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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 29, 2009.

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

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

Ever loving and attentive Lord, You speak and the Word finds a place in the hearts of Your servants.

May Your people dream new and powerful dreams not built on futile hope but on solid experience and faith.

Provide us with dreams that will take us beyond present problems and anxieties to great solutions that will shape the future.

Free us from fear that inhibits our belief in our own capabilities and in Your promises. Give us wisdom to accept our limitations and humbly lay the work of our minds and our hands before You.

Your Providence, Lord, Your Providence alone, guides this Nation. And so once more we say as Your people: ''In God we trust.'' Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

THE CURRENT HEALTH CARE REFORM PLAN: IF THIS IS THE BEST WE CAN DO, THEN OUR BEST ISN'T GOOD ENOUGH

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

Mr. KUCINICH. Is this the best we can do: mandating private insurance, forcing people to buy private insurance policies or pay a penalty, guaranteeing at least $50 billion in new business for the insurance companies?

Is this the best we can do: government negotiates rates which will drive up insurance costs, but the government won't negotiate with the pharmaceutical companies which will drive up pharmaceutical costs?

Is this the best we can do: only 3 percent of Americans will go to a new public plan while currently 33 percent of Americans are either uninsured or underinsured?

Is this the best we can do: eliminating the State single-payer option while forcing most people to have to buy private insurance?

If this is the best we can do, then our best isn't good enough and we have to ask some hard questions about our political system, such as: Health care or insurance care? Government of the people or government by the corporations?

IN RECOGNITION OF RYAN MURPHY

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

Mr. WILSON of South Carolina. Madam Speaker, in Congress, there is a normal shuffling of positions. Today, it is with mixed emotions that I announce the departure of Ryan Murphy.

For the past 2 years, Ryan has done a professional job while serving as communications director for the Second Congressional District under very extraordinary circumstances. Ryan has handled his position with professionalism, grace, and integrity. His dedication and work ethic will be difficult to replace.

Ryan began his career as a staff member of Congressman TOM PRICE. He will continue his service on Monday as the minority press secretary for the Committee on Education and Labor.

I especially appreciate Ryan as a fellow graduate of Washington and Lee University and Sigma Nu. Ryan is the son of Mike and Chris Murphy of Atlanta and Hilton Head. He is a credit to the people of South Carolina and Georgia. I wish him Godspeed.

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

Welcome, Boeing, to South Carolina. We are grateful for the new jobs in the tradition of Michelin and BMW.

SALUTING THE VERMONT NATIONAL GUARD

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

Printed on recycled paper.

Mr. WELCH. Madam Speaker, I rise today to salute the brave men and women of the Vermont National Guard, who will soon begin a year of service to our country in the rugged mountains and forbidding deserts of Afghanistan.

Tomorrow morning at Camp Johnson in Colchester, Vermonters will salute the first 35 Guardsmen and -women to leave the Green Mountain State and report for training at Fort Polk, Louisiana. They'll be followed shortly thereafter by all of the 1,400 Vermonters whose deployment will constitute the largest since World War II.

As we Vermonters bid a temporary farewell to our finest, their families and our communities will prepare to face the hardship of their absence. Yet our State can and will take pride in knowing that our loved ones and our friends and our neighbors who are devoting themselves to the service of our State and to all of the United States of America go with our support.

We stand proud to know that, as in every war since the Revolution, the Green Mountain Boys are serving our State and our country with strength, bravery, and honor.

We salute and look forward to your safe return.

RECOGNIZING SISTER TO SISTER

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

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to recognize a wonderful foundation, Sister to Sister, and its Miami Community Council.

Sister to Sister works year-round to bring heart awareness to thousands of women in south Florida. Its members educate women on the dangers of heart disease, which is the leading cause of death among women.

Sister to Sister will host its Miami Executive Women's Breakfast on November 18 in Key Biscayne, in my congressional district, to stimulate interest in the many women's heart health fairs throughout the years. These heart health fairs include free heart screenings as well as great information on preventing heart disease.

Sister to Sister's heart health fairs have been held in more than 20 cities, and more than 80,000 women have been screened.

I commend our local Sister to Sister organization for its hard work and compassion in the fight against heart disease and encourage all south Florida women to attend one of their heart health fairs.

Heart disease is a serious issue, and we can promote early detection and treatment.

HONORING THE SERVICE OF FORMER BORDER PATROL CHIEF GUSTAVO DE LA VINA

(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. Madam Speaker, on October 26 of this year, this country lost a great public servant and defender of its borders, former Border Patrol Chief Gustavo De La Vina.

Known as ''the Chief'' to the people that he worked with, Chief De La Vina passed away this Monday while on assignment in Bosnia-Herzegovina.

He was born and raised in Edinburg, Texas. He lived on the border and worked on the border all of his life. Entering the Border Patrol as an agent in 1970, he rose through the ranks and 27 years later was appointed our Chief of the Border Patrol. This was in 1997. And upon his retirement in 2004, we called upon the Chief again to serve, and he became an adviser to the International Criminal Investigative Training Assistance Program within the Department of Justice.

My condolences go to his family and to the men and women who had the honor to serve with him in the uniform of green, who served with him for the last 34 years.

Gus, we will miss you.

HEALTH CARE BILL—CONSTITUTIONAL?

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

Mr. POE of Texas. Madam Speaker, the universal health care bill forces businesses and individuals to purchase health insurance. It raises at least two constitutional issues.

The Constitution doesn't give the Federal Government direct authority to compel the purchase of health insurance. So the Supreme Court would once again have to come in and by judicial edict give government the intrusive power to do what it obviously cannot do now: stretch the meaning of the Commerce Clause.

Can the Federal Government force people to buy health insurance whether they can afford it or not? Can the Federal Government then impose a criminal fine on them under the guise of calling it a tax if they fail to buy the insurance?

Then what happens if the citizen doesn't pay the fine? Do they go to jail without the benefit of trial by jury? Do they lose their right to confront witnesses and have a lawyer?

Congress's forcing mandatory health insurance on Americans and then imposing criminal sanctions without due process is a violation of the Constitution. This action would shock the Framers of our Constitution.

These serious constitutional issues cannot be ignored in the haste to have the government take over America's health.

And that's just the way it is.

STOP-LOSS PAYMENTS

(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. Madam Speaker, I rise today with good news for our honorable servicemembers and their families in Florida and around our country.

Last week, the Defense Department announced that it will provide retroactive payments to servicemembers who had their enlistment extended or retirement suspended under the program known as Stop-Loss.

While our men and women never hesitate to serve when asked, Stop-Loss kept them away from their families for months or years longer than planned. That is why I'm so pleased that servicemembers will receive an extra $500 for every month or part of a month they served under the Stop-Loss program. These payments are a small token of gratitude we feel toward the men and women of our military.

I look forward to working with all of our colleagues as we continue to ensure that our servicemembers have access to the full range of benefits they have earned.

MESSAGE FROM CONSTITUENTS: LESS SPENDING, LESS BORROWING, AND LESS GOVERNMENT

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

Mr. MORAN of Kansas. Madam Speaker, as I travel across Kansas, one common theme I hear from folks is their frustration with the amount of spending taking place in Washington. Rightfully so, millions of Americans are standing up to their elected officials and saying ''enough is enough.'' Our national debt is closing in on $12 trillion, almost $39,000 owed by each man, woman, and child in the United States.

I applaud the millions of Americans who have chosen to exercise their constitutional right to free speech and have taken part in the TEA party protests. I am a sponsor of House Resolution 870, which expresses the appreciation of the House of Representatives for those who participated in the Taxpayer March on September 12, 2009, in Washington, D.C.

Congress has been issuing checks that our Nation can no longer afford, and I applaud the participants for sending a clear message: It's time for Washington to change its ways. Less spending, less borrowing, and less government.

HONORING SERGEANT NICKOLAS MUELLER

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

Mr. KAGEN. Madam Speaker, it is with profound sadness that we commemorate the death of a Wisconsin native son, 26-year-old Sergeant Nickolas

Mueller, who was killed in action on October 26 during military operations in Afghanistan.

In 2002, a graduate of Little Chute High School, Sergeant Mueller was a member of the U.S. Army's 160th Special Operations Aviation Regiment, stationed in Savannah, Georgia.

And after serving 2 years in Korea, Sergeant Mueller became crew chief on an elite Chinook helicopter unit, known as the Night Stalkers, whose duties included inserting and taking out our troops from dangerous territory.

That Sergeant Mueller was several times decorated is not surprising to those who knew him. In high school, he was a member of the Mustangs' football team and wrestling teams. He was a regular participant. He was the king of homecoming in 2001.

That he was entrusted with the highly technical responsibilities of a crew chief is not surprising either. Nick is remembered by his family and friends for his fearless willingness to accept any challenge.

On behalf of the people of northeast Wisconsin, we offer our deepest condolences to his mother and father, Sharon and Larry Mueller, and his brother, John.

Sergeant Nick Mueller shall not be forgotten.

NATIONAL BREAST CANCER AWARENESS MONTH

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

Mrs. HALVORSON. Madam Speaker, I stand today in support of National Breast Cancer Awareness Month. I stand today to recognize the thousands of individuals who have bravely fought this tragic disease. I stand today to also remember those who didn't make it.

There isn't a single person who doesn't know someone affected by this disease. I will always remember my mom's fight with breast cancer. I will never forget the doctor's visits and the medication, or my parents' struggles fighting doctor's payments when she was just trying to fight the cancer. Today, there are so many just like her who must suffer through this alone and without the resources necessary to win their battle.

It is up to us to be there for them and to support them through their tough times and it is up to us to encourage early screenings and to fight for better care. This month will come and go, but we must always recognize those afflicted with this disease and help them fight for what they need and for their lives.

PATRIOT ACT

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

Mr. PITTS. Madam Speaker, in just the last few weeks, we have seen the FBI and local law enforcement thwart five separate terrorist attacks. Clearly, radical Islamic terrorists continue to be a serious threat to the safety and security of all Americans.

In one FBI sting, Hosam Smadi thought he was about to blow up a 60-story office tower in Dallas. When asked whether he wanted ear plugs, he declined saying that he wanted to hear the blast clearly. Not only was Smadi willing to take thousands of lives, he wanted to revel in the experience. To facilitate the arrest of Smadi and other terrorists, the FBI used surveillance enabled by the PATRIOT Act.

By the end of this year, three key surveillance provisions in the act will expire. If we want to ensure that the FBI is able to continue their critical mission of identifying and arresting terrorists before they strike, we must not take away these critical tools. Our law enforcement agencies are working hard to keep America safe, and the PATRIOT Act ensures that they are able to track and follow individuals who are working toward violent ends.

CAMPAIGN FINANCE REFORM

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

Mr. ARCURI. Madam Speaker, as we approach election day for many local and State elections across the country, I want to make certain that the issue of campaign finance reform is at the forefront of discussion on creating a cleaner and more accessible election system in this country. There is no doubt that our democracy here in the United States is the greatest in the world, but we need to make sure that we allow access to as many qualified citizens as possible to engage in this process.

Why should a candidate be judged on the quality of a television advertisement over the quality of their ideas to fix our Nation's economy or improve the flow of traffic through local town squares? Candidates should be elected based on merit, not on money.

In the last decade, an alliance of advocacy groups, the Fair Elections Coalitions, has been working to implement a public campaign finance system on the State level known as Clean Money, Clean Elections. Across the country, candidates have been elected based on this system, and I would hope that we can pass legislation here in Congress to reform the system fairly across the board.

As Members of Congress, we need to remember that we serve the people of this country based on issues, not dollars, and I would ask that my colleagues join me in a push toward campaign finance reform.

U.S. CHAMBER OF COMMERCE

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

Mr. CONAWAY. Madam Speaker, it seems that the Obama administration has set its sights on yet another target of political dissension: the U.S. Chamber of Commerce. The Chamber represents roughly 3 million businesses with more than 96 percent of its membership being comprised of small businesses of 100 employees or fewer, the very backbone of our economy.

The Chamber has expressed concern regarding various proposals, such as the regulation of greenhouse gases and a government-run health care plan, policies that, if enacted, would ultimately devastate small businesses across this country.

It appears that the Obama administration is actively circumventing the masses of members within the Chamber to try to craft side deals with a few individuals in an effort to persuade defections. It seems that it is all part of a grand strategy to marginalize a well-respected organization with legitimate policy differences.

When Barack Obama promised a new kind of politics, I don't believe a divide-and-conquer strategy based simply on disagreement with the American people is what the American people had in mind.

I encourage the Chamber to continue to stand up against any business policies, regardless of political pressure. The millions of businesses, many of which are located in my State and congressional district, will be grateful for their resolve.

ALCOHOLISM AND DRUG ADDICTION

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

Mr. KENNEDY. Madam Speaker, we have an elephant in the middle of our Nation's living room. That is alcoholism and drug addiction. This country's medical system does not deal with one of the major issues in this country, and that is alcoholism and drug addiction and depression and mental illness.

If we are going to do something about our health care system, we better incorporate treatment for these illnesses in order to make sure we prevent other diseases. If you have one of these illnesses, your cost for health care goes up four times. Seventy percent of the trauma care in this country is as a result of drug addiction and alcoholism. Car accidents, stabbings, gun shots, domestic violence, many of the things you see in our emergency rooms is as a result of drugs and alcohol.

That is why we need to make sure that we have early intervention and screening and treatment reimbursement in our health care bill.

U.S. CHAMBER OF COMMERCE

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

Mr. BUCHANAN. Madam Speaker, the U.S. Chamber of Commerce represents more than 3 million businesses that employ millions and millions of Americans. The overwhelming majority of these businesses are small business, the engine of our economy.

So it is more than a little surprising that the administration will be attacking this pro-job, pro-growth organization at a time when our economy is in the worst recession in 80 years. Shouldn't we be working together to create jobs and pull our country out of this economic mess? Shouldn't the Congress and the administration and the private sector all have a singular purpose of restoring America's economy and leading the worldwide economic resurgence?

Yet reports that I have read in recent weeks indicate a constant attacking of the Chamber and discrediting the Chamber of Commerce.

As a former chairman of the Florida Chamber of Commerce, we represented 139,000 small businesses in my home State of Florida. I urge the administration to drop its attack mentality and work together with the very groups responsible for creating jobs and growth in the United States of America.

HEALTH CARE

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

Mr. GENE GREEN of Texas. Madam Speaker, after World War II when our parents and, in some cases, our grandparents returned from victory, our country stayed to rebuild the countries of our former enemies and our friends. Each of these countries, with our help, established a national health care plan for their people. Our country did not since huge numbers of Americans at that time received health care through their employers. That is not true today.

My Texas district has the highest number of uninsured adults under 65 in the country. We need a national health care plan for all Americans. If you have Medicare or employer-based insurance, that's great.

Next week, let's do what we did after World War II for our enemies and our friends. Let's provide national health care for all Americans.

NEWSWEEK GIVES PRESIDENT FREE ADVERTISING

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

Mr. SMITH of Texas. Madam Speaker, the poster to my left is the winner of the Media Fairness Caucus' ''Worst of the Week'' award for media bias.

The poster says, ''Yes, He Can,'' a variation of the President's campaign slogan. While it appears to be a campaign poster, it actually is this week's cover of Newsweek magazine. The poster provides an astounding example of the national media's liberal bias. Newsweek is the same magazine that during the Presidential campaign featured then-Senator Obama on its cover three times as often as Senator MCCAIN.

No wonder 7 out of 10 Americans say the national media are intent on promoting the Obama administration, according to a recent public opinion poll. The national media should report the facts, not provide free advertising for the White House.

WHAT REFORM MEANS FOR ALL AMERICANS

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

Mr. SIRES. Madam Speaker, 23 percent. That is the percentage of those living without health insurance in my district, the highest rate in New Jersey. My constituents are looking to me and this Chamber to accomplish health care reform this year. We must finish our work, not only for those without insurance, but for the other 77 percent that have insurance but are finding coverage more expensive.

For those without insurance, we want to offer you affordable health care coverage. A new exchange will be created as a one-stop comparison shopping marketplace, including a public option to create competition for better prices and better coverage. To ensure coverage is within your means, affordability credits will be offered to help you buy insurance.

Our plan will end discrimination for preexisting conditions and require coverage for preventive care without copays. To ensure no one goes broke because they get sick, a yearly limit will be placed on how much you can be charged for out-of-pocket expenses. And if you lose or change jobs, you will be able to get your own affordable insurance.

This Nation deserves a more affordable, secure health care system. We cannot wait any longer for these reforms.

THE HONOR FLIGHT FROM OCALA, FLORIDA

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

Mr. STEARNS. Madam Speaker, as a veteran, I am especially proud of my involvement with Honor Flight, which brings veterans of World War II to Washington, D.C., to see the memorial and other cherished sites.

There are obviously many memorials and monuments in Washington, D.C. However, for too long, there was a glaring omission: no memorial to the men and women who defeated the Axis powers. I am pleased that this oversight was corrected with the World War II Memorial which was dedicated in May of 2004.

Today, Honor Flight is bringing over 100 World War II veterans from my hometown of Ocala, Florida, to Washington, D.C. I will meet them this afternoon at the World War II Memorial, and we will lay a wreath at the Florida column.

Our veterans have earned our respect, and they deserve to see that their sacrifice is still honored. I am proud to join in supporting the noble cause of Honor Flight.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. HASTINGS of Florida. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 876 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 876

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The conference report shall be considered as read. All points of order against the conference report and against its consideration 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.

□ 1030

Mr. HASTINGS of Florida. For the purpose of debate only, I yield the customary 30 minutes to my good friend, the gentleman from San Dimas, California (Mr. DREIER). All time yielded during consideration of the rule is for debate only, Madam Speaker.

GENERAL LEAVE

Mr. HASTINGS of Florida. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 876.

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

There was no objection.

Mr. HASTINGS of Florida. Madam Speaker, H. Res. 876 provides for consideration of the conference report to accompany H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act of 2010. The resolution waives all points of order against the conference report and against its consideration. The resolution provides that the conference report shall be considered as read. Finally, the resolution provides that the previous question shall be considered as ordered without intervening motion, except for 1 hour of debate and one motion to recommit, if applicable.

This conference report makes available the necessary resources for the

Federal Government to protect our Nation's precious natural resources. It also provides to ensure clean and safe drinking water, to perform critical restoration work, and help Native American communities meet their needs.

It will help communities and public lands by focusing on five priority areas: water infrastructure and environmental protection; fire fighting and fuels reduction on Federal land; bolstering our public land management agencies; protecting public lands through the Land and Water Conservation Fund; and helping the most vulnerable Native American populations. Together, these priorities and their attendant policies provide for effective Federal stewardship of our environmental and cultural treasures while also improving the lives of all Americans who depend on these resources for their health and well-being.

Madam Speaker, it's worth noting some of the critical investments that the underlying legislation makes in essential programs and agencies.

The Environmental Protection Agency receives over $10 billion to restore and protect the quality of our Nation's air, water and land, including over $3.5 billion to help nearly 1,500 communities improve their drinking water and wastewater systems. Improving our Nation's water quality will have a direct and positive impact on overall public health, making this funding crucial to the bettering of the lives of all Americans. The EPA is also provided with increased funding to protect important bodies of water, such as the Great Lakes, San Francisco Bay, and the Chesapeake Bay, as well as significant funding to clean up dangerous toxic waste sites around the country.

Important climate change programs are also funded in this legislation, including money to implement the Energy Independence and Security Act, which will help the United States produce 36 billion gallons of renewable fuel by 2022, reducing our dependence on fossil fuels. Thousands of communities and millions of individual consumers will be able to receive assistance from the EPA to lower their emissions and adopt green technologies.

Native American and Native Alaskan programs receive hundreds of millions in increased funding from previous years, with an emphasis on supporting both federally and tribally operated health care programs, as well as bolstering law enforcement, education, and economic development programs throughout the country.

Recognizing the need for a dedicated, steady and predictable funding stream for wildfire suppression and firefighting activities, this legislation includes the Federal Land Assistance, Management and Enhancement Act of 2009. In light of recent increases in the length, severity and exponential cost of wildfire seasons, the FLAME Act includes a number of budgetary reforms to ensure that government agencies and local communities will have the necessary resources to handle large and complex fire events.

It is also worth noting that this legislation funds the Smithsonian to the appropriate level of support for the world's largest museum and research complex right here in our Nation's Capital. Here in Washington, we see the fruits of these efforts every day up and down the National Mall, as do our constituents when they visit us, and I am particularly pleased with the inclusion of $20 million for planning and design of the new National Museum of African American History and Culture, which will be built on the Mall.

Madam Speaker, this legislation also includes the continuing resolution to fund government operations through December 18. Although we completed our appropriations work during the summer, this resolution is needed to allow our good friends in the other body, the Senate, more time to complete their work.

Finally, Madam Speaker, I want to address this report's provisions regarding Guantanamo Bay. I spoke on this matter when I managed the rule for the conference report on Homeland Security Appropriations 2 weeks ago. This body seems fit to include language on Guantanamo Bay in every appropriations measure that comes before us. I appreciate that many of our colleagues have objections to the various aspects involved in closing the detention facilities at Guantanamo, which President Obama has promised to do by January of 2010. But as I have maintained before, the problem is the policy, not the place.

The debate over Guantanamo, in my opinion, is missing the larger picture, and that is the need to reform our entire detainment policy. Without a system of justice to deal with suspected terrorists wherever they are held, we are left with a broken system that has tarnished our image abroad and is used as a recruitment tool by al Qaeda and other groups which threaten our security. We need to deny them that image of America.

We need a judicial process that accomplishes three things: one, protects our national security by holding and prosecuting those who have committed crimes or who pose a threat to our country; two, upholds international standards of human rights by ensuring decent treatment and access to basic rights and resources; and three, strengthens our Nation's image as a country that upholds the rule of law. We must not resort to arbitrary justice, even while under threat. There is no reason why these three things cannot be accomplished, nor is there a reason to believe that American courts cannot deal judiciously with individuals suspected of criminal wrongdoing or acts of terrorism.

The appropriations season has so far brought forth a number of bills, almost all with language relating to Guantanamo. At some point, we're going to need to move beyond legislating this matter into appropriations bills and, instead, establish new policies and guidelines to bring our national security needs in line with our historic national values. This matter cannot be left only to the executive branch or the judiciary. Congress makes laws.

We have to put aside political posturing and ''gotcha'' on Guantanamo Bay and ''not in my backyard'' and, instead, work together to reform a broken system. To that end, I am pleased to have introduced H.R. 3728, the Detainment Reform Act, which I believe will move us forward on this matter. I urge my colleagues in this body to support this effort. And I might add, I have no pride of authorship. What I am talking about is trying to get past where we are in this ''not in my backyard'' and deal with the needed policy that will deal with people who will do harm to this country, whether they're in Guantanamo or Bagram or Leavenworth or wherever they may be held.

