS Charter Schools give us a national model that demonstrates how we can effectively address this serious decline in educational performance.

Ten years ago, Michael and Olga Block embarked on their mission to create a ''New American'' school. They established the BASIS Charter Schools. The BASIS philosophy understands that math and science are essentially the languages of the 21st century.

These forward-thinking founders say that great teachers are responsible for the schools' successes. At BASIS, the teachers hold themselves and their students to high standards and levels of accountability. Students engage in a demanding course of study that gives them the skills needed to compete in the new global economy.

BASIS has received many well deserved awards. The high school has been selected in each of the last four years by Newsweek magazine as one of the top 10 high schools in the United States. During the 2008–2009 academic year, BASIS students received perfect

marks on the Arizona Instrument to Measure Standards (AIMS) exam. In 2009, BASIS was the only high school in Arizona with 100 percent of its students passing the AIMS exam in every subject tested.

Documentary filmmaker Robert A. Compton has produced a film about BASIS Schools entitled 2 Million Minutes: The 21st Century Solution. The title chronicles a student's journey in school from eighth grade until high school graduation. The filmmaker lauds BASIS schools saying that they "demonstrate that American students are capable of competing academically with the best in the world." The film will premiere in Tucson on October 1, 2009.

I am proud to acknowledge the great achievements of BASIS Charter Schools. The founders, the teachers, the students and their parents are leading the way for the critical improvements we must bring about in our public education system.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed recorded votes on the House floor on Thursday, September 24, 2009.

Had I been present, I would have voted "no" on rollcall vote No. 735 (on agreeing to H. Res. 766, which provides for consideration of motions to suspend the rules), "aye" on rollcall vote No. 736 (on motion to suspend the rules and agree to H. Con. Res. 163), "aye" on rollcall vote No. 737 (on motion to suspend the rules and agree to H.R. 3631).

IN HONOR AND REMEMBRANCE OF SERGEANT RICHARD ALLYN WALTERS, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. KUCINICH. Madam Speaker, I rise today to honor and in remembrance of United States Army Sergeant Richard Allyn Walters, Jr. of Cleveland, Ohio. Sergeant Walters was a devoted husband, father, son, brother, uncle, cousin and friend who made the ultimate sacrifice on behalf of the country.

A graduate of Columbian High School in Tiffin, Ohio, Sergeant Walters followed in his father's footsteps and enlisted in the U.S. Navy. He was a ten-year Navy veteran and served in Operation Desert Storm. In 2006 Walters re-enlisted in the Army and became a licensed practical nurse (LPN) in March of 2009. He worked at Walter Reed Army Medical Center in Washington, DC before being assigned to the 14th Combat Support Hospital in Fort Benning, Georgia.

Sergeant Walters' military service is a reflection of excellence, loyalty and achievement. He was awarded the Navy Fleet Marine Force Ribbon, Armed Forces Expeditionary Medal, Navy Good Conduct Medal, Combat Action Ribbon, National Defense Service Medal with Bronze Service Star, Southwest Asia Service Medal with Bronze Service Star, Global War on Terrorism Service Medal, Army Service Ribbon, Sea Service Deployment Ribbon, Overseas Service Ribbon and the Kuwait Liberation Medal. Sergeant Walter's pending posthumous awards and decorations include the Army Good Conduct Medal and Army Commendation Medal.

Madam Speaker, and colleagues, please join me in honoring and remembrance of Sergeant Richard Allyn Walters Jr., whose heroic actions, kindness and love for those closest to him will always be remembered. Sergeant Walters was a courageous United States soldier, and a devoted husband, father, son, brother, uncle, cousin and friend. I extend my deepest condolences to his wife, Stephanie; to his daughters, Rachel and Piper; to his mother, Margaret; to his brother Greg; to his sister-in-law Stacy and nephew Benjamin; and to his extended family and many friends. Sergeant Walters will live on within their hearts and memories for all time.

IN HONOR OF MR. BEN MOORE'S LIFETIME OF SERVICE

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. PRICE of Georgia. Madam Speaker, I rise today in recognition of Mr. Ben Moore, who this weekend will receive a Lifetime Service and Achievement Award from the Johnson Ferry Baptist Church in my district.

Mr. Moore was born in Texarkana, Arkansas on October 24, 1913. In 1920, his family fled the Dust Bowl and made their way to Atlanta, Georgia. At the age of 14, a young Ben Moore took a job as an office boy at the First National Bank of Atlanta, beginning what would become a long and distinguished career at First National.

Mr. Moore served his country with valor during World War II, joining the Army Air Corps on Oct. 1, 1942 and seeing service in Italy. He returned to Atlanta after the war and was admitted to the State Bar of Georgia in 1949. He has been a member of the bar for 60 years and continues to practice law to this very day.

In 1953 Mr. Moore was named as one of "Atlanta's 100 Leaders of Tomorrow" by Time Magazine. He served on the Atlanta Board of Aldermen, the precursor to today's City Council, during Mayor Ivan Allen's first term. During this period, the City of Atlanta saw numerous changes including the arrival of the Atlanta Braves, the opening of construction on Interstate 285, and the beginning of the transformation of Zoo Atlanta and Hartsfield-Jackson International Airport into the institutions we recognize today.

Mr. Moore became a Baptist in 1957 when he and his two daughters were Baptized by Dr. Monroe Swilley, then pastor of Second Ponce de Leon Baptist Church. He is a graduate of Tech High, the Woodrow Wilson College of Law, and the American Institute of Banking.

Mr. Moore will celebrate his 96th birthday next month. When he isn't practicing law, he enjoys the company of his two daughters, three grandsons, and one great grandson in the Atlanta area.

Throughout his life, Ben Moore has answered the call to serve his family, his community, and his country. I'm proud to honor him today in the United States House of Representatives.

RECOGNIZING THE DESIGNATION OF SEPTEMBER AS CRANIOFACIAL ACCEPTANCE MONTH

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. CANTOR. Madam Speaker, I rise today to recognize the designation of the month of September as Craniofacial Acceptance Month.

September has been designated as Craniofacial Acceptance Month to raise awareness and acceptance of the courageous children and adults who live daily with craniofacial deformities. These brave patients and their families often face significant medical challenges over the course of their lives. While the commonly known cleft palate or cleft lip condition may call for a simple surgical fix, there are many other unique and complex anomalies which can require extensive surgeries throughout a child's developmental years.

In the 7th District of Virginia, a young constituent of mine named Chase has a moderately severe craniofacial deformity. At the age of 9, he has already had 28 surgeries and hospitalizations to improve his ability to breathe, walk, see, hear, and talk. He will need more surgeries as he grows. Despite his many challenges, Chase and his family celebrate his growth and milestones with joy. His unique medical needs do not stop him from riding the bus to school and making friends. His big smile and enthusiasm for life have enabled Chase and his family to approach each day with a positive outlook.

This month also marks the 20th anniversary of the Children's Craniofacial Association, an incredible charitable organization that offers a network of resources and assistance to families with children who have deformities. The association's mission is to "widen the circle of acceptance," through promoting the message that "beyond the face, there is a heart." I would like to commend the CCA for connecting Chase, his family and other families across America with resources to improve the lives of these patients. I encourage all of my colleagues to join me in raising awareness of the needs of these extraordinary individuals.

EARL DANIELS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to honor World War II veteran Earl Daniels of Strasburg, Illinois, as Strasburg American Legion Post #289 holds a dinner in his honor this Saturday, October 3, 2009.

Mr. Daniels was drafted into the United States Army at the age of 18. After he had completed training he joined the 28th Infantry Division. His unit served admirably in France, Belgium, Czechoslovakia and Germany.

In November 1944 he was taken prisoner and held in Cologne, Germany. He was later sent to Stallag 3G, near Berlin. After his release he returned home to the United States and was eventually discharged.

I am pleased to honor Mr. Daniels and all of our brave veterans for their service to our great nation. May God continue to bless him and may God bless America.

STUDENT AID AND FISCAL RESPONSIBILITY ACT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Ms. MCCOLLUM. Madam Speaker, I rise in strong support of the Student Aid and Fiscal Responsibility Act (H.R. 3221), which will end the giveaway of $87 billion in corporate welfare to financial institutions for processing paperwork. Those funds instead will be reinvested to expand the Pell Grant program, increase assistance to community colleges, and support early learning to ensure more low-income children are prepared to start kindergarten. A savings of $10 billion will also be used for deficit reduction.

H.R. 3221 terminates the Family Federal Education Loan (FFEL) program. Instead, all new federal student lending will originate through the existing Federal Direct Loan Program. This change will result in a more reliable system for students and their families by avoiding risks in the private lending market, which were exposed in the recent financial crisis. Taxpayers will benefit from a more efficient student loan system because eliminating the unnecessary middleman will produce $87 billion in savings for taxpayers over the next 10 years.

The Student Aid and Fiscal Responsibility Act also makes strategic investments to allow more students to attend college and graduate with less debt. The Pell Grant Scholarship program is increased by $40 billion. As a result, more than $75.5 million in additional funding will be provided to students in Minnesota's Fourth Congressional District over the next decade. Additionally, this legislation strengthens and expands the Perkins Loan Program, and it helps families by simplifying the complicated and time-consuming Free Application for Federal Student Aid (FAFSA)—the bill enables families to apply for federal student aid using their tax form.

America's community colleges are another priority investment in H.R. 3221. At a time when millions of Americans are seeking new employment opportunities, this bill makes significant new funding available to retrain workers, prepare students for 21st century jobs and introduce students to post-secondary education. These investments will improve the quality of education for over 100,000 students that are enrolled in Minnesota community colleges.

This legislation is a historic opportunity to invest in education while, at the same time, reducing the federal deficit. Unfortunately, the Republican minority is trying to distract attention from the bill by offering a motion to recommit that prohibits Federal funding to the Association of Community Organizations for Reform Now (ACORN). ACORN, a nonprofit organization that works to empower low-income Americans, does not receive $1 of Federal funding in H.R. 3221. ACORN is currently under investigation for possible wrong-doing—these inquiries should proceed and final judgments should be made. No organization found guilty of criminal conduct should continue to receive taxpayer support. However, it is inappropriate and likely unconstitutional for the House of Representatives to pre-judge the outcome of a formal investigation by prohibiting Federal funding. I strongly urge my colleagues to join me in opposing this political ploy and in supporting passage of H.R. 3221.

CELEBRATING THE 25TH ANNIVERSARY OF DALLAS' POLITICAL CONGRESS OF AFRICAN-AMERICAN WOMEN

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it is with great pleasure that I rise today to recognize the achievements and celebrate the anniversary of Dallas' Political Congress of African-American Women. This organization has been an integral part of the Dallas community for 25 years, and I am proud of the work its members have done in the group's quarter-century of existence. In addition to keeping the community informed about candidates running for elected office, the Congress registers voters and hosts forums for candidates so that they are accessible to citizens.

The Political Congress of African-American Women and organizations like it are incredibly important for the well-being of our communities. These groups offer opportunities for civic and political leadership to people who traditionally would not have been able to serve in such capacities. By engaging their communities, these organizations reflect our democratic values and encourage everyone to be engaged in the political process.

I commend Dallas' Political Congress of African-American Women for their civic leadership and encourage my colleagues to join me in recognizing this organization's 25th anniversary. Truly, the Dallas community has benefited greatly from the Congress' efforts, and I commend all of its members on their hard work.

BETHEL BAPTIST CHURCH 200TH ANNIVERSARY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to commemorate the 200th anniversary of the Bethel Baptist Church in Caseyville, Illinois.

Bethel Baptist Church was founded in 1809 and immediately became a leading institution on the Illinois frontier. Bethel has been an active force for positive change since its inception, advocating abolition nearly 60 years before the ratification of the 13th Amendment. The first pastor at Bethel, James Lemen, Sr., was such a strong abolitionist that the church's original constitution prohibited any member from owning slaves or promoting slavery. As the abolition movement grew, the church became an important part of the Underground Railroad.

As Bethel Baptist Church celebrates its proud history, it can look to a bright future. While the congregation has grown and changed over the past two centuries, it has never forgotten its mission in the community and continues to work for a better tomorrow.

I would like to congratulate Reverend Michael D. Evans and the entire Bethel Baptist Church family on their 200th anniversary. I wish them the best as they continue to build on their rich history.

A TRIBUTE TO THE HONORABLE ROSEMARY STASEK

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Ms. ESHOO. Madam Speaker, I rise today to honor the extraordinary life and work of my friend and fellow public servant Rosemary Stasek who passed away at the age of 46 on September 24, 2009, in Afghanistan. Rosemary is survived by her beloved husband, Morné Du Preez of South Africa, her parents Patricia and Andrew Stasek of McAdoo, Pennsylvania and many other loved ones.

Rosemary was born in 1963 and raised in northeast Pennsylvania. She graduated from Cornell University with a Bachelor's Degree in Economics, the first person in her family to graduate from college. She was a Dean's List student and manager of the football and wrestling teams.

Rosemary served two terms on the City Council in Mountain View, California, located in the 14th Congressional District. She was elected to her first term in 1996, re-elected in 2000, served as Vice Mayor in 1999 and as Mayor for the year 2000. She represented the City in many regional, statewide and national forums, specializing in issues pertaining to housing and homeland security. She was committed to many City initiatives and fought to protect the environment, youth programs and services, diversity, parks and trails and the public open space. She served on the City Council at a time when they took critical steps to meet the need for affordable housing in the community, downtown revitalization, increased transportation options, and new business developments. Current Mayor Margaret Abe-Koga notes, "Our City was blessed to have known such a dedicated and talented person. Our community has benefitted from her tireless efforts and leadership on behalf of everyone, but especially those who are most in need. This is a loss that is felt throughout Mountain View and countless parts of the world she has touched . . ."

In addition to serving on the Mountain View City Council, Rosemary had a broad history of political involvement, especially women's issues. She served on the Board of Planned Parenthood Advocates Mar Monte and the Santa Clara County Commission on the Status of Women. Her honors included being named a Distinguished Woman of the 14th Congressional District, the Religious Coalition for Reproductive Rights Freedom of Religion Award,

and the Alameda National Women's Political Caucus Pro-Choice Champion Award. She was also a nominee for the Silicon Valley Women of Achievement Award and was a candidate for the California State Assembly in March 2002.

In 1999 she was selected by the Secretary of Defense to participate in the Joint Civilian Orientation Conference, which took her to military installations across the country and aboard an aircraft carrier in the Pacific Ocean. She broadened her knowledge of military affairs, especially issues involving women serving in the Armed Forces. She served as a member of the U.S. Air Force Space Commanders Group.

Rosemary also worked for over a decade in the computer industry as a web developer and system administrator for prominent high tech firms in Silicon Valley. As always, she was dedicated to making a difference for the next generation and spent six years as an instructor at De Anza Community College teaching Introduction to Microcomputer Networks. She was also a certified substitute high school teacher for social sciences, English and special education classes, and taught in the Palo Alto Unified School District.

Rosemary's interest in international issues took her to Nepal, Ecuador, France, Britain, Holland, Germany, Italy, The United Arab Emirates, The Czech and Slovak Republics, Canada, Mexico, Thailand, Azerbaijan, South Africa, Venezuela, Tanzania and Vietnam. In 1998 she traveled to Cuba as a member of a special women's delegation.

Rosemary lived in Kabul, Afghanistan working on reconstruction and development projects. She first traveled to Afghanistan in May of 2002 as a member of a delegation of young Afghan-Americans working on reconstruction. She returned home after 2 weeks, but decided to return in June 2003 to work on a project to improve conditions for women in the Kabul prison, and in March 2004 she worked in maternity hospitals. In June 2004 she taught preservation, and in 2005 she spent most of the year living and working there as the logistics manager for the Kabul Beauty School. She returned again in February 2006 and had since resided in Kabul full time working on women's projects. Rosemary was also the Founder and Executive Director of A Little Help, a nonprofit that she began in 2002 which provides humanitarian aid in Afghanistan with a focus on women.

Ever the fighter, she remained in Kabul to continue her work even after she was diagnosed with Multiple Sclerosis. It was there that she met Morné du Preez, a South African who works as a private contractor protecting diplomats. They fell in love and were married two years ago. She was an extraordinary leader, teacher, advocate and mentor with a heart of gold who inspired passion in those around her to think and see beyond themselves and make a difference in the world.

Madam Speaker, I ask the entire House of Representatives to join me in honoring Rosemary Stasek. Through her countless contributions to her family, friends, colleagues, local community and the international community, she has left a lasting legacy of compassion, empowerment and excellence. She represented the best of America, strengthened our country and made the world a better place.

HONORING RONALD BOEHM ON HIS INSTALLATION AS COMMANDER OF THE FOURTH DISTRICT OF ILLINOIS AMERICAN LEGION

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. LIPINSKI. Madam Speaker, I rise today to honor Commander Ronald Boehm on the occasion of his installation as Commander of the Fourth District of Illinois American Legion.

Ronald Boehm served as Commander of American Legion McKinley Post 231 eight times and his exemplary service is a model of leadership and devotion. In the summer of 2007, Commander Boehm conceptualized and aided in the construction of a beautiful and moving monument to all war veterans, especially those from Post 231 who gave the ultimate sacrifice for our nation. This monument sits outside the McKinley Post and is visible to all who pass by on 35th Street.

In 2001, as Commander, Ronald Boehm led a fundraising effort for the widows and orphans of policemen and firefighters. The fundraiser was a great success and amassed over $10,000 for the cause.

Even outside of his work with the American Legion, Ronald Boehm has dedicated his life to the service of others, and recently retired after 40 years as a Chicago firefighter. His outstanding civic service was recognized this year by the McKinley Park Civic Association, which named Ronald Boehm "Man of the Year."

Today, I ask my colleagues to join me in recognizing the years of exceptional service and dedication of Commander Ronald Boehm. We acknowledge his service to our nation and to his community, and we congratulate his well-deserved installation as Fourth District Commander.

RIPPLE EFFECT MAKES FUND FOR NASA A WISE DECISION

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. OLSON. Madam Speaker, I would like to submit the following column which appeared in the Houston Chronicle on September 17, 2009 from the Bay Area Houston Partnership.

[From the Houston Chronicle, Sept. 17, 2009]

RIPPLE EFFECT MAKES FUND FOR NASA A WISE DECISION

(By Bob Mitchell)

The highly anticipated report from the Augustine Committee has been released. The panel is to be commended on writing such a thorough review of U.S. human space flight options in a short period of time. The report identified various alternatives for NASA's human space flight program. While each offers a varying degree of human space flight options, they all rely on humans as an integral part of space exploration. Why is this significant for the Johnson Space Center and its many contractors? We are home to human space flight.

Within the next few months, decisions will be made by the White House and Congress on which alternative is best for the future of NASA. Regardless of the decisions made, if adequate funding is not provided, we will continue to see erosion in the U.S. space program, and it won't be long before we relinquish our position as the world's number one space-faring country to a more ambitious and forward-looking nation.

The alternatives present unparalleled opportunities for the United States to continue to expand its leadership role in the international space community. The International Space Station is an excellent example of how much can be accomplished when multinational resources are engaged toward a common goal. We, as a nation, can choose to continue our investment in scientific discovery and international relations or we can choose to lose our leadership position to Russia, China, India or Japan. Insufficient funding for the world's premier space program will undoubtedly erode our leadership role with significant consequences for our security and our competitive position in the world. With our loss of leadership in other high-tech industries, do we want to give up this one as well? Do we want to have to buy our rides to space from a foreign government? This should be unacceptable to us as a nation.

What will it take to keep America first in flight? The Augustine report states, "Meaningful human exploration is possible under a less constrained budget, ramping to approximately $3 billion per year above the FY 2010 guidance in total resources." Compared to recent government expenditures, this is not that much to invest, especially considering the return to the American taxpayers on this investment. According to a recent congressional oversight report, we have spent $74 billion to help the nation's auto industry, an industry that has relied on the technology developed in space to enhance its product. Investing the same amount in NASA would ensure America's pre-eminent position in human space flight for the next 25 years.

Why do this? Why fund NASA to the tune of an additional $3 billion or more per year? Go beyond the obvious and consider the ripple effect. Arguably, perhaps, the space industry is the only industry in the world that consistently creates new technology. Our cars and trucks are lighter, stronger and safer due to NASA technology. Computers, cell phones, GPS and many life-saving medical advancements all have roots in the space industry.

The human factor is equally important. Generations of our young people have been inspired by NASA. The promise of working in America's space program has, for the past 50 years, influenced students to go into science, technology, engineering and math careers. For example, 35 percent of the Orion Crew Exploration Vehicle program is composed of young professionals.

Consider this. We will have a seven-year gap where no Americans are launched into space on American rockets. At no time in our history of space flight have we experienced a gap of this magnitude. Think for a moment of the loss of inspiration to millions of our young people that can never be recovered. Think of the lost opportunities to the U.S. in terms of high-technology innovations and breakthroughs that will not occur when students choose non-technical careers. Do we break our promises to our nation's children and young professionals by opting to take the easy route and not provide much-needed funding to NASA's human space flight program? This, too, should be unacceptable to us as a nation.

The U.S. is unquestionably the world's leader in space exploration, something that can no longer be said about many industries we led at one time. The question remains,

are we willing to give this up for the lack of a very reasonable investment?

Congress and the president are faced with tough choices. Fully supporting human space flight, on the other hand, should be an easy choice. By making the choice to provide the additional funding necessary for a robust U.S. space exploration program, government and private industry jobs will be retained and created, international relationships will be secured and strengthened with America leading the way, and our youth will continue to dream of exploring the universe, taking those steps necessary to do so. Not only is this the most reasonable course of action, it's the right thing to do—for America and for the world.

HONORING THE 100TH ANNIVERSARY OF THE WEST END SILVER POINT CHURCH

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor the 100th anniversary of the founding of the West End Church of Christ congregation in Silver Point, Tennessee.

In 1909, Pastor George Phillip "G.P." Bowser relocated the Laurel Hill congregation to Silver Point and established the Putnam County Normal and Industrial Orphanage to provide housing, education, vocation, and religious instruction to the African American children of the region. In 1913, the school became the Silver Point Christian Institute, educating grades one through eight. A small printing press was operated by the school, which led to the development of the Christian Echo—a publication that is still printed today.