Ultimately, Madam Speaker, the conference report before us today provides the necessary funding to carry on our Nation's critical environmental protection efforts to ensure that all Americans will have access to clean water and safe communities.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

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

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

Mr. DREIER. I want to begin my extending my appreciation to my friend from Fort Lauderdale and thank him for his very thoughtful and powerful statement that he has just delivered to us.

Madam Speaker, for the second time this fall, we're considering a continuing resolution to keep the Federal Government operating as the Democratic majority fails to complete action on Federal spending for the new fiscal year. Continuing resolutions are not new. Congress has frequently, under both political parties, taken the action of having a continuing resolution to avert a government shutdown while the difficult appropriations process is finalized.

What makes this particular series of continuing resolutions so significant—and I say again, we're on the second one so far—is that it exposes this year's unprecedented—and I underscore unprecedented—closed appropriations process for what it really is. It's an utterly hollow excuse, a hollow excuse because never before in the history of the Republic have we had the appropriations process shut down, as has been the case through this past summer.

Time and again, the Democratic leadership told us during the summer that they had no choice but to shut down the debate on the spending appropriations process because they had a

schedule to keep. In fact, they very solemnly spoke of the inviolable September 30, end of the fiscal year, and that we had to have the appropriations work completed by that September 30 date. There simply was no time for us to debate appropriations bills, no time for accountability or for the kind of scrutiny that has gone on under both political parties throughout the appropriations process. They were on a timetable and they just had to stick to it, regardless of the precedents and traditions that would be abandoned. In fact, Madam Speaker, as we all know, they were abandoned.

So what did the expediency bring about? Well, they completed one-twelfth of their appropriations work by that hard, fast, inviolable September 30 deadline. It's worth pointing out that the single appropriations bill that they managed to get done on time was, what? Congress' own funding bill.

The bill that funds the Congress was the only appropriations bill that's been completed. Not national security, not the very, very important issues, not the important issues that are addressed in this bill, I will acknowledge.

In fact, I thank my good friends Messrs. DICKS and SIMPSON. We had a lengthy discussion upstairs in the Rules Committee yesterday on the importance of the FLAME Act. Especially as a Representative from the Los Angeles area, we have gone through the worst fire in the history of Los Angeles County, the Station Fire, the loss of two firefighters, Ted Hall and Arnie Quinones, whom we continue to honor in southern California, and we've had other fires since the Station Fire. So the FLAME Act is a very important part of this measure, and I appreciate that.

We could have done this bill before we did Congress' own spending bill. So having taken care of their own funding needs, Madam Speaker, the Democratic majority turned to the rest of the country's priorities, and they gave themselves another month to finish the work.

□ 1045

Now the new deadline is rapidly approaching. Over the last month, we have inched forward, and we've completed three more appropriations bills. With the first extension about to expire, this Congress has now completed one-third of its appropriations duty—our constitutional responsibility. Remember, again, we had that inviolable September 30, end of the fiscal year, deadline we had to meet, and here we sit, approaching the 1st of November, and we've completed one-third of our appropriations work.

The underlying conference report that Mr. DICKS and Mr. SIMPSON are bringing forward here actually grants another extension. It's an extension to take us all the way to December 18. Now, despite the Democratic majority's penchant for making excuses, there are really no plausible excuses left.

Madam Speaker, I know that often the finger is pointed down this hallway to the other side of the Capitol, to our colleagues there. There are 60 votes that the Democratic majority has over there. We have the White House, as we all know, in the control of Democrats and a huge majority here in the House of Representatives. The majority is so ironclad that even their supporters are complaining about their lack of progress and empty excuses. We are hearing that from supporters of the Democratic majority.

In fact, the former staff member who was a Democratic strategist, David Sirota, told Congress Daily last week: Democrats decried their lack of 60 votes in the Senate as a campaign tactic between 2006 and 2008 as the reason why they couldn't get anything done.

Again, the fact that they didn't have 60 votes in the Senate was the reason that nothing could get accomplished and that things couldn't get done.

Well, Mr. Sirota, the Democratic strategist, goes on to say they got the 60 votes. He says: Mathematically, there are no excuses left. There are no excuses left.

Those are the words of the Democratic strategist, Mr. Sirota. Yet, Madam Speaker, here we are passing another continuing resolution because the Democratic supermajority still can't get the work done.

Again, these extensions are far from unprecedented. I know the continuing resolutions have taken place again under both political parties. What is unprecedented is the fact that an open debate of the Federal budget was completely abandoned for a deadline that has proven to be utterly meaningless.

We all have to acknowledge, Democrats and Republicans alike, that that September 30 deadline was utterly meaningless, and we were told constantly, having that calendar held up before us in the Rules Committee and here on the House floor, that it was absolutely essential that we meet that September 30 deadline. It was nothing more than a pretense for shutting out amendments for both Democrats and Republicans.

That's why, Madam Speaker, I argue that this is not a partisan statement because there were just as many, if not more, Democrats who were denied an opportunity to amend appropriations bills as Republicans. Rank-and-file Members of both parties were completely shut out and were refused the opportunity to freely offer their amendments to have a debate and to have an up-or-down vote.

That kind of open process had been the custom, as I say, for 220 years. An open amendment process is something that we all, again, under both political parties, were used to. Unfortunately, those days are now behind us. For what reason? So that we can end up right where we always are—passing a string of continuing resolutions.

The need for scrutiny of the majority's spending practices became clearer than ever with the announcement of the $1.4 trillion deficit. Even the continuing resolution that we're considering today includes a number of last-minute additions that further diminish the accountability of Federal spending.

For example, there is a provision that extends funding for organizations like Fannie Mae and Freddie Mac, which are the very organizations that very heavily contributed to our current economic crisis, and those are extended until the end of next year. This is a very curious provision. The continuing resolution, itself, only goes, as I said, Madam Speaker, to December 18; yet this controversial funding provision is extended until after next year's election. It's very, very curious.

Another provision in the underlying measure provides a bailout for local housing authorities that intentionally issued vouchers that they could not afford. These agencies clearly believed that they could act with impunity because the Democratic majority would just bail them out. Clearly, Madam Speaker, they were right.

It is these kinds of practices that have driven up our deficit to unmanageable proportions and have destroyed public trust in this institution, and they are precisely why we need an open appropriations process. The American people want us to meet our priorities, but they also want us to rein in spending. Unfortunately, closing down that appropriations process denied Members the opportunity to scrutinize and then to, we hope, put together the votes to rein in spending.

The American people, Madam Speaker, have been deprived of their voice in this process, and they were promised timely action. Unfortunately, it just has not happened. With today's consideration of yet another continuing resolution, it's painfully clear that the American people have gotten neither the quick action that they were promised nor the accountability that they deserve.

So, again, I will say that there are items within the Interior Appropriations conference report that I support. I am concerned about the 17 percent spending increase that is there; but in light of the issue that I've raised and the fact that we've had an appropriations process that has been shut down for the first time in the history of our Republic, I am going to urge my colleagues to vote ''no'' on this rule and to vote ''no'' on the previous question as well.

With that, Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, before yielding to my good friend, the chairman of the Interior Subcommittee, Mr. DICKS, I want to make a couple of points segueing off of my colleague's comments, those of my good friend Mr. DREIER regarding the continuing resolution.

He and I have been in this back-and-forth process for a very long time. One thing I know that my good friend

knows is that the continuing resolution is necessary to keep the government operating until we're able to complete the appropriations process. It must be passed this week and including it in the Interior conference report is just the most expedient way to get it to the President's desk. It will merely ensure that government programs remain funded through December 18 while we move quickly to fulfill our congressional responsibilities to provide funding for the rest of the fiscal year.

In the meantime, the continuing resolution in this conference report is basically a clean CR with the addition of several vital programs to ensure that people do not lose their housing, so that people have mortgage origination, so that the market remains stable, and so that small businesses are able to get loans in this period of economic turmoil.

One of the most important responsibilities of Congress is to keep the government running efficiently and effectively. Even under the best of circumstances—and I've seen it now for coming up on 19 years—and with cooperation on both sides of the aisle, the annual appropriations process is a cumbersome and time-consuming process that must be completed with a relatively short lifetime.

Now, while I agree with my colleague from San Dimas—he's not on the floor. He is, but he's busy—his staff will tell him that we have, as he put it, a supermajority in the Democratic Party. We have the White House; we have the House of Representatives; and we have 60 votes, ostensibly, in the United States Senate. That is a good thing but I was here when the Republicans had the exact same thing and had control of both Houses. What they did not have was the 60 votes.

Now, what I want to make clear here for the American people so that we can get past this discussion, talking about 60 votes is not what is needed. You really don't need but 50 because the Vice President probably would vote with his party. Some would advocate that we do this measure this way because 67 percent, it seems, of the American public want us to move on the health care provision.

All things considered, what my colleague knows and what all of us in the House of Representatives know at every level is that the Senate is the other body, and each one of those Senators is an entity unto him- or herself. I refer to them as junior Presidents. They have enormous power. They have enormous independence, and it does not matter what party they're in when they are about the business of legislating what they want done. That's why the process has slowed down, not because of a majority. It has been slowed down forever, since I've been here—all of that time—for the reason that there is the other body that has their rules, their regulations, arcane though they may be, which make it difficult for us to do our business.

The House can pass stuff. The Senate has difficulty getting agreements to get to the numbers that are necessary to get past filibusters and the numbers to get the different things that each Senator wants for herself or himself in the measure.

Madam Speaker, I am very pleased to yield such time as he may consume to my good friend, to one who has no peer in this body on the understanding of the Interior, the chairman of the Interior Subcommittee, Mr. DICKS from the State of Washington.

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

Mr. DICKS. First of all, I want to compliment the gentleman from Florida for his extraordinary summary of this legislation. I have been on this subcommittee for 33 years. It's the only subcommittee that I've been on and for which I've served throughout my entire career in the House, and I want him to know that we have not forgotten the great State of Florida in this legislation.

Madam Speaker, we have funded major restoration projects. One is the Great Lakes, where the President requested $475 million. There's $475 million in this bill for Great Lakes restoration. One of the other major projects is the Everglades. We're working hard to restore the Everglades—I think this is a national treasure—the Sea of Grass—and all of those wildlife species in Florida which need to be protected. There is the Chesapeake Bay restoration. The administration has put a new EPA official in charge there. They're taking more dramatic steps in the Great Lakes. Also, for the first time, we're recognizing that there are some great national treasures on the west coast—Puget Sound and Hood Canal where I come from. The Pacific Ocean has difficulties and problems related to ocean acidification and climate change, and it has other difficulties due to dissolved oxygen. We have a major restoration project going for Puget Sound. The San Francisco Bay is also another national asset that we need to protect.

So all of these major environmental concerns, these five major restoration initiatives, are critical in our bill.

I also want to tell my colleagues that I've served on this committee for 33 years. I served on this committee with Congressman YATES from Illinois. I believe this is the best Interior Appropriations bill we've ever passed.

Now, I know my good friend from California mentioned the fact that there was a 17 percent increase this year in this bill. Let me explain why that was necessary.

First of all, between 2001 and 2008, the Interior Appropriations bill—this was, by the way, during the previous administration—was cut by 16 percent. So, when you add 17 percent, it's a 1 percent increase. That's not very much. When you divide that over 9 years, it's just a fraction.

The other thing I'd point out is that the EPA budget over that same time frame of 2001–2008 was cut by 29 percent. This is the most important environmental agency we have, and their budget had been drastically cut. There was a cut of the Forest Service, if you take fire out, of 35 percent.

□ 1100

This appropriations bill had been hammered, and funding for our Native Americans had been particularly hard hit. So I felt this was a restoration budget by the Obama administration. This is their first budget on Interior, and I think it was justified in every sense of the word.

Let me go through some of the major items which are so important to the American people.

First of all, the Environmental Protection Agency: $10.3 billion, $2.7 billion above 2009, to restore and protect the quality of our Nation's air, water and land.

I want to mention the clean water and wastewater treatment plants, the so-called revolving funds. We had $3.6 billion to help nearly 1,500 communities improve their drinking water and wastewater systems, an increase of $2 billion above 2009.

EPA estimates, listen to this, a $662 billion construction backlog by 2019 for clean and safe drinking water infrastructure. Between our clean water and safe water infrastructure, if you took that and all of our highway projects, you would have well over $1 trillion in backlog. So infrastructure in America needs to be fixed. This $662 billion figure came from Christine Todd Whitman, the first EPA Administrator during the Bush administration. So this is a number that I don't think anyone can challenge.

Now, on this important infrastructure money, $2.1 billion is for the Clean Water State Revolving Fund to fund local sewer improvements and help communities meet the goals of the Clean Water Act.

$1.38 billion for the Local Water State Revolving Fund to protect public health by improving drinking water systems. It has been proven that one of the most important steps in protecting the health of the American people and people around the world is having safe drinking water. This is a 99.9 percent issue with the American people. They care about safe drinking water, and this revolving fund gives money back to the States and the States then loan it out.

$157 million for direct grants to States for clean drinking water. That is way too low. I am talking with Mr. OBERSTAR about this. We need to have more grant money to help rural communities, local communities, who can't afford to borrow the money. Now, we put a provision in this bill this year that 30 percent of it can be forgiven. That has never been in there until the stimulus package came through. This is critical to rural areas throughout

the country so that it can be more of a grant program.

I talked to my good friend, Bill Ruckelshaus, a good Republican from Indiana, twice former Administrator of EPA. He also stood up during the Saturday night massacre and refused to fire Archibald Cox, to his great credit. He is now living in Washington State. He reminds me that during the Nixon administration, we had $4 billion to $5 billion in grant money to go out to the local communities on an 80–20 basis. Now, think about that. That was in the 1970s, $4 billion to $5 billion. That has been taken away, and now we have just a tiny amount of grants and everything else is loans. If we are going to really do something about this infrastructure issue, we have got to deal with that.

I mentioned the great bodies of water. That is something I am very proud of, especially the effort on Puget Sound.

Hazardous waste and toxic site cleanup, $1.5 billion, $25 million above 2009, to clean up dangerous toxic waste sites around the Nation.

Climate change, one of the most important issues of our time, $385 million, $155 million above 2009, for programs that address global climate change.

We have all heard about the Energy Star program, and now we have a program that we helped create for local communities to have their own climate change program; $17 million to continue development of a greenhouse gas registry, the first step in controlling greenhouse gases; $55 million for the Interior Department's on-the-ground monitoring and adaptation to climate change impact in national parks, national wildlife refuges, and other public lands.

There is no question in my mind that climate change is occurring. We have had hearings and we brought in the Federal agencies, including people from Florida, who are very concerned about the impact of global warming. Global warming could be devastating to the Everglades and to the State of Florida. If the seas rise, because they have so many low level areas there, they would be adversely affected. So this is a serious issue that has to be confronted.

We also created a National Global Warming and Wildlife Science Center at the U.S. Geological Survey, and we are working together with the administration on that issue.

Most importantly, our trust responsibility for Native Americans and Alaska Native programs, $6.7 billion, $705.7 million above 2009 and $91 million above the request, for programs to support and improve health care, education, public safety, and human services for Native Americans and Alaskan Natives throughout our Nation.

On the Indian Health Service, a program that has been underfunded for many, many years, $4.1 billion, $17.8 million above the request and $471.3 million above 2009, to support both Federal and tribally operated national health care programs and facilities.

The Bureau of Indian Affairs, $2.6 billion—$2.3 million above 2009 and $82 million above the request—for education, law enforcement, and economic development programs that will strengthen native communities.

I brought back the hearing where we allow the Native Americans to come in and testify, which was ended under the previous regime. We put that back in place so we can hear of the concerns out there.

There are very serious problems in Indian country, none more serious than the law enforcement difficulties there, including the fact that Native American women are more often the victims of rape and other violent crimes and there is only a 1-year penalty under our Federal court system. This is intolerable. We have to change this, and this is something we are working on.

I know this is something my friend from California is concerned about, $3.5 billion for efforts to prevent and fight wildfires at the Forest Service and the Department of Interior. We know the people of California have suffered some terrible fires out there, and I know that Mr. DREIER and Mr. LEWIS have been very concerned about that. There is $1.855 billion for wildfire suppression, $526 million above 2009.

We got the FLAME Act created. We actually did the work in our conference committee with the Senate. We think this is a great FLAME Act that will give us extra money when we overrun our accounts. This is so important, because in the past money would be taken from the Forest Service accounts, from the Interior accounts, and they would never get that money paid back, in most instances. So this FLAME Act will give us a second account to help when we have these major fires.

I want to point out, as my ranking member pointed out yesterday in the Rules Committee, 98 percent of the fires are stopped: 98 percent. But the 2 percent, the mega-fires that get underway, do this enormous damage to our national parks, to our Forest Service lands, to our BLM lands, and we need very serious funding to help that.

The parks are better off, wildlife refuges are better off, the endowments for the arts and humanities are better off.

Mr. LEWIS of California. Will the gentleman yield?

Mr. DICKS. Yes, I will yield to my friend for a second.

Mr. LEWIS of California. I don't want to take a lot of time on the general debate, but I presume that the chairman is going to allow some time to discuss the question that has been raised regarding an exemption that affects ships among the Great Lakes, the Michigan boat question.

Mr. DICKS. Yes, we will be glad to discuss that. But this is the rule, as you know.

Mr. LEWIS of California. I just wanted to make sure we would have time during the general debate to discuss that. It won't take a lot of time, I am sure, but I didn't want to be left out.

Mr. DICKS. I appreciate the gentleman alerting us to his concern.

This is a great rule, a great bill. It is bipartisan. We do everything in my subcommittee on a bipartisan basis. Mr. SIMPSON has been just a delight to work with, and the Republican members have been at every hearing. We couldn't have better members on our subcommittee on both sides of the aisle.

Mr. DREIER. Madam Speaker, I yield myself the balance of my time.

Let me just close by responding first not to the very thoughtful remarks given by the subcommittee chairman. He didn't quite focus totally on the rule. We talked about everything from Watergate to California fires, and I appreciate his fine work there.

But I will say that as we look at the remarks that were offered by my friend from Fort Lauderdale at the outset, in which he talked about the 60 vote number that exists in the Senate and where we are, there are a couple of differences. We never had the 60 votes in the Senate, number one; and number two, we did not shut down the appropriations process, Madam Speaker. And that is what has happened throughout the past summer.

The American people had their ire raised on a procedural issue for the first time ever on June 26 of this year when early that morning, at 3 o'clock, while the motion was being offered in the Rules Committee to bring a special rule to the floor to consider the so-called cap-and-trade bill, my friend Mr. MCGOVERN was offering the motion, and I had a 300-page amendment dropped on my place at that moment. People have said: read the bill, deliberate, think about the process. That message is resonating across the country. That did not happen with this appropriations process.

Unfortunately, on consideration of this measure, we are having a continuation of that because one of the waivers provided in this rule is for the 72-hour layover, the 3-day layover requirement, which the American people believe we should have.

I am going to ask that my colleagues vote ''no'' on the previous question so we will be able to make in order the very thoughtful bipartisan effort launched by Messrs. BAIRD, CULBERSON and WALDEN that will, in fact, require the 3-day layover for measures as they move to the floor.

Madam Speaker, I ask unanimous consent that the text of the amendment, along with the explanatory material, appear in the RECORD immediately prior to the vote on the previous question.

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

There was no objection.

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

Mr. HASTINGS of Florida. Madam Speaker, by funding the EPA, the Department of the Interior, the Forest

Service and other related agencies, the conference report provides the resources necessary to protect the environment and our natural resources. The attached continuing resolution ensures that the government will continue to function through December 18th.

The increases in this bill over previous years are essential to maintain and improve current programs and activities, bettering the lives of all Americans and their communities.

As I discussed before, I hope that this body will move beyond the debate over whether or not to close Guantanamo and, instead, work to develop comprehensive detainment policies that uphold the Constitution, human rights and the rule of law.

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

Mr. DEFAZIO. Madam Speaker, today the House of Representatives is voting on a motion to instruct conferees to insist on language that would prevent any funding in this bill from being used to implement an EPA rule requiring the largest manure management systems to report annual greenhouse emissions.

The EPA rule was finalized in September 2009. It would require entities emitting only more than 25,000 metric tons of greenhouse gases per year—the equivalent of emissions from 58,000 barrels of oil—to report on annual emissions. According to the EPA, the rule will impact approximately 100 manure management systems across the country, five of which operate in the state of Oregon. Small farmers—those emitting less than 25,000 metric tons of greenhouse gases per year—would be completely exempt from the rule.

I applaud the EPA's rule and President Obama's leadership in taking serious action on climate change. After losing eight years under the Bush administration in addressing the most serious environmental challenge of our time, it's time for bold U.S. leadership. Compiling accurate and complete data on greenhouse gas emissions is a critical piece to crafting a smart and effective climate policy.

For these reasons, I intend to oppose the motion to instruct conferees before the House today. Congress should not place funding restraints on the EPA that would prevent the agency from executing its Supreme Court-confirmed authorities to regulate greenhouse gas emissions in the U.S.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 876

OFFERED BY MR. DREIER OF CALIFORNIA

At the end of the resolution, insert the following new section:

SEC. 2. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 554) amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) an amendment, if offered by the Minority Leader or his designee and if printed in that portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII at least one legislative day prior to its consideration, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for twenty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit which shall not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 554.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 876, if ordered, and suspension of the rules with regard to Senate Concurrent Resolution 45.

The vote was taken by electronic device, and there were—yeas 236, nays 183, not voting 13, as follows:

[Roll No. 823]

YEAS—236

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George

Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—183

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)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
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)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
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
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Abercrombie
Barrett (SC)
Buyer
Connolly (VA)
Engel
Fattah
McCotter
Michaud
Murphy, Patrick
Nunes
Oberstar
Pomeroy
Van Hollen

□ 1142

Messrs. JONES, DUNCAN, CASSIDY, BURGESS, DANIEL E. LUNGREN of California and COSTA changed their vote from ''yea'' to ''nay.''

Mr. RUSH changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 232, nays 184, not voting 16, as follows:

[Roll No. 824]

YEAS—232

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
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)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—184

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
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
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)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Abercrombie
Barrett (SC)
Burgess
Buyer
Deal (GA)
Emerson
Fattah
Hirono
LaTourette
Murphy, Patrick
Nunes
Pastor (AZ)
Scott (VA)
Sullivan
Velázquez
Waxman

□ 1150

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HIRONO. Madam Speaker, on rollcall No. 824, had I been present, I would have voted "yea."

ENCOURAGING IRAN TO REUNITE JOSHUA FATTAL, SHANE BAUER, AND SARAH SHOURD WITH THEIR FAMILIES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the concurrent resolution, S. Con. Res. 45, 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 Missouri (Mr. CARNAHAN) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 45.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 9, as follows:

[Roll No. 825]

YEAS—423

Ackerman
Aderholt
Adler (NJ)
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
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
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
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
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
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, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
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
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
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
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Abercrombie
Barrett (SC)
Buyer
Fattah
Murphy, Patrick
Nunes
Rush
Turner
Velázquez

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1158

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FATTAH. Madam Speaker, had I been present for the vote on S. Con. Res. 45 I would have voted "yea."