By 1915, the church and school combined into the West End Church of Christ Silver Point. A new building was constructed, which still stands to this day. In December 2007, the building was included in the National Register of Historic Places by the U.S. National Park Service.

The geographically isolated Highland Rim area of Middle Tennessee has always focused on small-scale agriculture and timber resources grouped into small towns. Farms were tended by individual families with little outside help. Until the early 20th century, these small communities in Silver Point had few religious organizations and even fewer schools. Classes were often taught in buildings that could not afford proper maintenance or enough supplies for students.

The school that Pastor Bowser established in 1915 provided the young children of the community with educational opportunities never before seen in the area. Though the school closed in 1959, the church remains active.

Many prominent and nationally-acclaimed leaders have been personally involved with the church, including Sam Womack, Alexander Campbell, Marshall Keeble, Henry Clay, J.S. Winston, R.N. Hogan. G.E. Stewart, and Levi Kennedy.

Through its 100-year history, the West End Church of Christ in Silver Point has provided a place of identity and congregation for the African American community of western Putnam County. I congratulate the congregation on its centennial anniversary.

PERSONAL EXPLANATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. CONYERS. Madam Speaker, on September 29, due to personal reasons, I was unable to cast the three votes that were called on that day. Had I been present I would have voted "yes" on rollcall votes 740 (H.R. 905); 741 (H. Res. 16) and 742 (H.R. 2997).

102ND ANNIVERSARY OF THE CROATIAN SONS LODGE 170

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to congratulate the Croatian Sons Lodge Number 170 of the Croatian Fraternal Union on the festive occasion of its 102nd anniversary and Golden Member banquet on Sunday, October 11, 2009.

This year, the Croatian Fraternal Union will hold this gala event at the Croatian Center in Merrillville, Indiana. Traditionally, the anniversary celebration entails a formal recognition of the Union's Golden Members, those who have achieved fifty years of membership. This year's honorees, who have attained fifty years of membership, include: John B. Belork, Richard J. Bundek, Victoria Ann Burson, Robert J. Erdelac, Michael Grasa, Richard F. Grcevich, Joanne James, Peter P. Jay, Mary Ellen Kaegebein, Mirjana M. Kirincic, Della Klobuchar, Lawrence Labash, Slavko Ladic, Miyo George Mrkonich, Joan Marie Pope, Frances Razumich, Rudolph J. Rubesha, Jr., Peter George Tarpo, and Valerie Trtan.

These loyal and dedicated individuals share this prestigious honor with approximately 489 additional Lodge members who have previously attained this important designation.

This memorable day will begin with a mass at Saint Joseph the Worker Croatian Catholic Church in Gary, Indiana, with the Reverend Father Stephen Loncar officiating. The banquet will begin at 1:00 p.m.

Madam Speaker, I urge you and my other distinguished colleagues to join me in commending Lodge President John Miksich, and all members of the Croatian Fraternal Union Lodge Number 170, for their loyalty and radiant display of passion for their ethnicity. The Croatian community has played a key role in enriching the quality of life and culture of Northwest Indiana. It is my hope that this year will bring renewed hope and prosperity for all members of the Croatian community and their families.

EARMARK DECLARATION

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. DENT. Madam Speaker, pursuant to the House Republican Leadership standards on earmarks, I am submitting the following information regarding a project that is listed in the Conference Report of H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, FY2010:

Bill Number: Conference Report—H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, FY2010, Account: Department of Energy, EERE, Title: Advance Power Cube for Wind Power and Grid Regulation Services, Legal Name of Requesting Entity: East Penn Manufacturing, Address of Requesting Entity: Deka Road, Lyon Station, PA 19536, Description of Request: This funding will support design, testing, fabrication and implementation of new advanced battery energy storage technology that will be used to balance the fluctuating generation of electricity in wind systems and improve the efficiency of the current electricity grid. This technology will produce a more affordable, cleaner, recyclable and more efficient energy storage option than what is currently available for wind power farms and grid regulation services.

H.R. 3548, UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. WITTMAN. Madam Speaker, on September 22, 2009 the House of Representatives passed H.R. 3548, the Unemployment Compensation Extension Act of 2009 with my support. I voted for H.R. 3548, legislation that would extend unemployment benefits by 13 weeks for states with unemployment rates in excess of 8.5%. Our nation is currently facing significant economic challenges, including the highest unemployment rates in over twenty years. With nearly five million Americans and 290,000 Virginians out of work, I believe extending unemployment benefits was the right thing to do.

Several localities in Virginia's First Congressional District experienced unemployment above 8% this summer. However, I am disappointed that H.R. 3548 would not extend benefits in Virginia because the states unemployment rate is currently below 7%. This bill's 8% threshold needlessly overlooks struggling families in Virginia. I would like to see this measure amended to extend the same unemployment benefits to all Americans regardless of where they live.

I understand that unemployment is putting significant strains on local families. That's why I recently hosted a First District Job Fair featuring state, federal, and private employers. Hundreds of First District residents attended the successful job fair and are now on their way into the workforce.

IN RECOGNITION OF JULIE CAIN BURKHARD, CHAIRMAN OF THE NATIONAL PANHELLENIC CONFERENCE

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. SESSIONS. Madam Speaker, I rise today to recognize the work of an outstanding individual, Julie Cain Burkhard, as she concludes her distinguished work as Chairman of the National Panhellenic Conference (NPC). This conference represents 26 sororities with a member base of more than four million women at 655 campuses and 4,500 alumnae chapters in the United States and Canada. Sororities and fraternities are the largest values-based organizations on college campuses and among the most successful leadership development programs for college students. As Chairman, Julie has led NPC's effort to provide support and guidance for its members, and acted as one of NPC's leading voices on contemporary issues of sorority life.

As a proud University of Georgia alumna and past national president of her sorority Alpha Chi Omega, Julie's unyielding passion for Greek life is reflected in her lifetime commitment to collegiate leadership. Under her leadership, NPC has increased their membership, created web-based advocacy tools, and furthered the organizational effectiveness of the conference.

Julie has been a great resource and advocate for women worldwide. Her long-term commitment to her Alpha Chi Omega chapter, its international organization, and the entire Greek community are tokens of the leadership, dedication, and loyalty that make her a role model for women leaders and incredibly deserving of this honor.

I have personally had the opportunity to work with Julie over the years as she has come to Washington to tirelessly advocate for students across the country. We have worked together on the passage of the Collegiate Housing and Infrastructure Act, a bill that would help improve not-for-profit housing for college students, as well as legislation dedicated to advancing college fire safety standards and student financial aid.

The National Panhellenic Conference is a stronger organization as a result of her unwavering leadership and steadfast commitment to the lives of Greek women. I am pleased to honor Julie Cain Burkhard's exemplary service and wish her all the best in her future endeavors.

TRIBUTE TO MR. JIMMY ''PO WOODS'' LEATHERWOOD, ENTREPRENEUR AND OWNER, WOODS, INC. OF CHICAGO, ILLINOIS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. RUSH. Madam Speaker, I rise today to pay tribute to a great entrepreneur, community leader, humanitarian and family man, the late Jimmy Leatherwood who made his heavenly transition on Sunday, September 27, 2009. It is often difficult to find words to express the depth of one's feelings with the passing of a good friend and constituent.

Mr. Leatherwood served with distinction for nearly 30 years as a member of the Cook County, Illinois Sheriff's Department. He was a Board Member of the Westside Association for Community Action of Chicago, a member of the famed Rat Pack-Chicago Chapter and served on the School Council of a local Chicago Public School. He worked tirelessly with various organizations to provide scholarship opportunities to young people and annually donated food to those in need in his home town of Leland, Mississippi.

Jimmy dedicated his life toward making a difference in the lives of other people. He was a shining example of how God can use a life to help make this world a better place. Indeed, many who have had the privilege of knowing him have come to recognize that they are a much better person as a result of his life.

Madam Speaker, I want to encourage his devoted wife Joann, their daughter Nazaree, the entire family and the many friends of Mr. Jimmy Leatherwood to always remember to look to the hills from which comes all of their help, trusting that their help will surely come from the Lord. I am truly blessed to have known and worked with him. I am honored to pay tribute to this outstanding gentleman.

COMMEMORATING NATIONAL JOB CORPS DAY

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. MITCHELL. Madam Speaker, I rise today to commemorate National Job Corps Day on Capitol Hill, which takes place September 23, 2009. This day-long event will recognize the 45-year anniversary of Job Corps, which has been dedicated to helping young people launch stable careers.

Since its start, Job Corps has been committed to helping young people, ages 16–24, get connected with the resources to be successful in the workforce. With 123 campuses, Job Corps is a nationwide tool for many young Americans to gain the essential education and work skills. I am pleased to have such a strong and active branch of the organization right here in Maricopa County, serving young people across the valley.

At its core, Job Corps exemplifies the importance and true value of education. As a former teacher, I believe education is the foundation for preparing our youth to thrive in the future. Through efforts like Job Corps, we can work together to make higher education and careers attainable for all youth.

Madam Speaker, please join me in celebrating the 45th Anniversary of Phoenix Job Corps.

ABILITY ONE

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. YOUNG of Alaska. Madam Speaker, today I rise to recognize a program, which in the last year, has helped more than 40,000 Americans who are blind or who have severe disabilities gain skills and training that has ultimately led to gainful employment; The AbilityOne Program.

The AbilityOne Program harnesses the purchasing power of the Federal Government to buy products and services from participating community-based nonprofit agencies that are dedicated to training and employing individuals with disabilities. This program affords Americans with disabilities the opportunity to acquire job skills and training, receive good wages and benefits, and gain greater independence and quality of life.

This comes in a segment of the population that has suffered from significant unemployment. But programs such as AbilityOne have come a long way in helping to bring people with disabilities into a working society. I am proud to acknowledge that REACH Inc. has played an active role since 1977 in helping employ people with severe disabilities and is one of the community partners to the AbilityOne Program within my state.

The history and mission of REACH Inc. stands as a true example of why this program is a winning proposition for all parties involved. REACH Inc. grew out of the dream of a group of local families who wanted to organize activities for their children with disabilities. Over 32 years ago, REACH Inc. opened its doors in the basement of the Resurrection Lutheran Church in Juneau. What started out as a small, family-run group meeting in a church basement has developed into an agency employing 200 people and serving over 400 individuals.

The direct impact of these organizations on the lives of Americans with disabilities cannot be overstated. For an individual with a severe disability who has never had the opportunity to hold a job, be independent, participate in the community, or play an important role in society; the AbilityOne Program and organizations like REACH Inc. are invaluable.

Madam Speaker, it is with great pleasure that I extend my support to the AbilityOne Program. I also want to commend the dedication and commitment to the REACH Inc. Executive Director, Mr. Richard Fagundes, and his staff for helping individuals who are blind or have a severe disability find employment. Their work helps people live fuller lives and become more active members of society. I also commend each AbilityOne employee who works every day to improve their lives, support our Government, and make our country a better place to live.

COMMENDING HOMELAND SECURITY DEPARTMENT EMPLOYEES AND ANTI-TERRORISM PARTNERS

SPEECH OF

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. KING of New York. Mr. Speaker, I would like to express my support for the resolution introduced by my colleague from New York, Congresswoman CLARKE. House Resolution 731, of which I am a cosponsor, recognizing the month of September as National

Preparedness Month, also commends the employees of the Department of Homeland Security; other federal agencies; state, local, and tribal government officials; emergency response personnel; and law enforcement officers who defend our nation against acts of terrorism.

New York's 3rd Congressional District is home to many of the Department of Homeland Security's employees, including those who work at JFK and LaGuardia airports and in the Coast Guard. We are all grateful for the important work they carry out, in partnership with local law enforcement officers and other first responders, to protect our communities, particularly in light of several recently foiled terrorist plots.

Earlier this month, we commemorated the eighth anniversary of the terrorist attacks of September 11, 2001. In these times, we cannot afford to be complacent, or to forget what it means to prepare ourselves, our families, and our communities to respond to the threat of terrorism. All Americans can help promote emergency preparedness by taking steps such as assembling emergency supply kits, creating family emergency plans, and staying informed about possible emergencies in their area.

We have come a long way since September 11th, but there is still much more to do to keep America safe. House Resolution 731 helps remind all Americans of the steps they can take to be prepared, and honors those on the front lines who tirelessly work to keep our communities safe.

HONORING THE THOMAS JEFFERSON NATIONAL ACCELERATION FACILITY ON ITS 25TH ANNIVERSARY

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. WITTMAN. Madam Speaker, I rise today to recognize the Thomas Jefferson National Acceleration Facility in Newport News, VA, on the occasion of its 25th anniversary. Since its creation, the Jefferson Lab has welcomed scientists and researchers from across the globe to study the matter and forces which build and drive our universe.

The Jefferson Lab is committed to educating the next generation of scientists by increasing the number of teachers who have strong backgrounds in math and science, and in doing so increase student motivation in the subjects of engineering and technology.

Current Secretary of Energy and Nobel Prize winning physicist Dr. Steven Chu joined the lab in celebrating this momentous occasion. On Tuesday, September 29, Secretary Chu visited with the lab's scientists, and discussed the future of atomic research.

Recently, the Jefferson Lab began an expansion of its accelerated electron beam, and I was glad to attend the groundbreaking of this project in April 2009. This project creates a collision of atoms so that scientists may study protons and neutrons at the smallest level. The work done at the Lab is known around the world as second-to-none, and this initiative, also known as the 12GeV Upgrade, will ensure the Lab's worldwide leadership position for the next twenty years.

I continue to be impressed by the efforts of the men and women from the Jefferson Lab and their desire to lead the Nation and the world in research and innovation. I urge my colleagues to join me in congratulating the Thomas Jefferson National Acceleration Facility on its 25th anniversary.

IN RECOGNITION OF THE CITY OF RICHARDSON'S 2009 NATIONAL NIGHT OUT

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. SESSIONS. Madam Speaker, I rise today to recognize the City of Richardson and the Richardson Police Department for its efforts to combat crime and its 2009 National Night Out on October 13, 2009.

Since its inception twenty-six years ago, the National Night Out program has successfully reached out to numerous communities nationwide in its mission to raise crime and drug prevention awareness. The City of Richardson has utilized innovative methods to encourage citywide participation such as organizing neighborhood block parties, programs for the Hispanic and Asian communities, and activities at various senior centers. These gatherings unite citizens, law enforcement agencies, businesses, civic organizations, and local officials. It shows their resolve to fight back against criminals and their commitment to keeping our neighborhoods safe. The City of Richardson's high participation has resulted in their being the award winner for Category #3 in the Nation. National Night Out has helped the Police strengthen neighborhood spirit and build partnerships within the local community.

Madam Speaker, I ask my colleagues to join me in commending the City of Richardson and the Richardson Police Department for their hard work and dedication. Their efforts have made our community a safer and better place.

IN RECOGNITION OF THE PASSING OF DON PRIEST

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. MILLER of Florida. Madam Speaker, I rise today to join in the celebration of the life of Don Priest, a local legend in my district in Northwest Florida. For over four decades, Don delivered broadcast news and his daily editorials to people in the Florida Panhandle and Alabama Gulf Coast.

Don's years of broadcasting made him one of the most recognized voices in the area. As news director of the radio station WCOA for 41 years, he knew the importance of keeping people in the area informed. He also recognized that the news is not one-sided, and as the first host of Pensacola Speaks, a local radio call-in show, he was instrumental to letting countless people over the years discuss what was on their minds, be it a national, local, or a personal issue. Don opened his radio show to anything people wanted to discuss, and people daily instantly recognized his voice as he took to the airwaves.

Don's radio broadcasting covered more than just the news. On Friday nights, his distinctive voice came on the air to cover local high school football games. He was a news director who was involved with all aspects of the news, and he worked hard to include people of all ages and walks of life in the community. Don's tireless work made sure that events in the area received the notice they deserved.

Madam Speaker, Northwest Florida will long remember the legacy of Don Priest. My thoughts and prayers are with him, and many will be forever grateful for Don having touched their lives. Northwest Florida has suffered a great loss, but we will fondly recall his voice on the airwaves for a long time to come.

IN RECOGNITION OF THE CITY OF DALLAS AND 2009 NATIONAL NIGHT OUT

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. SESSIONS. Madam Speaker, I rise today to recognize the City of Dallas and the Dallas Police Department for its efforts to combat crime and its 2009 National Night Out on October 6, 2009.

Since its inception twenty-six years ago, the National Night Out program has successfully reached out to numerous communities nationwide in its mission to raise crime and drug prevention awareness. The City of Dallas has utilized innovative methods to encourage citywide participation such as organizing neighborhood block parties, safety fairs, visits from police, contests, and rallies. These gatherings unite citizens, law enforcement agencies, businesses, civic organizations, and local officials. It shows their resolve to fight back against criminals and their commitment to keeping our neighborhoods safe. National Night Out has helped the Dallas Police strengthen neighborhood spirit and build partnerships within the local community.

Madam Speaker, I ask my colleagues to join me in commending the City of Dallas and the Dallas Police Department for their hard work and dedication. Their efforts have made our community a safer and better place.

RECOGNIZING THE TOWN OF ORANGE AS IT CELEBRATES ITS 275TH ANNIVERSARY

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. CANTOR. Madam Speaker, I am proud to recognize the Town of Orange as it celebrates its 275th anniversary.

The Town of Orange is located northeast of Charlottesville, near James Madison's estate at Montpelier, viewing the Blue Ridge Mountains.

The Town of Orange was a strategically important location during the American Civil War. Just north of town, the Rapidan River was effectively the northern border of the Confederacy for several years. Consequently, the area witnessed countless troop movements,

patrols, skirmishes, and encampments. In addition, the Town of Orange served as General Robert E. Lee's headquarters during that time. In fact, General Lee worshipped at the St. Thomas Episcopal Church on Caroline Street, which still stands today.

The town continued to thrive into the twentieth century. Fire destroyed much of the eastern part of town in 1908, but many of the buildings constructed shortly after the fire still remain. In fact, Orange was well-known for its silk mill, which produced many of the parachutes used by U.S. troops during World War II. The silk mill finally closed in the 1970s, but the building still remains and is used by local businesses.

Orange residents will celebrate and honor the town's heritage and 275 years of history with events and activities throughout the year. In conjunction with the Fall Fiber Festival at Montpelier, the Gordonsville Street Festival, and other county-wide events, the Town of Orange will have a Blues Festival on Main Street on October 3rd to mark the anniversary.

Madam Speaker, please join me in congratulating the fine citizens of Orange as they celebrate their town's anniversary and wishing them the best for their continued growth and success.

IN HONOR OF MR. BEN MOORE'S LIFETIME OF SERVICE

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. PRICE of Georgia. Madam Speaker, I rise today in recognition of Mr. Ben Moore, who this weekend will receive a Lifetime Service and Achievement Award from the Johnson Ferry Baptist Church in my district.

Mr. Moore was born in Texarkana, Arkansas on October 24, 1913. In 1920, his family fled the Dust Bowl and made their way to Atlanta, Georgia. At the age of 14, a young Ben Moore took a job as an office boy at the First National Bank of Atlanta, beginning what would become a long and distinguished career at First National.

Mr. Moore served his country with valor during World War II, joining the Army Air Corps on Oct. 1, 1942 and seeing service in Italy. He returned to Atlanta after the war and was admitted to the State Bar of Georgia in 1949. He has been a member of the bar for 60 years and continues to practice law to this very day.

In 1953 Mr. Moore was named as one of "Atlanta's 100 Leaders of Tomorrow" by Time Magazine. He served on the Atlanta Board of Aldermen, the precursor to today's City Council, during Mayor Ivan Allen's first term. During this period, the City of Atlanta saw numerous changes including the arrival of the Atlanta Braves, the opening of construction on Interstate 285, and the beginning of the transformation of Zoo Atlanta and Hartsfield-Jackson International Airport into the institutions we recognize today.

Mr. Moore became a Baptist in 1957 when he and his two daughters were Baptized by Dr. Monroe Swilley, then pastor of Second Ponce de Leon Baptist Church. He is a graduate of Tech High, the Woodrow Wilson College of Law, and the American Institute of Banking.

Mr. Moore will celebrate his 96th birthday next month. When he isn't practicing law, he enjoys the company of his two daughters, three grandsons, and one great grandson in the Atlanta area.

Throughout his life, Ben Moore has answered the call to serve his family, his community, and his country. I'm proud to honor him today in the United States House of Representatives.

COMMENDING HOMELAND SECURITY DEPARTMENT EMPLOYEES AND ANTI-TERRORISM PARTNERS

SPEECH OF

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. CARSON of Indiana. Mr. Speaker, over the last two days, we have considered and voted to pass legislation honoring all Department of Homeland Security employees for their service to the United States over the course of the War on Terror.

As a former Homeland Security official, I have seen first hand the sacrifices that each of these employees makes in the service of our country. These dedicated men and women spend years developing specialized skills and becoming experts on the most effective methods to prevent violence. They devote long hours away from their families, in potentially life threatening situations. And they do all of this to keep us safe from threats around the world.

These federal employees rarely make the news, but their success in the War on Terror is undeniable. Their unyielding efforts have saved lives and prevented billions in property damage. We may never hear of their successes, but they deserve our thanks just the same.

So, Mr. Speaker, I rise today to honor these men and women across our country, whose ongoing fight to protect us from terrorism has allowed all of us to enjoy the freedoms that make the United States great.

DON'T HIDE HEALTH CARE DECISIONS FROM JUDICIAL REVIEW

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. SMITH of Texas. Madam Speaker, when Democrats introduced health care legislation, the Administration wanted to rush it through Congress before its cost could be calculated.

When Republicans wanted to review health care legislation before they were made to vote on it, Democrats refused to let them see the language.

Look for more of the same. For instance, the House Democrats' health care legislation prevents federal health care decisions from getting judicial review.

Stealth provisions of the House bill take away Americans' rights to challenge government decisions that will profoundly affect their lives. The courts are not allowed to review challenges to decisions to impose payment rates for doctors, hospitals and prescription drugs.

The courts can't review decisions to rest health care reimbursement on racial and ethnic criteria. And the courts can't review decisions intended to control other features of our health care system.

When Democrats hide what they are doing and limit Americans' rights, we know that the game is not about improving Americans' health care. It is about increasing government power at the people's expense.

And it's time to blow the whistle on that rigged game.

SALUTING THE ONE HUNDREDTH ANNIVERSARY OF FOREST HILLS GARDENS IN QUEENS, NY AND THE REDEDICATION OF THE COMMUNITY'S FLAGPOLE

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. WEINER. Madam Speaker, I rise to recognize the one-hundredth anniversary of the beautiful Forest Hills Gardens, the first planned garden community in the United States—one of which of which I am a proud resident.

A bucolic extension of the Olmsteads' New York legacy, our neighborhood was designed by none other than Frederick Law Olmstead Jr., the son of the visionary who gave New York Central and Prospect Parks, two of our most cherished gifts. Much like those glorious testaments to Mother Nature, Forest Hills Gardens brings the natural world to the very heart of a New York City borough while being seamlessly integrated with its decidedly urban surroundings.

While set apart from the thronging streets of Queens, Forest Hills Gardens has evolved to truly embody the diversity of the borough in which it lies, with Christians and Jews living alongside Hindus and Muslims—all of whom are proud New Yorkers and proud Americans.

In tribute to the nation this community represents, Forest Hills Gardens recently rededicated their flagpole following a three-year, painstaking restoration. Madam Speaker, I rise also to recognize this historic occasion. The ninety-eight foot pole is the refurbished mast of the ship *Columbia,* the swift sloop that was the first to win the America's Cup consecutively, in 1899 and in 1901.

A ship whose history is inextricably tied with New York's, the *Columbia* was designed by Nathanael Herreshoff and launched in 1899 by J.P. Morgan for the New York Yacht Club. It was sailed in the cold and choppy waters of New York Harbor by Captain Charlie Barr to two glorious victories against Great Britain and retired to New York's own little port at City Island in 1913.

Towering high above the borough of Queens, the *Columbia*'s restored mast tells us of past glory and of future promise. It symbolizes the resilience and ambition that has always and will continue to define New York and its people.

I take this opportunity to present to the community of Forest Hills Gardens a new flag worthy of the *Columbia*'s mast and salute the Forest Hills Gardens Corporation for ensuring that

our flag continues to wave high over the greatest city in the world.

RECOGNIZING THE CONTRIBUTIONS OF MICHELLE DALLAFIOR TO THE HOUSE COMMITTEE ON SCIENCE AND TECHNOLOGY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. GORDON of Tennessee. Madam Speaker, I rise today to recognize the service of a valued staff member of the Committee on Science and Technology, Michelle Dallafior, on her last day with the Committee.

Michelle serves on the Energy and Environment Subcommittee, where she manages a broad portfolio of energy issues, including nuclear energy, carbon capture and sequestration, and the transition to a smarter electrical grid. She's worked on key pieces of legislation including the Energy Independence and Security Act of 2007, the American Recovery Act of 2009, and the American Clean Energy and Security Act of 2009, as well as the Energy and Water Research Integration Act, which was passed out of Subcommittee yesterday.

Before she joined the Science and Technology Committee, Michelle was Chief of Staff to Rep. CHARLES WILSON (D–OH). Michelle worked for Rep. Ted Strickland (D–OH) for almost a decade, serving as his Legislative Director and, later, his Chief of Staff. Michelle first came to the Hill to work for Sen. John Glenn (D–OH) on Great Lakes legislative issues. Michelle holds an M.A. in Public Policy from Georgetown University and a B.A. in Political Science from the University of Michigan. She is a proud Yooper, and her Wolverine pride is especially apparent during football and basketball season.

Madam Speaker, Michelle's expertise and ability to reach consensus have made her a valued member of the Committee staff. Despite balancing a heavy work load with her avid pursuit of bocce and cycling, she always finds time to invest in other staffers. She's shown a special talent for mentoring junior staffers and helping them get substantive experience and exposure.

I know that all of the Science and Technology Committee's Members and staff wish her well as she transitions to the Administration. Michelle will be joining the Office of Fossil Energy at the Department of Energy, continuing her work on carbon capture and sequestration and the creation of a smarter electric grid.

Michelle, thank you for all your hard work and counsel. We will certainly miss seeing you day-to-day, but we hope that we will get the opportunity to work with you in your new role.

CELEBRATING RACHEL KNAUB'S 100TH BIRTHDAY

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. AUSTRIA. Madam Speaker, I rise today on behalf of the constituents of Ohio's 7th Congressional District to congratulate and recognize Rachel Knaub on the extraordinary event of her 100th Birthday on October 4, 2009.

Born in Greene County, Rachel has lived in Ohio her entire life. She has resided in many different communities in the state including, Pitchen, Clifton, Springfield, and Cedarville.

Throughout her life, Rachel Knaub has been a proud farmer's wife. She spent 52 years happily married to her husband, Ralph, who passed away in 1992. Rachel is also a proud and active member in the 5th Lutheran Church.

Reaching 100 years of age is truly a great and significant milestone and for that reason, Rachel deserves our congratulations.

WELCOMING REV. MARTHA TAYLOR

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Ms. LEE of California. Madam Speaker, it is with great pleasure that I rise to welcome our guest chaplain here this morning, the Reverend Dr. Martha Taylor. Dr. Taylor has dedicated nearly 4 decades of her life to public service, and it is my distinct honor to welcome her here today.

Dr. Taylor serves as the Pastor of Elmhurst Presbyterian Church in Oakland, California, and as an adjunct professor at the San Francisco Theological Seminary.

She is also the principal owner of Ministry Christian Training—an education ministry that focuses on church leadership, biblical studies, and inspirational workshops. In this role, she has facilitated leadership trainings for numerous churches across the Bay Area and the country.

Throughout her long and varied years of service, Dr. Taylor has focused much of her attention on issues of social justice. She has become a staple in our home community, and remains active in numerous community organizations. For her work, she was named Christian Woman of the Year in 2006 by then-Sacramento Mayor, Heather Fargo, and the Sacramento County Board of Supervisors.

Dr. Taylor's commitment to service stems from her deep reservoir of faith, and from her dedication to use her faith as an active vehicle for social change.

It is again my great pleasure and honor to welcome my friend, the Reverend Dr. Martha Taylor.

RECOGNIZING THE COURAGEOUS SERVICE OF MR. JACK TOLBERT

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. HERGER. Madam Speaker, it is my honor today to commend the self-sacrificing act of a true American hero, Jack Tolbert, who was awarded the Distinguished Service Cross on Armed Forces Day in 1954. The extraordinary heroism of Mr. Tolbert was summarized thus when the medal was awarded:

The President of the United States of America, authorized by act of Congress July 9, 1918, has awarded the Distinguished Service Cross to Sergeant First Class Jack P. Tolbert for extraordinary heroism in military operations against an armed enemy:

Sergeant First Class Tolbert, Infantry, United States Army, a Member of Company B, 65th Infantry Regiment, 3rd Infantry Division, distinguished himself by extraordinary heroism in action against an armed enemy of the United States near Kumhwa, Korea, on 11 June 1953. He was one of two outpost guards on the main line of resistance when the area came under a heavy artillery and mortar bombardment. Observing a hostile infantryman approaching the position, he shouted a warning to the other Sentinel and to the guard at the Command Post, enabling them to alert other elements of the imminent attack. Seconds later the enemy soldier hurled a fragmentation grenade into the bunker. Fully aware of the danger involved, he stepped on the missile in an attempt to dispose of it or lessen its explosive effect and received the full impact of the explosion. Although critically wounded in this display of valor, his prompt and unhesitating action prevented serious injury to his comrade. Inspired by his unflinching courage, the troops fought with great tenacity and skill, inflicting numerous casualties and containing the assault. Sergeant Tolbert's inspirational conduct and consummate devotion to duty reflect the highest credit upon himself and uphold the esteemed traditions of the military service.

By order of Lt. General W. G. Wyman, Commanding General of the Sixth Army.

Armed Forces Day, 1954.

Although the Redding chapter of the Military Order of the Purple Heart is named in his honor, Mr. Tolbert insists "I'm not the hero type." In a 2009 interview with his hometown newspaper, Jack said, "I was just a regular GI who spent a little time in the front line. I did my job and came home." With all due respect to Mr. Tolbert, no one shares his view. He may not have intended to be a hero, but a hero he is. And in recognition of his service, Shasta County has designated October 3 as "Jack Tolbert Day."

It is my honor to recognize Jack Tolbert's heroic service to our Nation.

WASHINGTON STATE TROOPER JOHN GARDEN

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. REICHERT. Madam Speaker, today I'd like to recognize Washington State Trooper John Garden for being named the 2008 District One Trooper of the Year in the State of Washington.

As a former law enforcement officer in Washington State, I know the hard work and dedication it takes to earn such an honor, and I thank Trooper Garden for his tireless service and sacrifice for the communities he serves in Pierce and Thurston Counties.

I am confident that Trooper Garden will continue to serve the people of Washington State with great respect and continue his record of strong leadership within the law enforcement community. On behalf of the House of Representatives, I extend my deepest gratitude for his service and sacrifice.

THE INDIAN TRIBAL FEDERAL RECOGNITION ADMINISTRATIVE ACT

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to introduce the Indian Tribal Federal Recognition Administrative Procedures Act, a bill to provide for an improved administrative process for federal recognition of certain Indian groups.

The fact of the matter is the process by which the Department of the Interior to recognize Indian tribes is riddled with problems. And these problems exist in large part because the Congress itself has never by law established a process or criteria for the recognition of Indian tribes.

First, the Bureau of Indian Affair's budget limitations over the years have, in fact, created a certain bias against recognizing new Indian tribes.

Second, the process has always been too expensive, costing some tribes well over $500,000 when most of these tribes lack the resources and necessary finances. I need not remind my colleagues that Native American Indians are still facing severe challenges to education, economic activity and social development, and this administrative process perpetuates an already embarrassing situation for this country.

Madam Speaker, the courts have already acknowledged the unfair treatment of Indian groups because of the current federal recognition process. In 1996, in the case of *Greene* v. *Babbitt,* 943 F. Supp. 1278 (W.Dist. Wash), the federal court found that the existing process is "marred by both lengthy delays and a pattern of serious procedural due process violations." Deciding on the recognition process for the Samish Tribe in the State of Washington, the court recognized that it took over 25 years for the Department to make a decision. Writing for the court, Judge Thomas Zilly opined that "the Samish people's quest for federal recognition as an Indian tribe has a protracted and tortuous history . . . made more difficult by excessive delays and governmental misconduct" (p. 1281). Moreover, certain procedures mandated in the Administrative Process Act (APA) and by the U.S. Constitution were glossed over during the acknowledgement process.

Sadly though, the Samish's administrative and legal conflict—much of which was at public expense—could have been avoided were it not for a 30-year-old clerical error of the Bureau of Indian Affairs which inadvertently left the Samish Tribe's name off the list of recognized tribes in Washington. With a record like this, it is little wonder that many tribes have lost faith in the Government's recognition procedures.

Fixing the recognition process was also noted by former President Clinton. In a 1996 letter to the Chinook Tribe of Washington, the President wrote, "I agree that the current federal acknowledgment process must be improved." Despite some progress been made, President Clinton further added that "much more must be done."

And the most recent action of this administrative acknowledgment process gives no hope to non-recognized tribes of a reasonable and timely process. The Bureau of Indian Affairs recently issued what it calls a proposed finding on the Brothertown of Wisconsin petition for federal acknowledgment. This tribe's petition was considered ready for consideration by the BIA in 1996—even so, the BIA did not take up the petition until 2008, 12 years later. In the proposed finding issued this August, the BIA proposed to turn down recognition of the tribe for several reasons. One of those reasons was a finding by the BIA that the tribe had been terminated by Congress in 1839. Now, a tribe that has been terminated by Congress cannot be recognized by the BIA. And yet, the BIA insists that this tribe complete this administrative process—at the cost of thousands of dollars to the government and the tribe—even though the BIA could not recognize the tribe even if it finds that the tribe meets the criteria for recognition. A process that requires such a thing makes no sense for the Federal Government or for tribes.

Madam Speaker, the legislation I introduce today provides the vehicle to fix the recognition process for Indian groups. It embodies a framework to lessen the adverse impact and the unfortunate burden on Indian groups seeking federal recognition.

Under this proposal, the administrative burden and responsibility for the federal recognition process is transferred from the Bureau of Indian Affairs, BIA, to an independent Commission on Recognition of Indian Tribes. The Commission shall consist of seven members appointed by the President with the consent of the Senate. This commission is tasked with reviewing and acting upon documented petitions submitted by Indian groups that apply for federal recognition.

Under this legislation, clear and consistent standards of administrative review of documented petitions for federal recognition are provided for. Moreover, this bill clarifies and identifies clear evidentiary standards for administrative review and also helps expedite the process by providing adequate resources to process documented petition.

Some have expressed concern that prior bills would open the door for more tribes to conduct gambling operations on new reservations. While I cannot say that no new gambling operations will result from this bill, I do believe that this bill will have only a minimal impact in the area.

I would like to remind my colleagues that: (1) unlike State-sponsored gaming operations, Indian gaming is highly regulated by the Indian Gaming Regulatory Act (IGRA); (2) before gaming can be conducted, the tribes must reach an agreement with the state in which the gaming would be conducted; (3) under IGRA, gaming can only be conducted on land held in trust by the federal government; (4) gaming can only be conducted at a level the state permits on non-Indian land; and (4) any gaming profits can only be used for tribal development, such as water and sewer systems, schools, and housing.

I want to emphasize this point—this is not a gambling bill, this is a bill to create a fair, objective process by which Indian groups can be evaluated for possible federal recognition.

Madam Speaker, this bill is not perfect in every form, but it is the result of many hours of consultation and years of work. I want to thank Chairman RAHALL and everyone involved in this endeavor. Many parties and stakeholders have come together for the purpose of making sound, careful changes which recognize the historical struggles the unrecognized tribes have gone through, yet retaining some of the framework the Bureau of Indian Affairs has developed diligently over the years.

In conclusion Madam Speaker, I hope we can take final action and make much needed improvements to the Federal Indian Recognition process.

CONSTITUTION DAY

SPEECH OF

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 2009

Mr. LARSON of Connecticut. Mr. Speaker, I rise in support of House Resolution 734, which expresses support for and honors September 17, 2009, as "Constitution Day." September 17 is the day that our United States Constitution was signed in 1787, by 39 delegates from 12 states, including from Connecticut, Samuel Huntington, Oliver Wolcott, and Roger Sherman, whose statue resides in the crypt of this Capitol building.

My home state of Connecticut has a strong and proud connection to the founding principles and documents of this country. Roger Sherman was the only man to sign the Articles of Association, the Declaration of Independence, the Articles of Confederation, and the Constitution. Connecticut itself is known as the Constitution State, for its enactment of the Fundamental Orders of Connecticut, the first written constitution of its kind.

The Fundamental Orders of Connecticut was adopted by the Connecticut Colony in 1639 and established a government for the Connecticut Colony, based on the yearly election of a governor and six magistrates, two from each town in the Colony. These officials were chosen by the count of a written vote, and all freedmen who resided in the colony and had taken an oath of fidelity were eligible to cast their vote.

The Fundamental Orders established limits on the powers of government, emphasizing the power of the people to elect their leaders and act against them should those leaders ignore their concerns. Further, it defined the operating procedures of a government established by the people, of the people, and for the people, ensuring each elected magistrate a vote in matters of governance, and the governor a vote only in the event of a tie.

Many of the principles in the eleven sections of the Fundamental Orders of Connecticut later were echoed in the familiar cadences of our great Constitution, which continues to represent the American ideal of a government consisting of a body of officials elected by the people to serve in their best interests.

It was Roger Sherman's "Connecticut Compromise", made during the Philadelphia Convention of 1787, which ensured fair representation for large and small states in the bicameral legislature which defines our body of Congress.

As a high school history teacher, I had the privilege of studying, learning, and teaching the Constitution. It is the innovation and undiminished endurance of the ideals of our Constitution for which I rise in support of

House Resolution 734 to express support for and honor September 17, 2009, as ''Constitution Day.''

IN RECOGNITION OF BASS PRO SHOPS FOUNDER JOHNNY L. MORRIS, FOR HIS LIFETIME CONSERVATION ACHIEVEMENT AWARD FROM THE TEDDY ROOSEVELT CONSERVATION PARTNERSHIP

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. BLUNT. Madam Speaker, I rise today to honor a man who has become an icon to fishermen, an innovative retailer and perhaps the humblest guy you might ever meet. You may not immediately recognize the name Johnny Morris, but you probably know the company he started in 1972—Bass Pro Shops. Johnny is also a dedicated conservationist who supports a host of national wildlife and habitat conservation efforts.

National Fish and Wildlife Foundation, National Wild Turkey Federation, the Nature Conservancy, International Game Fish Association, Ducks Unlimited, Rocky Mountain Elk Foundation, Quality Deer Management Association, Trout Unlimited, International Bowhunting Organization, The Congressional Sportsmen's Foundation, U.S. Fish & Wildlife Service, USDA Forest Service, Quail Unlimited, Federation of Fly Fisherman, and Safari Club International are among the organizations that Bass Pro Shops publicly supports.

Johnny's ideal work is fishing. While fishing the Bassmaster professional circuit, he was always taking notes of what lures were catching fish, who made them and how to find them. Starting with hand-tied lures and bait made from sowbellies and sold in jars, Johnny started his business in his father's store. Within two years he needed more room for his growing enterprise.

In 1972 Bass Pro Shops—or Pro Bass as many of his regulars still call it—began issuing catalogs. Today those books are 700 pages of full color pictures of lures, worms, hooks, sinkers, reels, rods and everything an angler would ever need. There is a line of hunting equipment and clothing too.

Among Johnny's successful ideas was selling fishing boats in packages— boat, motor, trailer and trolling motor. It had never been tried before, but it's an industry standard now. That is just one of several reasons why he was named the National Retail Federation's Retail Innovator of the Year in 2008.

Johnny Morris' vision has expanded from that small space in his dad's store to 56 megastores in the United States and Canada, a 1.7-million-square-foot warehouse and headquarters in Springfield, Missouri, and jobs for 16,000 employees.

If you want to know the real success of Morris' Bass Pro Shops, visit one of their stores. Complete with aquariums full of game fish or rare turtles, a Bass Pro Shops store is a visit that will satisfy your interest in everything outdoors. Equipment for most any sportsman's experience is available along with advice from people who have used it. Bass Pro Shops receives nearly 100 million customers, sightseers and visitors a year. The Springfield store is Missouri's number one visitor attraction, welcoming more than 4 million people through its doors last year.

Johnny is a conservationist who enjoys the outdoors and preservation of America's scenic beauty found in its open spaces, wildlife and waters. Earlier this week, the Teddy Roosevelt Conservation Partnership honored Johnny Morris with its Lifetime Conservation Achievement Award for his dedication to conserving our national resources and ensuring the future of America's sporting traditions.

This is an honor Johnny Morris has earned through a lifetime of work as a retailer and sportsman. Foremost, I think Johnny would like to be thought of simply as a pretty good fisherman.

RECOGNIZING TIBOTEC THERAPEUTICS FOR CONDUCTING THE GRACE STUDY, A GROUND BREAKING HIV CLINICAL TRIAL FOCUSED ON WOMEN AND PEOPLE OF COLOR IN THE UNITED STATES

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. CLAY. Madam Speaker, I rise today to commend and congratulate Tibotec Therapeutics, part of the Johnson & Johnson family of companies, for demonstrating continued innovation and corporate responsibility in the fight against HIV/AIDS by conducting the groundbreaking GRACE study. GRACE, which stands for Gender Race And Clinical Experience, is the largest study to date in treatment-experienced women with HIV to examine gender and race differences in response to an HIV therapy. In recent HIV studies of treatment-experienced patients, women accounted for less than 11 percent of the patients being studied, on average. GRACE was able to enroll nearly 70 percent women and 84 percent people of color.

In my home State of Missouri, there are almost 12,000 people living with AIDS, and African Americans represent over a third of these cases. Women account for more than one quarter of all new HIV/AIDS diagnoses in the United States, with African American and Latina women representing 79 percent of women living with the disease. People of color have been historically underrepresented in clinical trials in the United States, and HIV/AIDS disproportionately impacts African Americans. In terms of new HIV infections, African American women are infected at a rate 15 times higher than white women.

The trial was designed to help overcome some of the barriers, identified by the advisors, which have historically deterred women and people of color from participating in clinical studies, including stigma, lack of child care, transportation and personal support systems. Based upon advisor and community input, study participants could obtain assistance to cover costs associated with their participation in the study, including funds for travel and childcare, as well as food vouchers. I am proud to say that one of the study sites in this historic clinical trial is located in my congressional district.

Results of the GRACE study showed that there were no statistical differences in the safety, tolerability or effectiveness of the HIV regimens used in the study between male and female participants, or for people of different ethnicities. Additionally, the GRACE study showed that with the appropriate commitment from the trial sponsor and input from affected communities and providers, clinical trials can enroll meaningful numbers of women and racial and ethnic minorities.

Madam Speaker, I commend Tibotec Therapeutics and Johnson & Johnson for their commitment to addressing the disproportionate impact of this epidemic on women and people of color.

U.S. POLICY TOWARDS BURMA

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. SOUDER. Madam Speaker, today the Senate Foreign Relations Subcommittee on East Asian and Pacific Affairs held a hearing on U.S. policy towards Burma. I would like to contribute some remarks on this important topic. I represent the Third District of Indiana, which is home to the largest concentration of people from Burma in the U.S. In recent years, resettlement agencies have placed well over 2,000 refugees in Fort Wayne, Indiana. Fort Wayne has also become a ''community of choice'' amongst the refugee community, and secondary migrants have increased Fort Wayne's population of people from Burma to over 6,000. As a result, the Third District is acutely aware of the atrocities and suffering that the people from Burma have faced at the hands of the State Peace and Development Council (SPDC).