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Madam Speaker, I regret that I missed rollcall vote Nos. 790, 798–818, and 823–825. Had I been present, I would have voted "yea" on votes 790, 798–800, 802–818, and 823–825. I would have voted "nay" on vote No. 801.

CONFERENCE REPORT ON H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. DICKS. Madam Speaker, pursuant to House Resolution 876, I call up the conference report on the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, 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. Pursuant to House Resolution 876, the conference report is considered read.

(For conference report and statement, see proceedings of the House of October 28, 2009, at page H11871.)

□ 1200

The SPEAKER pro tempore. The gentleman from Washington (Mr. DICKS) and the gentleman from Idaho (Mr. SIMPSON) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. DICKS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 2996.

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

There was no objection.

Mr. DICKS. Madam Speaker, I yield myself 5 minutes.

It is my privilege and pleasure to present the fiscal year 2010 Interior, environment, and related agencies appropriations bill to the House today. This very fine bill is the product of many hours of work, always with bipartisan input and excellent participation. I especially want to thank my friend and ranking member, Mr. SIMPSON, for the outstanding participation and cooperation he offered throughout this process.

I want to thank Chairman OBEY for recognizing that the programs funded

through this bill have been chronically underfunded and for providing the allocation necessary to reverse that trend. From 2001 through 2008, when adjusted for inflation, the budget request for the Interior Department went down by 16 percent, the EPA went down by 29 percent, and the non-fire Forest Service accounts were down by a striking 35 percent. This bill invests taxpayers' dollars in our natural resources, and for this investment all Americans will see a great return.

This conference report also contains the continuing resolution which will keep the government running until December 18. It is vital that we pass the Interior conference report to avoid a shutdown of the Federal Government.

This agreement provides focused funding to protect the environment. Clean water and drinking water infrastructure receive $3.6 billion, enough to provide assistance for more than 1,500 communities throughout the Nation to improve public health and restore ecosystems. We include authority for subsidized assistance to those cities and towns that cannot afford conventional loans.

This agreement invests $641 million to restore major American lakes, estuaries, and bays. It fully funds the President's request of $475 million for the Great Lakes Restoration Initiative and makes significant investments to protect other great American bodies such as Puget Sound and the Chesapeake Bay.

To address global climate change, this bill provides $386 million for climate change adaptation and scientific study.

The agreement before us also represents a promising renewal in our Nation's trust responsibility for Native Americans. It provides a $654 million increase for health care, law enforcement, and education in Indian country for a total of $6.8 billion. The increases here will help these communities promote the health and safety of our Nation's ''First Americans.''

This agreement makes a major investment of $3.37 billion for Forest Service and Department of the Interior wildland fire activities, including the largest non-emergency increase ever for wildfire suppression. We also have included the FLAME Act, which reforms wildfire budgeting and will help create a steady and predictable funding stream for wildfire suppression. This agreement provides $90 million for the Legacy Road and Trail Remediation program to protect streams and water systems from damaged forest roads.

We have agreed to provide a $218 million increase for the National Park Service to invest in what Ken Burns has called ''America's Best Idea.'' The National Wildlife Refuge System gains a $40 million increase, to a level of $503 million, which will reduce critical staffing shortages, implement climate change strategies, and improve conservation efforts.

We have provided an increase of $82 million above 2009 for the cultural agencies supported by this bill. We recommend $167.5 million for both the National Endowment for the Arts and the National Endowment for the Humanities. The endowments are vital for preserving and encouraging America's creative and cultural heritage. They are very important for education.

Finally, I want to thank the dedicated staff who have spent long hours over many months to prepare this bill. For the subcommittee staff, majority clerk Delia Scott, Chris Topik, Julie Falkner, Beth Houser, Melissa Squire, minority clerk David LesStrang and Darren Benjamin. And I also want to thank Pete Modaff and Ryan Shauers on my staff and Missy Small and Megan Milan on Mr. SIMPSON's staff. Additionally, I want to take note that we are losing Greg Knadle after 6 years of loyal service to the Appropriations Committee. We thank him for his work on the Interior Subcommittee and wish him the best in his new endeavors. I think we should give him a round of applause for his good work.

In closing, I am very proud of this bill. It funds programs that cover a wide range of issues: from our cultural and historic heritage to the water we drink and the air we breathe. These programs redeem our trust responsibilities for the First Americans, fight fires, protect public health, and conserve natural resources. The impact of this conference agreement stretches across the Nation and will make a difference to the well-being and the future of every citizen.

We should all be proud of this conference agreement and I urge the House to support it when the vote comes.

I reserve the balance of my time.

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

I would like to begin my comments today by expressing my thanks to Chairman DICKS for the even-handed manner in which he has conducted the business of the Interior and Environment Subcommittee this year. While we may disagree about the need for a 17 percent increase in spending in this conference agreement, our work together has been a bipartisan, collaborative effort. While we certainly don't agree on every issue, when we do disagree, Chairman DICKS and I continue to work very well together.

Of the many things achieved by this legislation, I hope it will be remembered for the effort made to address the long-standing issue of adequately funding our country's fire suppression needs without bankrupting other nonfire accounts. From our hearings earlier this year, we know that almost 50 percent of the Forest Service budget is consumed by the costs of fighting wildfires. In past years, the Forest Service has had to borrow hundreds of millions of dollars from other accounts just to pay for fire suppression.

The President took positive steps this year by proposing a contingency reserve fund for fire suppression. The House and Senate also acted by approving the FLAME Act in each Chamber with overwhelming bipartisan majorities. Working together, authorizers and appropriators have developed FLAME Wildfire Suppression Reserve Funds, providing both the Department of the Interior and the Forest Service the additional tools they need to combat large, severe fire emergencies.

This conference report also provides needed attention to our Native American brothers and sisters. There are many unmet needs within Indian Country in education, health care, law enforcement, drug abuse prevention, and other areas, and this legislation does a great deal to address these issues. I thank Chairman DICKS for his attention to this important area of the budget.

However, while this conference agreement tackles many challenging issues, it also assumes that more money is the answer to every problem we face. I just don't believe that a $4.7 billion, or 17 percent, increase over last year makes sense. This additional spending comes on the heels of a 13 percent last year and an $11 billion infusion from the stimulus bill.

The Federal budget deficit is now a staggering $1.4 trillion, the highest deficit in history, and three times higher than that of the previous administration. Our current deficit is almost 10 percent of the gross domestic product, a level not witnessed since World War II. Remember, this is before Congress begins tackling the issue of health care, cap-and-trade, and other expensive pieces of legislation.

I believe a better approach would have been to create a balanced bill. This conference report provides a disproportionate level of funding to one agency, the EPA, and creates an imbalance that undermines what could be a very fine piece of legislation.

I question the need for a $10.2 million budget for EPA, a 35 percent increase from just last year. This is on top of the $7.2 billion the agency received in stimulus funding and the $7.6 billion it received in last year's Interior bill. Taken together, the EPA will receive more than $25 billion in this calendar year. That is about the size of the entire Interior and environment spending bill just 2 years ago.

This package also provides large increases in programs without having clearly defined goals or sufficient processes in place to measure results or the return on our investment. We are making rapid investments in water, climate change, renewable energy, and other areas, all of them worthy endeavors, but with relatively little planning and coordination across multiple agencies and the rest of government.

I look forward to receiving a detailed report from the administration on how and where climate change dollars are being spent, not just within this bill, but across all of government. Spending on climate change programs in this package alone has increased from $231

million in last year's budget to $382 million in this year's conference agreement. That is a 66 percent increase in 1 year.

As I said earlier, I have the highest regard for Chairman DICKS and look forward to continuing our work together. I would very much like to support this conference report, but regrettably, I cannot. The bottom line for me is that the conference agreement simply spends too much money.

In closing, I would like to thank both the majority and minority staff for their long hours and fine work in producing this conference report. On the majority side, this includes Delia Scott, Chris Topik, Julie Falkner, Greg Knadle, Beth Houser, Melissa Squire, Pete Modaff and Ryan Shauers. Of the minority staff, I'd like to thank my staff, Missy Small, Megan Milam, Kaylyn Bessey, and Lindsay Slater, as well as committee staffers, Darren Benjamin and Dave LesStrang.

Madam Speaker, I reserve the balance of my time.

Mr. DICKS. Madam Speaker, I yield 2 minutes to the distinguished chairman of the Natural Resources Committee, a person we worked very closely with on all aspects of the bill, my classmate and good friend, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Madam Speaker, I thank the distinguished chairman for yielding, and I rise today in strong support of this Interior appropriations conference report and to congratulate the House and Senate Appropriations Committees for their work on this important funding measure.

In particular, I wish to express my deep appreciation and congratulate my classmate, Interior Subcommittee Chairman NORM DICKS, as well as full committee chairman, DAVE OBEY, on the completion of this conference report. I thank Ranking Members LEWIS and SIMPSON as well.

I am privileged to serve as chairman of the House Natural Resources Committee. Many of the priorities funded in this legislation have long been priorities of the authorizing committee as well.

We often hear Members of Congress express concern about the future of our national parks, our forests, our refuges and public lands. We often hear Members express support for a strong trust relationship with native people. We often hear Members express deep concern regarding wildlife, climate change, and water quality and quantity.

I would say to my colleagues that today is one of those days where Members who say they care about these things can come to the House floor and prove it by voting for this strong conference report.

Last spring, the House approved legislation that I sponsored, the Federal Land Assistance and Management Enhancement Act, or FLAME Act, to authorize a separate funding stream for emergency wildfire suppression. Over the last decade, wildfires have become increasingly dangerous and destructive, burning more acreage and more property more often. Yet financially, the Federal Government has continued to be ill-prepared to respond to these fires. Time after time, we have seen wildfires rip through communities, while at the same time they burn through the agency's budget.

I moved the FLAME Act through the House because it will give the agencies the money they need to knock down catastrophic fires, while protecting the important funds needed to stop fires from starting in the first place. Thanks to the cooperation and assistance of the Appropriations Committee, the FLAME fund is included in this conference report, and for the first time, we are creating a savings account to cover the cost of fighting fires we know are going to happen.

Instead of a ''rainy day'' fund, it is a fund for fire seasons when we have not had nearly enough rainy days, and I know the communities threatened by these dangerous fires are grateful it is included in this bill.

The conference report also includes funding for increases for our national parks, wildlife refuges, forests and public lands, investments in what Ken Burns has reminded us is one of America's best ideas.

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

Mr. DICKS. I yield the gentleman an additional 30 seconds.

Mr. RAHALL. I thank the chairman.

The conference report also contains significant funding for the land and water conservation fund, a contract we have made with our grandchildren that, as we deplete our offshore energy reserves, we will invest some of the profits in conservation.

Finally, the conference report honors our enduring commitment to native people with significant funding increases for Indian health services and the Bureau of Indian Affairs. The rates of poverty and illness among native people continue at unacceptably high rates, and sufficient funding for these programs is vital.

Of course, as with all compromises, this conference report is not perfect. It includes several individual provisions I do not support. However, this legislation represents a continued commitment to protecting and preserving that which makes our Nation unique.

I urge Members' support and appreciate the work of the chairman.

Mr. SIMPSON. Madam Speaker, I yield 5 minutes to the ranking member of the full committee, the gentleman from California (Mr. LEWIS).

□ 1215

Mr. LEWIS of California. I appreciate my colleagues yielding me the time.

Madam Speaker, I want to commend my good friends, Chairman NORM DICKS and MIKE SIMPSON, for a rather fabulous job of working together on this bill. While I am concerned about the volume of dollar increases, there is no doubt that this bill represents much of the most positive work on behalf of our country, especially the work of the EPA, I might mention. I want to say to the gentleman from Washington (Mr. DICKS) that you have reason to be proud of this bill. My wife tells me that she has gotten an inkling from your wife, Susie, that she is very proud of the work you have done here as well, and she welcomes you back home one of these days.

Anyway, moving right along, while I wish to suggest that the money allotted in this bill is more than adequate, I am very hopeful that in organizations like EPA that we will be able to not find ourselves just awash in funding and, thereby, begin to throw funding at programs. In the meantime, there is little doubt that there is plenty of work to be done. The Interior appropriations conference report is important, but it's only the fifth of 12 conference reports that we need to complete. We now find ourselves 29 days into the new fiscal year, and we have fewer than half of our bills done.

Sadly, the most important appropriations bills, the defense bill and the military construction and Veterans Affairs bills, are being put on the shelf, being held for a time and a purpose that causes us all to wonder. There is no better illustration of the misplaced priorities of this Democrat majority leadership than that fact. This leadership chose to send to the President the legislative branch bill for its first bill of the year. Imagine that. While the troops are awaiting our assistance and serious recognition of the challenges they face, the legislative branch bill was first sent to the President's desk—to make sure we've got enough money, I guess, to make sure they keep the lights on while we're talking to the public today. And what kind of a signal does that send to those who are in harm's way at this moment, protecting our freedom?

Mr. Speaker, what kind of signal are we sending, and what is our purpose for holding these bills on the shelf? The House passed the Defense appropriations bill. It contains critical funding for the men and women of our Armed Forces, including over 130,000 troops stationed in Iraq and over 60,000 troops currently in Afghanistan. The $128 billion provided for the U.S. warfighting efforts is essential to continue our mission overseas and to provide critical resources, as I have said. The defense bill is ready to go today, and it should be moving today. So Mr. Speaker, why the delay?

The military construction-Veterans Affairs bill is also essential. We have all talked about our commitment to our veterans. This legislation contains much-needed funds for military construction, family housing, pension payments for disabled veterans, widows and children, and the veterans medical care and treatment programs across the country. While the Senate has had

over 100 days to complete its work on this bill—that is the preliminary construction VA bill—this bill is still not in conference. Given the importance of each of these bills, why are they being delayed?

Well, reports have indicated that the Democratic leadership may use these bills to carry controversial legislation that could—at least they seem to think—could not be passed as standalone measures. What in the world does increasing the national debt limitation or the District of Columbia voting rights bill have to do with our national defense or providing for our veterans? Mr. Speaker, the House has wasted weeks and months on trivial legislative matters, as I have suggested. The Congress is setting a dangerous precedent by holding up these major pieces of legislation rather than acting in an expeditious way. Let's move forward quickly today, pass this bill. I intend to vote against it because of the dollar amounts. But in the meantime, I will listen with care to this discussion.

Mr. DICKS. I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS), the chairman of the Military Construction and VA Subcommittee, who I have enjoyed working with over the years and who is one of the best leaders we have in the House on military construction and VA matters. He has done a great job leading our subcommittee.

Mr. EDWARDS of Texas. Madam Speaker, I wish I could yield more time to the chairman, Mr. DICKS, to continue his comments. Thank you, Mr. Chairman, for your comments and for your leadership on this legislation, protecting our national parks and our environment and for being a real champion of America's military in our Nation's defense.

Madam Speaker, I rise in support of H.R. 2996 because this bill will provide much-needed funding to improve clean and safe water infrastructure for our cities and our rural communities. It will repair and maintain our treasured national parks, and it will protect our environment from pollution and wildfires.

On the issue of natural gas production, one that is important to me and I believe many Americans, it is important that this bill's efforts to safeguard our environment will not infringe upon our Nation's ability to harness clean and domestically produced natural gas.

This bill encourages EPA to do a study on the relationship between hydraulic fracturing and drinking water. Hydraulic fracturing is a crucial process for natural gas production, and it has been in practice for over 60 years. It is imperative that continued research is conducted, as this bill language report includes, through the best available science, science that is independent and peer-reviewed, while consulting with other agencies and the States, as has been done in the past.

I urge my colleagues to support this strong legislation.

Mr. SIMPSON. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT), a member of the subcommittee.

Mr. CALVERT. I thank the gentleman. Madam Speaker, I want to thank Chairman DICKS and Ranking Member SIMPSON for their courtesy and openness in the process of putting together this legislation. However, I reluctantly rise today in opposition to the fiscal year 2010 Interior appropriations conference report.

While Americans are cutting their budgets, the Democratic leadership continues the spending frenzy with an increase of $4.7 billion—that's 17 percent, as was mentioned earlier—over the 2009 levels for the Interior appropriations bill. This increased spending is on top of the $11 billion included in Interior programs in the stimulus package. That's an increase of $15.7 billion in 1 year.

This bill does fund certain vital initiatives, such as hazardous fuels reduction, the so-called FLAME Act which was mentioned, in areas that face the highest risk of catastrophic wildfire. Funds to ensure that firefighters have the resources they need to battle fires and diesel emission reduction grants to improve air quality are also included.

Unfortunately, the bill simply spends too much money with too little in return. For example, it includes $750,000 for yet another study to look at the science behind the federally imposed pumping restrictions in the Sacramento-San Joaquin Delta in California. While I certainly have no objections to yet another study, I do believe that it may very well take a number of months to spend hundreds of thousands of dollars to merely confirm what I think we already know: that after 4 years of water restrictions in the delta, the delta smelt remains close to extinction, all while farmers and families continue to suffer.

The Democratic leadership in this Congress continues to sit on its hands while the flaws and shortcuts of the Endangered Species Act have tied the hands of judges and water resource planners, creating a man-made drought that is killing jobs in California. Rather than addressing an issue that is creating 40 percent unemployment in some parts of the Central Valley, the majority has ignored yet another opportunity to resolve the problem and, instead, is focused on yet another job killer: cap-and-trade climate change language.

The bill includes $385 million for climate change initiatives, and earlier this week, Energy Secretary Chu suggested at a Senate hearing that the U.S. is falling behind countries like China in developing green energy because Congress has failed to pass the cap-and-trade legislation. The last time I checked, China has not implemented a cap-and-trade, nor has any intention to enter into a regulatory regime on cap-and-trade, so I was a bit surprised to hear the Secretary point to them as the gold standard.

I believe the statements from the Secretary, like the bill before us, reflect a key policy difference. While my friends on the other side of the aisle prefer to achieve results by expanding government, increasing spending, regulating everything, I believe we can achieve results by implementing policies that give hardworking Americans the freedom and basic tools that will enable them to unleash their ingenuity and entrepreneurial spirit.

Mr. DICKS. I yield 1 minute to the distinguished gentleman from Michigan (Mr. KILDEE) who is also a classmate and someone who is known in the House of Representatives for his concern about Native Americans and his advocacy on their behalf.

Mr. KILDEE. I thank the gentleman.

Madam Speaker, I rise in strong support of H.R. 2996, the Interior and Environmental Appropriations bill for fiscal year 2010. This is a great bill. The conference agreement includes unprecedented funding levels for many of the programs that serve Native American and Alaskan Natives. The conference agreement, among other things, includes $6.7 billion of total funding to support and improve health care education, public safety, and human services for Native Americans and Alaskan Natives throughout the Nation. These numbers demonstrate an increase of $705.7 million above FY 2009 and $91 million above the original request.

The conference report includes unprecedented levels of funding Indian Health Services, at a level of $398 million, a $116 million increase from FY 2009. The bill also contains increased levels of funding for BIA Justice and public safety programs of $328.8 million, a $58 million increase from FY 2009.

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

Mr. DICKS. I yield the gentleman an additional 30 seconds.

Mr. KILDEE. This conference agreement also contains an $81 million increase for K–12 and tribal college educational programs, including $50 million to fund tribal colleges to help aid in academic and enhanced curriculum plans.

This is a great bill, and I appreciate it very much.

Mr. SIMPSON. Madam Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. LATOURETTE), another member of the subcommittee.

Mr. LATOURETTE. I thank my friend for yielding. I want to commend Chairman DICKS and Ranking Member SIMPSON for putting together what I consider to be a fine bill. Like most bills around here, it has some warts, but overall, this is a good bill.

Particularly, I want to highlight what I think is good for the part of the world that I live in. I want to thank the President, President Obama, for putting in his budget request for the first time since I have been here real money for the Great Lakes; $475 million is included in the conference report. I also need to thank Delia Scott,

the clerk of the subcommittee, for working with us on report language to make sure that that $475 million, which is primarily given to the Environmental Protection Agency, doesn't get stuck to the sticky fingers sometimes here in Washington and that it actually gets to the Great Lakes to improve water quality, habitat restoration, and things of that great nature.

As we all know, those of us that live near the Great Lakes, it has 20 percent of the world's fresh water. I can remember a couple of years ago when we put real money into the Everglades, and it really was the Great Lakes' turn. The President deserves credit and so do the crafters of this conference report. I am also grateful that included in here are some things that we worked on in a bipartisan fashion, some land acquisition for what used to be called the Blossom Music Center. I'm grateful for that.

I am grateful for the work of the full committee chairman and chairman of the Transportation and Infrastructure Committee in solving the difficulty that we had with some EPA regulations for Great Lakes shipping, and it was their leadership that, in fact, fixed that. I would just say to my good friend the chairman of the Transportation and Infrastructure Committee, when I was the ranking member on the Coast Guard Subcommittee and this pollution on ships legislation came up last Congress, I said, ''I told you so.'' And now those chickens have come home to roost. But I am grateful for that.

If there were disappointments with this conference report, one is, which I expressed during the conference, in the House bill—there is wonderful water infrastructure in this bill. If you represent an older group of cities, you know that we have pipes in the ground that have been there since 1920, 1930. Water infrastructure is greatly needed.

I was pleased to join with the gentleman from Virginia (Mr. MORAN) in offering an amendment that would have attached prevailing wage requirements for that infrastructure construction. The House bill had it, and it was accepted. But a funny thing happened over in the conference. The Senate said they couldn't do it. So now you have this sort of unique situation where you only have Davis-Bacon protection for fiscal year 2010. Now the EPA says they can handle it. I guess that you could handle it—but this pipe was laid in 2010, this pipe was laid in 2011. I think it's difficult, and I guess I am disappointed that we couldn't prevail on that issue.

The last source of disappointment is that this legislation carries the continuing resolution. I don't object to the fact that there is a continuing resolution. We need to keep the government operating. But the attachment, which has been done in the past—it was done earlier this year, it was done in 2006—to this legislation prevents the minority from having a motion to recommit on the continuing resolution. And the last time that we had this discussion, I was sort of chastened. The full committee chairman said, Well, you don't necessarily need a motion to recommit; we made in order hundreds of Republican amendments during the appropriations process. So I actually had my staff look at it, and in fact, that's right. There were 714 amendments made in order to the appropriations bills that we considered this year, but sadly, 688 of them were authored by only three Members: Mr. FLAKE, Mr. CAMPBELL or Mr. HENSARLING.

□ 1230

So that means that 26 substantive amendments by everybody else over here are the only amendments that were made in order. That's disappointing. I hope that, if we need another CR, we can have it be freestanding so we at least have the opportunity to make a couple of observations.