I am disappointed that this hearing, which is intended to evaluate the role the U.S. can play in facilitating democratic reform, did not invite testimony from a single representative of Burma's democracy movement or one individual who has endured the violence of the Tatmadow. A thorough evaluation is impossible without their perspective.

Over the years, U.N. reports have documented some of the military regime's harrowing crimes, including widespread rape, conscription of child soldiers, torture, and the destruction of thousands of villages. It is clear that the SPDC has in part been conducting a war against its own citizens.

In spite of these realities, the Administration has recently engaged in direct dialogues with the Burmese regime and the Senate Committee's hearings today are in part seeking to reevaluate the role of sanctions in U.S. policy. I support the establishment of a peaceful and democratic Burma. However, it is improbable that this can be achieved through negotiations with the junta—a dictatorship will not act in good faith and broker a deal that will lead to its own demise.

Before such dramatic changes in policy can be made, it is necessary for the military dictatorship to demonstrate a clear movement towards democracy. This must include ending the current violence against its citizens, installing Daw Aung San Suu Kyi to her rightful place as Burma's democratically elected Prime Minister, and drafting a constitution that creates the possibility for true civilian leadership.

Until we see this kind of progress, the U.S. cannot give validity to this illegitimate government.

HONORING BEN G. PORTER

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. MARSHALL. Madam Speaker, it is my pleasure to rise today to honor one of Macon, Georgia's great citizens, Ben G. Porter, someone who has worked tirelessly to improve the quality of life in Middle Georgia and throughout the State of Georgia.

Ben and his wife Hazel have lived in Macon for over 50 years. He is an avid outdoorsman and his passion for the natural beauty of our land punctuates his business and charitable endeavors. As a former Chairman of the Board of Georgia's Department of Natural Resources, Ben advocated for the conservation and preservation of our natural and cultural resources so that current and future generations can take pleasure in the unique history, diversity and great beauty found in every region of our state. As a founder and member of the Ocmulgee Land Trust, as Chairman of the Jekyll Island Authority as well as in his service as on the Advisory Council of the Trust for Public Land, Ben actively encourages property owners across our nation to conserve and protect land that has natural, recreational, scenic, historic, or productive value.

In his hometown of Macon, Ben Porter's vision and leadership has anchored a number of organizations including the Chamber of Commerce, where he served a term as President, the Macon Heritage Foundation and Mercer University's School of Medicine, where he currently serves on the Board of Governors. But, his most lasting and—I believe he would say—his proudest accomplishment in Macon is the leadership he provided along with a handful of others in the creation of the Ocmulgee Heritage Trail. More than 15 years ago, Ben and a small group of civic and public leaders in Macon began to envision a walking trail that would connect some of Macon's historical and cultural gems—the Ocmulgee National Monument, Rose Hill Cemetery and the historic water treatment facility—to its great natural asset and the lifeblood of our community, the Ocmulgee River. What made this idea special was the reason behind it: most of the land abutting the Ocmulgee River in Macon was owned by private citizens and therefore not accessible to the public. There were few places where the everyday person in Macon could touch the river, could sit beside it in quiet contemplation or enjoy the beauty of its banks. The gift of river access to the Ocmulgee River is the enduring legacy that Ben has helped to give to the citizens of Macon. Today, the Ocmulgee Heritage Trail extends 10 miles, but Ben Porter and the other leaders of the Ocmulgee Heritage Trail executive board dream big, and eventually the Trail will connect landmarks and towns throughout Middle Georgia.

I'd like to close my comments today on a personal note. I have known Ben for many years in both a professional and personal capacity. Ben is a man of faith, a generous giver, a caring mentor and an exceptional visionary whose perseverance and quiet yet influential leadership style has been an example to us all. He is savvy, strong and involved. And he is someone I am proud to call a friend.

Please join me in celebrating the life and legacy of Ben G. Porter, a great and influential citizen of Macon, Georgia.

INTRODUCTION OF H.R. 3692, THE NATIONAL FOREST ROADLESS AREA CONSERVATION ACT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. INSLEE. Madam Speaker, today, with bipartisan support from 151 of my colleagues, I introduced the National Forest Roadless Area Conservation Act of 2009, which will protect 58.5 million acres of pristine wild forests by prohibiting new road construction and reconstruction and providing critical ecological protections. Roadless areas provide clean drinking water to over 60 million Americans, recreational opportunities, and undeveloped habitat for more than 600 threatened, endangered or sensitive plant and animal species. In Washington, 2,015,000 acres of roadless areas, almost 22 percent of our wildlands, are at stake. Washington State crown jewels, like Eagle Rock and Dark Divide, should be preserved for future generations. This legislation will codify the Clinton Administration's Roadless Area Conservation rule to protect these lands and move us closer to permanently protecting our nation's unique and invaluable wildlands.

In 2001, President Clinton issued the Roadless Area Conservation Rule, protecting 58.5 million acres of National Forest land (30 percent of all National Forest land) from new road construction. The Clinton Roadless Rule was the result of a two-year rulemaking process that included the most extensive public involvement process in federal rulemaking history. The U.S. Forest Service held more than 600 meetings, with more than 1.6 million Americans submitting comments to the plan, where my constituents and many other Americans voiced their overwhelming support for the rule.

While the Clinton Roadless Rule enjoyed enormous public support, the Bush Administration fought a multi-year battle to overturn it. In 2005, the Bush Administration issued a new roadless rule that removed protections and opened roadless areas up for further development. In addition, numerous lawsuits have tracked the roadless rule's course, both in favor and opposed. Recently, the 9th District court has decided in favor of the 2001 Roadless Rule. This legislation will permanently protect our nation's roadless areas and remove all ambiguity concerning their conservation and protection.

As a native Washingtonian and a lifelong outdoorsman, I grew up exploring and enjoying our National Forests. It is my hope that my grandchildren will be able to explore and enjoy the same untouched and protected forests that I have grown to love. By carefully and thoughtfully conserving our National Forest lands, they will be here for future generations to come.

I have led the fight for our roadless areas in Congress since 2002 and will continue to seek ways to protect our National Forests.

IN HONOR OF THOMAS J. MANNING

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. PALLONE. Madam Speaker, I rise today to honor Thomas J. Manning and his dedicated years of service to the State of New Jersey and its workers. Mr. Manning recently retired after a long career as an advocate for New Jersey's workers. Through his tenacity and hard work he became a positive force in the lives of so many.

In 1969, Mr. Manning graduated from Mater Dei High School, located in New Monmouth, New Jersey. He soon became involved in the steamfitting trade, serving a five year apprenticeship before achieving the position of Mechanical Superintendent. Mr. Manning is a member of Local Union No. 475 and has served his union in a number of distinguished capacities. In 1994, he was elected to the position of Business Agent and in 2000 he was selected to serve as the union's Business Manager. He was also a trustee and Co-Chairman of the Steamfitters Local 475 Employee Benefit Trust Fund.

Mr. Manning has also served in several state-wide union positions, during which time he represented and fought for thousands of his fellow workers. He served as President of the New Jersey State Association of Pipe Trades. In this capacity, he worked to represent 11,000 plumbers, pipefitters, sprinklerfitters, and HVAC service providers. Mr. Manning has also served as Vice President of the New Jersey State Building and Construction Trades, President of the Mechanical Allied Crafts, and as an Executive Board Member of the New Jersey AFL-CIO.

Mr. Manning is a founding member of my labor advisory committee and has become a trusted advisor to me on not only labor issues but on the environment, the economy and workers' health care.

Importantly, Mr. Manning sought to continue his education in the fields of labor and political studies. He completed courses in both Labor Law and Labor History at Cornell University's School of Industrial and Labor Relations. He also attended Rutgers University's Labor Education Center where he studied political science.

Mr. Manning has been a member of numerous government and local advisory groups. In 2005, he was appointed by Governor Dick Codey to serve as a member of the School Construction Corporation Board of Directors. He also served as a member of New Jersey Governor Jon Corzine's Economic Development Transition Team and was later appointed to a position with the New Jersey Economic Development Authority.

Madam Speaker, Local 475, the labor movement and the people of New Jersey are losing a true champion with the retirement of Tom Manning. I sincerely hope that my colleagues will join me in celebrating his impressive career. His long record of advocacy on behalf of New Jersey's workers is truly remarkable.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. ABERCROMBIE. Madam Speaker, I regret that I missed rollcall vote Nos. 740–745. Had I been present, I would have voted ''aye'' on rollcall votes 740–741 and 743–745. I would have voted ''nay'' on rollcall vote 742.

CARLSBAD MENTAL HEALTH CLINIC

HON. HARRY TEAGUE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. TEAGUE. Madam Speaker, I rise today to honor the Carlsbad Mental Health Center for their innovative use of health information technology, which was recognized in two nationally syndicated publications highlighting the findings of a report prepared by Dr. Edward Kako for the federal Centers of Medicare and Medicaid Services (CMS).

As recently as 2007, the Carlsbad Mental Health Center was witnessing rising costs, budgetary shortages and high wait times for patient appointments and in-takes. The facility responded to these challenges by adopting an innovative new program to harness health information technology to improve efficiency and cut costs. Within a year the facility's new practices brought a number of successful developments.

First, the new practices improved the quality of care for patients, while cutting wait times for patient appointments. The new system provided the staff access to more detailed information, allowing them to better diagnose and treat patients. In addition, further research into the facilities high no-show and cancellation rates produced new policy changes, which reduced the wait time for an appointment from up to 6 weeks to an average of 11 days.

Second, these new practices resulted in dramatic cost reductions. The innovative use of health information technology by the Carlsbad Mental Health Center illustrates how adopting cutting edge technologies and practices can cut health care costs and provide better service to patients. Adopting the best practices for mental health care will not only help the general public, but will also help our veterans who are experiencing high rates of mental health disorders and substance addictions. This is of particular importance to me as I believe providing veterans with the best possible care available is among our highest obligations.

Madam Speaker and colleagues, please join me in recognizing and in honoring the Carlsbad Mental Health Center's impressive accomplishments and innovations in the field of mental health treatment.

ENHANCED PARTNERSHIP WITH PAKISTAN ACT OF 2009

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of S. 1707, an act to authorize appropriations for fiscal years 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people. S. 1707 establishes a new, more positive framework for U.S.-Pakistan relations. This bill is a bipartisan, bicameral compromise and is crucial to the success of a wide range of U.S. national security and foreign policy interests, while ensuring accountability and accountability for the assistance we give. I was an original cosponsor of H.R. 1886, an earlier version of this legislation. H.R. 1886, was passed by this body with bipartisan support on June 12th, and I remain unwavering in my support for this assistance package to Pakistan.

Like its predecessor, S. 1707 establishes a set of principles that should govern the U.S.-Pakistan relationship, including the actions that the two countries should take to maintain a robust, relevant and lasting relationship. The bill is comprised of three titles.

The first title provides Democratic, Economic and Development Assistance for Pakistan; the second Title provides Security Assistance for Pakistan; and the third Title requires the President to develop a regional security strategy; provides for enhanced monitoring, evaluation, and auditing of U.S. assistance; requires a Presidential report on Pakistan, including an evaluation on Pakistan's progress in counterterrorism and an assessment of whether assistance provided to Pakistan is in any way facilitating the expansion of Pakistan's nuclear weapons program; and requires that all assistance to Pakistan be provided through a civilian government in Pakistan established by free and fair elections.

Pakistan is a critical ally of the United States. For too long, however, our relationship with Pakistan has been one of fits and starts, depending on events in the region and who happens to be in power in Pakistan. It is time for us the United States to forge a truly strategic partnership with Pakistan, one that goes beyond our mutual interest today in counterinsurgency and counterterrorism and speaks to the everyday needs of the average Pakistani.

S. 1707 accomplishes these objectives. The legislation would significantly expand economic, social and democracy assistance to help lay the foundation for a stronger, more stable Pakistan. As requested by President Obama, this legislation triples the authorization for U.S. economic, social, and democratic development assistance to Pakistan to $1.5 billion a year. This assistance promotes democratic institutions in the short term. In the short term, it provides immediate funding for democratic institutions such as Pakistan's parliament and judicial institutions. For the long term, this legislation enables Pakistan's next generation by funding educational and vocational opportunities for women and girls and religious minorities.

As much as we must focus on the internal conflicts in Pakistan, we must not forget the external issues affecting the region as a whole and the need for stabilization.

Over the years, U.S. assistance to Pakistan has fluctuated with political events, sending mixed messages and leading most Pakistanis to question both our intentions and our staying power. Today, many Pakistanis believe the United States will cut and run when it serves our purpose, a belief which undermines our longterm efforts to defeat extremists, foster democratic change, and support transparent and accountable institutions that promote security and stability in Pakistan.

However, the status quo is not working: many in the United States believe we are paying too much and getting too little—and most Pakistanis believe exactly the opposite. Without changing this baseline, there is little likelihood of drying up popular tolerance for anti-U.S. terrorist groups or persuading Pakistani leaders to devote the political capital necessary to deny such groups sanctuary and covert material support.

The bill helps bridge a sustainable U.S.-Pakistan partnership through an increased focus on public diplomacy and engagement. S. 1707 authorizes a new exchange program for Pakistani civil servants and military officers in order to foster greater respect for and understanding of the principle of civilian rule in Pakistan's military. By building bridges to Pakistan and its people, the legislation is intended to provide a new, more positive framework for U.S.-Pakistan relations. Finally, the bill authorizes an extensive increase in military assistance to help Pakistan wage an effective counterinsurgency campaign against those forces that threaten Pakistan's national security.

This legislation establishes a new, more positive framework for U.S.-Pakistan relations. The legislation establishes a set of principles that should govern the U.S.-Pakistan relationship, including the actions that the two countries should take to maintain a robust, relevant and lasting relationship.

Although, I believe that this bill is crucial and will be effective, it is only one piece of a greater strategy. This bill did not, as I have proposed, create a militant rehabilitation program to specifically prevent youth from turning to militancy from the onset. Financial support and job opportunities would be provided to graduates of the rehabilitation programs as incentives for steering insurgents away from militancy. This amendment would have greatly fostered counterterrorism efforts, and I hope that some of the many outstanding groups working in Pakistan will take the initiative in implementing this proposal.

I have been to Pakistan many times. My belief in this country and its relationship with the United States drove me to co-chair the Pakistan Caucus.

Benazir Bhutto, shortly before her death said that ''The next few months are critical to Pakistan's future direction as a democratic state committed to promoting peace, fighting terrorism and working for social justice. Democracy is necessary to peace and to undermining the forces of terrorism.'' I had the pleasure of knowing the late Benazir Bhutto and losing her was truly a tragedy felt beyond Pakistan. She made this statement over two years ago, yet is relevant today more than ever.

On May 19, 2009, Secretary of State Hillary Clinton announced $110 million in emergency

assistance for the South Asia nation of Pakistan, including aid for civilians fleeing a military offensive against Taliban militants in the northwest. The United Nations refugee agency issued a report stating that more than 1.4 million people in the North West Frontier Province (NWFP) have been registered as displaced since May 2, describing the flood as the largest and swiftest to take place anywhere in the world in recent years.

The newly-registered internally displaced persons (IDP) took the total number of those who have fled their homes in the SWAT valley and surrounding areas to two million.

I am hopeful that the $110 million in emergency assistance will get to the people on the ground and will be of assistance to them. It is important that the people of Pakistan see that the aid is coming from America to give a face to this aid. It is essential to global security and the security of the United States.

The surge of IDPs followed the launch of a military offensive in late April. President Asif Ali Zardari acted after U.S. officials stepped up warnings that Islamabad's willingness to tolerate and negotiate peace deals with the militants was endangering both Pakistan and the wider region. The Taliban fighting spread to NWFP districts and SWAT.

President Obama's new approach to Pakistan is different than anything that has been tried before. America has expressed that it will support the democratically-elected government and it will have a clear and transparent relationship. This bill has the support of the President, Secretary Clinton, Secretary Gates, Admiral Mullen, and Senators KERRY and LUGAR.

In conclusion, I urge you to support S. 1707, which seeks to and effectively establishes a new, more positive and enduring framework for U.S.-Pakistan relations. This legislation is timely. It is bipartisan. It is accountable. It is effective.

SIXTH ANNUAL NATIONAL CYBER SECURITY AWARENESS MONTH

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Ms. CLARKE. Madam Speaker, I rise in support of the sixth annual National Cybersecurity Awareness Month, which kicks off today.

The goal of National Cyber Security Awareness Month is to show everyday Internet users that by taking simple steps, they can safeguard themselves from the latest online threats and respond to potential cyber crime incidents.

I commend the National Cyber Security Division (NCSD) of the Department of Homeland Security (DHS), the National Cyber Security Alliance (NCSA), the Multi-State Information Sharing and Analysis Center (MS–ISAC) and their partners for sponsoring National Cyber Security Awareness Month again this year.

This year, the theme of National Cyber Security Awareness Month is "Our Shared Responsibility." Ultimately, our cyber infrastructure is only as strong as the weakest link. In this digital age, we are all connected. No individual, business, or government entity is solely responsible for cyber security. Everyone must make sure to employ safe and secure computing practices. We all need to understand how our individual online computing practices have a collective impact on our nation's cyber security.

Cyber security vulnerabilities can significantly impact our national and economic security. Cyber warfare and cyber crime are increasing in sophistication and frequency every day. The Department of Homeland Security logged 5,499 such cyber attack incidents in 2008—a 40 percent increase over the previous year. A 2007 Government Accountability Office report estimates the total U.S. business losses due to cyberattacks exceed $117.5 billion per year. A 2009 Consumer Reports study found that over the past 2 years, one in five online consumers has been a victim of cyber crime. Attacks on our Federal Government networks this summer served as a recent reminder that we must remain vigilant in combating cyber incidents.

Through the help of the Obama administration, cyber security is finally gaining the much needed attention it deserves both in the Federal Government and the private sector. The White House's Cyberspace Policy Review, published this May, recommends that the government initiate a national public awareness and education campaign to promote cyber security. The President will soon name a National Cyber Security Coordinator, the first such White House post.

As chairwoman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, I am doing my part to oversee government's role in securing cyberspace. Earlier this year I held a series of hearings on our Nation's cyber security posture and the various vulnerabilities in our critical information infrastructure. This month I will host a series of events geared to educate Hill staff on this important national and economic security issue.

NATIONAL HISPANIC HERITAGE MONTH

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. HARE. Madam Speaker, I proudly rise today in observance of Hispanic Heritage Month to honor the culture, traditions and contributions of the Hispanic community both in my home state of Illinois and in the country as a whole.

What began as Hispanic Heritage Week in 1968 under President Johnson was expanded in 1988 when Illinois Senator Paul Simon introduced legislation to lengthen the celebration to National Hispanic Heritage Month. Beginning each year on September 15, Hispanic Heritage Month falls during the independence anniversaries of several Latin American countries, and celebrates those Americans whose ancestors came from Spain, Mexico, the Caribbean, and Central and South America.

Today, Hispanic Americans are the largest minority group within the United States. And throughout our history, the Hispanic community has made invaluable contributions to our history and national character in the areas of government and politics, science, business, and the arts.

Of the 500 largest Hispanic-owned businesses, twenty are located in Illinois, including Group O, Inc. located in my district in the Village of Milan. I would also like to commend the President for appointing and the Senate for confirming the newest addition to the U.S. Supreme Court, Associate Justice Sonia Sotomayor, whose life story exemplifies the American Dream: that with courage, determination and hard work, anyone can prosper and achieve success.

Furthermore, Hispanic Americans have made significant contributions to the defense of this nation through service in all branches of the Armed Forces. Hispanics have courageously defended the United States in wars from the American Revolution through the current conflicts in Iraq and Afghanistan. To date, forty-three Hispanic Americans have received the Congressional Medal of Honor, the nation's highest award for valor in action against an enemy force.

In Silvis, Illinois there is a block-and-a-half-long street with twenty-five homes that was originally settled by Mexican immigrants in the earlier part of the twentieth century. This street, appropriately renamed Hero Street USA, has, sent more than 110 men and women to serve in the U.S. armed forces, more than any other American street of comparable size anywhere in our country. Their unselfish defense of this nation and its values is representative of the strength, hard work and love of family and country demonstrated by the Hispanic community in the United States.

Additionally, I am proud to have Joe Terronez among my constituency, who in 1967 was elected to the city council in Silvis and later became Illinois's first Hispanic mayor.

Madam Speaker, I ask my colleagues to continue this national celebration which was first started by the 100th Congress and join me in honoring the histories, cultures and contributions of Hispanic Americans during Hispanic Heritage Month.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

SPEECH OF

HON. HARRY TEAGUE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 25, 2009

Mr. TEAGUE. Madam Speaker, I am very disappointed that the leadership of this House has put us in the unfortunate position of voting on legislation that combines the Legislative Branch Appropriations bill and the Continuing Resolution.

First, I am against this Legislative Branch Appropriations bill. I am against Congress increasing its own budget while small businesses around the country tighten their belts. Companies in my district are cutting hours and cutting costs. Workers are losing their jobs. But Congress is paying its staff $74 million more than last year. We have our priorities backward. I voted against the Legislative Branch Appropriations bill when it came up in the House, and I have no interest in supporting the conference report.

Second, I oppose this corruption of the legislative process. My colleagues and I should

have the opportunity to say ''no'' to more money for our own offices without opposing needed increases for our veterans. This isn't the way to do business.

Third, I regret that the first appropriations priority of this Congress is the legislative branch. While spending bills to support veterans, border security, and our men and women in uniform languish, we are sending a bill to increase our allowances to the President. Our veterans should be first in line, not us.

Because of this failure, the U.S. Department of Veterans Affairs will, for the tenth time in 11 years, get its budget late. Late funding threatens the quality of care at the VA and hinders the VA's ability to recruit well-trained medical professionals, maintain facilities, and acquire new equipment.

During testimony before the Senate Veterans' Affairs Committee on July 27, 2007, former VA medical center directors stated that most VA budget cycles began via a continuing resolution. As a result, decisions were made on the basis of cost rather than on the basis of the highest quality. The expression, ''a day late, a dollar short,'' comes to mind.