Mr. DICKS. Madam Speaker, I yield 1 minute to the distinguished chairman of the Transportation and HUD Appropriations Subcommittee, also a very hardworking and conscientious member of our subcommittee, the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. I thank the gentleman for yielding.

I want to thank the chairman, Mr. OBEY, for the very good allocation that has been afforded the Interior Subcommittee, which has allowed Chairman DICKS and Ranking Member SIMPSON and their excellent staffs to craft a very good bill.

Madam Speaker, I want to talk about just the funding levels in three particular areas within the bill.

Firstly, this bill provides more than a 12 percent increase in funding for the Indian Health Service, which will greatly improve the quality and the availability of critical health care services to address the many health deficiencies that our Indian people suffer.

Secondly, it provides $500 million for national wildlife refuges, which is an increase of $40 million over the last year. This increase will provide critically needed staff, will improve funding for conservation efforts, and will implement strategies to mitigate climate change.

Lastly, the bill provides an increase in funding above $2.7 billion to restore and help protect the quality of our Nation's air and water.

I urge a ''yes'' vote on the conference report.

Mr. SIMPSON. Madam Speaker, I yield 3 minutes to another member of the subcommittee, the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for yielding.

Madam Speaker, former President Woodrow Wilson, who was, of course, a considerable scholar of this institution, used to reflect that Congress on the floor is Congress' theater, but Congress in committee is Congress at work.

I want to particularly commend Chairman DICKS and Ranking Member SIMPSON for the manner in which they worked and, more importantly, for how they worked together throughout the process.

We hear a great deal—and there is sometimes considerable truth in it—about the absence of bipartisanship. I just want to make a point as a freshman member of this subcommittee as to how much bipartisanship there was on the subcommittee and as to how well we worked together. Of course, that couldn't happen without the chairman and ranking member setting the example and taking the lead.

You know, like all Members, I look at this appropriations bill, and I come to an undebatable conclusion that it spends too much money on things that I don't care about but not nearly enough on things that I do. Unfortunately, every other Member seems to have a somewhat different opinion about what is important and about what is not, and it has been left to the chairman and ranking member, as best they can, to work through that. Yet where I think there can't be much debate is that this is truly an excellent piece of legislation and funding from a Native American perspective and from the perspective of Indian country.

Madam Speaker, it's a trite but true observation that the First Americans are often the last Americans. They live shorter lives; they are poorer on average; they are less educated; they have less opportunity. This bill makes major steps to try and correct those inequities. It does really revolutionary things, in my opinion, in terms of health care, in terms of law enforcement, and in terms of education.

I want to particularly thank again Ranking Member SIMPSON and Chairman DICKS for taking that into consideration. I want to thank, frankly, every other member of the committee who I found really focused on this issue, and I want to thank the staff, which really did a superb job as well. We had a series of absolutely first-rate hearings, and I think we made good and wise decisions that the American people can be proud of.

It was a privilege to be able to participate on this committee.

Mr. DICKS. Will the gentleman yield?

Mr. COLE. I yield.

Mr. DICKS. I want to commend the gentleman.

He was at every single hearing and was especially very helpful to all of us on the Native American issues.

As a Native American, we appreciate your contribution, and we thank you for your good work and for your participation. It made a big difference.

Mr. COLE. Well, the gentleman, as always, is very kind.

Madam Speaker, again, I want to thank the committee, and I want to thank the leadership of the committee. I look forward to the passage of this very important legislation.

Mr. DICKS. I yield myself 1 minute.

Madam Speaker, again, on this question of how much is in this bill, I want to remind people that the Interior budget had been cut by 16 percent, the EPA budget by 29 percent, and the Forest Service budget by 35 percent. So the Obama administration made an increase here, but this is playing catchup. I mean these budgets have been really stressed over the last 7 or 8 years. We did good things on the Park Service, but many other agencies were cut, and because we didn't have the FLAME Act, we had to borrow money out of the trails and road repair and out of other things which are essential.

So I think this is just a catchup year, and I hope Members will take that into account as they make their decisions on how to vote. I hope that they will vote for this conference report, remembering that the CR is in this, and we don't want the government to come to a screeching halt on Saturday.

I reserve the balance of my time.

Mr. SIMPSON. Madam Speaker, I yield 3 minutes to a valuable member of the Resources Committee, the authorizing committee, the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I thank the gentleman from Idaho.

Madam Speaker, Homeland Security and our Border Patrol have done a marvelous job in the urban areas of our southern border, which is why the bulk of illegal immigration now coming across our southern border comes through rural lands which are owned by the Bureau of Land Management and the National Park Service.

According to two uncirculated public reports by the Department of the Interior, we have areas now in the southern part of this country that are public lands which are controlled by the drug cartel from Mexico. We have areas where citizens of America cannot enter those lands without an armed escort, where the land has been devastated, where military training missions have been curtailed, and where citizens of America have simply been attacked and mugged by foreigners on our own soil.

The House recognized this when it passed a motion to recommit by an overwhelming majority on the floor. The Senate also recognized this by including an amendment by Senator COBURN on the floor. Yet the conference committee, behind closed doors, has taken this amendment that dealt with the entire southern border, and they limited it only to the 340 miles where fencing actually exists. In essence, they have eviscerated the amendment and have denied the spirit and the sentiment that was expressed on the House floor as well as on the Senate floor.

Secretary NAPOLITANO has simply said it is a major difficulty when there are multiple public organizations with various interpretations on land policy. More graphically, she said it is difficult for border security when they have to stop hot pursuit and have to wait until the arrival of horses to continue on.

This is a problem we should be facing directly, not glossing over and ignoring in a conference report. We should recognize that our inactivity by Congress has helped cause this problem, and our further inactivity on this issue cannot solve this problem. It is one of those areas that is a glowing and great error within this particular conference report. Congress should be doing better.

Mr. DICKS. I yield myself 1 minute.

Madam Speaker, I just want to make it clear that what we tried to do in dealing with the Coburn amendment was to focus it on the very southern border, itself. We were concerned, that if it weren't focused on the fence area, it could overturn the Archaeological Resources Protection Act, the Native American Graves Repatriation Act, the American Indian Religious Freedom Act, the Endangered Species Act, NEPA, and many other laws. So we tried to focus this like a rifle shot.

I went out there myself to visit the border. I think the fence area is working pretty effectively, but I am concerned about the impact on other areas adjacent to the border.

So we have tribes there, and 700 miles of the border are part of Federal lands. This is a very significant problem, and we're taking it very seriously, and we want to make sure that Secretary Salazar and Secretary Napolitano work together.

Mr. LEWIS of California. Will the gentleman yield?

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

Mr. DICKS. I yield myself another 1 minute in order to yield to the gentleman from California.

Mr. LEWIS of California. I appreciate the gentleman yielding.

Madam Speaker, I rise to ask the gentleman a question, if I might, and I very much appreciate his responding to this line of questioning.

The gentleman knows that I worked with the EPA for literally decades, years ago, in writing that legislation which created the Air Quality Management District Act in southern California. They were extremely helpful as we did battle with the executives of our auto industry, as they thumbed their noses at us, as we tried to get them to improve the engines of our automobiles. The EPA was great to work with, so I am impressed by the increase in funding here for the EPA; but because of that, I can't help but ask a couple of questions.

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

Mr. SIMPSON. Madam Speaker, might I inquire as to the amount of time remaining?

The SPEAKER pro tempore. The gentleman from Idaho has 10½ minutes remaining, and the gentleman from Washington has 15½ minutes remaining.

Mr. SIMPSON. I yield 5 minutes to the gentleman from California.

Mr. LEWIS of California. Madam Speaker, I will continue this discussion, if you would not mind, with the chairman.

I mentioned the EPA. I worked with the EPA for years, particularly in the field of air quality, and I am a great admirer of their work. Within this legislation there is a very interesting line. It involves the Great Lakes Restoration Initiative. I note that there is a 692 percent increase in that funding within this bill.

Now, frankly, the environment that involves the water of the Great Lakes deserves a lot of attention. I don't know just how much it really needs or can handle in a single year; but juxtaposed to that is a bit of language inserted in this bill, in the conference report, that was not in either bill that left the House or the Senate. That language specifically has an exemption for emissions coming from engines of ships doing business on the Great Lakes.

Especially because of my interest in air quality and because of the work that I've done to try to improve the American auto industry, it strikes me as ironic that we are not willing to really put pressure on including changes in emission requirements for those ships on the Great Lakes. There needs to be an explanation of this, and I would very much appreciate our understanding why we should allow these huge sulfur emissions, et cetera, to continue as they are in the Great Lakes Region.

That is the question I have. If the chairman would respond, I would appreciate it.

Mr. DICKS. I yield 3 minutes to the chairman of the full committee, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Before you do that, Mr. Chairman, I would suggest, if the gentleman has questions, I would like to hear what they all are. When he has asked them all, then I will be happy to respond on my own time.

Mr. DICKS. I yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the chairman for yielding.

Madam Speaker, it is intriguing to me that the gentleman from California is so concerned about the Great Lakes. I welcome his interest, and I welcome his support for an increase in funding for the removal of bottom sediments that contain toxins, which are getting into the fish and into the food chain. We desperately need the funding. It has been neglected for at least 15 years.

□ 1245

The provision in this bill deals with an EPA emissions rule that was announced in the Federal Register to deal with exhaust emission standards for the largest marine diesel engines used for propulsion on ocean-going vessels. Never in the discussion in the Federal Register nor in the hearings EPA held on the saltwater coasts did they ever mention the Great Lakes. At the end of

the rulemaking process, Madam Speaker, I would say to the gentleman, at the end of the rulemaking process, EPA threw the Great Lakes in.

Now, there are 13 vessels, that range in age of construction from 1906 to 1959, the most recent vessels built on the Great Lakes, that burn this bunker fuel. The combined horsepower of those 13 vessels is less than that of the Regina Maersk, a 6,600 container carrying vessel that plies the saltwater and puts in on east coast ports. Those vessels, those modern vessels, burn bunker fuel at sea, but when they are within the 200-mile economic zone of the United States where they are subject to emissions requirements, they can switch to low sulfur diesel fuel. The older vessels on the Great Lakes do not have that capability.

Never once were our ports, were our lake carriers, consulted in the process of the rulemaking. What the language does in this bill is simply to give our industry time to evaluate various emissions control mechanisms, such as re-engining, such as new shafts, drive shafts, for the vessels. There is a worldwide shortage of drive shaft production. It would take 2 years to build drive shafts for a 1906 vessel, even for the Anderson, which was built in 1952. And we also need time to consider other means of low sulfur, biodiesel fuel.

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

Mr. DICKS. I yield the gentleman 1 additional minute.

Mr. OBERSTAR. But never once did EPA come and knock on the door and say, you have a problem.

Mr. LEWIS of California. Will the gentleman yield?

Mr. OBERSTAR. I will be glad to yield to the gentleman on the limited time I have.

Mr. LEWIS of California. I appreciate my chairman yielding.

I must say I have worked with him many, many a year regarding EPA's work, particularly with the automobile circumstance. It took us years and years and years to get Detroit to even respond to this problem, the air quality problem in Southern California. It began to respond to improving engines once the Japanese produced a car that produced much better mileage.

There has been almost a revolution in Southern California. We have been successful with that in no small part because you have helped us raise that pressure, and I would suggest there is a need for pressure now on those who are using these engines that spew sulfur endlessly and are polluting the air in the Great Lakes.

Mr. OBERSTAR. Well, there is no hue and cry from any of the ports on the Great Lakes. There isn't any effect on residents in the Great Lakes. EPA never raised this issue in any appropriate fashion for ship owners to offer suggestions or negotiate terms and conditions under which they could undertake the conversion. It was just dropped in their lap.

Mr. SIMPSON. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. I very much appreciate the exchange with my colleague.

I have a letter here from the American Lung Association that I would like to submit at this point in the RECORD, for it speaks to the very question you are asking here.

OCTOBER 7, 2009.

Hon. DIANNE FEINSTEIN,

Chair, Subcommittee on Interior, Environment and Related Agencies, U.S. Senate, Washington, DC.

DEAR CHAIRMAN FEINSTEIN: We are writing to express our strong opposition to any rider on the FY 2010 Interior and Environment Appropriations Bill that will weaken, delay or limit the ability of the U.S Environmental Protection Agency to promulgate regulations that will reduce pollution from new marine compression-ignition engines at or above 30 liters per cylinder. Our organizations have long advocated for the cleanup of these vessels because of the enormous impact they have on air pollution.

EPA has conducted an extensive public process on marine compression-ignition engines. This process includes a November, 2007 Advanced Notice of Proposed Rulemaking and the 2009 Notice of Proposed Rulemaking that was announced on July 1, 2009 with public hearings in New York and Long Beach, CA on August 4 and 6 respectively. The comment period closed on September 28, 2009. All stakeholders have had ample opportunity to participate in this rulemaking.

The need for these rules is urgent. EPA's analysis estimates that the cleanup of these vessels will prevent up to 33,000 premature deaths each year by 2030. Any delay will postpone the health benefits. The impact of pollution from these sources is not limited to communities surrounding the ports but EPA's analysis shows that the impact is felt hundreds of miles inland. We commend EPA for working to address this problem through the pending regulations, but also through the International Convention on the Prevention of Pollution from Ships (MARPOL Annex VI).

Chairman Feinstein, please oppose any rider that will weaken, delay or limit the ability of the U.S. Environmental Protection Agency to promulgate regulations that will reduce pollution from new marine compression-ignition engines at or above 30 liters per cylinder.

Sincerely,

American Lung Association.
Clean Air Watch.
National Association of Clean Air Agencies.
Natural Resources Defense Council.
Puget Sound Clean Air Agency.

We are in the process of negotiating an international agreement regarding these huge engines that we are worried about. If we find ourselves as those negotiations are coming to a conclusion with an exemption laid out in the law for American vessels, it would seem to me, and I would ask you, don't you think it could put pressure in a negative way on our ability to establish those standards on those international carriers that are under consideration at this very moment?

I yield to the gentleman from Minnesota.

Mr. OBERSTAR. The International Maritime Organization negotiations which have been going on for some time will affect oceangoing vessels. These are landlocked vessels. These vessels operate exclusively within the Great Lakes. There is no fuel capability for these old steamers, and we just need time to see if there is a way of converting or maybe retiring those vessels.

Mr. LEWIS of California. Reclaiming my time for just a moment, I would read this first sentence from this letter addressed to Chairman FEINSTEIN:

''We are writing to express our strong opposition to any rider in the Interior and Environment appropriations bill that with would weaken, delay or limit the ability of the U.S. Environmental Protection Agency to promulgate regulations that will reduce pollution from new marine compression-ignition engines at or above 30 letter per cylinder. Our organizations have long advocated for the cleanup of these vessels because of the enormous impact they have on air pollution.''

They are specifically expressing concern about these engines and the potential loss of life that results from not being able to successfully complete major change for the world of vessels.

Mr. OBERSTAR. If the gentleman would further yield, the rule promulgated by EPA, and which is being negotiated in international maritime councils, applies to oceangoing vessels. These vessels will never set anchor in saltwater. Never.

Mr. DICKS. Madam Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished chairman of the full committee.

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

Madam Speaker, what has occurred here is this: As the gentleman from Minnesota indicates, EPA had been developing a standard for oceangoing vessels for quite some time, but it was not until a very few weeks ago that it was discovered that, belatedly, under their proposed rule, they attempted also to apply that to the Great Lakes. When we discovered that, we reacted with alarm on both sides of the aisle. The gentlewoman from Michigan (Mrs. MILLER), for instance, participated in a meeting with EPA, along with Mr. OBERSTAR, myself, Mr. YOUNG from Alaska and several other people.

Out of that came a decision to bring forward the proposal that we have in this bill today. That bill does two things. The bill simply exempts from the rule—it does not delay the rule in any way. In fact, the Canadian Government was opposed to the EPA rule—but what this provision does is to exempt the 13 steamers on the Great Lakes from that regulation, for one very good, simple reason—because if they use the kind of fuel that EPA wants them to use, they have a risk of blowing up, and we think that might be a bit of a problem for people on those ships.

Secondly, the provision simply asks EPA to also consider when they deal

with the question of the diesels on the Great Lakes, we ask EPA to simply do two things: We ask them to do an economic analysis to determine what the impact is on the Great Lakes region; and we ask them to provide, as they do in many other rules, for the possibility of a request for a waiver from the operators of those ships. Whether a waiver is granted is up to the EPA to determine.

The other waiver we asked them to consider putting in the rule is a waiver which would apply if the fuel that EPA wants them to use is not available. That sounds to me to be a perfectly reasonable proposition.

I think EPA thinks it is reasonable, which is why they have issued this statement: ''EPA welcomes public input on its Clear Air Act proposal to address emissions from large ships. The agency understands the unique technical and economic challenges that steamships would face if they were required to use lower sulfur fuel. The amendment announced today is consistent with one of several policy options the agency has been considering and would apply to only 13 U.S.-flagged ships, which account for less than one-half of 1 percent of the Nation's particulate matter emissions.''

So if someone wants to make a Federal case out of it, be my guest. But I would point out there are two other reasons for the committee action: number one, the EPA rule as it originally was being contemplated would have been a devastating blow to the Midwest. It could have wiped out steel production in the Midwest because it would raise prices on those tankers so high that that region would have been uncompetitive. The result could be that steel production would move from that region of the country and from Canada to China. If you do that, you wind up with much greater emissions, because under the rule if you operate a ship outside of 200 miles from our coast, you can use the old, dirty fuel. But if you ply the Great Lakes, you have to use the new fuel, because on the Great Lakes you are never further than 200 miles away from shore.

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

Mr. DICKS. I yield the gentleman 1 additional minute.

Mr. OBEY. I would also point out that if the result is to shift transit on the Great Lakes from ships to trucks or rail cars, you increase, you do not decrease, the emissions, because it takes a Great Lakes ship 18 tons of carbon dioxide to move 1,000 tons of cargo 1,000 miles. If that cargo were shifted to a rail car, it would emit 55 tons of carbon dioxide for the same job, and a truck would emit 190 tons.

So I submit the committee solution is good for the environment, it is good for the jobs in the upper Midwest, it assists the economies of New York, Ohio, Michigan, Wisconsin, Minnesota and Indiana, and, in economic times like this, I make no apology whatsoever for doing that.

Mr. SIMPSON. Would the Speaker tell us how much time is remaining on each side?

The SPEAKER pro tempore. Each side has 6½ minutes remaining.

Mr. SIMPSON. I yield 2 minutes to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. I appreciate the gentleman yielding.

I would like to just respond briefly by reading from a communique that came from a person that has been very actively involved in the air quality of the region for years and working specifically with the EPA addressing some of the health questions that somewhat were addressed by my chairman, Mr. OBEY.

''The stakes for human health are enormous, huge, colossal. Weakening the domestic standards will have their own adverse effect, but it is crucial to recognize that doing so could also imperil International Maritime Organization's final consideration of the entire U.S. Emission Control Area application, which was favorably received by the IMO's Marine Environmental Protection Committee in June. The IMO is slated to make a final decision in March. Our nation will weaken the basis for its request that the IMO enable the most protective emissions standards under international law for foreign-flagged ships if we are including domestic vessels.''

So weakening standards for our vessels is going to threaten this effort internationally.

''As you know, the stakes for human health are profound—up to 14,000 premature deaths annually are to be prevented by 2020.''

It is very important that America speak with a strong and unified voice here. I think that the timing of this exemption itself is most unfortunate.

Mr. DICKS. I yield an additional 1 minute to the distinguished chairman of the full committee, Mr. OBEY.

Mr. OBEY. Madam Speaker, two points: First of all, we specifically worked with EPA to assure that there would be no delay in the rule. That is why we did not pursue a wholesale exemption for the Great Lakes, as we originally had requested EPA to consider.

Secondly, I must say I welcome the gentleman from California's belated interest in the health of the Great Lakes.

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But I wonder, is this the same gentleman from California who, years ago, when chairing the appropriations subcommittee, brought to the floor a bill which contained some 17 riders to gut virtually every environmental protection you could find which, for instance, exempted the oil refinery industry from air toxic-emission standards, which would have allowed 1 million tons of hazardous waste from cement kilns to be exempted from air toxic requirements, which would have prohibited EPA from protecting any of the Nation's remaining wetlands and would have stopped all work on the Great Lakes Initiative, for which this bill provides $500 million?

Mr. SIMPSON. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Speaker, when will the insanity stop, the runaway spending, the debts, the deficits? The American people are saying enough is enough.

Now we have a Department of the Interior and environment conference report that contains a 17 percent increase over last year's spending. I assure you the family budget that has to pay for this Federal budget, their budget didn't increase 17 percent. People want to know why is Federal spending out of control?

In addition, now we have a continuing resolution attached to this conference report. Why are we voting on it? We are voting on it because this Congress and this President have spent too much money, and now they want more.

Already this President and this Congress have passed a $1.1 trillion government stimulus plan which, by the way, since it passed, over 3½ million of our fellow countrymen have lost their jobs. We have the highest unemployment rate in our Nation in a generation. That stimulus plan weighed in at $9,745 per household. I would suggest to you, Madam Speaker, the American people didn't get their money's worth.

Next, this Congress and this President passed and signed into law an omnibus spending plan costing $410 billion, weighing in at $3,511 per household.

Then under this administration and Congress the bailouts continue: another $30 billion for AIG, almost $36 billion for Fannie Mae and Freddie Mac, $60 million for GM and Chrysler. Now the news today is the administration wants to hand GMAC another $12 billion.

What has it all brought us? The Nation's first trillion-dollar deficit, a spending plan that will triple the national debt in the next 10 years. On top of that, we have the announcement of the trillion-dollar government takeover of our health care.

How can you raise the cost and decrease the quality all at the same time? This Congress apparently has figured it out. Under this spending plan, the American people cannot afford it.

Mr. DICKS. Madam Speaker, I yield 1½ minutes to the distinguished vice chairman of the Interior, Environment, and Related Agencies Appropriations Subcommittee, Mr. MORAN of Virginia, who knows more about endocrine disruptors than any other Member.

Mr. MORAN of Virginia. I thank the very distinguished chairman of our subcommittee from Washington State who is also my good friend.

Ladies and gentlemen, this is a good bill. The Federal Land Management

Agency gets the resources they need to meet their stewardship responsibilities.

The EPA gets the resources they need for the first time in more than a decade to better protect the environment and our public health. It brings us closer to meeting our treaty obligations with America's first residents.

I am proud to say that this bill moves us from an emphasis on unsustainable resource extraction and towards conservation of those resources. Offshore royalty fees are reformed and the oil and gas industry will be reimbursing the Federal Government closer to the actual cost that the government bears in permitting drilling operations on the public's land.

Now, finally, on Indian reservations, we are taking the right steps after decades of neglect, equipping trained nurses and law enforcement with the tools that they need to end the epidemic of violence committed against Native American women.

I thank the chairman for his very good work.