By passing advanced appropriations for veterans in this year's budget, we will make sure the VA isn't playing a waiting game with its budget next year. But that doesn't mean we can fall down on the job of supporting our nation's veterans this year. We should be passing legislation to support our veterans, not this.

EXPRESSING CONDOLENCES TO THE PEOPLE OF AMERICAN SAMOA, SAMOA AND INDONESIA IN THE AFTERMATH OF THE EARTHQUAKES AND TSUNAMI DEVASTATION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to express my deep condolences to the people of American Samoa and Samoa on Tuesday suffered a devastating tsunami triggered by a powerful earthquake of 8.0 on the Richter scale. The destructive path of the tsunami has flattened villages and caused the deaths of over a hundred people. I am truly saddened by this devastating turn of events. My thoughts and prayers are with the victims' families during this most difficult time.

While hundreds of people are being treated for injuries and as rescue efforts continue, I am glad to see that relief supplies are getting to the Pacific islands right away.

Madam Speaker, I also would like to extend my condolences to the people of western Indonesia who regrettably suffered a powerful earthquake on Wednesday, where at least 1,100 people have been killed. The aftermath of this earthquake has caused landslides and trapped thousands under buildings, including two hospitals. I send my deepest sympathies to the families who have lost loved ones from this devastating earthquake.

The valiant efforts of local authorities and the Red Cross to rescue victims must not go unnoticed. These brave individuals are on the frontline and face many grave dangers to help those in need. I would also like to commend my colleague and friend, Congressman ENI FALEOMAVAEGA for his quick response to this terrible tragedy. His leadership during this difficult time will undoubtedly help the people of American Samoa and Samoa rebuild the Pacific islands and restore it back to its beautiful heritage.

Madam Speaker, the coming weeks and months will be a very trying time for all those affected by these natural disasters. I wish the people of American Samoa and Samoa as well as Indonesia a safe recovery.

RECOGNITION OF CITY YEAR NEW YORK ON OPENING DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. RANGEL. Madam Speaker, I rise in honor of City Year and especially City Year New York to celebrate the Opening Day of the '09–'10 City Year class. Tomorrow is Opening Day for all 19 City Year sites, deploying 1,500 corps members in service to our country's high-need schools, including those in my district.

The '09–'10 City Year New York class has more than 230 young leaders representing 38 out of the 50 states, bringing a diverse group of service-oriented individuals to help New York's children succeed. Being from the great state of New York, I am proud that City Year New York runs the largest City Year program in the country.

I admire City Year for its continued service and dedication to our New York communities. Its goals to help students and schools succeed, build stronger communities, break down social barriers, develop young leaders, and foster active citizenship are what lead to make our nation's youth better equipped for tomorrow's challenges. City Year New York does these things and more at several schools in my community of Harlem, including Vito Marcantonio, James Weldon Johnson, Luis Munoz Rivera, and Jose Celso Barbosa elementary schools, and Jackie Robinson and John S. Roberts middle schools.

Education is the most critical factor for determining the future well-being of our children. President Obama, City Year, and our partners recognize that we cannot afford to fail in this area because our economy and, more importantly, a united democracy depend on it. City Year recognizes this success requires a whole community effort and serves our students with a team comprised of government officials, school staffs, corporate partners, and youth leaders.

Harlem was able to provide space for corps training at The Minisink Town House of the New York Mission Society. I am pleased that community partnerships like these, and the support of corporate partnerships, will ensure that City Year New York is able to continue its efforts and succeed in Harlem.

Let's continue to applaud and support City Year, especially City Year New York, and all service organizations as they continue building better communities. I call upon my fellow Members of Congress to join me in celebrating the Opening Day for these 1,500 corps members as they embark on their missions of service.

NON-COMMISSIONED OFFICERS WHO SERVE OUR NATION IN THE U.S. ARMY

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. BACHUS. Madam Speaker, it is with great pride and admiration that I rise today to honor the Non-Commissioned Officers from the great state of Alabama who serve our Nation in the United States Army.

NCOs from the my state have served in defense of our freedoms, in support of our democracy, and in service to the citizens of the state of Alabama during times of natural disasters and to our Nation in times of national emergencies at home and abroad.

Since 9/11, Army Reservists from Alabama have deployed over 6,000 times and members of the Alabama Army National Guard have made over 15,000 deployments to the Global War on Terror, many for the second, third, and fourth time.

The U.S. Army has designated 2009 as the ''Year of the NCO'' to pay tribute to the leadership qualities and contributions of the Non-Commissioned Officers charged with executing the military organization's mission and training for personnel and equipment maintenance that make their units function. Those values are embodied in the NCO Creed, which reads:

No one is more professional than I. I am a Non-Commissioned Officer, a leader of soldiers. As a Non-Commissioned Officer, I realize that I am a member of a time honored corps, which is known as 'The Backbone of the Army'. I am proud of the Corps of Non-Commissioned Officers and will at all times conduct myself so as to bring credit upon the Corps, the Military Service and my country regardless of the situation in which I find myself. I will not use my grade or position to attain pleasure, profit, or personal safety;

Competence is my watchword. My two basic responsibilities will always be uppermost in my mind—accomplishment of my mission and the welfare of my soldiers. I will strive to remain technically and tactically proficient. I am aware of my role as a Non-Commissioned Officer. I will fulfill my responsibilities inherent in that role. All soldiers are entitled to outstanding leadership; I will provide that leadership. I know my soldiers and I will always place their needs above my own. I will communicate consistently with my soldiers and never leave them uninformed. I will be fair and impartial when recommending both rewards and punishment;

Officers of my unit will have maximum time to accomplish their duties; they will not have to accomplish mine. I will earn their respect and confidence as well as that of my soldiers. I will be loyal to those with whom I serve; seniors, peers, and subordinates alike. I will exercise initiative by taking appropriate action in the absence of orders. I will not compromise my integrity, nor my moral courage. I will not forget, nor will I allow my comrades to forget that we are professionals, Non-Commissioned Officers, leaders!

It is an honor to draw attention to these brave soldiers, and I commend Alabama's Army Non-Commissioned Officers for their service to our State and the Nation.

RESOLUTION HONORING THE LIFE OF MICHAEL SHIMANSKY

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. McNERNEY. Madam Speaker, today I ask my colleagues to join me in honoring the life of Michael Shimansky, who passed away peacefully at age 65 on September 15, 2009.

Mike Shimansky was the longest serving member of the Danville Town Council since the town's incorporation in 1982. He was elected in 1989 and served for 20 years with a deep rooted sense of public service and strong belief in giving back to the community in which he lived. I knew Mike on a personal basis, and he was a warm and genuine man. His passion for public service extended beyond his role as a Danville Town Council member. He was well known for officiating local soccer games, lacrosse games and track meets. I remember Mike as a fixture at events to raise money for positive causes, such as presiding over Primo's Run for Education, and the Hats Off America Run, which raises money for the benefit of surviving families of our fallen soldiers.

Mr. Shimansky also represented the town of Danville through appointments to numerous other boards, committees and commissions. He was currently serving on the Central Contra Costa Solid Waste Authority, Contra Costa Transit Authority, and San Ramon Valley Disaster Council; and as the Contra Costa Mayors' Conference appointee on the S.F. Bay Area Air Quality Management District Board and the East Bay Regional Park District Advisory Committee and the Elections Citizen Advisory Committee. Prior to his election to the town council, Mr. Shimansky served as a member of the town's inaugural Parks and Leisure Services Commission.

Mike was also a friend to our veterans in the San Ramon Valley. As a member of the Danville Park and Leisure Services Commission, he was instrumental in the establishment of the All Wars Memorial at Oak Hill Park. A local veterans organization, the Vietnam Veterans of Diablo Valley described him as, "a truly outstanding and dedicated—beloved man of the community—in which he served and lived."

Michael Shimansky's passion for public service did not stop at home. In addition to being deeply involved in the local community, he volunteered to help his fellow citizens during times of national crisis, by going to New Orleans to join the American Red Cross' efforts in both the aftermath of Hurricane Katrina in 2005, and during the wildfires that devastated many homes and communities in San Diego County in 2007.

Mike was a valued and respected leader who touched the lives of many and improved the quality of life in Danville for decades to come. He always worked for the common good and led by example. In the words of one of his fellow council members, "People loved him for his work ethic. Every decision he made, he had the people of Danville in mind."

Michael Shimanksy's efforts as a volunteer and unwavering dedication to public service leave a legacy that will continue to benefit the people of Danville, the State of California and our great Nation for generations to come. It is for these reasons that I ask my colleagues to join me in honoring the memory of Michael Shimansky in sending our thoughts and prayers to his beloved family and friends.

HONORING THE LONG VALLEY WOMAN'S CLUB

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Long Valley Woman's Club in Morris County, New Jersey, which is celebrating its 95th Anniversary this year.

Originally named the "Home Bureau," The Long Valley Woman's Club was founded in 1914 by a group of twelve dedicated community leaders at the home of Mrs. Frank Castle, who served as their first president. The women met regularly for monthly "Meet and Eat" sessions, at which they would dine, while sharing recipes with each other.

The Long Valley Woman's Club eventually transformed into a service-based organization, providing valuable support for the community. Most notably, the Long Valley Woman's Club was responsible for providing the Washington Township Fire Company with its first alarm system, donating essential life-saving equipment to the local first aid squad, and contributing funds for the building of a hospital. The club also led the charge for establishing Washington Township's first free public library. The Long Valley Woman's Club has a long-standing tradition of providing clothing, food, and monetary donations to those in need, as well as scholarships and awards to hard-working young people in the community.

In 1930, the Long Valley Woman's Club was recognized for its outstanding volunteer services when it became a member of the New Jersey State Federation of Women's Clubs and the General Federation of Women's Clubs.

Madam Speaker, I ask you and my colleagues to join me in congratulating the members of the Long Valley Woman's Club as they celebrate 95 dedicated years of serving our community.

EARMARK DECLARATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mrs. EMERSON. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information in regards to H.R. 3183, the Fiscal Year 2010 Energy and Water Appropriations Bill.

Project Name: Wappapello Lake, MO

Bill Number: H.R. 3183

Account: MRT—Operations and Maintenance

Legal Name of Requesting Entity: City of Poplar Bluff, Missouri

Address of Requesting Entity: 101 Oak St. Poplar Bluff, Missouri 63901

Description of Request: Provide an earmark of $5,232,000 for Wappapello Lake, MO MR&T Operations and Maintenance. This funding is for routine operation and maintenance, as well as work on U.S. Highway 67. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, MR&T Operations and Maintenance Account.

Project Name: Bois Brule Drainage and Levee District, MO

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: Bois Brule Levee and Drainage District of Perry County, MO

Address of Requesting Entity: P.O. Box 347, Perryville, MO 63775

Description of Request: Provide an earmark of $1,938,000 to continue work on a flood damage reduction and deficiency correction project conducted by the U.S. Army Corps of Engineers. Approximately, $400,000 to award a contract for the Missouri Chute pump station; $420,000 to complete exploration and design of relief wells; and $1,118,000 to construct additional relief wells. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Construction General Account.

Project Name: Cape Girardeau (Floodwall), MO

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: City of Cape Girardeau

Address of Requesting Entity: 401 Independence Street, Cape Girardeau, MO 63703

Description of Request: Provide an earmark of $183,000 to continue work on a flood damage reduction project conducted by the U.S. Army Corps of Engineers. The $183,000 will be used to complete the rehabilitation of the floodwall. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Construction General Account.

Project Name: Clearwater Lake, MO (Seepage Control)

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: City of Piedmont

Address of Requesting Entity: 115 West Green Street, Piedmont, MO 63957

Description of Request: Provide an earmark of $37,791,000 for Clearwater Major Rehabilitation Project to continue work on a flood control project conducted by the U.S. Army Corps of Engineers. The $37,791,000 will be used to complete Phase I(b) construction and continue Phase II to construct a cutoff wall. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Construction General Account.

Project Name: Mississippi River Levees, AR, IL, KY, LA, MS, MO & TN

Bill Number: H.R. 3183

Account: MRT—Construction

Legal Name of Requesting Entity: Bootheel Regional Planning and Economic Development Commission

Address of Requesting Entity: 105 E. North Main Street, Dexter, MO 63841

Description of Request: Provide an earmark of $44,702,000 for Mississippi River Levees (MR&T) to continue work on flood protection projects conducted by the U.S. Army Corps of Engineers. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Mississippi River and Tributaries, Construction Account.

Project Name: St. John's Bayou and New Madrid Floodway, Missouri

Bill Number: H.R. 3183

Account: MRT—Construction

Legal Name of Requesting Entity: St. John's Levee and Drainage District of Missouri Address of Requesting Entity: P.O. Box 40, New Madrid, MO 63869

Description of Request: Provide an earmark of $200,000 for the St. John's Bayou and New Madrid Floodway. This funding will be used to conduct NEPA activities. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, MR&T Construction Account.

Project Name: Clearwater Lake, Missouri

Bill Number: H.R. 3183

Account: Operations and Maintenance

Legal Name of Requesting Entity: City of Piedmont, Missouri

Address of Requesting Entity: 115 West Green Street, Piedmont, MO 63957

Description of Request: Provide an earmark of $2,827,000 for Operation and Maintenance of Clearwater Lake. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Operations and Maintenance Account.

Project Name: St. Francis Basin, AR & MO

Bill Number: H.R. 3183

Account: MRT—Operations and Maintenance

Legal Name of Requesting Entity: The Little River Drainage District

Address of Requesting Entity: 1440 Kurre Lane, Cape Girardeau, MO 63701

Description of Request: Provide an earmark of $9,509,000 for St. Francis River and Tributaries, AR & MO Maintenance. This funding will be used for land and damages, cultural resources, engineering, design, construction management and operate and maintain two pumping stations. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, MR&T Maintenance Account.

Project Name: Caruthersville Harbor, Missouri

Bill Number: H.R. 3183

Account: Operations and Maintenance

Legal Name of Requesting Entity: Pemiscot County Port Authority

Address of Requesting Entity: 619 Ward Avenue, Caruthersville, MO 63830

Description of Request: Provide an earmark of $482,000 for Caruthersville Harbor for annual maintenance of the navigation channel conducted by the U.S. Army Corps of Engineers. Approximately $482,000 is for dredging the harbor to authorized levels. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Operations and Maintenance Account.

Project Name: New Madrid Harbor, Missouri Bill Number: H.R. 3183

Account: Operations and Maintenance

Legal Name of Requesting Entity: New Madrid County Port Authority Address of Requesting Entity: 435 Main Street, New Madrid, MO 63869

Description of Request: Provide an earmark of $400,000 for the New Madrid County Harbor for annual maintenance of the navigation channel conducted by the U.S. Army Corps of Engineers. Approximately $400,000 is for dredging the harbor. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Operations and Maintenance Account.

Project Name: New Madrid Harbor (Mile 889), Missouri

Bill Number: H.R. 3183

Account: Operations and Maintenance

Legal Name of Requesting Entity: City of New Madrid, Missouri

Address of Requesting Entity: P.O. Box 96, New Madrid, MO 63869

Description of Request: Provide an earmark of $240,000 for the New Madrid Harbor Mile 889 for annual maintenance of the navigation channel conducted by the U.S. Army Corps of Engineers. Approximately $240,000 will be used to dredge the harbor. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Operations and Maintenance Account.

Project Name: Little River Diversion, Dutchtown, Missouri

Bill Number: H.R. 3183

Account: Section 205

Legal Name of Requesting Entity: Little River Drainage District

Address of Requesting Entity: P.O. Box 159 Cape Girardeau, MO 63702

Description of Request: The Little River Diversion project will be funded at the discretion of the U.S. Army Corps of Engineers, through Section 205 funds. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Section 205 account.

Project Name: Mississippi River Levees, AR, IL, KY, LA, MS, MO & TN

Bill Number: H.R. 3183

Account: MRT—Operations and Maintenance

Legal Name of Requesting Entity: Bootheel Regional Planning and Economic Development Commission

Address of Requesting Entity: 105 E. North Main Street, Dexter, MO 63841

Description of Request: Provide an earmark of $11,311,000 for Mississippi River Levees (MR&T) to continue work on flood protection projects conducted by the U.S. Army Corps of Engineers. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Mississippi River and Tributaries, Operations and Maintenance Account.

PERSONAL EXPLANATION

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Ms. RICHARDSON. Madam Speaker, on Tuesday, September 29, 2009, I was unavoidably detained and thus missed rollcall vote No. 740.

Had I been present I would have voted as follows: On rollcall No. 740, Motion to Suspend the Rules and Pass H.R. 905, as amended, "Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act of 2009," I would have voted "aye."

BOY SCOUTS OF AMERICA MENTORS AND VOLUNTEERS HONORED WITH STATUE IN RIVERFRONT PARK; SPOKANE, WA

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize the dedication and commitment to service exemplified by the mentors and volunteers of the Boy Scouts of America and to commemorate the installation of a statue, dedicated in honor of these mentors and volunteers, in Riverfront Park in Spokane, Washington.

The support and assistance of the community and those directly associated with the Boy Scouts has made this project a reality. Over the course of three years, funds were raised and a location secured for the installation of the "Footsteps of the Future" statue honoring the volunteers and mentors involved with the Boy Scouts of America. A gift from Troop 325 and the Inland Northwest Council of the Boy Scouts to the City of Spokane, this bronze statue, over seven feet in height, is inspired by the National Boy Scouts of America statuette that is oftentimes given to those attaining Eagle Scout rank. The models for the statue are two Boy Scouts from Troop 325; the older Scout is depicted pointing the way for the younger Scout.

However, perhaps the greatest impetus behind this project was the inspired service of a Spokane-area man who devoted nearly 40 years of his life mentoring the youth in our community as a Boy Scout leader. Dean Dinnison, former Scoutmaster of Troop 325, served honorably with the United States Marine Corps for four years during World War II. It is fitting, then, that the statue honoring his commitment to service and that of countless other mentors and volunteers should be placed at the western-most edge of Riverfront Park, in the Veterans Park.

Madam Speaker, as we recognize 100 years of Scouting in America this year, I believe the ongoing service of our Nation's Boy Scouts and the mentors and volunteers who help shape them as leaders in our communities deserves recognition. It is my hope that this statue, like the two boys it is modeled after and the man who inspired its creation, will serve to inspire future generations of our Nation's youth to a vibrant life of civic involvement. I invite my colleagues to join me in honoring the volunteers, mentors, and Scouts of the Boy Scouts of America and in commemorating the dedication of the "Footsteps to the Future" statue.

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. DAVIS of Illinois. Madam Speaker, I was unable to cast votes on the following legislative measures on September 29, 2009. If I were present for rollcall votes, I would have voted Yea on each of the following:

Roll 740, September 29, 2009: On Motion to Suspend the Rules and Pass, as Amended:

H.R. 905, Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act.

Roll 741, September 29, 2009: On Motion to Suspend the Rules and Agree: H. Res. 16, Supporting the goals and ideals of National Life Insurance Awareness Month.

Roll 742, September 29, 2009: On Motion to Instruct Conferees: H.R. 2997, Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

FISCAL NEW YEAR

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. COFFMAN of Colorado. Madam Speaker, Happy New Year.

Today is October first, the start of the 2010 Fiscal Year. That means it is also Fiscal New Year.

My short time here in Washington has convinced me that many inside the Beltway are out of touch with the real day-to-day lives of those in the rest of the country.

So we should do what many Americans do, and use the New Year as an opportunity to reassess how we are doing, and to make resolutions to improve our behavior.

Today, I offer some Fiscal New Year Resolutions for Congress:

Number One: Balance the budget.

CBO estimates that the 2009 deficit will be 1.6 trillion dollars, and the cumulative deficit over the next ten years will equal 9.1 trillion dollars.

Number Two: Lower our debt.

Even if we stop deficit spending, we already carry 11 trillion in debt. We should be addressing this burden, not increasing it.

Number Three: Act responsibly.

We need to make sure Congress can and does read the bills they pass. We need time to study and evaluate them before a vote.

Number Four: Study economics.

Congress obviously needs some lessons in how markets work. We need to recognize that Government control in what should be the private sector destroys efficiencies. We need to reward success, not bail-out failure. And we need to understand that government competition destroys markets.

Madam Speaker, I hope Congress can so resolve.

MOTION TO GO TO CONFERENCE ON H.R. 2918, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 2009

Mr. KUCINICH. Madam Speaker, I strongly support many provisions in H.R. 2918, the Legislative Branch Appropriations Act of 2009, including funding for the Census Bureau, the U.S. Capitol Police, the Government Accountability Office, GAO, and the Ryan White AIDS Program. I cannot, however, support the inclusion of approximately $10.8 billion in war funding and as such, I oppose the bill.

As an ardent supporter of the U.S. Postal Service, USPS, I commend the inclusion of provisions in this bill that would reduce the amount USPS must contribute to the Postal Service Retiree Health Benefits Fund to $1.5 million from $5.4 million, ensuring its survival through the end of this month. Congress has a responsibility to the communities it represents to ensure that the USPS and the irreplaceable services it provides as a universal mail delivery service are maintained.

This legislation appropriately increases the funding for the U.S. Census Bureau to $7.1 billion to ensure that the agency can meet the demands of the upcoming census in 2010. The census is vital in fulfilling our Constitutional duties under Article 1, Section 2, which are intended to ensure that the people have equal representation in government at the state and federal level. I also fully support the provisions in this bill providing $328 million for the dedicated men and women of the U.S. Capitol Police and $572 million for the GAO.

I strongly oppose the inclusion of funding for the wars in Iraq and Afghanistan in this bill. The war in Iraq was based on false intelligence and an inaccurate, government sponsored, propaganda campaign. This body was given a mandate by the American people in 2006 to get out of Iraq. Congress has the ability, through the power of the purse, to end the occupation of Iraq and bring all troops and contractors home immediately. Failure to do so continues to put our brave and honorable troops in harm's way.

I also oppose dedicating more resources to Afghanistan. The people of Afghanistan are suffering horribly from 8 years of war. During that time, the Afghan central government has become increasingly corrupt and has failed to meet the needs of the Afghan people.