This bill begins to address a backlog of needs. It responds to the current challenges we face. It deserves our unanimous support.

Mr. SIMPSON. I would inform the gentleman from Washington that I am ready to close whenever the gentleman is.

Mr. DICKS. I still have some speakers.

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

Mr. DICKS. Madam Speaker, I yield 1 minute to Mr. HOLT from New Jersey, who is very concerned and one of our best environmental supporters in the House.

Mr. HOLT. Madam Chair, Chairman DICKS may hesitate to blow his own horn, so I will say it. This is the best Interior appropriations bill we have seen.

Where do I begin praising it—$453 million for the Land and Water Conservation Fund, more than a third up from last year, doubles the State matching grants. LWCF is an issue I have worked on since I first came to Congress. This robust funding for Federal agencies and States to preserve open space is critically important.

The bill's $385 million for climate change mitigation, a large increase over the last year, including $17 million for establishing a national greenhouse gas registry that my colleagues Representative BALDWIN, Representative INSLEE and I have advocated.

It includes a good increase for our national parks to preserve these national treasures for the enjoyment of future generations.

It includes a real increase for the National Endowment for the Arts and the National Endowment for the Humanities. The arts and humanities play a crucial role in our society in enhancing creativity, quality of life and, yes, improving local economies. I could go on—EPA, land management, Native Americans and more.

I urge my colleagues to support this bill.

Mr. DICKS. I yield 1½ minutes to the gentleman from Michigan (Mr. STUPAK), who has been a very hardworking Member and very concerned about the issues in this bill.

Mr. STUPAK. Madam Speaker, I rise in support of H.R. 2996, the Interior appropriations conference report.

I congratulate the Chair, Mr. DICKS, for a fine piece of legislation.

I want to thank Chairman OBEY for the work he did with the Environmental Protection Agency so that they would strike the appropriate balance between the Great Lakes economy and its environment.

In my district I have three of the five Great Lakes. I have over 1,600 miles of Great Lakes shoreline. And on October 9, the International Maritime Organization adopted new rules to control exhaust emissions of oceangoing ships. The EPA then decided to apply these oceangoing ship standards to Great Lakes ships.

The EPA was completely unaware that the proposed limitation to sulfur emissions from oceangoing ships would ensnare a distinct segment of our Great Lakes shipping fleet. Great Lakes members have raised these concerns with Chairman OBEY and others about the EPA's proposal.

What this conference report really does is fixes this problem in two ways: The 13 steamships of the Great Lakes fleet that cannot switch to the new proposed fuel, these older ships that we talked about, would be exempt. These 13 ships combined emit less than what one oceangoing vessel emits.

The larger category 3 diesel ships would still comply with the final EPA rule, provided that the new fuel does not increase the cost of shipping by water so much that it would make shipping by land cheaper and cause more pollution.

Without these changes, Great Lakes shipping, the economic shipping that we see through waterborne commerce of coal, steel, iron ore, paper and farm commodities, would come to an end.

Mr. SIMPSON. I will close. Again, I want to thank Chairman DICKS and the staff for the tremendous job they have done and the bipartisan way in which they have worked with us in trying to solve some problems.

Madam Speaker, I don't think there is anybody on this side of the aisle that actually disagrees with the various programs that are going on in this appropriations bill. The disagreement comes that we just believe it's too much money; a 17 percent increase on top of the $11 billion that was received during the stimulus package I think is too much, given these economic times and the hardship that is being felt by Americans all across this country.

I think that's where the main opposition comes. It's not about any particular program. We have done a tremendous job in a lot of different areas that I think all of us agree with. There are specifics that I think if I were king for a day would probably be a little different, and this bill would probably be a little different if you were king for a day.

We realize it's a compromise, and we try to work out those differences between both the majority and the minority and between the House and the Senate. I think Chairman DICKS has done an admirable job of doing that. In fact, I don't even disagree with the discussion that was going on here earlier about the Great Lakes shipping. I don't disagree with what Chairman OBEY was trying to do here. I understand the impact that it would have on the economy in the Great Lakes and what is going on there.

All we ask oftentimes is that when we have those same types of issues relative to mining or timber or industries in our part of the country, that people will be sensitive to the impact that some of the regulations that are imposed by the EPA and other agencies are going to have on those, and we are only seen as trying to gut those regulations when, in fact, we are trying to do oftentimes the same thing that's being done here. I don't disagree with what you are trying to do, and I understand it. I support what you are trying to do.

While I would like to tell the chairman that I could support this bill, because I think we have done some good work here, unfortunately, I can't, just because of the spending level. I would encourage my Members to vote ''no'' on this appropriations bill.

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

Mr. DICKS. Madam Speaker, I yield myself the remaining time.

I again want to point out that over the last 8 years, Interior's budget has been cut by 16 percent. The EPA has been cut by 29 percent, and the Forest Service by 35 percent. This budget does provide a significant increase, but it's only catchup because these agencies have been severely damaged. The Forest Service has a huge backlog of work on infrastructure, on roads, on trails. The Park Service has billions of dollars of requirements. Christine Todd Whitman, the first EPA administrator under President Bush, said there is a $662 billion backlog on infrastructure for clean water and wastewater treatment in this country, which are fundamental to the health of the American people.

I am a little bit amazed to hear all this concern about the EPA when at the same time they are saying let's vote, give the EPA less money. That doesn't add up. That doesn't make sense. If you are concerned about the EPA, you need to know that they need those resources to do the enforcement work that's necessary.

This is an extraordinarily good bill. I have been on this committee for 33 years. This is the best Interior bill we have ever presented. The money here for Native Americans is long overdue. This is a catchup bill.

I urge the House to vote for it and to reject the negativity of the other side.

Mr. BOREN. Madam Speaker, I rise in support of the conference report on the Department of the Interior, Environment and Related Agencies Appropriations Act for Fiscal Year 2010. This bill will fund many vital activities over the coming year that protect our public lands and our environment and that support our cultural heritage and contribute to the vibrant artistic life of the Nation. This bill also will have a major impact on the future energy development for our country.

It is in the best interests of our Nation to become energy independent and to reduce our reliance on foreign oil. No country can remain a leading player in the community of nations if it must increasingly rely on other nations for one of the bedrock elements of its economy. We must do everything we can to effectively increase our domestic supplies of energy in the most responsible manner possible.

As we all know, there are many things that we can do to facilitate the production of domestic energy including tapping of vast resources of clean-burning fuels such as natural gas. According to recent reports, the United States now holds as much as 1,800 trillion cubic feet of natural gas reserves, almost one-third of which is in shale reservoirs. This is perhaps equivalent to over 300 billion barrels of oil, more than even the energy reserves of Saudi Arabia.

Hydraulic fracturing is one key and very important technique to help us tap the potential of our domestic oil and gas resources. Since the first commercial hydraulic fracturing operation was conducted in 1948, the use of this technology has become routine and often essential in the production of oil and natural gas. In fact, over 95 percent of new wells in unconventional formations such as tight sands, shales and coalbeds are hydraulically fractured. Hydraulic fracturing has literally unlocked vast supplies of natural gas in our country and has allowed us to produce natural gas in areas where it was never before possible.

States have effectively regulated hydraulic fracturing for many years and are fully capable of continuing to do so without unnecessary federal oversight. The key state organizations with the most significant involvement in oil and gas regulation—the Interstate Oil and Gas Compact Commission (IOGCC) and the Ground Water Protection Council (GWPC)—have both strongly reaffirmed the adequacy of state regulation of hydraulic fracturing. In fact, after analyzing the oil and gas regulations of 27 states, including the regulation of hydraulic fracturing by these states, the GWPC recently concluded that existing state oil and gas regulations were ''adequately designed to directly protect water resources.''

A number of studies have confirmed that these state regulatory programs are effective in protecting sources of drinking water. It was only a few years ago, in 2004, that EPA issued a report concerning its study of the potential impacts of hydraulic fracturing of coalbed methane wells on underground sources of drinking water. At the time EPA stated that its report was the most comprehensive study ever undertaken of hydraulic fracturing. The Agency concluded that hydraulic fracturing of CBM wells—which was thought to represent a worst case scenario since coalbeds tend to be shallower and therefore closer to drinking water aquifers than other types of formations such as shales—posed little to no risk to underground sources of drinking water. EPA also found that there were no confirmed instances in which hydraulic fracturing had contaminated a drinking water well, despite the fact that the technology had been in use for over 50 years and hundreds of thousands of wells had been hydraulically fractured during that time.

Since its publication some have sought to discredit this EPA report based largely on the allegations of a single EPA employee who disagreed with the methods by which the report was created. However, the study was and remains both valid and credible. In fact, since EPA issued the report state regulatory officials have reiterated on numerous occasions that they are aware of no instances in which hydraulic fracturing has contaminated drinking water supplies.

The evidence clearly indicates that there is no need for further study of hydraulic fracturing. Rather than spend additional resources, EPA's Office of Drinking Water should be addressing activities that actually pose a significant risk to drinking water supplies. Nevertheless, the conference report we are considering today calls for EPA to undertake another study of hydraulic fracturing.

Under these circumstances we must ensure that any further study is guided by some key, well-recognized principles. First and foremost, any new study should be conducted in a very comprehensive, scientific, credible and transparent manner. To achieve this goal, it would be extremely prudent for this study to be conducted in accordance with applicable Agency quality assurance guidance and should be guided by recognized principles of risk assessment that consider hazard assessment, exposure pathways, and exposure levels. This work also should be based on substantiated information that is developed in accordance with fundamental scientific protocols. This approach will allow EPA to conduct a high quality study that focuses on the actual risks to public health, if any, that hydraulic fracturing entails.

In addition, another key point is that this study should be based on a phased approach in order to conserve resources and to avoid undertaking investigative activities that are not warranted. As part of this approach, EPA should first review and consider any existing studies, particularly the studies by the Groundwater Protection Council and the Interstate Oil and Gas Compact Commission, who have already undertaken considerable efforts in this area, and other related information concerning hydraulic fracturing and its potential impacts and determine specific areas that might deserve further review.

In addition, the study should be conducted with the involvement of a variety of key participants. For example, the study should be conducted in consultation with the Department of Energy and the U.S. Geological Survey and should include the participation of key state regulatory officials as well as the Interstate Oil and Gas Compact Commission and the Ground Water Protection Council. Interested stakeholders should certainly be involved at key stages of the study, and the public should have an opportunity to comment on the proposed design of the study and should be allowed to review and comment on a draft of any study report. The study also should be subject to an appropriate peer review process consistent with standard Agency guidance.

Finally, there is no need to reinvent the wheel. Any study by EPA should certainly take into account the Agency's prior 2004 study of hydraulic fracturing and the conclusions reached in that study. At the same time, the study should take into account the impacts of current state and federal regulatory programs covering hydraulic fracturing Finally, it might be prudent to give proper consideration to an appropriate role for the National Academy of Sciences, an independent body of distinguished experts, in developing the study.

Madam Speaker, I am confident that if EPA embraces these principles as it further studies hydraulic fracturing, this study will properly address this issue in the detail that it deserves. This approach will help us then move forward in developing our nation's energy resources in the most effective manner possible.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in support of the conference report on H.R. 2996, the Interior, Environment, and Related Agencies Appropriations Act for FY2010.

This legislation provides a 17 percent increase over FY09 levels for critical programs that protect our public health and environment.

Among other provisions, the legislation provides $605 million for the Superfund program which will assist sites across the country clean up hazardous substances, including potentially the San Jacinto River Waste Pits site.

It also provides $3 million to fund four new centers of excellence to study toxin and chemical impacts on children.

Madam Speaker, I would also like to highlight two important projects I requested funding for in this bill, but unfortunately, did not receive mention in the final conference report.

The first is the Mickey Leland National Urban Air Toxics Research Center to continue air quality public health research on air toxics in urban areas as directed by the. U.S. Congress. The Center is a 501(c)(3) institution authorized by Congress in the Clean Air Act Amendments of 1990.

The individual FY2010 Interior and Environment Appropriations bills approved by both the House and Senate included language recognizing the significant contributions made by the Center in the understanding of the human health effects due to exposure to air toxics. Further, the House legislation encouraged EPA to consider allocating funding for the Center in EPA's budget. The EPA has gone through a deliberative process during the past four months to review the qualifications and research contributions to-date made by the Center and as a result, has recommended that funding for the Center be included in the agency's FY2011 budget. Funding air toxics research through the Center is consistent with the congressional intent and supports the Administration's stated objective of expanding research and efforts to address the human health effects of air toxics.

I am concerned the final conference report did not reaffirm the importance of the Center's work to our country. Americans want to know whether they are at risk from pollutants in the air that they breathe. People who live near sources of air toxics such as major roadways, industrial facilities, or small businesses, are often especially concerned about their risk.

The Center is conducting The Houston Exposure to Air Toxics Study, HEATS, which is an ongoing project designed to study the relationship between personal exposures—the air

people breathe as they go about their daily activities—and fixed site monitored concentrations of air toxics by measuring personal, residential indoor, and outdoor concentrations.

Federal support for the Center is critical to ensure this research continues and I hope to continue working with the chairman, EPA, and OMB to get funding for this research in the budget as Congress intended when it created the Center.

We also sought funding funding for a 6-year Capital Improvement Project that will rehabilitate and upgrade the city of Baytown, Texas's wastewater and water infrastructure to comply with federal and state regulations, maintain its condition and reliability and save costs. The city has implemented an asset management program to assess equipment condition, optimize work practices and ensure funding remains in place to sustain infrastructure improvements over time.

The funding we requested under the State and Tribal Assistance Grant would help rehabilitate portions of the Central District Wastewater Treatment Plant to include elevation of redesign of critical components to reduce the storm surge impacts suffered during Hurricane Ike. These include the influent lift station, blower building, administration/laboratory building, and grit removal process. The internal piping needs to be replaced to improve energy and operating efficiency, along with the chlorine contact basin and plant pumping/transfer systems. Installation of post-storm emergency power systems are also a part of this effort.

This is an important project to help Baytown recover from damage caused by Hurricane Ike, and overall to upgrade their wastewater system, and I look forward to working the Chair as we move forward to find assistance for this project.

I also want to express some reservation and guidance to EPA as it works to carry out a study in the bill ''on the relationship between hydraulic fracturing and drinking water, using a credible approach that relies on the best available science, as well as independent sources of information.''

I understand the concerns and desire to adequately protect the environment when developing our domestic resources. Hydraulic fracturing is a well-tested technology that has been used to develop energy for over 60 years.

First used in 1947, hydraulic fracturing has become a standard practice for improving the process of natural energy extraction. The practice involves the pumping of fluid into wells at high pressure to create fractures in rock formations that allow for complete production of oil. Hydraulic fracturing is responsible for about 30 percent of our domestic recoverable oil and natural gas. About 90 percent of currently operating wells use this technology. Hydraulic fracturing, as used to produce natural gas from shale formations, has created new opportunities for clean energy and employment without causing environmental damage.

Recent studies on fracturing conducted by the Environmental Protection Agency in 2004 found no confirmed evidence of contamination of drinking water. The study concluded that the injection of hydraulic fracturing fluids poses ''little or no threat'' to humans or the environment, EPA. The EPA did not find a single incident of the contamination of drinking water wells by hydraulic fracturing fluid injection.

Just like EPA's prior study, the new study in H.R. 2996 should be conducted using a systematic, scientific approach that assures transparency, validity and accuracy. The study should be based on accepted quality assurance guidelines in order to ensure that the information on which the study is based is of sufficient quality to support the study's conclusions. It should be properly peer-reviewed by qualified experts in accordance with standard practices, and should also draw on the expertise of those both inside and outside the Federal Government who can contribute relevant information to a high quality study. These contributors should include the Department of Energy and the U.S. Geological Survey as well as the state regulators who have many years of experience with hydraulic fracturing. This study should eventually be made available for review and comment by interested members of the public prior to being finalized.

At the same time, since we have already studied hydraulic fracturing, it would be prudent for any proposed study to fully take into account other studies that have already been undertaken by Federal or State governmental agencies, councils, commissions or advisory committees. For example, given the significant effort associated with the Agency's prior 2004 study, it would certainly be prudent to fully consider this study in undertaking any further examination of hydraulic fracturing.

Finally, and perhaps most importantly, the study should be based on well-recognized principles of risk assessment to determine whether there is any realistic risk that individuals may be exposed to substances used in the hydraulic fracturing process at levels that could possibly be considered harmful.

Madam Speaker, I believe that a targeted study of hydraulic fracturing is the most efficient way to use our resources to accomplish the goals of this study. We need to continue to develop our domestic energy resources, including clean-burning natural gas. A focused approach to the study will allow us to address concerns about hydraulic fracturing while facilitating the continued use of this critical technology.

Ms. KAPTUR. Madam Speaker, I rise in strong support of H.R. 2996, the Interior Appropriations bill.

This legislation provides critical support for redevelopment of the Great Lakes and includes $475 million to jumpstart restoration activities in our freshwater rich region. For the past decade, our region has been carefully assembling a comprehensive restoration strategy, and for the first time, this bill begins to fund that restoration.

With 84 percent of our Nation's fresh water, over 40 million people living on the Great Lakes and over 20 percent of the world's freshwater, America must implement a restoration strategy that empowers the basin to use this freshwater resource to promote sustainable growth. As we are constantly reminded, freshwater is becoming a scarce resource.

This has been a watershed year for the Great Lakes. With the inclusion of this language in the budget resolution and now the full fledged commitment of the Appropriations Committee and Congress, America takes a significant step to restore the landscape on which over 40 million Americans rely.

In addition to this historic commitment for the Great Lakes, this bill provides nearly $3.6 billion for sorely needed drinking water and wastewater investments, and significant increases for the National Park Service. This legislation supports activities by the Forest Service to more effectively deal with invasive species that have destroyed the tree cover by bugs such as the Emerald Ash Borer which have killed as many as 40 million trees in the Midwest. Our region alone will lose 10 percent of its tree cover as a result of a bug that came into our country from imported material.

Let me congratulate the chair of the full committee, the gentleman from Wisconsin, Mr. OBEY and the chair of this subcommittee, Mr. DICKS, the gentleman from Washington who have done yeomen's work in shepherding through this legislation which protects the environment and allows Great Lakes shipping to continue. U.S.-flag Great Lakes fleet already burns cleaner fuel than that used by many of the world's ocean going vessels.

The useful lives of the 13 U.S.-Flag steamships to 2020, will be extended when the .5 percent sulfur standard is implemented worldwide. Ships burn less fuel and produce fewer emissions than trains and trucks. It would take 1.1 million trucks or 290,000 railcars to replace their carrying capacity. We all win when we keep these cargos on vessels working the Great Lakes.

Let me thank all the conferees for their hard work.

Mrs. MILLER of Michigan. Madam Speaker, the nation's current debt ceiling is $12.1 trillion, and the Congress is going to have to act to raise that ceiling in the next month or so. Let me be clear—the spending path we are on is unsustainable, and we cannot have 17% spending increases on appropriations bills as standard operating procedure. I would warn the majority that we should not make these large increases a regular practice.

That being said, I am willing to support the Conference Report for the Interior and Environment Appropriations bill because of the tremendous positive impact it will have on the Great Lakes.

The Great Lakes are one of the world's unparalleled natural resources. They are wholly ⅕ of the planet's fresh water supply. They are home to a tremendously diverse ecosystem. They represent the identity and economic prowess of the region, and my home state of Michigan.

Throughout my career at the local, state, and federal levels of government, I have promoted efforts to clean up our precious Great Lakes, which have suffered from severe pollution—partly out of ignorance and partly out of indifference. Improper sewage discharges, industrial pollution, and invasive species have wrecked havoc on the Great Lakes over the decades. It takes tremendous coordinated efforts at all levels to deal with these problems.

It is the legislation before us today that gives us an opportunity to embark on a new chapter in restoring the Great Lakes. This Congress and this administration have stepped up to the plate and provided full funding for the Great Lakes Restoration Initiative—a $475 million effort that will combat invasive species, reduce non-point source pollution, and remove contaminated sediment. Through this measure, we will begin to undo the damage that has occurred, and we can take a big step forward in preserving the Great Lakes for future generations.

This conference report also includes an important policy provision that will help protect

thousands of jobs in the Great Lakes Region. Late this summer, the EPA proposed a rule that would have the effect of eliminating up to half of the U.S. flag vessels on the Great Lakes. In addition to the maritime jobs that these vessels support, the cargo on these vessels is critical for commerce including the steel and automobile industries. Losing these vessels would have meant higher costs for consumers and lost jobs for many in the Great Lakes region.

I want to commend Chairman OBEY and Chairman OBERSTAR for their hard work on this issue. As a result of their efforts, the conference report includes language that will grandfather in 13 of these affected vessels, and provides a waiver for other vessels if economic hardships can be shown. We all want cleaner air, but the EPA went about this the wrong way by targeting these small ships that collectively produce fewer emissions than one large ocean-going vessel.

Because of the importance of this legislation to the Great Lakes environment as well as the jobs of those who live in the region, I will support this conference report and I urge my colleagues to join me.

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

The SPEAKER pro tempore. Pursuant to House Resolution 876, the previous question is ordered on the conference report.

The question is on the conference report.

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

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the conference report will be followed by a 5-minute vote on the motion to suspend the rules on H. Res. 783.

The vote was taken by electronic device, and there were—yeas 247, nays 178, not voting 7, as follows:

[Roll No. 826]

YEAS—247

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—178

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)
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Myrick
Neugebauer
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Barrett (SC)
Buyer
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Nunes
Towns

□ 1339

Messrs. TURNER and MOORE of Kansas changed their vote from ''yea'' to ''nay.''

Mr. TANNER changed his 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.

ANNOUNCING THE PASSING OF FORMER GOVERNOR DAVE TREEN

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

Mr. SCALISE. Madam Speaker, it is with sadness that I announce to the House the passing of a former Member of this body, a former Governor of the State of Louisiana, Dave Treen, who passed away this morning at East Jefferson Hospital. He was 81 years old.

He served in this Chamber from 1973 until 1980 and then served as Governor of the State of Louisiana from 1980 until 1984. He was the first Republican Governor elected from Louisiana since Reconstruction. A man who is considered by all on both sides of the aisle as probably one of the people who had the most honor and integrity of anybody in the history of Louisiana politics, somebody who truly set the bar for integrity in public service. Dave Treen is somebody who truly is respected by people all across Louisiana as one of the truly most honorable men to serve in public service.

He also joins his wife, Dodi, whom he loved dearly. He's a proud father, a proud grandfather, a brother as well, and somebody who will dearly be missed in Louisiana.

I yield to my colleague from Louisiana (Mr. MELANCON).

Mr. MELANCON. Madam Speaker, whether serving in Congress or as Governor or working as a private citizen, Dave Treen always put Louisiana first. Dave was bipartisan, a middle-of-the-road compromiser who never forgot that there were greater principles worth fighting for beyond party and politics. He will be remembered fondly by all of us who knew him as a warm, wonderful person and a committed reformer.