Violence in Afghanistan continues to grow. The United Nations General Assembly Security Council reports ''an average of 898 incidents in the first seven months of 2009, compared to 677 during the same time frame in 2008. Incidents involving improvised explosive devices have risen dramatically, to an average of more than eight per day, 60 per cent higher than the average during the first seven months of 2008. Complex attacks now average one per month compared to one per quarter in 2008.'' This past August was reported to be the ''deadliest month since the beginning of 2009.''

I am also dismayed by the inclusion of language that unilaterally bars all funding for Association of Community Organizations for Reform Now, ACORN. I have serious concerns that such language constitutes a bill of attainder. The Constitution expressly prohibits Congress from legislatively punishing an individual or specific class of people, and I believe that this action is an effort to circumvent the protection that the Constitution affords to all people and organizations. This country has a robust judicial system that has been created precisely for this purpose; we ought to let it do its job. If a crime has been committed, we should prosecute the people who have committed that crime.

Congress and the American public simply will not tolerate an open-ended commitment of money and troops while millions of Americans are losing their health care, their homes, their jobs, their pensions, their investments. I support the Legislative Branch Appropriations bill by itself. I cannot support it when it is used as a vehicle for perpetuating the Iraq and Afghanistan wars.

HONORING COMMANDER SETH FOSTER HUDGINS III, UNITED STATES NAVY, FOR 22 YEARS OF HONORABLE SERVICE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to recognize CDR Seth Foster Hudgins III, United States Navy. Commander Hudgins is retiring from the Navy after 22 years of honorable service as a commissioned officer. Commander Hudgins is the eldest son of Seth and Joy Hudgins of Cornwall, NY and is a 1987 graduate of the United States Naval Academy. Shortly after graduation, Commander Hudgins entered U.S. Navy undergraduate flight training, and in 1989, he earned Naval Aviator wings as a jet pilot.

Since that time, Commander Hudgins has served his country in many different capacities, most notably serving as his squadron's Operations Officer and Acting Executive Officer in Operation Enduring Freedom. Throughout his sterling service to our Nation, Commander Hudgins has been awarded the Defense Meritorious Service Medal, the Meritorious Service Medal, two Air Medals, and the Armed Forces Expeditionary Medal, among others. He has accumulated over 3000 flight hours and more than 500 carrier landings. Commander Hudgins has served our great country with honor and distinction. I wish him and his wife Jennifer all the best as he retires from the Navy and continues to serve our nation at the Joint Interagency Task Force South in Key West.

ENHANCED PARTNERSHIP WITH PAKISTAN ACT OF 2009

SPEECH OF

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Mr. AL GREEN of Texas. Mr. Speaker, I rise in strong support of S. 1707, the Enhanced Partnership with Pakistan Act of 2009, a bipartisan bill designed to forge a true strategic partnership with Pakistan and its people, strengthen its democratic government, and support Pakistan so it may become a force for stability in a volatile region.

This legislation triples the authorization for U.S. economic, social, and democratic development assistance to Pakistan to $1.5 billion a year for fiscal years 2010 through 2014. The bill provides that this aid be provided with a particular focus on strengthening democratic institutions, promoting economic development, and improving Pakistan's public education system.

The bill also authorizes military assistance to Pakistan to help it disrupt and defeat al

Qaeda and relevant insurgent elements, and requires that such assistance be focused primarily on helping Pakistan with its critical counterinsurgency and counterterrorism efforts.

The security of Pakistan and the United States is closely linked. We cannot succeed in defeating al Qaeda by ourselves. Therefore, it is critically important that we develop a robust, long-term relationship with our strategic partners to prevail against those who threaten our national security.

S. 1707 is an essential tool in our efforts to dismantle terrorism and underscores the United States' long-term commitment to the people of Pakistan.

I urge my colleagues to join me in supporting S. 1707, the Enhanced Partnership with Pakistan Act of 2009.

GEOTHERMAL PRODUCTION EXPANSION ACT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. INSLEE. Madam Speaker, today, I introduced the bipartisan Geothermal Production Expansion Act with Representative MIKE SIMPSON, and I thank him for his leadership on this issue. Our bill will ensure that we tap into clean geothermal energy using on-the-shelf technologies.

Geothermal energy has great potential to add clean energy to American electricity supplies. It is especially promising as a renewable resource because it is a base load power which doesn't require any fossil fuel backup.

However, at this point in time, proven geothermal resources have at times gone undeveloped in instances involving adjoining federal lands because speculators increasingly drive up the cost of federal lands adjacent to a geothermal development site. This hurts developers who take on the upfront cost of exploration and developing a site because when an exploration proves fruitful, the developer is bid out of the market due to extremely high leasing costs for adjacent lands. In many cases, the end result is that the development is halted and no clean energy comes online.

Already under EPACT 2005 amendments, BLM is allowed to issue three different non-competitive leases for geothermal resources, which include: non-competitive geothermal leases to mining claim holders that have a valid operating plan (having invested capital), direct use leases and leases on parcels that do not sell at a competitive auction.

The Geothermal Production Expansion Act is a targeted approach to the aforementioned speculation problem, simply creating a fourth category whereby the Bureau of Land Management (BLM) may issue a non-competitive geothermal lease, allowing qualified companies who hold legal rights to develop geothermal leases on certain adjoining lands.

An added benefit, the bill will significantly accelerate the development of geothermal projects by reducing the time spent on nominating and waiting for an auction, which can add a minimum of one-to-two years to the development phase of a geothermal resource.

This bill is a reasonable policy to ensure that developers who have invested substantial capital and made high risk investments can secure and develop geothermal discoveries. Additionally, it will help add renewable, domestically produced energy resources to the American consumers' electricity supply. I believe that this is an important issue and I hope that the House will soon consider this legislation.

HONORING OUR NATION'S ICBM FORCE ON ITS 50TH ANNIVERSARY

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. POMEROY. Madam Speaker, I would like to recognize the 20th Air Force as we prepare to celebrate the 50th anniversary of the nation's nuclear Intercontinental Ballistic Missile (ICBM) force. I have had the privilege of working with the Airmen who maintain this critical piece of our nuclear triad throughout my career in Congress and have seen first hand the commitment and dedication of all of those involved in ensuring that this crucial capability remains ready to respond on a moments notice.

The history of our ICBM force began in 1954 with the establishment of the Western Development Division. The Western Development Division was responsible for the development of the first generation of underground ICBM's, the Titans, and the above-ground Atlas.

This development lead to the initial alert of a nuclear warhead equipped ICBM, an Atlas D, at Vandenberg Air Force Base, California, in October of 1959. Soon after, work began on the Minuteman I missile, a second generation ICBM that would be on alert by the time of the Cuban Missile Crisis in 1962. Within three years the Air Force had replaced all of its first generation ICBM's with Minuteman I and a newer more advanced version, the Minuteman II. The Minuteman II would remain in service for the next 30 years.

By the 1970's the Air Force had developed the Minuteman III with the first squadron of Minuteman III missiles at Minot Air Force Base, North Dakota reaching operational status by the end of December 1970. With the threat of the Soviet Union developing and deploying an increasing number of multi-warhead ICBM's the Air Force began to develop a third generation ICBM that would become the Peacekeeper. The Peacekeeper would ultimately be deployed in 1987 at F.E. Warren Air Force Base in Wyoming.

For the past 50 years, the ICBM fleet has provided an important nuclear deterrent, which at its peak included more than 1,200 missiles. Today the Air Force has 450 Minuteman III ICBM's on alert in North Dakota, Montana, Wyoming, Colorado and Nebraska. As the Air Force activates Air Force Global Strike Command, a brand-new command committed solely to the nuclear deterrence mission, the 20th Air Force and the ICBM mission will transfer from Air Force Space Command to Air Force Global Strike Command.

Madam Speaker, the citizens of the United States have been lucky to have the Airmen of the 20th Air Force diligently working to operate and secure this vital component of our nation's security for the past 50 years. These Airmen have maintained a constant state of vigilance 24 hours a day, seven days a week, performing vital operations, maintenance and security missions across the missile fields in areas that to the untrained eye look just like any other place in America. This is a mission that demands a constant level of alert to respond in an instant should it ever become necessary to employ our arsenal. This constant vigilance has served America so well in the past is poised to continue well into the future. I know my fellow Members of the House of Representatives will join me in congratulating the Air Force's 50 years of commitment to the ICBM mission with the highest standards of performance.

ANTHONY P. DEANGELO

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. QUIGLEY. Madam Speaker, today I rise in recognition of Anthony P. DeAngelo, a valued member of my staff. Tomorrow, October 2, is Anthony's last day as the Staff Assistant/Press Assistant in my Washington, D.C. office. His dedication to serving the people of the Illinois Fifth District is very much appreciated, and he will be greatly missed.

Anthony joined my staff prior to my election to Congress in April of this year. He then made the trip to our nation's capital and was instrumental in establishing my Washington, DC office. He helped establish our new media programs, press operations and intern program. He always took the time to make constituents feel at home in our office and ensured that their trips to Washington were memorable and worthwhile.

Tomorrow he leaves to take a position as Deputy Communications Director in the Office of Congresswoman DEBBIE HALVORSON. I am pleased he will continue to serve the people of Illinois, and I wish him the best of luck in his future endeavors.

HONORING THE LIFE AND LEGACY OF DR. VASCO SMITH

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. COHEN. Madam Speaker, I rise today to honor the life and legacy of a great Memphian and a great American, Dr. Vasco Smith. Dr. Smith was one of the true stalwarts of civil rights in the city of Memphis and in the nation. Dr. Smith lived a life of service and sacrifice.

Vasco Smith served our nation in the Air Force in the Korean War. A graduate of LeMoyne College in Memphis and Meharry Medical College in Nashville, Dr. Smith was a dentist by profession. In 1955, he and his wife, Maxine, returned to their beloved Memphis, completely segregated at the time, and used their passion and commitment to become leaders in the Civil Rights movement.

In 1962, Dr. Smith convinced the owner of the segregated Malco Theatre in downtown Memphis to gradually integrate by selling tickets to African-Americans in the "whites only"

orchestra level of the theatre. In their pursuit to end racial discrimination, the Smiths endured numerous death threats, many arrests by the police, and the tragic murders of their friends Dr. Martin Luther King and Medgar Evers.

In 1973, Dr. Smith became the first African-American elected to an at-large position on the Shelby County Commission where he served until 1994. Dr. Smith was a compassionate and effective County Commissioner. He and I served together as Commissioners from 1978 to 1980. During this time on the Commission, we worked together to build the Regional Medical Center, our charity hospital and trauma center in Shelby County that serves people who would otherwise have no access to health care. He and fellow County Commissioner Jesse Turner, Sr., who also served as National Treasurer for the NAACP, were known as ''the freedom fighters.'' They fought for civil rights in Memphis and stood up when others did not. They were always the voices of conscience, reasonableness, and morality in our community.

Vasco Smith was a loving husband to Maxine Smith. As Wendi Thomas of the Commercial Appeal noted, it is difficult to think of either Smith without the other because they were a team; indeed, together they were a force for change and progress. Maxine Smith served as the Executive Secretary of the Memphis branch of the NAACP for more than forty years and continues to serve on the NAACP National Board of Directors. For two decades, Maxine Smith served on the Memphis City School Board. She served on the Tennessee Board of Regents for over a decade. Married 56 years, Maxine and Vasco Smith were true soulmates. Together, they had one son, Dr. Vasco ''Smitty'' Smith, III, a dentist like his father, who made his parents very proud.

Dr. Vasco Smith was a special man to me because he showed moral rectitude of a type that's rarely seen. He knew justice beyond color and will be remembered in Memphis as a great civil rights leader, a husband, a father, a professional, and a great Memphian.

He will be buried Friday. I will be there with him. His was a life well lived.

HONORING THE SECOND HONOR FLIGHT OF SOUTHERN NEW MEXICO

HON. HARRY TEAGUE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. TEAGUE. Madam Speaker, I rise today to speak in honor of the World War II veterans from my district who are traveling to Washington, D.C. today on the Second Honor Flight of Southern New Mexico.

The Honor Flight of Southern New Mexico was established by business and community leaders in my district who are devoted to honoring our veterans. The aim of the program is to provide as many World War II veterans as possible with the opportunity to see the World War II Memorial here in Washington, D.C. at no cost to them. Last October, Southern New Mexico had its First Honor Flight, which was a great success. Southern New Mexico's Second Honor Flight departed from El Paso International Airport this morning carrying World War II veterans from my district who have never had an opportunity to see the World War II Memorial that was built in their honor. These veterans, who risked their lives to defend the freedoms we enjoy today, will land at Reagan National Airport where they will be greeted with a grand salute. From there, they will have an opportunity to visit the World War II Memorial for the very first time. At the memorial, there will be a wreath laying ceremony in honor of veterans who have passed away, a memory session for the veterans to share their World War II stories, and a group photo so that they can remember this day for the rest of their lives. They will return home this evening.

These veterans fought nobly for our freedoms and we cannot even begin to repay them for their sacrifices. The least we can do is try to show them the depth of our gratitude by providing them with this once in a lifetime opportunity to visit their memorial. I am proud that every dollar that is paying for this honor flight came from private citizens who recognize the immense sacrifice these veterans made to ensure their liberty. This flight would not be possible without the dedication of Judge Robert Brack and Judge Leslie Smith of Las Cruces, who initially spearheaded the idea of bringing the Honor Flight program to Southern New Mexico. In addition, the Honor Flight Board of Directors comprised of Chairman Bill Mattiace, Vice-Chairman Darrell Wall, Treasurer Gary Lenzo, and Secretary Patsy A. Duran contributed much time and energy to advocating for this cause, and to recruiting board members. Board Members Steven Alexander, Walt Baker, Pat Carr, Jag Cheema, Denton Holmes, Dolores Connor, J.R. Turner, Susie Cordero, Carrie Contreras, Debbie Hanssen, and Dolores Archuleta have also made invaluable contributions through their tireless efforts to expand the Honor Flight program and seek out donors. The generosity these private citizens have shown is an example of the bigheartedness that is a true part of the American spirit, and I am touched by their willingness to provide such a rare and meaningful opportunity to their friends, neighbors, and even perfect strangers.

From the Western Front to the Eastern Front, from the Pacific and Asian Theatre to the African Theatre, Americans from our ''greatest generation'' risked life and limb to halt the rise of fascism. We owe them more thanks than we can ever express. I welcome these brave veterans to Washington and to their memorial.

PERSONAL EXPLANATION

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. ADLER of New Jersey. Madam Speaker, today, I was not present in Washington, DC to cast the following votes, because I was attending a ceremony to commemorate the first operating day of Joint Base McGuire/Dix/Lakehurst in New Jersey's 3rd Congressional District. Joint Base McGuire/Dix/Lakehurst is the first tri-service base in the country, and today was significant for my district and the United States military. If I were present, I would have voted the following way.

1) Republican Motion to Instruct Conferees on H.R. 2892—Department of Homeland Security Appropriations Act, 2010—I would have voted yes.

2) H. Res. 517—Congratulating the University of Washington women's softball team for winning the 2009 Women's College World Series—I would have voted yes.

3) H. Res. 487—Recognizing the 100th anniversary of the State News at Michigan State University—I would have voted yes.

4) H. Res. 788—Rule providing for consideration of the Conference Report on H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010—I would have voted yes.

5) H. Res. 692—Supporting the goals and ideals of Tay-Sachs Awareness Month—I would have voted yes.

6) H. Con. Res. 151—Expressing the sense of Congress that China release democratic activist Liu Xiaobo from imprisonment—I would have voted yes.

7) Final Passage of the Conference Report on H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010—I would have voted yes.

EARMARK DECLARATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. JONES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding project funding I received as part of H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010:

Rep. WALTER B. JONES

Project: Metabolic Institute

Recipient: East Carolina University

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Amount: $222,000

Explanation: The funding will allow the Metabolic Institute at East Carolina University to develop a clinical research center and laboratory to advance the Metabolic Institute's study of new technology and medical treatments for obesity and diabetes. Diabetes is an epidemic: diabetes is the sixth leading cause of death in the U.S., afflicts more than 7 percent of the population, and cost our economy about $174 billion in 2007 alone, according to the American Diabetes Association. The Metabolic Institute will continue to build on East Carolina University's pioneer metabolic advancements, including the Greenville Gastric Bypass, to explore the question of why diabetes disappears in four out of five patients with the disease after they undergo gastric bypass surgery.

HONORING WOODY WATSON

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. DUNCAN. Madam Speaker, my grandmother taught for 40 years and my sister Beverly, taught for over 30 years in the public

schools of Tennessee. I am proud of both of them.

In Tuesday's Knoxville News Sentinel, there was an interview with Woody Watson, whom I have known since high school.

Mr. Watson has now taught in Knox County Tennessee where I also am from, for 41 years. Very few people teach for that long, and those who do should be highly praised.

I admire and respect Woody Watson for his many years of dedication to the young people of east Tennessee.

I would like to call to the attention of my colleagues and other readers of the RECORD, the News Sentinel interview with Mr. Watson.

[From knoxnews.com, Sept. 29, 2009]

40 YEARS OF EDUCATING: WATSON AND ANDERSON

(By Jessica Boyd)

EDITOR'S NOTE: The News Sentinel will profile two local teachers who each have about 40 years of education experience within the community in this twice monthly series.

WOODY WATSON, 41 YEARS

Woody Watson, 62, says a smile and a kind word goes a long way when dealing with students. He should know since he's been smiling and speaking kindly to them for 41 years. The Knoxville native taught eighth-grade science at Karns Middle School for 23 years before he spent nine years at Northwest Middle School teaching the same thing. He's been back in action as a seventh-grade teacher at Karns Middle since 2001. ''I always tell people, I taught eighth grade for 32 years,'' the University of Tennessee graduate in natural science said before he laughed. ''And then I got demoted.''

Why teaching? ''I liked the subject matter, and I like being around young people, they keep me young at heart. I just couldn't go sit at a cubicle and do the same thing every day.''

What techniques do you use to teach? ''I like to have students get involved and be hands on in the science lab to help them understand the world they live in.''

Do you have a favorite year? ''I think that would probably be 1986. The highlight of that year is we took a trip to New Orleans for a long weekend, and (the students) learned about the history of the area.''

What has changed for better since you've been teaching? ''Our class averages were lowered. State law has limited that to 30 in seventh and eighth grade . . . It really makes a difference to have five or six fewer kids in a class.''

What has changed for worse since you've been teaching? ''When I came to Karns, it was a small farming community. Of course now the farms have been sold off, and it's wall-to-wall subdivisions, so just the lack of the community closeness and the breakdown of the family.''

What's been the best advancement in education? ''Probably all the information available online . . . I think Karns Middle was one of the first schools to have a computer lab when the first Apple computers came out back in the 80s. That area of technology has made a lot of opportunities for our students. It also presents some problems if the parents don't monitor what the kids are doing.''

Do you have any words of wisdom for teachers just starting out? ''Be patient, keep up with your paperwork, and try not to be overwhelmed with all the things you have to do that's not related to the teaching of students.''

ARCHIE ANDERSON, 42 YEARS

Archie Anderson, 65, taught for 26 years at Maryville Middle School before he made the big switch to administration. For 12 years, he was the assistant principal of the middle school before he made an even bigger switch. Now he's in charge of transportation and attendance for Maryville City Schools. Archie graduated from Maryville College and received his master's degree at Tennessee Tech.

What do you do now?

''I come up with bus routes, and I work with the bus owner. I'm kind of a trouble shooter. I handle all parent and or school complaints and try to resolve all those.''

What did you teach before you moved into administration?

''I taught P.E. I coached football, basketball and track for about 26 years.''

Did you have a favorite year when you were teaching?

''I enjoyed the early years because being a younger guy, it seemed like I had better relationships with kids. As you get older and your hair's grey and you have more wrinkles, kids are more standoffish.''

What's the coolest technological advancement you've seen?

''Computers in the classroom and access to the internet. Everything you want is there. The negative part is we've got text messaging and cell phones in the classroom. So (technology) is not all good. That's a daily struggle.''

Do you miss teaching? ''I miss the relationship with the students. I don't get to know the students as well as I used to. I have gotten to know the staff better . . . I've really gotten to know the administrators of the schools.''

EARMARK DECLARATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. BRADY of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEVIN BRADY, Texas 8th Congressional District

Bill Number: H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010

Project: Sam Rayburn Reservoir Operations & Maintenance

Account: Operations and Maintenance, U.S. Army Corps of Engineers

Requesting Entity: U.S. Army Corps of Engineers, Fort Worth District

Address of Requesting Entity: 819 Taylor Street, Fort Worth, TX 76102

This is the third year I've requested funding to repair the Twin Dikes Park marine launching complex since its collapse due to Hurricane Rita, erosion, and excessive wave action. Unfortunately, the Corps has a backlog of maintenance on some of the most widely used recreational facilities at Lake Sam Rayburn. In addition to Twin Dikes Park launching complex, I continue to support the U.S. Corps of Engineers annual request for funding to operate and maintain the lakes, and other water resources of East and Southeast Texas.

The $5,937,000 included in this conference report will be allocated to perform annual operations and maintenance of the Sam Rayburn Dam and Reservoir.

CELEBRATING THE FIRST YEAR ANNIVERSARY OF REVEREND PATRICIA A. REEBERG AS PASTOR OF THE REJOICE MINISTRIES—CHURCH OF THE HEALING EPHESUS SEVENTH-DAY ADVENTISTS CHURCH IN HARLEM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. RANGEL. Madam Speaker, I rise today to celebrate my dear friend Reverend Patricia A. Reeberg as the Rejoice Ministry of the Church of the Healing Ephesus Seventh-Day Adventists Church celebrates her First Year Anniversary, which took place on Sunday, September 20, 2009.

The Reverend Patricia A. Reeberg, an Ambassador for Christ, is a woman of faith, character and action. Her life's call is to ''equip the saints.'' The vocation God has assigned to her to fulfill this call is to preach the Gospel. Rev. Reeberg is the Pastor of Rejoice Ministries—The Church of Healing, which was formed under the direction of the Holy Spirit on December 31, 2008.

She has a served on the ministerial staff at St. Paul Baptist Church, Memorial Baptist Church, Crawford Memorial United Methodist Church, Believers Christian Fellowship, Beck Presbyterian Church, and Bethesda Baptist Church. Patricia A. Reeberg earned her Masters of Divinity at Union Theological Seminary in New York City. She also augmented her training at Harvard Divinity School Summer Leadership Institute, Interdenominational School of Theology Church Administration and Management, and Columbia University Graduate School of Business for Not-for-Profit Management.

Pastor Reeberg is the recipient of numerous awards and appointments, including, Commissioner on the Civilian Complaint Review Board; the Charles E. Merrill Fellowship from Harvard Divinity School; and was also a founding board member of Harlem Congregations for Community Improvement. Pastor Reeberg is also registered in the National Register's Who's Who in Executives and Professionals, 2004–2010; and Who's Who of American Women 2006–2009.

Her many accomplishments also include first woman and the first Baptist minister to serve as Executive Director and Chief Executive Officer of the Council of the Churches of the City of New York. As an entrepreneur, Rev. Reeberg is the owner of Cruise Planners and SM&G Consultation. She has published numerous articles and is working on her first book entitled, ''And The Lord Shall Gather Me Up,'' to be published in 2009.

Please join me in celebrating Reverend Patricia A. Reeberg on her First Year Anniversary as Pastor of the Rejoice Ministries of the Church of the Healing Ephesus Seventh-Day Adventists Church, located in my Congressional District in Harlem.

HONORING THE LIFE AND ACHIEVEMENTS OF CHARLES ''TIF'' BINGHAM

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. COHEN. Madam Speaker, I rise today to honor the life of Mr. Charles ''Tif'' Bingham, one of the kindest and most personable individuals I have ever known. He was always thinking of people and was truly concerned about others. His smile and demeanor attracted friends and warmed their spirits.

Tif Bingham graduated from Yale University and then served our country as a captain and fighter pilot in the Marine Corps. In 1960, he moved to Memphis as a Vice-President for Conwood Corporation.

He was a civic leader, serving as the Executive Director of the Memphis Chamber of Commerce and founder of the Mid-South Parkinson's Disease Foundation.

Tif was one of the founders and Second President of the Memphis In May International Festival, which highlights the best of Memphis culture: music, barbecue, and arts. Each year the festival showcases the best of Memphis and, simultaneously, brings the world to our city, exposing our citizens to people from around the globe, enriching our lives and expanding our horizons.

I have had the pleasure of representing Tif and wife Sandy as constituents of the Ninth District. They were frequent visitors on Capitol Hill and were much loved by those in which they came in contact with. Several members of Congress as well as Jimmy Miller, Director of Committee Facilities and Travel for the Transportation and Infrastructure Committee, wish to express their deepest regrets to the Bingham family.

Tif Bingham was an avid sailor and world traveler. As grandson of U.S. Senator Hiram Bingham, who discovered Machu Picchu, he inherited a curiosity and urge to explore the world, all to be knowledgeable about public affairs. He leaves his wife Sandy Dickey, to whom he was married for 27 years. Sandy loved Tif and was the epitome of ''for better or worse''. He is also survived by three children, Eleanor Bingham Mallory, Grace Bingham and Charles Bingham and six grandchildren.

Tif Bingham loved life and lived it to the fullest. He enriched the lives of his family, friends and the city of Memphis. He will be sorely missed and always remembered.

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

House agreed to the conference report to accompany H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010.

Senate

Chamber Action

Routine Proceedings, pages S9993–S10078

Measures Introduced: Fourteen bills and seven resolutions were introduced, as follows: S. 1735–1748, S.J. Res. 20, S. Res. 297–300, and S. Con. Res. 42–43. **Pages S10060–61**

Measures Reported:

Report to accompany 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. (S. Rept. No. 111–85) **Page S10060**

Measures Passed:

Acceptance of Helen Keller Statue: Senate agreed to S. Con. Res. 42, providing for the acceptance of a statue of Helen Keller, presented by the people of Alabama. **Page S10076**

Authorizing Use of Capitol Rotunda: Senate agreed to S. Con. Res. 43, authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Senator Edward Brooke. **Page S10076**

Filipino American History Month: Senate agreed to S. Res. 298, recognizing Filipino American History Month in October 2009. **Pages S10076–77**

National Infant Mortality Awareness Month: Senate agreed to S. Res. 299, expressing support for the goals and ideals of National Infant Mortality Awareness Month 2009. **Page S10077**

Fire Prevention Week: Senate agreed to S. Res. 300, supporting the goals and ideals of Fire Prevention Week and the work of firefighters in educating and protecting the communities of this Nation. **Pages S10077–78**

Measures Considered:

Department of Defense Appropriations Act—Agreement: Senate continued consideration of H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, taking action on the following amendment proposed thereto: **Pages S10009–54**

Adopted:

Kaufman Modified Amendment No. 2578, to provide for the continuing support of certain civilian-military training for civilians deploying to Afghanistan. **Pages S10019, S10021**

By 60 yeas to 39 nays (Vote No. 304), Levin Amendment No. 2593, relating to hearings on the strategy and resources of the United States with respect to Afghanistan and Pakistan. **Pages S10011–15, S10025**

Shelby Amendment No. 2594, to require reports on certain elements of the ballistic missile defense system. **Pages S10032–33**

Brownback Amendment No. 2598, to acknowledge a long history of official depredations and ill-conceived policies by the Federal government regarding Indian Tribes and offer an apology to all Native Peoples on behalf of the United States. **Pages S10036–37**

Inouye (for Byrd) Amendment No. 2571, to require a report on the use by the Department of Defense of live primates in training programs relating to chemical and biological agents. **Page S10037**

Chambliss Modified Amendment No. 2621, to express the Sense of the Senate on Joint STARS re-engining. **Pages S10040–41**

Coburn Amendment No. 2563, to require public disclosure of certain reports. **Pages S10015, S10052**

Franken Amendment No. 2588, to prohibit the use of funds for any Federal contract with Halliburton Company, KBR, Inc., any of their subsidiaries or affiliates, or any other contracting party if such contractor or a subcontractor at any tier under such contract requires that employees or independent contractors sign mandatory arbitration clauses regarding certain claims. **Pages S10027, S10028**

Sanders Amendment No. 2617, to require a report on Federal contracting fraud.

Pages S10033–34, S10044–45, S10052

Sanders Amendment No. 2559, to make available from Research, Development, Test, and Evaluation, Army $12,000,000 for the peer-reviewed Gulf War Illness Research Program of the Army.

Pages S10035, S10052

Inouye (for Reid/Ensign) Modified Amendment No. 2562, to express the sense of Congress, and to require a report, on expanding the mission of the Nevada Test Site. **Pages S10040, S10052**

Inouye (for Kyl) Amendment No. 2568, to make available from amounts available for the Office of the Secretary of Defense $250,000 for the declassification of the 2001 nuclear posture review. **Page S10052**

Inouye (for Nelson (NE)) Amendment No. 2614, to make available from Operation and Maintenance, Defense-Wide, $15,000,000 for implementation of the Military and Overseas Voter Empowerment Act.

Page S10052

Inouye (for Hagan) Amendment No. 2615, to provide that none of the funds appropriated or otherwise made available by this Act may be used to dispose of claims filed regarding water contamination at Camp Lejeune, North Carolina, until the Agency for Toxic Substances and Disease Registry (ATSDR) fully completes all current, ongoing epidemiological and water modeling studies. **Page S10052**

Casey Modified Amendment No. 2592, to ensure that work under contracts under the Logistics Civil Augmentation Program complies with certain standards. **Pages S10019–21, S10041–44, S10052**

Rejected:

By 40 yeas to 59 nays (Vote No. 305), McCain Amendment No. 2575, to provide for testimony before Congress on the additional forces and resources required to meet United States objectives with respect to Afghanistan and Pakistan.

Pages S10009–15, S10026–27

Withdrawn:

Coburn Amendment No. 2569, to restore $294,000,000 for the Armed Forces to prepare for and conduct combat operations by accounting for the August 2009 Congressional Budget Office economic assumptions and by reducing funding for congressionally directed spending items for low-priority research and development projects.

Pages S10015, S10039, S10040, S10052

Chambliss/Kyl Amendment No. 2608, to appropriate an additional $900,000,000 for the Afghanistan Security Forces Fund. **Pages S10029–30**

Pending:

Coburn Amendment No. 2565, to ensure transparency and accountability by providing that each member of Congress and the Secretary of Defense has the ability to review $1,500,000,000 in taxpayer funds allocated to the National Guard and Reserve components of the Armed Forces.

Pages S10016, S10040

Barrasso Amendment No. 2567, to prohibit the use of funds for the Center on Climate Change and National Security of the Central Intelligence Agency.

Pages S10021–25, S10037–38

Franken (for Bond/Leahy) Amendment No. 2596, to limit the early retirement of tactical aircraft.

Page S10027

Franken (for Coburn) Amendment No. 2585, to restore certain funds for the Armed Forces to prepare for and conduct combat operations by accounting for the August 2009 Congressional Budget Office economic assumptions and by reducing funding for congressionally directed spending items for low-priority research and development projects.

Pages S10027, S10052

Franken (for Coburn) Amendment No. 2566, to restore $166,000,000 for the Armed Forces to prepare for and conduct combat operations, by eliminating low-priority congressionally directed spending items for all operations and maintenance accounts.

Pages S10027–28

Sanders/Dorgan Amendment No. 2601, to make available from Overseas Contingency Operations $20,000,000 for outreach and reintegration services under the Yellow Ribbon Reintegration Program.

Page S10035

Lieberman Modified Amendment No. 2616, Relating to the two-stage ground-based interceptor missile. **Pages S10047–50**

A unanimous-consent agreement was reached providing that when the Senate resumes consideration of the bill on Tuesday, October 6, 2009, that the following list of first-degree amendments be the only amendments remaining in order to the bill, other than any other pending amendments, if not listed, and the committee substitute amendment; that no second-degree amendment or side-by-side amendment be in order to any of the listed amendments, except Barrasso Amendment No. 2567 (listed above); Franken (for Bond/Leahy) Amendment No. 2596 (listed Above); Coburn Amendment No. 2565 (listed above); Franken (for Coburn) Amendment No. 2566

(listed above); Sanders/Dorgan Amendment No. 2601 (listed above); Inhofe Amendment No. 2618; McCain Amendment No. 2580; McCain Amendment No. 2584; McCain Amendment No. 2560, with an Inouye side-by-side amendment in order and would be voted prior to the vote in relation to the McCain Amendment No. 2560; McCain Amendment No. 2583; Lieberman Modified Amendment No. 2616 (listed above); that it be in order for the managers to offer a managers amendment that has been cleared by the managers and the two Leaders, and that if offered, the amendment be considered and agreed to; that in the case in which the managers are agreeable with a modification of a listed amendment, then the amendment be so modified with the changes agreed upon; that upon disposition of the listed amendments, the committee reported substitute, as amended, be agreed to; and vote on passage of the bill, as amended; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with the Subcommittee appointed as conferees; provided further that if a point of order is raised and sustained against the substitute amendment, then it be in order for a new substitute to be offered, minus the offending provision; that the new substitute be considered and agreed to; no further amendments be in order, with provisions in this agreement listed after adoption of the original substitute amendment remaining in effect; that the vote sequence with respect to the listed amendment be entered later and that the only debate time remaining be two minutes, equally divided in the usual form, prior to each vote and that in any sequenced votes, the vote be limited to ten minutes each after the first vote, further that the cloture motions be withdrawn. **Page S10054**

Commerce, Justice, Science, and Related Agencies Appropriations Act—Agreement: A unanimous-consent agreement was reached providing that at 4:00 p.m., Monday, October 5, 2009, Senate begin consideration of H.R. 2847, the Commerce, Justice Appropriations Act; that once the bill is reported, there be debate only, with no amendments in order except the committee reported substitute. **Page S10054**

Nominations Received: Senate received the following nominations:

Christine H. Fox, of Virginia, to be Director of Cost Assessment and Program Evaluation, Department of Defense.

Roszell Hunter, of Virginia, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2013.

Mark R. Rosekind, of California, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 2009.

Mark R. Rosekind, of California, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2014.

Paul K. Martin, of Maryland, to be Inspector General, National Aeronautics and Space Administration.

Carolyn W. Colvin, of Maryland, to be Deputy Commissioner of Social Security for the term expiring January 19, 2013.

Sara Manzano-Diaz, of Pennsylvania, to be Director of the Women's Bureau, Department of Labor. **Page S10078**

Messages from the House: **Page S10058**

Measures Referred: **Page S10058**

Executive Communications: **Pages S10058–60**

Petitions and Memorials: **Page S10060**

Executive Reports of Committees: **Page S10060**

Additional Cosponsors: **Pages S10061–62**

Statements on Introduced Bills/Resolutions: **Pages S10062–69**

Additional Statements: **Pages S10055–57**

Amendments Submitted: **Pages S10069–75**

Notices of Hearings/Meetings: **Page S10075**

Authorities for Committees to Meet: **Page S10075**

Privileges of the Floor: **Pages S10075–76**

Record Votes: Two record votes were taken today. (Total—305) **Pages S10025, S10027**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 9 p.m., until 2 p.m. on Monday, October 5, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S10078.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Finance: Committee continued consideration of an original bill entitled, "America's Healthy Future Act of 2009", but did not complete action thereon, and recessed subject to the call and will meet again on Friday, October 2, 2009.

AFGHANISTAN'S IMPACT ON PAKISTAN

Committee on Foreign Relations: Committee concluded a hearing to examine Afghanistan's impact on Pakistan, after receiving testimony from Maleeha Lodhi, Woodrow Wilson International Center for Scholars, and Steve Coll, New America Foundation, both of Washington, D.C.; and Milton A. Bearden, Reston, Virginia.

VIOLENCE AGAINST WOMEN

Committee on Foreign Relations: Committee concluded a hearing to examine violence against women, focusing on global costs and consequences, after receiving testimony from Melanne Verveer, Ambassador-at-Large for Global Women's Issues, and Stephen J. Rapp, Ambassador-at-Large for War Crime Issues, both of the Department of State; Major General Patrick Cammaert (Ret.), United Nations Department of Peacekeeping Operations, New York, New York; Donald Steinberg, International Crisis Group, Brussels, Belgium; Geeta Rao Gupta, International Center for Research on Women, Washington, D.C.; and Esta Soler, Family Violence Prevention Fund, San Francisco, California.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of David S. Ferriero, of North Carolina, to be Archivist of the United States, National Archives and Records Administration, after the nominee, who was introduced by Senator Hagan, testified and answered questions in his own behalf.

On July 31, 2009, committee announced the following subcommittee assignments:

Permanent Subcommittee on Investigations: Senators Levin (Chair), Carper, Pryor, McCaskill, Tester, Bennet, Coburn, Collins, McCain, and Ensign.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia: Senators Akaka (Chair), Levin, Landrieu, Burris, Bennet, Voinovich, Graham, and Bennett.

Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security: Senators Carper (Chair), Levin, Akaka, Pryor, McCaskill, Burris, McCain, Coburn, Voinovich, and Ensign.

Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration: Senators Pryor (Chair), Akaka, Landrieu, Tester, Bennet, Ensign, Voinovich, and Graham.

Ad Hoc Subcommittee on Disaster Recovery: Senators Landrieu (Chair), McCaskill, Burris, Graham, and Bennett.

Ad Hoc Subcommittee on Contracting Oversight: Senators McCaskill (Chair), Levin, Carper, Pryor, Tester, Bennet, Bennett, Collins, Coburn, McCain, and Graham.

(The Chairman and Ranking Minority Member of the Full Committee are also ex-officio members of every subcommittee.)

On September 29, 2009, committee announced the following subcommittee assignments:

Permanent Subcommittee on Investigations: Senators Levin (Chair), Carper, Pryor, McCaskill, Tester, Kirk, Coburn, Collins, McCain, and Ensign.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia: Senators Akaka (Chair), Levin, Landrieu, Burris, Kirk, Voinovich, Graham, and Bennett.

Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security: Senators Carper (Chair), Levin, Akaka, Pryor, McCaskill, Burris, McCain, Coburn, Voinovich, and Ensign.

Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration: Senators Pryor (Chair), Akaka, Landrieu, Tester, Ensign, Voinovich, and Graham.

Ad Hoc Subcommittee on Disaster Recovery: Senators Landrieu (Chair), McCaskill, Burris, Graham, and Bennett.

Ad Hoc Subcommittee on Contracting Oversight: Senators McCaskill (Chair), Levin, Carper, Pryor, Tester, Kirk, Bennett, Collins, Coburn, McCain, and Graham.

(The Chairman and Ranking Minority Member of the Full Committee are also ex-officio members of every subcommittee.)

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nominations of Roberto A. Lange, to be United States District Judge for the District of South Dakota, Joseph A. Greenaway, Jr., of New Jersey, to be United States Circuit Judge for the Third Circuit, Irene Cornelia Berger, to be United States District Judge for the Southern District of West Virginia, Charlene Edwards Honeywell, to be United States District Judge for the Middle District of Florida, David Lyle Cargill, Jr., to be United States Marshal for the District of New Hampshire, and Timothy J. Heaphy, to be United States Attorney for the Western District of Virginia, both of the Department of Justice.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 32 public bills, H.R. 3687–3718; and 8 resolutions, H. Con. Res. 193; and H. Res. 789–795, were introduced. **Pages H10455–57**

Additional Cosponsors: **Pages H10457–58**

Report Filed: A report was filed today as follows:

H.R. 2393, to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters (H. Rept. 111–281). **Page H10455**

Speaker: Read a letter from the Speaker wherein she appointed Representative Davis (TN) to act as Speaker pro tempore for today. **Page H10411**

Chaplain: The prayer was offered by the Guest Chaplain, Reverend Dr. Adam Dooley, Red Bank Baptist Church, Chattanooga, Tennessee. **Page H10411**

Department of Homeland Security Appropriations Act, 2010—Motion to go to Conference: The House agreed to the Price (NC) motion to disagree to the Senate amendment and agree to a conference on H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010. **Pages H10413–18**

Agreed to the Rogers (KY) motion to instruct conferees on the bill by a yea-and-nay vote of 258 yeas to 163 nays, Roll No. 746. **Pages H10413–18**

The Chair appointed the following conferees: Representatives Price (NC), Serrano, Rodriguez, Ruppersberger, Mollohan, Lowey, Roybal-Allard, Farr, Rothman (NJ), Obey, Rogers (KY), Carter, Culberson, Kirk, Calvert, and Lewis (CA). **Pages H10419–20**

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 H10418**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measures which were debated on Wednesday, September 30th:

Congratulating the University of Washington women's softball team for winning the 2009 Women's College World Series: H. Res. 517, to congratulate the University of Washington women's softball team for winning the 2009 Women's College World Series, by a ⅔ yea-and-nay vote of 421 yeas with none voting "nay", Roll No. 747; **Pages H10418–19**

Recognizing the 100th anniversary of the State News at Michigan State University: H. Res. 487, to recognize the 100th anniversary of the State News at Michigan State University, by a ⅔ yea-and-nay vote of 413 yeas with none voting "nay", Roll No. 748; **Page H10419**

Supporting the goals and ideals of Tay-Sachs Awareness Month: H. Res. 692, amended, to support the goals and ideals of Tay-Sachs Awareness Month, by a ⅔ yea-and-nay vote of 415 yeas with none voting "nay", Roll No. 750; **Pages H10423–24**

Expressing the sense of Congress that China release democratic activist Liu Xiaobo from imprisonment: H. Con. Res. 151, amended, to express the sense of Congress that China release democratic activist Liu Xiaobo from imprisonment, by a ⅔ yea-and-nay vote of 410 yeas to 1 nay, Roll No. 751; and **Page H20424**

Expressing the sense of the House of Representatives that the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of emergency response providers and law enforcement agents nationwide should be commended for their dedicated service: H. Res. 731, to express the sense of the House of Representatives that the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of emergency response providers and law enforcement agents nationwide should be commended for their dedicated service on the Nation's front lines in the war against acts of terrorism. **Page H10433**

Energy and Water Development and Related Agencies Appropriations Act, 2010—Conference Report: The House agreed to the conference report to accompany H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, by a yea-and-nay vote of 308 yeas to 114 nays, Roll No. 752. **Pages H10424–33**

H. Res. 788, the rule providing for consideration of the conference report, was agreed to by a yea-and-nay vote of 234 yeas to 181 nays, Roll No. 749. **Pages H10420–23**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, October 6th for morning-hour debate. **Page H10435**

Senate Message: Message received from the Senate today appears on page H10411.

Quorum Calls—Votes: Seven yea-and-nay votes developed during the proceedings of today and appear on pages H10417–18, H10418–19, H10419, H10422–23, H10423–24, H10424, and H10432–33. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 5:26 p.m.

Committee Meetings

EUROPEAN MISSILE DEFENSE PLAN

Committee on Armed Services: Held a hearing on the President's new plan for missile defenses in Europe and the implications for international security. Testimony was heard from the following officials of the Department of Defense: GEN James E. Cartwright, USMC, Vice Chairman, Joint Chiefs of Staff; Michele A. Flournoy, Under Secretary, Policy; and LTG Patrick J. O'Reilly, USA, Director, Missile Defense Agency; and Ellen O. Tauscher, Under Secretary, Arms Control and International Security, Department of State.

ECONOMIC OPPORTUNITIES FOR YOUNG AMERICANS

Committee on Education and Labor: Held a hearing on Ensuring Economic Opportunities for Young Americans. Testimony was heard from Jane Oates, Assistant Secretary, Employment and Training Administration, Department of Labor; and public witnesses.

DRINKING WATER SYSTEM SECURITY ACT; CHEMICAL FACILITY ANTI-TERRORISM ACT

Committee on Energy and Commerce: Subcommittee on Energy and Environment held a hearing on the following bills: H.R. 3258, Drinking Water System Security Act of 2009 and H. R. 2868, Chemical Facility Anti-Terrorism Act of 2009. Testimony was heard from Peter Silva, Assistant Administrator, Office of Water, EPA; Rand Beers, Under Secretary, National Protection and Programs Directorate, Department of Homeland Security; and public witnesses.