My thoughts and prayers are with his family during this difficult time.

Having been a Kappa Sigma, that was one of the places where we had common interest and bond. Dave Treen will

be sorely missed. He was a gentleman, an honorable person, and he loved this body when he served here, and he will be well remembered as Governor of the State of Louisiana.

Mr. SCALISE. Madam Speaker, I ask that the House observe a moment of silence in honor of Dave Treen and his family.

The SPEAKER pro tempore. Members will rise. The House will observe a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection.

RECOGNIZING HISPANIC HERITAGE 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. 783, 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 Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 783.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 9, as follows:

[Roll No. 827]

YEAS—423

Abercrombie
Ackerman
Aderholt
Adler (NJ)
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
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
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
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 (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
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)
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
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
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
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
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Barrett (SC)
Buyer
Coffman (CO)
Gutierrez
Johnson (GA)
Murphy, Patrick
Murphy, Tim
Nunes
Spratt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1350

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.

PROVIDING FOR CONSIDERATION OF H.R. 3854, SMALL BUSINESS FINANCING AND INVESTMENT ACT of 2009

Ms. PINGREE of Maine. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 875 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 875

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3854) to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except the amendments printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. In

the case of sundry further amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Small Business or her designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 3. It shall be in order at any time through the legislative day of October 30, 2009, for the Speaker to entertain motions that the House suspend the rules relating to a measure addressing unemployment compensation.

The SPEAKER pro tempore. The gentlewoman from Maine is recognized for 1 hour.

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

GENERAL LEAVE

Ms. PINGREE of Maine. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks and include extraneous remarks on H. Res. 875.

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

There was no objection.

Ms. PINGREE of Maine. I yield myself such time as I may consume.

Madam Speaker, H. Res. 875 provides for consideration of H.R. 3854, the Small Business Financing and Investment Act of 2009, under a structured rule. The rule self-executes an amendment that removes direct spending from the bill, thereby making the underlying bill PAYGO compliant. The bill makes in order 16 amendments printed in the Rules Committee report. The amendments are debatable for 10 minutes each, except for the manager's amendment which is debatable for 20 minutes.

Additionally, the rule provides authority for the Speaker to entertain motions to suspend the rules through Friday of this week for a measure addressing unemployment compensation.

Madam Speaker, today we will pass a very important piece of legislation that will directly help small businesses from around our country. H.R. 3854, the Small Business Financing and Investment Act of 2009, increases the loan limits available for small businesses through the SBA; it promotes increased private investment in small businesses; it provides increased resources for businesses working in the field of renewable energy; and it supports our veterans returning from Iraq and Afghanistan seeking the capital they need to start or to grow their businesses.

What this bill does beyond anything else is provide much-needed support for Main Street to help small entrepreneurs grow, save, and create jobs. As President Obama said last week, supporting small businesses needs to be our highest priority because when small businesses are succeeding, America succeeds.

When I return to my home State of Maine, I hear from small businesses week after week that access to capital is one of the most difficult challenges that they face. The credit market has been drying up, and small businesses have been hit hard.

Earlier this year, my office hosted an event focused specifically on connecting small businesses with capital, including SBA programs. The response was overwhelming. We had hundreds of small businesses RSVP to attend, so many that we needed to reserve an overflow room to accommodate the demand. These were businesses of all types and sizes, and many of them had driven hours to come to the workshop. They came to this meeting because they felt they had nowhere else to turn.

SBA programs have been an important resource for businesses during this economic downturn, and this bill will take important steps to increase access to and the success of these programs. I want to take a minute to give you a couple of examples from my State of how SBA loans are working to support small businesses.

A company named ALCOM was established by Tom Sturtevant and his stepson, Trapper Clark, in 2006 and is one of the largest manufacturers of aluminum trailers in the northeast. With an SBA loan under the 504 program, this business was able to construct a new, 70,000-square foot manufacturing facility with much-needed space for expansion while enhancing the flow of inventory, and they were able to hire 15 new workers. This is a family-owned business with good-paying manufacturing jobs that has been able not only to survive in the current economic climate, but grow thanks to an SBA loan.

Julia McClure opened Sweets & Meats, a market in Rockland, Maine, earlier this year, thanks to financing she received through the SBA's 7(a) program. Women-owned enterprises is the fastest growing business group, and this grocery store, specializing in local meats and produce, is a great example of how the SBA has worked to support these entrepreneurs.

Casco Bay Molding in Sanford, Maine, is an injection molding company founded by Andy Powell. After working to develop a customer relationship with Flotation Technologies, another Maine-based company and a world leader in buoyance systems, these two companies worked to design and implement a new line of proprietary, deepwater oil and gas exploration and harvesting equipment.

This new demand meant that Casco Bay Molding needed to upgrade to compete with much larger molding shops in the region. With a loan under the SBA 504 program, this small business was able to upgrade their equipment, meet the demand, and employ five additional people in their community in good-paying manufacturing jobs. Furthermore, by helping Casco Bay Molding to succeed and grow, this loan supported other local businesses, like Fiber Materials, providing them the benefits of an expert injection molding operation within close proximity to their manufacturing facility.

□ 1400

This is a great example of the exponential impact that investment in small businesses has in all of our communities, one that expands small businesses, creates new, good-paying jobs, rewards ingenuity, and supports Main Street through this economic downturn.

The problem is there are not enough of these success stories. Small businesses are desperate for credit to expand and grow, and SBA programs, as they currently stand, simply cannot meet this demand. That is why this bill is so important. It will expand and develop these vital programs, including the 7(a) and 504 programs, to better meet the needs of all small businesses.

Mr. Speaker, all across this country, small businesses have struggled during these difficult times through no fault of their own. They didn't cause this economic crisis, but they can help to lead us out of it, and we have to help them access the funding they need to survive, grow and to expand their businesses. The jobs they create today will bring economic growth and prosperity to our communities tomorrow if we just give them the chance.

I urge my colleagues to support this bill today and the underlying bill. As Rumery's Boatyard, another SBA loan recipient from Maine told me, it is imperative that we support our small businesses and ensure that they are ready to go once the economy fully recovers.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentlewoman yielding me the time. I yield myself such time as I may consume.

Mr. Speaker, we've just heard our good friends from the Democratic Party talk about wanting to support small business. I think it's interesting that today this bill is all about making sure the government has money available to loan to small business because we want them to be successful, and yet this committee and this Congress, under the Democrat leadership, ignores the leading four or five different items that small business would say they need the most to be successful to grow, to expand, to continue employment, which is the backbone of the economy.

High taxes, depreciation—this next week the biggest killer of them all, after we pass this bill, the health care bill is going to come on the floor which will kill small business. President Obama's own numbers say 4.7 million

jobs will be lost with the health care bill. It will tax small business. It will bring enormous rules and regulations, and yet here we are, talking about wanting to help small business today. If you really want to help, first of all, you ought to get out of the way; secondly, don't pass rules, regulation, laws, taxation that diminish small business.

So, with that said, I am delighted to be on the floor to talk about this Small Business Financing and Investment Act. In the Rules Committee, it was plain and simple that not allowing an open rule this year is where we continue. There is plenty of time for my friends on the other side of the aisle to allow for an open rule today to discuss the 42 amendments that were offered in the Rules Committee, of which only 16 were made in order.

I offered an amendment to the Rules Committee last night that was voted down by my Democrat colleagues. My amendment would have benefited small businesses by allowing them to choose the asset depreciation schedule that best suits their individual businesses. Today we have a depreciation schedule that is entirely formulated by the government, to the detriment of the free enterprise system and small businesses. The current system of asset depreciation inhibits economic growth. That's right. It forces companies to depreciate their assets over an arbitrary period of time. It competes against business, and certainly small business, by making sure the government gets their money first. Congress needs to create incentives for American businesses to reinvest in their companies, buy new equipment and hire more workers, not the opposite.

Small business employs about half of all Americans, and they are critical to our economic growth. But tax policies out of Washington by this Democratic Congress are making it harder and harder for them to do business. Also add in rules, regulations and a political agenda that will lose a net 10 million American jobs, most of them small business, just with the three biggest political agenda items that the Democratic Party has, 10 million American jobs lost, and that's the political agenda.

If this Democrat majority really wants to help small businesses, they would have allowed some commonsense amendments to come forth to the floor, by the way, amendments that small businesses ask for the most. I plan on using this opportunity to talk about our economy, the Nation's diminishing job numbers, the future of government mandates, and tax increases that will continue to stifle our economy and cut U.S. jobs. This is the Democratic Party's agenda, to kill the free enterprise system in America, and the starting blow is these three major political agendas that will lose a net 10 million American jobs.

Mr. Speaker, the Obama administration promised Americans that if Congress passed the stimulus package, that unemployment would not go above 8 percent, that it would create and save millions of jobs. Here we are 9 months later with a record 9.7 percent unemployment rate, the highest in 26 years, and more than 2 million Americans have lost their jobs since the stimulus package of $1.2 trillion.

What do we see from the White House? Lavish parties, trips to New York, just a whole lot of fun, everything but this President focusing on what any economist would say will create jobs in this country, what will keep the jobs that we have in this country. So my colleagues on the Democratic side continue to push their agenda that increases costs, increases taxes for individuals, while shrinking our Nation's workforce.

By the way, the Nation's workforce is called American jobs. By the way, those evil corporations that our friends, the Democrats, are after are called employers. Let's just put them at bay, and you will see no job employment.

In June, my friends on the other side of the aisle passed a cap-and-trade, or what is commonly called cap-and-tax, bill that will raise prices on energy, raise prices on goods, raise prices on services for every single hardworking American in this country. In my home State of Texas, the average household can now expect to spend more than $1,100 extra a year if this bill passes as a result of this legislation, and this legislation could diminish over 1.38 million manufacturing jobs.

In my book, manufacturing is small business. Just today congressional Democrats had a great big press conference that looked more like a victory lap to me, thinking that they're going to pass this bill that was 1,990 pages, a sweeping health care bill that effectively will continue to shrink the employer base. It will shrink the employer-based insurance market and force 114 million people into an unsustainable government-run program, a program where government bureaucrats will be choosing what doctors a patient can see and, further, what procedures will be paid for for that doctor.

This trillion-dollar package also raises taxes on individuals, it raises taxes on small businesses that do not participate in the government plan, and up to $800 billion will be spent, according to a model developed by the President's own economic adviser, and it will diminish between 4.7 and 5.5 million more American jobs, using the President's own figures. Most of those will come from small business.

Well, hold it. I thought we were here to help small business today. But don't worry, next week we'll go ahead and pass a bill that will diminish between 4.7 and 5.5 million more American jobs. No wonder the American public can't figure out what's going on in Washington. One week we're saying, We're trying to help you, and the next week, I'm sorry about that, but somebody else's job is more important than yours.

Earlier this month, the Treasury Department reported that the Federal budget deficit reached a record $1.1417 trillion during the month of September. The Treasury Department also reported that the national debt reached $11.9 trillion. This means that since 2007, the Obama administration and this Democrat Congress have increased the Federal deficit by over $1.25 trillion and increased the national debt by over $3 trillion. When will it stop? No wonder we're losing small business jobs. No wonder we're losing American jobs. No wonder the American people are saying, What is going on in Washington, D.C.?

The Democratic majority is taxing, spending with more rules and regulations, and the jobs—let's get this right—are leaving. They're leaving this country, and they're going somewhere else. We aren't just losing the jobs. They're going somewhere else. We've asked this administration, we've asked this Democrat majority, Where are the jobs? Where are the jobs you promised? We've spent a lot of money. Where are the jobs?

In closing, Mr. Speaker, this legislation—yeah, I would offer some assistance to small business, but I believe there are more effective ways to assist them during the economic crisis. For instance, not growing the size of government just to give them, small business, a loan. We should be doing things to improve small business by expensing, by permanently repealing the death tax, by extending tax relief, by improving regulatory reform, by not adding a cap-and-trade bill, and by golly, for sure not next week trying out and then passing a health care bill which will diminish American jobs.

Mr. Speaker, we have a lot to say. There is a lot of time today, but what we want is for the American people to become engaged in what's going on in Washington, and I think they're watching.

I will be asking for a ''no'' vote on the previous question, a ''no'' vote on the rule.

I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, before I yield to one of my colleagues, I do want to point out that while my good colleague from Texas (Mr. SESSIONS) has indeed stated many issues of concern to small businesses, that the amendment he proposed in the Rules Committee was nongermane and also violated the PAYGO rule. I suspect that's why my colleagues on the Democratic side voted against that particular amendment.

Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I rise on the rule to support the underlying bill, H.R. 3854, the Small Business Financing and Investment Act of 2009. This is an important piece of legislation that

will provide our country's small businesses with additional tools that they need during these uncertain economic times.

I'm particularly pleased that the Rules Committee adopted an amendment that I authored and included it in Chairwoman VELÁZQUEZ' manager's amendment. I want to thank her and commend her for her hard work on this important piece of legislation.

The amendment that has been included gives priority to small businesses applying for stabilization loans in cities that have been hit especially hard by high levels of unemployment. For cities in my district and in the San Joaquin Valley, like Delano, Firebaugh and Mendota, that have over 30 percent unemployment, this will be an additional help for the struggling small businesses in those communities. But in communities throughout the country that are experiencing high, above-average unemployment levels, it will of course be very helpful.

Overall, the legislation helps facilitate small businesses by lending, by bolstering vital programs within the SBA, the Small Business Administration. It also encourages small lenders to participate in programs to help rural businesses and veteran-owned businesses to secure loans, loans which have been difficult for them to obtain. This bill is expected to produce over $44 billion in lending to small businesses across the country, help create jobs and get our economy back on the path to recovery.

I ask for an ''aye'' vote.

□ 1415

Mr. SESSIONS. Mr. Speaker, I yield 8 minutes to a very distinguished young gentleman who is an arch supporter of not only small business but who remembers that, if we will balance the budget, the free enterprise system will grow, the gentleman from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman. I doubt I will take 8 minutes.

Mr. Speaker, I rise in opposition to this rule. I submitted an amendment to the Rules Committee that would have prevented the Small Business Administration from engaging in the practice of making direct loans to private small businesses. I should mention that this amendment was germane. There was no problem. It wasn't out of order, and it should have been made in order here today.

The Capital Backstop Program, authorized by this legislation, would allow the SBA to make direct loans during a time of recession to small businesses that are denied loans by private lenders. In other words, the Federal Government will begin making loans using taxpayer dollars to finance small businesses that are unable to secure loans through the private sector.

Now, let's back up just a bit.

What the Small Business Administration does is it guarantees loans made by banks to businesses. In this case, if a bank won't lend money to a business even if that money is guaranteed by the Federal Government, then we might step in and lend money directly to that business. This is something we have not done in decades with the SBA.

Ask yourself: If a bank out there won't lend money with Federal guarantees, is it the proper role of the Federal taxpayer to step in and lend money directly to that business?

Maybe we ought to step back and say, There might be a problem here with that business. If a bank won't lend them money when that loan is guaranteed, why should we be lending them money? Why should we be exposing the taxpayer here?

Government interference in the private sector is not the only cause for concern over this program. Not long ago, Congress undertook a series of studies and hearings on the government-run Reconstruction Finance Corporation, which was a relic of the Great Depression that engaged in direct lending to private entities. I will mention we haven't done this for a long time, but we did at one point lend money directly to businesses.

The Depression had long since ended, but the RFC remained intact, and there were reports of corruption. One of the studies, called the Hoover Commission, submitted a report to the Congress in 1949. It warned—and I'll read directly from the report:

Direct lending by the government to persons or enterprises opens up dangerous possibilities of waste and favoritism to individuals and enterprises. It invites political and private pressure or even corruption.

This is what they found happened when we lent money directly to businesses in this fashion. Yet here we are today, willing to ignore our own reports in Congress, willing to ignore the lessons of the past, and willing to start engaging in this practice again.

Again, this bill authorizes a program which, after a bank has passed on giving a loan to a business even after we step in and say we'll guarantee that loan, the bank says, No, we still won't do it. So we say, Okay. We'll put taxpayers on the hook.

Now, why in the world wouldn't we allow an amendment today to have an up-or-down vote on whether to strike that provision of this new authorization? Why shouldn't we decide that here in this House? Why is it so important to rush this bill through without giving the Members of this body the opportunity to stand up and say, Hey, you know, we've produced reports in this Congress; we've had commissions which report that there is a problem when we have direct lending programs like this that, maybe, we ought to consider?

No. The Rules Committee says, We don't even want you to vote on that. We don't want anything to do with it. We'll just not allow it on the floor. We'll have a structured rule, and you won't have an opportunity to vote on it.

That simply isn't right, Mr. Speaker. I'm disappointed that we won't be able to debate the merits on this.

I would ask that the Members of this body vote ''no'' on this rule. Go back to the Rules Committee. Allow a rule to come to the floor that allows the Members of this body to actually exercise our franchise here. When we see a program that might have a problem, let's at least have an up-or-down vote and at least be able to decide if we should be doing this or not instead of just turning a blind eye and saying that the reports that this Congress has produced in the past and that the studies of the commissions that we've appointed don't matter because we know better now.

So, Mr. Speaker, let's vote down this rule, if we can't change this bill, to prohibit the direct lending to small businesses that banks won't even lend to after we guarantee those loans. If that provision isn't removed, we ought to vote down the bill.

Ms. PINGREE of Maine. Mr. Speaker, I want to point out that the gentleman who just spoke does have one amendment in order under the rule.

I yield 2 minutes to a member of the Small Business Committee, the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, I rise in support of the rule to consider the Small Business Financing and Investment Act.

This bill improves access to capital for small businesses, which is a vital step towards growing our economy and creating jobs. Time after time, I hear from small business owners in western Pennsylvania saying they would like to hire more employees and would like to expand their services, but they cannot acquire the loans necessary no matter how good their credit scores.

I would like to highlight a provision that I drafted that this rule makes in order as part of the manager's amendment to this bill.

My provision directs the New Market Venture Capital companies to prioritize providing financing to veteran-owned small businesses in low-income areas. The New Market Venture Capital program encourages equity investments in small businesses in low-income areas by providing tax credits, and it is just the kind of targeted program that America needs to recover from economic hardship.

This provision I added, with the support of my colleagues, gives priority to the heroes of America's Armed Forces as they apply for funding in areas that qualify for the New Market Venture Capital program in order to start new lives following their service to this country. We can never fully repay our veterans, but with this provision, we can honor them by offering new opportunities to use their strength and experience to create jobs in communities that need them the most.

I urge my colleagues to support the rule and the bill.

Mr. SESSIONS. Mr. Speaker, I would like to inform my colleague that I do not anticipate having any additional speakers at this time, and I would allow the gentlewoman to run down any time she has with the knowledge that, before she would close, I would do the same.

I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the gentlewoman from Maine for yielding me this time.

Mr. Speaker, I do rise in strong support of the rule and of the underlying bill, the Small Business Financing and Investment Act. This bill couldn't be more timely. Many of the provisions that we passed in the American Recovery Act to expand the opportunity of small business loan programs are about to expire.

I know, in my district in western Wisconsin, I haven't been on the phone more often than in the past year talking to small business owners who are struggling to get credit in order to keep their doors open. In fact, earlier this week, I was on the phone with the owner of a small manufacturing business that makes boats. He said that he has got customers lining up who are willing to make purchases of those boats, but because lines of credit are not available to them, they can't move forward and close the deals. This has a tremendous ripple effect throughout our entire economy.

I would submit to my colleagues here today that, unless we figure out a way of freeing up the capital markets so that they are more free-flowing and are more efficient, especially for small businesses and farmers, this will be a very difficult recovery to endure. That's why the Small Business Financing and Investment Act is important. We are expanding and extending the 7(a) and 504 loan programs, not to mention expanding the ARC program, as well as the Working Capital Loan Fund.

I want to just take a moment and commend the regional director of the Small Business Administration in my area, Eric Ness, with whom I've teamed up in the last 6 months to hold multiple small business forums throughout western Wisconsin, which help inform small business owners and farmers about the availability of the SBA programs, as well as the local lenders, so that they do know what's available and how it works.

Now, my good friend and colleague from the State of Texas—and he is my friend—had a few mischaracterizations that I want to clarify. As President Reagan is fond of saying, facts can be a stubborn thing. The facts are these:

When we passed the American Recovery Act, we did have accelerated depreciation and expensing for small businesses in it. We had a net operating loss carryback for small businesses so that the profits that they took in previous years could be immediately written down over the last couple of years when they were suffering losses. This has worked to have an immediate cash infusion into those small businesses. What we're doing here today is directly beneficial to small businesses in trying to free up these capital markets that are not working well. These are proven programs that we clearly need to extend and expand upon.

I commend Chairwoman VELÁZQUEZ of the Small Business Committee, and I commend every member on that committee for the attention and the energy that they have devoted to the plight of small business owners.

In my region of the world, in my district, I know, unless small businesses have the ability to keep their doors open—to make payroll, to make investments, and to expand jobs—we're not going to see the type of job growth that is required to recover from the worst economic recession since the Great Depression.

I would encourage my colleagues to support this rule and to support the underlying bill. Show your support for small businesses, support that they need today.

Mr. SESSIONS. Mr. Speaker, over the last few months, the American people have written and called their Members of Congress. They've attended town hall meetings. They've been in the media, on the news, in the newspapers, and they have asked that all Members of Congress read their bills before they vote on them. The American people are outraged.

That's why, today, we will be asking for a ''no'' vote on the previous question, because we believe that this process is closed and not open to amendments that would need to be done, which the American people are asking for, including small businesses. We can see what's getting ready to happen next week when we handle the health care bill. So I will be asking for a ''no'' vote on the previous question so we can amend the rule and can allow the House to consider an open bill for H. Res. 544, a bipartisan bill by my colleagues Representatives BAIRD and CULBERSON. They have gathered together to make sure that all of the bills of interest would be allowed to be read for 72 hours.

I also ask unanimous consent to insert in the RECORD an amendment and extraneous materials prior to the vote on the previous question.

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

There was no objection.

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

Ms. PINGREE of Maine. Mr. Speaker, I want to again highlight what we are considering here today.

This is a bill that will support small businesses when they need it most—access to the financing they need to survive, to grow, to expand, and to create the jobs that will drive our economy. I know this is essential as I have heard from businesses throughout the 125 towns in my congressional district.

In fact, I have owned small businesses for most of my adult life. For many years, I owned a business that sold our products around the country and grew to employ 10 people in a town with just 350 residents. I currently own an inn and a restaurant that uses produce grown in my community and seafood caught locally. I know what it is to be the last person to lock the doors at the end of the day, to meet a payroll, and to argue with the bank about borrowing money to expand.

Mr. Speaker, I have been lucky to own a small business which has been an important part of my community and which has provided jobs, but I never would have been able to survive without access to the investment the business has needed to grow.