FINANCIAL REFORM PROPOSALS—FEDERAL RESERVE PERSPECTIVES

Committee on Financial Services: Held a hearing entitled "Federal Reserve Perspectives on Financial Regulatory Reform Proposals." Testimony was heard from Ben S. Bernanke, Chairman, Board of Governors, Federal Reserve System.

AFGHAN ELECTIONS

Committee on Foreign Affairs: Subcommittee on the Middle East and South Asia held a hearing on the Afghan Elections: Who Lost What? Testimony was heard from J. Alexander Thier, Director, Afghanistan and Pakistan, U.S. Institute for Peace; W. Lorne Craner, former Assistant Secretary, Democracy, Human Rights and Labor, Department of State; and public witnesses.

CITIZEN AND COMMUNITY PREPAREDNESS

Committee on Homeland Security: Subcommittee on Emergency Communications, Preparedness and Response held a hearing entitled "Preparedness: State of Citizen and Community Preparedness." Testimony was heard from Tim Manning, Deputy Administrator, National Preparedness, Federal Emergency Management Agency, Department of Homeland Security; William Jenkins, Jr., Director, Homeland Security and Justice, GAO; and public witnesses.

REQUEST TO DHS FOR DEPARTMENTAL REPORTS ON BENEFICIARIES OF PRIVATE BILLS

Committee on the Judiciary: Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law approved Requests to the Department of Homeland Security for Departmental Reports on the Beneficiaries of two private relief bills.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing on the following bills: H.R. 86, To eliminate an unused lighthouse reservation, provide management consistency by bringing the rocks and small islands along the coast of Orange County, California and meet the original Congressional intent of preserving Orange County's rocks and small islands; H.R. 118, To authorize the addition of 100 acres to Morristown National Historical Park; H.R. 1925, America's Red Rock Wilderness Act of 2009; H.R. 2689, To authorize the Secretary of the Interior to study the suitability and feasibility of designating the National D-Day Memorial in Bedford, Virginia, as a unit of the National Park System; H.R. 2781, To amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in Oregon, as components of the National Wild and Scenic Rivers System; and H.R. 2888, Devil's Staircase Wilderness Act of 2009. Testimony was heard from Senators Hatch, and Robert F. Bennett of Utah; Representatives Matheson, Perriello, Schrader and Campbell; Robert V. Abbey, Director, Bureau of Land Management, Department of the Interior; Joel Holtrop,

Deputy Chief, Forest Service, National Forest System, USDA; Gregory Bell, Lieutenant Governor of Utah; and public witnesses.

TRANSNATIONAL DRUG ENTERPRISES THREATS

Committee on Oversight and Government Reform: Subcommittee on National Security and Foreign Affairs held a hearing entitled ''Transnational Drug Enterprises Threats to Global Stability and U.S. National Security from Southwest Asia, Latin America, and West Africa.'' Testimony was heard from. public witnesses.

FINDING BUILDING BLOCKS OF THE UNIVERSE

Committee on Science and Technology: Subcommittee on Energy and Environment held a hearing on Finding the Building Blocks of the Universe. Testimony was heard from Dennis Kovar, Director, Office of High Energy Physics, Department of Energy; and public witnesses.

RECOVERY ACT TRANSPORTATION INFRASTRUCTURE PROGRESS

Committee on Transportation and Infrastructure: Held a hearing on Recovery Act: 225-Day Progress Report for Transportation Infrastructure Investment. Testimony was heard from Ray H. LaHood, Secretary of Transportation; John Cox, Director, Department of Transportation, State of Wyoming; and public witnesses.

MISCELLANEOUS VETERANS MEASURES

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on the following: H.R. 1017, Chiropractic Care Available to All Veterans Act; H.R. 1036, Veterans Physical Therapy Services Improvement Act of 2009; H.R. 2504, to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans; H.R. 2559, Help Our Homeless Veterans Act; H.R. 2735, To amend title 38, United States Code, to make improvements to the comprehensive service program for homeless veterans; H.R. 3073, To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish a grant program to provide assistance to veterans who are at risk of becoming homeless; H.R. 3441, To provide for automatic enrollment of veterans returning from combat zones into the VA medical system. The Subcommittee also had a draft discussion on Homelessness and Graduate Psychology Education and Psychiatric Service Dogs. Testimony was heard from Representatives Filner, Herseth Sandlin, Hare, Teague, Rodriguez, Nye and Arcuri; Peter H. Dougherty, Director, Homeless Veterans Programs, Office of Public and Intergovernmental Affairs, Department of Veterans Affairs; and representatives of veterans organizations.

PENSION PLAN FUNDING LEVELS INVESTMENT ADVICE

Committee on Ways and Means: Held a hearing on funding levels of defined benefit pension plans and the rules that apply to investment advice. Testimony was heard from public witnesses.

UPDATE ON SECURITY CLEARANCE REFORM

Permanent Select Committee on Intelligence, Subcommittee on Intelligence Community Management held a hearing on Update on Security Clearance Reform. Testimony was heard from Jeffrey Zients, Deputy Director, Management, OMB; John Berry, Director, OPM; David Shedd, Principal Deputy Director, National Intelligence, Office of the Director of National Intelligence; Brenda Farrell, Director, Defense Capabilities and Management, GAO; and Beth McGrath, Assistant Deputy Chief Management Officer, Department of Defense.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1114)*

H.R. 3614, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958. Signed on September 30, 2009. (Public Law 111–66)

S. 1677, to reauthorize the Defense Production Act of 1950, and for other purposes. Signed on September 30, 2009. (Public Law 111–67)

H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010. Signed on October 1, 2009. (Public Law 111–68)

H.R. 3607, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program. Signed on October 1, 2009. (Public Law 111–69)

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 2, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Finance: business meeting to continue consideration of an original bill entitled ''America's Healthy Future Act of 2009'', 10 a.m., SH–216.

House

No committee meetings are scheduled.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the employment situation for September 2009, 9:30 a.m., SD–106.

CONGRESSIONAL PROGRAM AHEAD

Week of October 5 through October 10, 2009

Senate Chamber

On *Monday*, at approximately 4 p.m., Senate will begin consideration of H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act.

On *Tuesday*, Senate will resume consideration of H.R. 3326, Department of Defense Appropriations Act.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Banking, Housing, and Urban Affairs: October 6, to hold hearings to examine minimizing potential threats from Iran, focusing on administration perspectives on economic sanctions and other United States policy options, 9:30 a.m., SD–538.

October 7, Subcommittee on Securities, Insurance and Investment, to hold hearings to examine securitization of assets, focusing on problems and solutions, 2:30 p.m., SD–538.

October 8, Full Committee, to hold hearings to examine the future of the mortgage market and the housing enterprises, 10 a.m., SD–538.

October 9, Subcommittee on Economic Policy, to hold hearings to examine restoring credit to manufacturers, 9:30 a.m., SD–538.

Committee on Commerce, Science, and Transportation: October 6, Subcommittee on Competitiveness, Innovation, and Export Promotion, to hold hearings to examine promoting export success for small and medium-sized businesses, 2:30 p.m., SR–253.

October 7, Subcommittee on Communications and Technology, to hold hearings to examine reauthorization of the Satellite Home Viewer Extension and Reauthorization Act of 2004, 10 a.m., SR–253.

Committee on Energy and Natural Resources: October 8, to hold hearings to examine the nominations of Marcia K. McNutt, of California, to be Director of the United States Geological Survey, Department of the Interior, and Arun Majumdar, of California, to be Director of the Advanced Research Projects Agency—Energy, Department of Energy, 10 a.m., SD–366.

October 8, Subcommittee on Public Lands and Forests, to hold hearings to examine S. 522, to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act, S. 865 and H.R. 1442, bills to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909, S. 881, to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, S. 940, to direct the Secretary of the Interior to convey to the Nevada System of Higher Education certain Federal land located in Clark and Nye counties, Nevada, S. 1272, to provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild or recreation rivers, and S. 1689, to designate certain land as components of the National Wilderness Preservation System and the National Landscape Conservation System in the State of New Mexico, 2:30 p.m., SD–366.

Committee on Finance: October 8, to hold hearings to examine the nominations of Jim R. Esquea, of New York, to be Assistant Secretary, and Bryan Hayes Samuels, of Illinois, to be Commissioner on Children, Youth, and Families, both of the Department of Health and Human Services, 10 a.m., SD–215.

Committee on Foreign Relations: October 6, to hold hearings to examine Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, adopted at The Hague on November 23, 2007, and signed by the United States on that same date (Treaty Doc. 110–21), 10 a.m., SD–419.

October 6, Full Committee, to hold hearings to examine Al-Qaeda, focusing on Afghanistan, 2:30 p.m., SD–419.

October 7, Subcommittee on Near Eastern and South and Central Asian Affairs, to hold hearings to examine the proposed agreement between the United States and the United Arab Emirates on civilian nuclear cooperation, 10 a.m., SD–419.

October 8, Full Committee, to hold hearings to examine the nominations of William E. Kennard, of the District of Columbia, to be Representative to the European Union, with the rank and status of Ambassador, and Cynthia Stroum, of Washington, to be Ambassador to Luxembourg, both of the Department of State, and James Legarde Hudson, of the District of Columbia, to be

United States Director of the European Bank for Reconstruction and Development, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: October 7, business meeting to consider the nominations of M. Patricia Smith, of New York, to be Solicitor, Lorelei Boylan, of New York, to be Administrator of the Wage and Hour Division, Joseph A. Main, of Virginia, to be Assistant Secretary for Mine Safety and Health, and William E. Spriggs, of Virginia, to be Assistant Secretary for Policy, all of the Department of Labor, and Regina M. Benjamin, of Alabama, to be Surgeon General of the Public Health Service, Department of Health and Human Services, and any pending nominations, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: October 7, Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine the 2010 census, focusing on a status update of key decennial operations, 3 p.m., SD–342.

Committee on the Judiciary: October 6, Subcommittee on Human Rights and the Law, to hold hearings to examine accountability for human rights violators, 10 a.m., SD–226.

October 6, Subcommittee on the Constitution, to hold hearings to examine the history and legality of executive branch ''czars'', 2 p.m., SD–226.

October 7, Full Committee, to hold hearings to examine workplace fairness, 10 a.m., SD–226.

October 7, Full Committee, to hold hearings to examine the nominations of Barbara Milano Keenan, of Virginia, to be United States Circuit Judge for the Fourth Circuit, Laurie O. Robinson, of the District of Columbia, to be an Assistant Attorney General, Department of Justice, and Ketanji Brown Jackson, of Maryland, to be a Member of the United States Sentencing Commission, 4 p.m., SD–226.

October 8, Full Committee, business meeting to consider 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. 1692, to extend the sunset of certain provisions of the USA PATRIOT Act and the authority to issue national security letters, and S. 369, to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, 9:30 a.m., SD–226.

October 8, Subcommittee on Immigration, Refugees and Border Security, to hold hearings to examine comprehensive immigration reform, focusing on faith-based perspectives, 3 p.m., SD–226.

Committee on Small Business and Entrepreneurship: October 6, to hold hearings to examine the Recovery Act for small businesses, focusing on what is working and what comes next, 10 a.m., SR–485.

October 8, Full Committee, to hold hearings to examine health care solutions for America's small businesses, 10 a.m., Room to be announced.

Committee on Veterans' Affairs: October 8, to hold hearings to examine the Department of Defense and Veterans' Affairs response to certain military exposures, 9:30 a.m., SD–562.

Select Committee on Intelligence: October 6, to hold closed hearings to consider certain intelligence matters, 2:30 p.m., S–407, Capitol.

October 8, Full Committee, to hold closed hearings to consider certain intelligence matters, 2:30 p.m., S–407, Capitol.

House Committees

Committee on Agriculture, October 7, Subcommittee on Conservation, Credit, Energy and Research, hearing to review implementation of the conservation title of the 2008 Farm Bill, 10 a.m., 1300 Longworth.

Committee on Armed Services, October 8, Defense Acquisition Reform Panel, hearing on the Department of Defense's Rapid Acquisition Process: Is It a Model for Improving Acquisition? 8 a.m., 2261 Rayburn.

Committee on Education and Labor, October 8, Subcommittee on Healthy Families and Communities, hearing on Examining Innovative Practices to Improve Child Nutrition, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, October 7, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled ''Growing U.S. Trade in Green Technology,'' 10 a.m., 2322 Rayburn.

October 7, Subcommittee on Health, hearing on the following bills: H.R. 1740, Breast Cancer Education and Awareness Requires Learning Young Act of 2009; H.R. 1691, Breast Cancer Patient Protection Act of 2009; H.R. 2279, Eliminating Disparities in Breast Cancer Treatment Act of 2009; H.R. 995, Mammogram and MRI Availability Act of 2009; and H.R. 2042, Better Screening Test for Women Act, 10 a.m., 2123 Rayburn.

Committee on Financial Services, October 6, hearing entitled ''Capital Markets Regulatory Reform: Strengthening Investor Protection, Enhancing Oversight of Private Pools of Capital and Creating a National Insurance Office,'' 10 a.m., 2128 Rayburn.

October 7, hearing entitled ''Reform of the Over-the-Counter Derivative Market: Limited Risk and Ensuring Fairness,'' 10 a.m., 2128 Rayburn.

October 8, hearing on the following bills: H.R. 2382, Credit Card Interchange Fees Act of 2009; and H.R. 3639, Expedited CARD Reform for Consumers Act of 2009, 10 a.m., 2128 Rayburn.

October 8, Subcommittee on Housing and Community Opportunity, hearing entitled ''The Future of the Federal Housing Administration's Capital Reserves: Assumptions, Predictions and Implications for Homebuyers,'' 2 p.m., 2128 Rayburn.

Committee on the Judiciary, October 8, Subcommittee on Constitution, Civil Rights and Civil Liberties, hearing on Civil Rights Under Fire: Recent Supreme Court Decisions, 9:30 a.m., 2141 Rayburn.

Committee on Natural Resources, October 7, full Committee, oversight hearing entitled ''Native American Graves Protection and Repatriation Act (NAGPRA),'' 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, October 7, Subcommittee on Domestic Policy, hearing entitled

''Medicaid's Efforts to Reform Since the Preventable Death of Deamonte Driver: A Progress Report,'' 2 p.m., 2154 Rayburn.

Committee on Science and Technology, October 7, to consider pending measures, 10 a.m., 2318 Rayburn.

October 8, Subcommittee on Research and Science Education, hearing on Investing in High-Risk, High-Reward Research, 1 p.m., 2318 Rayburn.

Committee on Small Business, October 7, hearing entitled ''The State of the Nation's Housing Sector: An Examination of the First Time Buyer's Credit and Future Policies to Sustain a Recovery.'' 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, October 6, Subcommittee on Water Resources and Environment, hearing on Protecting and Restoring America's Great Waters: The Long Island Sound, 11 a.m., 2167 Rayburn.

October 7, Subcommittee on Coast Guard and Maritime Transportation, hearing on Qualifications and Credentialing of Mariners: A Continuing Examination, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, October 8, Subcommittee on Disability Assistance and Memorial Affairs, hearing on the following bills: H.R. 761, to amend title 38, United States Code, to provide for the eligibility of parents of certain deceased veterans for interment in national cemeteries; H.R. 3485, Veterans Pensions Protection Act; H.R. 2243, Surviving Spouses' Benefit Improvement Act of 2009; H.R. 3544, National Cemeteries Expansion Act of 2009; and draft legislation, 10 a.m., 334 Cannon.

October 8, Subcommittee on Economic Opportunity, to mark up pending measures, 1 p.m., 334 Cannon.

Committee on Ways and Means, October 7, Subcommittee on Select Revenue Measurers, hearing on tax incentives for distressed communities, 10 a.m., 1100 Longworth.

October 8, Subcommittee on Income Security and Family Support, hearing to evaluate the response of ''safety net'' programs during the recession, 10 a.m., B–318 Rayburn.

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 September 30, 2009

	Senate	*House*	*Total*
Days in session	135	118	..
Time in session	972 hrs., 32′	916 hrs., 43′	..
Congressional Record:			
Pages of proceedings	9,992	10,409	..
Extensions of Remarks	..	2,407	..
Public bills enacted into law	19	46	..
Private bills enacted into law	..	..	..
Bills in conference	7	6	..
Measures passed, total	350	692	..
Senate bills	50	18	..
House bills	61	285	..
Senate joint resolutions	5	4	..
House joint resolutions	4	6	..
Senate concurrent resolutions	18	8	..
House concurrent resolutions	25	50	..
Simple resolutions	187	321	..
Measures reported, total	*134	*266	..
Senate bills	75	1	..
House bills	26	163	..
Senate joint resolutions	1	..	..
House joint resolutions	..	..	..
Senate concurrent resolutions	4	..	..
House concurrent resolutions	..	7	..
Simple resolutions	28	95	..
Special reports	20	7	..
Conference reports	..	7	..
Measures pending on calendar	99	36	..
Measures introduced, total	2,080	4,719	..
Bills	1,724	3,678	..
Joint resolutions	19	61	..
Concurrent resolutions	41	192	..
Simple resolutions	296	788	..
Quorum calls	3	2	..
Yea-and-nay votes	303	377	..
Recorded votes	..	366	..
Bills vetoed	..	..	..
Vetoes overridden	..	..	..

DISPOSITION OF EXECUTIVE NOMINATIONS

January 6 through September 30, 2009

Civilian nominations, totaling 513, disposed of as follows:	
Confirmed	343
Unconfirmed	159
Withdrawn	11
Other Civilian nominations, totaling 1,865, disposed of as follows:	
Confirmed	1,183
Unconfirmed	682
Air Force nominations, totaling 7,093, disposed of as follows:	
Confirmed	5,804
Unconfirmed	1,289
Army nominations, totaling 6,451, disposed of as follows:	
Confirmed	6,400
Unconfirmed	51
Navy nominations, totaling 4,376, disposed of as follows:	
Confirmed	3,659
Unconfirmed	717
Marine Corps nominations, totaling 1,482, disposed of as follows:	
Confirmed	1,479
Unconfirmed	3

Summary

Total nominations carried over from the First Session	0
Total nominations received this Session	21,780
Total confirmed	18,868
Total unconfirmed	2,901
Total withdrawn	11
Total returned to the White House	0

Next Meeting of the SENATE

2 p.m., Monday, October 5

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 4 p.m.), Senate will begin consideration of H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Friday, October 2

House Chamber

Program for Friday: The House will meet in pro forma session at 10 a.m.

Extensions of Remarks, as inserted in this issue.

HOUSE

Abercrombie, Neil, Hawaii, E2428
Adler, John H., N.J., E2435
Austria, Steve, Ohio, E2424
Bachus, Spencer, Ala., E2430
Barrett, J. Gresham, S.C., E2417
Berkley, Shelley, Nev., E2414
Bishop, Sanford D., Jr., Ga., E2409
Blunt, Roy, Mo., E2426
Brady, Kevin, Tex., E2436
Camp, Dave, Mich., E2412
Cantor, Eric, Va., E2417, E2422
Carson, André, Ind., E2423
Christensen, Donna M., The Virgin Islands, E2410
Clarke, Yvette D., N.Y., E2429
Clay, Wm. Lacy, Mo., E2426
Coffman, Mike, Colo., E2433
Cohen, Steve, Tenn., E2434, E2437
Conyers, John, Jr., Mich., E2420
Davis, Danny K., Ill., E2432
Dent, Charles W., Pa., E2420
Duncan, John J., Jr., Tenn., E2435
Emerson, Jo Ann, Mo., E2431
Eshoo, Anna G., Calif., E2418
Faleomavaega, Eni F.H., American Samoa, E2425
Farr, Sam, Calif., E2413
Frelinghuysen, Rodney P., N.J., E2431
Garrett, Scott, N.J., E2411
Giffords, Gabrielle, Ariz., E2410, E2416
Gordon, Bart, Tenn., E2412, E2420, E2424
Green, Al, Tex., E2433
Hare, Phil, Ill., E2429
Hastings, Alcee L., Fla., E2430
Herger, Wally, Calif., E2424
Hirono, Mazie K., Hawaii, E2411
Inslee, Jay, Wash., E2427, E2434
Jackson-Lee, Sheila, Tex., E2428
Johnson, Eddie Bernice, Tex., E2418
Jones, Walter B., N.C., E2435
King, Peter T., N.Y., E2421
Kucinich, Dennis J., Ohio, E2412, E2413, E2414, E2416, E2416, E2417, E2433
Larson, John B., Conn., E2425
Lee, Barbara, Calif., E2424
Lipinski, Daniel, Ill., E2419
McCollum, Betty, Minn., E2418
McMahon, Michael E., N.Y., E2412
McMorris Rodgers, Cathy, Wash., E2432
McNerney, Jerry, Calif., E2431
Marshall, Jim, Ga., E2427
Miller, Jeff, Fla., E2422
Minnick, Walt., Idaho, E2416
Mitchell, Harry E., Ariz., E2421
Moore, Gwen, Wisc., E2409
Murtha, John P., Pa., E2409
Olson, Pete, Tex., E2419
Pallone, Frank, Jr., N.J., E2427
Pomeroy, Earl, N.D., E2434
Price, Tom, Ga., E2417, E2423
Quigley, Mike, Ill., E2434
Rahall, Nick J., II, W.Va., E2411
Rangel, Charles B., N.Y., E2430, E2436
Reichert, David G., Wash., E2424
Richardson, Laura, Calif., E2432
Roe, David P., Tenn., E2413
Ros-Lehtinen, Ileana, Fla., E2433
Rush, Bobby L., Ill., E2421
Sessions, Pete, Tex., E2421, E2422, E2422
Shimkus, John, Ill., E2417, E2418
Smith, Lamar, Tex., E2423
Souder, Mark E., Ind., E2426
Space, Zachary T., Ohio, E2409, E2410, E2410, E2411, E2412
Teague, Harry, N.M., E2428, E2429, E2435
Visclosky, Peter J., Ind., E2420
Weiner, Anthony D., N.Y., E2423
Wilson, Joe, S.C., E2410
Wittman, Robert J., Va., E2420, E2422
Young, Don, Alaska, E2421
Faleomavaega, Eni F.H., American Samoa, E2425

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