When facing the economic climate that we currently do, it is vital that we do everything in our power to support the small businesses that create 64 percent of the new jobs in this country, that comprise more than 99 percent of all employer companies, and that are the backbone of the communities that we live in.

This bill is an important step in supporting those small businesses—with $44 billion in lending that will help save or create 1.3 million jobs each year and by ensuring that small businesses have the necessary capital to stay in business and to expand as the economy recovers. This bill is more than simply an investment in small business; it is an investment in American job growth.

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

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 875 OFFERED BY MR. SESSIONS

At the end of the resolution, insert the following new section:

Sec. 4. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 554) amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) an amendment, if offered by the Minority Leader or his designee and if printed in that portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII at least one legislative day prior to its consideration, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for twenty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit

which shall not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 554.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. PINGREE of Maine. I yield back the balance of my time and move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1430

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the H.R. 3854.

The SPEAKER pro tempore (Mr. KIND). Is there objection to the request of the gentlewoman from New York?

There was no objection.

SMALL BUSINESS FINANCING AND INVESTMENT ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 875 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3854.

□ 1431

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3854) to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, and for other purposes, with Mr. SERRANO in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Missouri (Mr. GRAVES) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this bill, which will enhance the SBA's capital access programs. This bill is a bipartisan product. It has the support of 48 stakeholder groups and could not have come together without the contributions of eight different committee members, including two from the minority. It addresses a key concern for small firms and ensures they have the resources to help grow our economy.

If history is any guide, small businesses will be the key to our recovery. Since our Nation's founding, they have helped us bounce back from countless downturns, including the recession of the mid-1990s. At that time, start-up businesses generated 3.8 million new jobs. And ultimately, Mr. Chairman, that is what our recovery efforts are all about, putting Americans back to work.

Through innovation and ingenuity, small businesses have created enormous wealth for our Nation. But America's economic engine doesn't run on good ideas alone. Small firms need capital to not only get off the ground, but to operate and grow. That is why H.R. 3854 delivers better funding options to small firms at every stage of development.

For the aspiring entrepreneur, it opens new avenues for seed capital and microloans. For the mid-market venture, it provides fresh funds for investment. And for the established business, it creates room for targeted risk and innovation. And it could not have come at a more critical time.

Small business lending is declining at alarming rates. In July, a survey by the Federal Reserve found that 35 percent of banks have tightened lending to small businesses. In terms of credit cards, a popular source of funding for entrepreneurs, 79 percent have seen their lines cut radically. These are exceptional declines. And if we fail to address them, we risk losing more than our most innovative businesses. We risk losing hundreds of thousands of jobs.

Small businesses with tight profit margins do not have the luxury of simply tightening the belt. When money is short, they are often forced to lay off workers. But with unemployment at 9.8 percent, we just cannot afford more losses. That is why this bill delivers critical capital to new ventures.

To begin, it helps steer equity investment to start-ups in high-growth fields like IT and clean energy. It also enhances SBA's microloan program. Two weeks ago, my committee heard from an entrepreneur who used microloans to grow his business from a fledgling firm to a thriving enterprise with 30 employees. By improving the microloan program, imagine how many more new businesses, and new jobs, we can generate.

Ask any small business owner, and they will tell you that start-ups are not the only firms that need capital. Established ventures in fields like manufacturing, for example, need funding to adapt to the changing marketplace. By improving the 504 program, this bill gives them the flexibility to purchase new equipment and otherwise retool operations. When paired with new initiatives like the New Markets Venture Capital and Renewable Energy Capital Investment programs, these efforts will help manufacturers emerge from the downturn stronger and better poised to create new jobs.

Meanwhile, we are also delivering important lending options to our Nation's veterans, offering reduced borrower fees and increased loan guarantees. As our servicemen and -women return home from deployment abroad, we need to be sure they have access to the economic opportunities that entrepreneurship offers.

Mr. Chairman, this bill is about choices. It is about better options for the small businesses that didn't get a bailout. H.R. 3854 provides critical funding to small firms in every industry and, most importantly, generates

jobs. In fact, it will create or sustain more than 1.3 million positions nationwide.

In the 111th Congress, job creation is our number one priority. It only makes sense to support legislation that gets us there.

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

Mr. GRAVES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 3854, the Small Business Financing and Investment Act of 2009. Before we even get started, I want to thank the chairwoman, the gentlelady from New York, and Subcommittee Chairman SCHRADER for working in a very bipartisan manner to craft this important legislation. This bill includes bills introduced by Mr. BUCHANAN and Mr. LUETKEMEYER of the committee, and I think it is a good piece of legislation.

The bill before us today will significantly strengthen the ability of small businesses to obtain needed capital for retaining and creating new jobs. The committee has heard time and time and time again that small businesses want to expand but can't find funds necessary to do so. I am sure most of the Members of this Chamber have heard the same thing from their small business constituents back home.

If small businesses create most of the new jobs in this country and can't obtain capital, economic recovery is going to be a faint light at the end of a very long and dark tunnel. Enactment of H.R. 3854 isn't going to magically correct the flaws in the credit markets for small businesses, nor will the programs in these bills increase the confidence of small businesses while the President continues to push initiatives such as capital-and-trade and health care reform that are going to raise costs on small businesses. Nevertheless, the provisions of this bill to improve the financing programs operated by the Small Business Administration can play a vital role in relieving the existing stress on the capital and credit markets for small businesses until those markets return to more normal operations.

Title I of the bill reduces the barriers to utilization of the 7(a) guaranteed loan program by community banks, particularly those in rural areas.

Mr. BUCHANAN's bill, incorporated as title II, overhauls the operation of the Certified Development Company loan program and will make long-term fixed rate debt available to many small businesses, particularly manufacturers seeking to retool and expand their operations.

Title III makes modest, but important, changes to the microloan program, which will give America's smallest entrepreneurs a greater chance of success.

Title IV adopts Mr. LUETKEMEYER's bill to enhance the Small Business Investment Company program by enabling successful managers of such companies to more easily expand their operations.

Title V's most significant change is to correct a flaw in the New Market Venture Capital Company program that would spur greater investment in poor rural areas of the country.

Title VI establishes a loan program which will enable physicians and other providers of health care to make the necessary investment in the efficiency of electronic health records.

Title VII provides the SBA with the opportunity to leverage Federal funds with the best venture operators to promote investment in early stage businesses, like the next Microsoft, Dell, Google or Federal Express.

Title VIII makes additional modifications to the SBA's disaster loan program in order to ensure that small businesses will quickly have needed funds to help recover from a disaster.

In addition to amending key financing programs, this bill, including title IX, makes concerted efforts at increasing the transparency of the SBA's decision-making process. It would be foolish to make significant improvements in these vital financial programs, yet have small businesses' access to them curtailed by inefficient and opaque administration by the SBA.

I would like to add one final point to my comments, Mr. Chairman. Some may question the cost of this bill in a time of fiscal constraints. However, I believe that it represents a vital investment in a better future for our economy. For the past decade, this country's biggest export has been risk. However, America was not built on derivatives or credit default swaps. It was built by individuals creating new products in new ways that the entire world demanded. This bill will help us return to that America, one based on the hard work of creating real and tangible products that are the envy of the entire world.

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

Mr. SCHRADER. Mr. Chairman, I yield myself such time as I may consume.

I rise today in strong support of H.R. 3854, the Small Business Financing and Investment Act of 2009. This bill represents the culmination of work done by many hard-working members of the Small Business Committee, Democrats and Republicans. They both understand how critical small business growth is for communities throughout this Nation and to our economy as a whole.

I specifically want to acknowledge Chairwoman VELÁZQUEZ, Ranking Member GRAVES, Representatives HALVORSON, KIRKPATRICK, NYE, LUETKEMEYER, DAHLKEMPER, ELLSWORTH and GRIFFITH, and the ranking member of my Subcommittee on Finance and Tax, Representative BUCHANAN, and their expertise in crafting the various sections of the bill that the ranking member referenced. These leaders recognize that small businesses are the backbone of our economy and must be the driving force in spurring economic growth.

Also, I want to thank personally my Small Business Advisory Board in Oregon. They provided me critical information and thoughts about what this Congress can be doing to truly aid small businesses.

Small businesses are the real job creators for most of our communities, but unfortunately, the current recession has hit them very, very hard. As a small business owner myself for over 30 years, I understand all too well the difficulties they face accessing capital during these tough economic times. Many small business owners literally survive month-to-month. They rely on timely payment for their products and services because they do not possess the deep reserves of some of the larger companies. That is why a deep, prolonged recession is particularly dangerous for small businesses.

In August, I held a hearing of my Finance and Tax Subcommittee in Salem, Oregon, in the heart of my congressional district. We took testimony from small business owners and learned firsthand about the difficulties of accessing loans and how crippling the current situation is for many small businesses. We also heard from banks and credit unions who talked about their concerns with making loans, given the recession environment, and the new regulatory burdens placed on them. We talked about problems with the SBA and how we can improve their programs to make them friendlier, more efficient and responsive to both businesses and lenders, and we talked about many solutions to the current credit freeze. I am pleased to say that many of these proposals are in the legislation we are debating here today.

In our current environment, small businesses everywhere, in every industry, face the same problem: They cannot access affordable capital. Entrepreneurs who are looking to expand and hire workers, and companies who want to borrow money to stay afloat, are unable to secure necessary credit because of the economic downturn, despite their own past good credit.

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The SBA's diverse catalog of lending and investment programs, as approved here today, have the potential to increase access to capital and provide the needed loans when the private sector is uncertain about accepting more risk.

That is why passage of H.R. 3854 is so critical to create jobs and build our economy right now. It increases the maximum loan sizes for SBA 7(a), 504, microloan, and newly created ARC loan programs. It increases efficiency at the SBA, something we have needed for a long time, by reducing burdensome application loan times for the regular loans, rural loans, cooperative loans and the ARC program. It allows CDCs to do loan liquidation for the 504 program, helping pay for that program. It includes closing costs on 7(a) and 504

loans in the loans. It approves the SBIC licensing protocol to make it more attractive to our lenders and aligns definitions and program opportunities with the U.S. Department of Agriculture with similar programs.

It encourages banks to participate once again and loan by increasing guarantees to 90 percent. It extends for a longer period of time the American Recovery and Reinvestment Act so it's more attractive for banks to gear up for those programs. It cuts lender fees, requires prompt purchase of bad loans by the SBA within 45 days, and simplifies the ARC loan application to one page.

Mr. Chairman, our American small businesses are comprised of individuals who drive innovation, develop resources to meet the demands of our changing world, and make a meaningful impact on our local communities. In my State of Oregon, 98 percent of the businesses are small businesses, and they employ almost 60 percent of our workforce.

At a time when our State and our country face high unemployment, it makes perfect sense to do all we can to help small businesses do what they do best, create jobs in our economy. That's what H.R. 3854 will do, and why I urge a strong ''yes'' vote.

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

Mr. GRAVES. Mr. Chairman, I yield such time as he may consume to my colleague from Missouri, Mr. LUETKEMEYER, the ranking member of the Rural Development, Entrepreneurship and Trade Subcommittee.

Mr. LUETKEMEYER. Again, I would like to echo the sentiments of Ranking Member GRAVES with regards to the fine bipartisanship and the good, hard work of everybody on the committee to come up with, I think, an outstanding bill to help our small business folks in this country.

Mr. Chairman, I rise today in support of H.R. 3854 and am pleased to see that this bill includes my legislation, H.R. 3740, the Small Business Investment Company Modernization and Improvement Act of 2009.

As a small businessman, I am proud to support a bill that would assist many fellow small business owners and employees throughout my district and Missouri and all throughout the country. Small businesses have generated up to 80 percent of new net jobs annually over the last decade and contribute 38 percent of the GDP. Like every recession before, small business will lead us back to economic prosperity.

Most small business owners remain cautious in their economic outlook, with more than two-thirds in recent polls saying the recession is not over for them. Many people want to signal that their economy is on the mend, but American small businesses and small business owners aren't able to send that message yet.

Small businesses have never had a harder time getting a loan, as access to credit is being denied at an increasing pace. Since the onset of the credit crisis over 2 years ago, available credit to small business consumers has contracted by billions of dollars. Without access to credit, small businesses can't grow, can't hire, and too often end up going out of business.

In recent hearings on the Small Business Administration's capital access programs, we heard from two SBIC witnesses from my home State of Missouri, Capital For Business and C3 Capital. Both testified that despite having a 50-year record of growing American small businesses and providing over $55 billion in financing to over 100,000 U.S.-based businesses, the SBIC is being dramatically underutilized. When both credit and investment have evaporated, it does not make sense to leave an effective small business tool unused.

Additionally, this bill will halt the continued flight of SBICs that participate in the program by establishing an expedited licensing process. A broken licensing system for far too long has been cutting off capital to good small businesses. I know of a successful SBIC in Missouri that applied for a second license and it took over 1 year, countless hours of paperwork and expensive legal bills.

This legislation would provide a transparent process with clear standards and a reasonable timeline for applicants. This bill also includes strong taxpayer protections. New background checks and proof of raised capital would be required.

Funds that have major regulatory problems or are unable to raise private funds would not be able to get an expedited repeat license. Further, the administrator should have the authority to put the brakes on any application that she thinks may pose a risk to the taxpayer.

At a time when small businesses are still struggling to keep their doors open, I am pleased to see a bill working its way through the legislative process that would improve initiatives already available to small businesses. Perhaps more important, the bill we consider today recognizes the ability here to create good private sector jobs in Missouri and across the country.

Mr. Chairman, this bill is not an answer to what ails our economy. It is a good start to help small business, the economic engine of our economy, get back into the business of doing business.

I urge my colleagues to adopt the legislation.

Mr. SCHRADER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Mrs. HALVORSON).

Mrs. HALVORSON. Mr. Chairman, I rise today in support of H.R. 3854, the Small Business Financing and Investment Act. I am proud to be an original cosponsor of this bill, which includes language from legislation I introduced, H.R. 3723, the Small Business Credit Expansion and Loan Markets Stabilization Act.

I commend Chairwoman VELÁZQUEZ, Ranking Member GRAVES, and Mr. SCHRADER for his hard work on the bill before us today.

This year, the House has already passed several pieces of legislation that will help our Nation's small business owners, but it's clear that we still have much work to do. I also want to thank the small business owners in my district for getting together regularly to let me know what is going on with their small business. In fact, we are still hearing from them every day about what's going on and especially the difficulties in accessing credit, which continues to be a major challenge.

Small businesses need capital to grow and create new jobs, but the credit crunch has made it exceedingly difficult for them to obtain loans, which we know firsthand, as my husband owns two small businesses, and that also continually is a difficult time. In times like this, small businesses turn to the SBA. The American Recovery and Reinvestment Act includes several provisions that strengthen the Small Business Administration's ability to help small businesses access capital.

The legislation before us today will enhance the SBA's access to capital programs and build on the progress made by the recovery bill. H.R. 3854 will improve the SBA's flagship 7(a) loan program. It extends provisions in the Recovery Act that reduce borrower fees and increase SBA loan guarantees.

We will also extend the ARC loan program, simplify the application process and increase the maximum loan. To increase lender participation, the bill creates new rural and small lender outreach programs of the SBA.

Finally, we are going to help veteran entrepreneurs by fully implementing the SBA's Increased Veteran Participation Loan Program.

H.R. 3854 will help get credit flowing again for America's small business owners so that they can create new jobs and jump-start our economy.

I urge my colleagues to join me in supporting this legislation.

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

Mr. SCHRADER. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. ELLSWORTH).

Mr. ELLSWORTH. I thank the chairman and thank all of my colleagues on the committee for their hard work on this bill, especially Chairwoman VELÁZQUEZ and Ranking Member GRAVES for their leadership and the bipartisan spirit with which we wrote this bill.

Mr. Chairman, tough economic times like these we are in right now have time and time again spurred the innovations to put us back on the right track. The entrepreneurs who take on the risk of starting a new business in these times, they are the ones who will transform our economy and jump-start growth in our communities.

Unfortunately, entrepreneurs in my district and across the country are

being turned away by lenders nervous about the risk of starting a new business. That's why it's so important that we pass this bill today. The Small Business Financing and Investment Act will provide much-needed assistance to entrepreneurs who are just asking for a chance to succeed.

The Small Business Administration's microloan program helps entrepreneurs like these secure start-up capital to get their new ventures off the ground. Unfortunately, the SBA's microloan program remains underused.

Too many of these funds Congress has provided to help these small businesses are being left on the table, despite the credit crunch in the private marketplace. Clearly we need to bridge the gap so that more aspiring business owners find the credit they need to get started.

The legislation before us includes a bill that I authored to improve how the SBA's microloan program functions. The Small Business Microlending Expansion Act makes a number of changes to improve this program and expand its reach to more small businesses.

These changes will put unused loan funds toward making existing microloans more affordable. It will get more lenders involved in the program while expanding the amount existing lenders can provide to their communities. It improves the ability of lenders to provide the technical assistance entrepreneurs need to succeed.

Simply put, this bill will increase the capital flowing to entrepreneurs, who can use those loans to build a business, employ their neighbors, and improve their community. That is our goal today, and it should be the goal every day.

Mr. GRAVES. Mr. Chairman, I continue to reserve the balance of my time.

Mr. SCHRADER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. I thank the Chair for yielding.

Mr. Chairman, I rise in strong support of the manager's amendment and the Small Business Financing and Investment Act of 2009.

I want to commend Chairwoman VELÁZQUEZ and the subcommittee Chair, Mr. SCHRADER, for their hard work on behalf of small businesses across the country. As a former small business owner, I appreciate the challenges entrepreneurs and small business owners face in gaining access to the capital that they need to grow their businesses.

This summer, I held a roundtable with Illinois businesses and the SBA to discuss these challenges. That's why I have long supported measures to improve and expand SBA loan programs, which offer low interest, long-term loans to creditworthy community business owners. In the last Congress, I authored similar legislation, the Small Business Lending Improvements Act, which passed the House in 2007.

The expedited consideration of H.R. 3854 underscores both the importance and urgency of assuring access to capital for our small business community. Simply put, the U.S. cannot promote economic recovery without small businesses, as they are the engine of job creation and innovation in our Nation.

The American Recovery and Reinvestment Act did a great deal to provide lending and investment. Since the bill's enactment in February, the SBA has supported $13.4 billion in small business lending, and weekly loan approvals have increased by 75 percent.

That said, the SBA's capital access programs aren't equipped to meet current needs. H.R. 3854 brings long-awaited updates and improvements to SBA's lending initiatives, most importantly, preserving the original intent of these programs to help make affordable sources of financing accessible.

This legislation raises the cap on 7(a), 504 and ARC loans. It directs the SBA to target capital towards communities hard-hit by the recession and towards industries that hold the most promise for American innovation and competitiveness. The measure also streamlines the loan application process and makes it easier for small and community lenders to participate in the programs.

I am particularly pleased that a provision that I authored enabling staffing company franchises to qualify for SBA programs was included in the manager's amendment. Supporting the temporary staffing industry is important now more than ever as temporary positions provide a lifeline to many workers in a constrained job market. Their market growth also serves as an early indicator of emerging job markets towards broader recovery.

My provision directs the SBA to continue applying its historically considered affiliation factors when determining a business' independence so that franchisees are not penalized.

I would like to thank Chairwoman VELÁZQUEZ for including this provision in the manager's amendment. H.R. 3854 provides the tools to help small businesses access capital, create jobs and fuel our economy as we move forward.

I urge my colleagues to support this important bill.

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The CHAIR. The Chair will note that the gentleman from Oregon has 12½ minutes remaining. The gentleman from Missouri has 22½ minutes remaining.

Mr. GRAVES. Mr. Chairman, I continue to reserve the balance of my time.

Mr. SCHRADER. Mr. Chairman, I would like to yield 3 minutes to the gentlelady from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Mr. Chairman, I rise today in support of the Small Business Financing and Investment Act. I want to thank Subcommittee Chair SCHRADER and Chairwoman VELÁZQUEZ as well as so many members of the committee who have worked so hard on this legislation.

As a member of the Small Business Committee and a former small business owner, I know firsthand that small businesses are the driving force of our economy, creating between 60 and 80 percent of our Nation's new jobs every year. Small businesses create good jobs and strengthen our communities. Not only do small businesses bring valuable resources to our neighborhoods, but they bring prosperity as well. When small businesses succeed, they benefit everyone in the community.

Small businesses have been among the hardest hit by the recession. The Small Business Financing and Investment Act will help open tight credit markets that have shut down small business owners during this economic crisis so that small businesses can create jobs, particularly in struggling regions and industries. In addition, this small business legislation takes an important step to address another issue affecting small businesses in the health care business sector.

My legislation, the Small Business Health Information Technology Financing Act, which has been incorporated into this bill, makes cost-saving information technology affordable for small group and individual health care practitioners. Administrative burdens add dramatically to the ever-rising price tag of health care, but the cost-saving information, technologies which are ready available, are often too expensive an investment for small group or individual health care providers. That includes small group physicians, nurse practitioners, community pharmacists and others.

My provision creates an affordable loan program for these providers to make the investment in health information technologies that lower the cost of health care for everyone.

The Small Business Health Information Technology Financing Act creates a new loan guarantee program at the Small Business Administration for the purchase of health information technology by health care professionals in individual and small group practices, those with 50 or fewer employees. The loan guarantee program provides a 90 percent guarantee and loan amounts up to $350,000 for an individual practitioner and $2 million for a group.

Mr. Chairman, the Small Business Financing and Investment Act will help grow small businesses, create good jobs for Americans and help lower the administrative costs of health care. I urge my colleagues on both sides of the aisle to support this small business legislation.

Mr. GRAVES. Mr. Chairman, may I inquire how many speakers the majority has?

Mr. SCHRADER. We have no further speakers and are prepared to close.

Mr. GRAVES. Mr. Chairman, I will go ahead and yield back the balance of my time.

Mr. SCHRADER. I yield the balance of my time to the gentlewoman from New York (Ms. VELÁZQUEZ).

The CHAIR. The gentlewoman is recognized for 10 minutes.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to take this opportunity to thank the staff—from both sides of the aisle—that worked so hard on this bill.

From the majority—Michael Day and Andy Jiminez; and Ethan Pittleman from Mr. SCHRADER's staff.

From the minority—Barry Pineles and Karen Haas; and Max Goodman from Mr. BUCHANAN's staff.

Their efforts to ensure the members' priorities are included in this legislation are very much appreciated.

Mr. Chairman, the Small Business Committee is not alone in its commitment to small firms. Since the downturn began, we have heard countless calls from both sides of the aisle for a new economic foundation—one that puts Main Street before Wall Street and that values entrepreneurship over corporate greed. Well, this bill does both. By empowering small businesses, it makes a direct investment in the two things our economy needs most—innovation and job creation.

Capital is a fundamental building block for small business growth. Without it, new ventures cannot get off the ground and existing companies cannot hire workers. H.R. 3854 delivers the resources small firms need to grow. For small medical practices, it makes health IT more affordable. For entrepreneurs developing the next breakthrough in clean energy, it buys time for R&D. And for veterans and rural Americans seeking economic empowerment, it puts entrepreneurship within reach. Most importantly, however, this bill keeps workers on payroll. By allowing entrepreneurs to expand their ventures, H.R. 3854 will create and sustain more than 1.3 million jobs. In other words, Mr. Chairman, a vote for this bill is a vote for job creation. If you ask me, that is something we can all get behind, Democrats and Republicans alike, and I urge adoption of this bill.

Mr. VAN HOLLEN. Mr. Chair, small businesses are the backbone of the American economy. They represent almost 8 out of every 10 new jobs created in the country and are a key element of the Nation's efforts to achieve a successful and complete economic recovery.

Last week I joined President Obama, Treasury Secretary Tim Geithner, Small Business Administrator Karen Mills, Members of the Maryland Delegation, Governor Martin O'Malley, County Executive Jack Johnson, and Hyattsville Mayor William Gardner at Metropolitan Archives in Largo, MD to discuss the work Congress and the Obama administration are doing to create jobs and expand credit access to Maryland small businesses. The bill we consider today, H.R. 3854, the Small Business Financing and Investment Act of 2009, is a significant part of our efforts.

H.R. 3854 reauthorizes and increases the resources of successful programs such as the SBA 7(a), Business Stabilization Loans and the SBA Microloan programs. The Small Business Administration 7(a) program guarantees long-term loans for business startups and expansions. The bill authorizes funds to guarantee $20 billion in 7(a) loans in 2010 and 2011. The bill extends until 2011 Business Stabilization Loans which provide $50,000 each for qualifying small businesses to make payments on existing loans. The bill also helps provide small businesses with short-term, working capital through the SBA Microloan program. Under the program, small businesses and not-for-profit child care centers can qualify for loans up to $35,000 to use for equipment, supplies, inventory and other business necessities.

The bill renews and expands the resources of the public/private partnership programs that serve small businesses such as community development programs, the Small Business Investment Company and the New Markets Venture Capital Program.

The SBA works with certified development companies to contribute to the economic development of communities. These public/private partnerships provide community small businesses with long-term loans to expand and modernize with the purpose of creating local jobs. This bill authorizes the SBA to guarantee no less than $9 billion of these community directed loans in 2010 and 2011.

The bill also continues Congress' commitment to the Small Business Investment Company by authorizing the SBA to guarantee $5 billion in loans in 2010 and $5.5 billion in 2011 for the program. The Small Business Investment Company licenses private investment firms to borrow Treasury money and make loans to small businesses. The loans are made with the long-term growth in mind since such investments can take years before becoming profitable. Since its creation in 1958, the Small Business Investment Company has provided nearly 100,000 small businesses with the capital they need to develop and grow.

The bill also reauthorizes the New Markets Venture Capital Program to promote economic development and job creation in low-income areas with $100 million in loans and loan guarantees for qualifying venture capital companies engaged in small business and job creation and economic development.

The latest reports and statistics catalogue the continued difficulty small businesses are experiencing as they attempt to access credit. The Nation's rising unemployment statistics emphasize the urgency of the problem. The resources provided by this bill should help American small businesses cope as the country struggles to right itself in the aftermath of the greatest economic downturn the world has ever known. I urge my colleagues to join me in support of the bill.

Mr. LANGEVIN. Mr. Chair, I rise in strong support of H.R. 3854, the Small Business Financing and Investment Act. This legislation will directly support small business jobs in Rhode Island by extending certain small business American Recovery and Reinvestment Act provisions and updating SBA programs to help meet the needs of businesses.

Small businesses have borne the brunt of this economic crisis. I continue to hear from many small business owners in Rhode Island that accessing credit remains a significant problem. Remarkably, small businesses make up 96 percent of all employers in Rhode Island, and their inability to access credit to keep their businesses operating has clearly added to our high unemployment rate of 13 percent.

It is imperative that our small businesses have access to the tools they need to weather this economic downturn, as well as to keep and create jobs. H.R. 3854 does this by extending Recovery Act provisions that eliminated fees on SBA loans and guaranteeing these loans at 90 percent. This gives local banks and credit unions the confidence to lend to small businesses. This bill also raises the cap level on 7(a) loans from $2 million to $3 million, makes microloans more affordable for budding entrepreneurs, and streamlines the cumbersome loan application process.

Additionally, the legislation boosts programs that help small manufacturers and improves a renewable energy investment program to encourage small enterprises that are researching alternative and renewable energy solutions. H.R. 3854 also provides tools for veterans to start their own businesses and also makes permanent the Community Express program, which promotes lending to small businesses owned by women and economically disadvantaged individuals.

I encourage my colleagues to support H.R. 3854, which will help our small businesses grow, keep people employed and create new jobs. A few months ago, I had the chance to visit Jamiel's Shoe World, a small, family-owned business and a Rhode Island institution, which was able to take advantage of a loan guaranteed by the stimulus bill—a loan that enabled them to keep their doors open and keep Rhode Islanders employed. I look forward to seeing this legislation signed into law so that other small Rhode Island businesses can access the capital they need to flourish.

Ms. MATSUI. Mr. Chair, I rise today in strong support of the Small Business Financing and Investment Act. I also want to congratulate Chairwoman VELÁZQUEZ and the Small Business Committee for bringing this bill before us today.

We are all aware of the importance of small businesses in our neighborhoods and communities.

While we rely on them to produce goods and services, we also depend on them to create and sustain jobs. Small businesses are the engine of economic growth and innovation.

Nationally they represent more than 90 percent of all business in our country and have generated 70 percent of all new jobs over the past decade.

In my home district of Sacramento, small businesses are an integral part of our economy.

In fact, most Sacramentans obtain their first job through a small business.

In today's economic recession, however, many small businesses are struggling to make payroll, retain their employees, and expand their operations.

Over the last few months I've held two, separate, "Small Business Workshops" in Sacramento to help existing small business owners understand the stimulus legislation, obtain

financing and find new opportunities through government programs.

These two workshops attracted more than 800 local small businesses in Sacramento.

At these workshops, I heard from small business owners who were eager to be connected to business counseling resources, learn more about financing opportunities, SBA loan products, and government contracting opportunities.

I also heard from local small engineering firms who expressed concern that they did not qualify for an SBA loan because of their Standard Size.

I thank Chairwoman Velázquez for joining me in writing to SBA Administrator Karen Mills to move quickly to consider changing the size standard applied to small engineering firms.

Mr. Chair, the failure to promptly adjust the standard could inflict long-term damage to businesses within the engineering community and reduce federal contract participation opportunities.

The American Recovery and Reinvestment Act that we passed earlier this year included dozens of new opportunities for small businesses through government contracts and grant programs totaling nearly $9 billion in lending since its enactment.

The bill before us today would build on these successes by infusing more than $44 billion for new lending and investment for small businesses.

It would also establish a new public-private partnership at the SBA and improve access to capital by increasing loan sizes.

Finally, it would create a new program to help small health practitioners adopt Health Information Technology, while increasing investment in small companies that are researching alternative and renewable energy solutions.

Mr. Chair, the federal government, in partnership with the private sector, is taking demonstrative action today to strengthen small businesses.

I commend our Leadership for bringing the Small Business Financing and Investment Act to the floor, and for their ongoing efforts to assist America's small businesses.

I urge my colleagues to support passage of the pending legislation.

Mr. REYES. Mr. Chair, I rise today in support of H.R. 3854, the Small Business Financing and Investment Act of 2009. This bill will assist small businesses across the country by increasing the amount of funding that is available to them as well as streamlining many of the current SBA application processes.

There is a vibrant business community in my district of El Paso, Texas, with the Greater El Paso Chamber of Commerce, the El Paso Hispanic Chamber of Commerce, and the El Paso Small Business Consortium all playing a key role to open doors for many of our local entrepreneurs. Small businesses are a vital part of El Paso's economy, and I support this bill because it will help small firms access larger amounts of capital which is critical during these difficult economic times.

I am particularly pleased with the provisions of the bill that make permanent the Community Express and the Veteran Participation Loan Programs. These programs share a common goal of assisting borrowers who have not accessed SBA programs in the past or who have traditionally had limited access to capital. The Community Express Program is an important tool used by the El Paso Hispanic Chamber of Commerce to provide funding to local firms that are deemed un-bankable by conventional lenders. El Paso's growing military community will also benefit from the higher guarantees and lower cost loans available to veterans interested in starting their own businesses.

Mr. Chair, I support this legislation because I believe it will improve the efficiency and transparency of the SBA's programs as well as provide essential capital to small firms. I urge my colleagues to vote in favor of this bill.

Mr. THOMPSON of Mississippi. Mr. Chair, I rise in firm support of H.R. 3854, the Small Business Financing and Investment Act.

As a vital part of our economy, small businesses account for at least 65 percent of American jobs.

The legislation we are considering today provides a much-needed increase in loans for the nation's small businesses.

During a time of economic recession, it is increasingly important that we provide access to start-up capital, long term financing, and other forms of investment capital to small businesses.

Hit particularly hard by these rough economic times, small businesses receive greater access to critical financing through this legislation.

The bill also provides financing opportunities for rural communities through the Rural Lender Outreach Program.

Another critical provision in H.R. 3854 creates a grant program for companies to begin recovery efforts after a natural disaster.

I am confident that the nation's underserved small businesses—particularly minority owned businesses—will be better served because of this important legislation.

Access to capital is one of the greatest challenges preventing fair competition for small businesses.

H.R. 3854 addresses accessibility to financing and overall investment.

I urge my colleagues to support this important legislation.

Mr. BOSWELL. Mr. Chair, I ask unanimous consent to revise and extend my marks.

I rise today in support of the manager's amendment, and the underlying bill, H.R. 3854, the Small Business Financing and Investment Act of 2009.

Thank you Chairwoman VELÁZQUEZ for including an amendment I submitted to Rules.

This amendment will ensure that Small Business Administration loans may be used to purchase facilities and equipment that have been left behind by closed manufacturing plants.

Each of us has seen communities devastated by the loss of a factory—from the closing of automotive businesses, to the buyout of Maytag Corporation in my own district.

On Tuesday, many of us read in the Washington Post that an electronic car company will be taking over a GM building in Delaware.

I believe we must continue to incentivize this practice—but on a broader scale.

In my own district I have seen companies from within and outside Iowa purchase Maytag campus facilities, our own Iowa Telecom, Trinity Towers wind energy, and a new and locally owned small business, Madhouse Brewery.

The empty factory buildings scattered across our nation represent the loss of jobs, tough times, and hard choices for families and community leaders.

I believe these buildings can be used to better our districts and states. By helping small businesses that are rooted in the community purchase these buildings or equipment, we will help bring hope to our towns that have suffered such losses.

This amendment and legislation will empower the financial stability of America's small businesses. I urge my colleagues to support this amendment and H.R. 3854.

Mr. ETHERIDGE. Mr. Chair, I rise in support of H.R. 3854, the Small Business Financing and Investment Act of 2009.

While our economy has begun to show some signs of rebounding from the recession, there is still a long way to go before we have returned to full strength. Far too many Americans are looking for work and the unemployment rate remains high, reaching into the double digits in my State of North Carolina. Many businesses are finding it difficult to obtain the credit they need to operate. H.R. 3854 will benefit the small businesses that form the backbone of our economy and serve as our biggest job creators.

H.R. 3854 contains several provisions that will help finance new small businesses and allow them access to more capital. This bill supports public and private partnerships that invest capital into new startups, and makes microloans more affordable for budding entrepreneurs. For existing small businesses, this bill improves the Small Business Administration's 7(a) loan initiative by raising loan amounts and maintaining the fee reductions and guarantee increases that were included in the American Recovery and Reinvestment Act. I am also pleased that his bill contains provisions that help rural businesses and veteran-owned businesses obtain loans. H.R. 3854 is expected to support $44 billion in small business lending, which could create or save over 1 million jobs.

I support stronger lending tools for our nation's small businesses and I support the Small Business Financing and Investment Act of 2009. I urge my colleagues to join me in voting for its passage.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment printed in part A of House Report 111–317 is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 3854

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Financing and Investment Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SMALL BUSINESS LENDING ENHANCEMENTS

Sec. 101. Small lender outreach program.
Sec. 102. Rural lending outreach program.
Sec. 103. Community Express Program made permanent.
Sec. 104. Increased veteran participation program made permanent.
Sec. 105. Leasing policy.

Sec. 106. National lender training program.
Sec. 107. Applications for repurchase of loans.
Sec. 108. Alternative size standard.
Sec. 109. Pilot program authority.
Sec. 110. Loans to cooperatives.
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TITLE I—SMALL BUSINESS LENDING ENHANCEMENTS

SEC. 101. SMALL LENDER OUTREACH PROGRAM.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(34) SMALL LENDER OUTREACH PROGRAM.—The Administrator shall establish and carry out a program to provide support to regional, district, and branch offices of the Administration to assist small lenders, who do not participate in the Preferred Lenders Program, to participate in the programs under this subsection.''.

SEC. 102. RURAL LENDING OUTREACH PROGRAM.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

''(35) RURAL LENDING OUTREACH PROGRAM.—

''(A) IN GENERAL.—The Administrator shall establish and carry out a rural lending outreach program (hereinafter referred to in this paragraph as the 'program') to provide loans under this subsection in accordance with this paragraph.

''(B) MAXIMUM PARTICIPATION.—A loan under the program shall include the maximum participation levels by the Administrator permitted for loans made under this subsection.

''(C) MAXIMUM LOAN AMOUNT.—The maximum amount of a loan under the program shall be $250,000.

''(D) USE OF RURAL LENDERS.—The program shall be carried out through lenders located in a rural area (as such term is defined under subsection (m)(11)(C)) or, if a small business concern located in a rural area does not have a lender located within 30 miles of the principal place of business of such concern, through any lender chosen by such concern that provides loans under this subsection.

''(E) TIME FOR APPROVAL.—The Administrator shall approve or disapprove a loan under the program within 36 hours.

''(F) DOCUMENTATION.—The program shall use abbreviated application and documentation requirements.

''(G) CREDIT STANDARDS.—Minimum credit standards, as the Administrator considers necessary to limit the rate of default on loans made under the program, shall apply.''.

SEC. 103. COMMUNITY EXPRESS PROGRAM MADE PERMANENT.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

''(36) COMMUNITY EXPRESS PROGRAM.—

''(A) IN GENERAL.—The Administrator shall carry out a Community Express Program to provide loans under this subsection in accordance with this paragraph.

''(B) REQUIREMENTS.—For a loan made under the Community Express Program, the following shall apply:

''(i) The loan shall be in an amount not exceeding $250,000.

''(ii) The loan shall be made to a small business concern the majority ownership interest of which is directly held by individuals the Administrator determines are, without regard to the geographic location of such individuals, women, members of qualified Indian tribes, socially or economically disadvantaged individuals, veterans, or members of the reserve components of the Armed Forces.

''(iii) The loan shall comply with the collateral policy of the Administration.

''(iv) The loan shall include terms requiring the lender to provide, at the expense of the lender, technical assistance to the borrower through the lender or a third-party provider.

''(v) The Administrator shall approve or disapprove the loan within 36 hours.''.

SEC. 104. INCREASED VETERAN PARTICIPATION PROGRAM MADE PERMANENT.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended—

(1) by redesignating the second paragraph (32), as added by section 208 of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008 (Public Law 110–186; 122 Stat. 631), as paragraph (33); and

(2) in paragraph (33), as so redesignated by paragraph (1) of this section—

(A) by striking ''pilot program'' each place it appears and inserting ''program'';

(B) by striking subparagraphs (C) and (F); and

(C) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

SEC. 105. LEASING POLICY.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by striking paragraph (28) and inserting the following:

''(28) LEASING.—If a loan under this subsection is used to acquire or construct a facility, the assisted small business concern—

''(A) shall permanently occupy and use not less than 50 percent of the space in such facility; and

''(B) may, on a temporary or permanent basis, lease to others not more than 50 percent of the space in such facility.''.

SEC. 106. NATIONAL LENDER TRAINING PROGRAM.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

''(37) NATIONAL LENDER TRAINING PROGRAM.—

''(A) IN GENERAL.—The Administrator shall establish and carry out, through the regional offices of the Administration, a lender training program for new and existing lenders under this subsection with respect to the lending systems, policies, and procedures of the Administration.

''(B) FEES.—The Administrator shall charge a fee for the program established under subparagraph (A) to reduce the cost of such program to zero.

''(C) LIMITATION.—The program established under subparagraph (A) may not be carried out by contract with a nongovernmental entity.''.

(b) PARTICIPATION.—An entity may not be permitted to participate in any program under the Small Business Act (15 U.S.C. 631 et seq.) or the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) that is amended under this Act, as a lending or investment entity or as an agent of the Small Business Administration, unless such entity satisfies the following:

(1) The entity has as the primary mission of the entity the financing or development of small business concerns.

(2) The entity has a full-time staff dedicated to loan making activities, investment activities, or entrepreneurial development training.

(3) The entity does not significantly participate in activities unrelated to the primary mission of the entity.

SEC. 107. APPLICATIONS FOR REPURCHASE OF LOANS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

''(38) APPLICATIONS FOR REPURCHASE OF LOANS.—

''(A) IN GENERAL.—Not later than 45 days after the date of the receipt of a claim from a lender for proper payment of the guaranteed portion of a loan under this subsection due to default, the Administrator shall make a final determination with respect to the approval or denial of such claim.

''(B) LATE DETERMINATIONS.—If the Administrator does not make a final determination under subparagraph (A) in the time period specified in such subparagraph, the claim shall be approved and paid promptly.''.

SEC. 108. ALTERNATIVE SIZE STANDARD.

(a) IN GENERAL.—Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

''(5) In addition to any other size standard under this subsection, the Administrator shall establish and permit a lender making a loan under section 7(a) to use an alternative size standard. The alternative size standard shall be based on factors including the maximum tangible net worth and average net income of a business concern.''.

(b) APPLICABILITY.—Until the Administrator establishes under section 3(a)(5) of the Small Business Act, as added by subsection (a) of this section, an alternative size standard for use by a lender making a loan under section 7(a) of such Act, the alternative size standard in section 121.301(b) of title 13, Code of Federal Regulations, shall apply in such a case.

SEC. 109. PILOT PROGRAM AUTHORITY.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by striking paragraph (25) and inserting the following:

''(25) LIMITATION ON CONDUCTING PILOT PROJECTS.—

''(A) LIMITATION ON NUMBER.—Not more than 10 percent of the total number of loans guaranteed in any fiscal year under this subsection may be awarded as part of a pilot program.

''(B) DOLLAR LIMITATIONS.—

''(i) IN GENERAL.—With respect to any pilot program under this subsection established on or after the date of the enactment of the Small Business Financing and Investment Act of 2009, no loan shall be made under such program if such loan would result in the total amount of loans made during a fiscal year under all such programs to be in excess of 5 percent of the total amount of loans guaranteed in such fiscal year under this subsection.

''(ii) CERTAIN PRE-EXISTING PROGRAMS.—With respect to any pilot program under this subsection established before the date of the enactment of the Small Business Financing and Investment Act of 2009, no loan shall be made under such program if such loan would result in the total amount of loans made during a fiscal year under all such programs to be in excess of 10 percent of the total amount of loans guaranteed in such fiscal year under this subsection.

''(C) EXPIRATION.—

''(i) IN GENERAL.—Except as provided in clause (iii), the duration of any pilot program under this subsection may not exceed 3 years.

''(ii) DESIGNATION AS NEW PROGRAM.—For purposes of this subparagraph, a pilot program shall not be treated as a new pilot program solely on the basis of a modification or change in the pilot program, including the change of its name.

''(iii) EXISTING PROGRAMS.—With respect to any pilot program in existence on the date of the enactment of the Small Business Financing and Investment Act of 2009, such program may continue in effect for a period not exceeding 3 years after such date without regard to the duration of such program before such date.

''(D) REGULATIONS.—

''(i) IN GENERAL.—With respect to each pilot program under this subsection, including each pilot program in existence on the date of the enactment of the Small Business Financing and Investment Act of 2009, the Administrator shall—

''(I) issue regulations for such program after providing notice in the Federal Register and an opportunity for comment; and

''(II) ensure that such regulations are published in the Code of Federal Regulations.

''(ii) PILOT PROGRAMS ESTABLISHED AFTER DATE OF ENACTMENT.—With respect to any pilot program established after the date of the enactment of the Small Business Financing and Investment Act of 2009, such program shall not take effect until the requirements under this subparagraph are satisfied.

''(E) REPEAL OF AUTHORITY TO WAIVE CERTAIN RULES.—

''(i) IN GENERAL.—Notwithstanding section 120.3 of title 13, Code of Federal Regulations, the Administrator may not from time to time suspend, modify, or waive rules for a limited period of time to test new programs or ideas with respect to this subsection, unless such suspension, modification, or waiver is explicitly authorized by Act of Congress.

''(ii) EXISTING PILOT PROGRAMS.—Nothing under clause (i) may be construed to affect a pilot program in existence on the date of the enactment of the Small Business Financing and Investment Act of 2009.

''(F) PILOT PROGRAM.—For purposes of this paragraph, the term 'pilot program' means any lending program initiative, project, innovation, or other activity not specifically authorized by Act of Congress.''.

SEC. 110. LOANS TO COOPERATIVES.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

''(39) COOPERATIVES.—The Administration may provide loans under this subsection to any cooperative that—

''(A) is not organized as a tax-exempt entity;

''(B) is engaged in a legal business activity;

''(C) obtains financial benefits for the cooperative and for the members of such cooperative; and

''(D) is eligible under applicable size standards of the Administration, including that any business entity that is a member of such cooperative is eligible under applicable size standards of the Administration.''.

SEC. 111. CAPITAL BACKSTOP PROGRAM.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

''(40) CAPITAL BACKSTOP PROGRAM.—

''(A) IN GENERAL.—The Administrator shall establish a process under which a small business concern may submit an application to the Administrator for the purpose of securing a loan under this subsection. With respect to such application, the Administrator shall collect all information necessary to determine the creditworthiness and repayment ability of an applicant and shall determine if such application meets basic eligibility and credit standards for a loan under this subsection.

''(B) PARTICIPATION OF LENDERS.—

''(i) IN GENERAL.—The Administrator shall establish a process under which the Administrator makes available to lenders each loan application submitted and determined to meet basic eligibility and credit standards under subparagraph (A) for the purpose of such lenders originating, underwriting, closing, and servicing the loan for which the applicant applied.

''(ii) ELIGIBILITY.—Lenders are eligible to receive a loan application described in clause (i) if they participate in the programs established under this subsection.

''(iii) LOCAL LENDERS.—The Administrator shall first make available a loan application described in clause (i) to lenders within 100 miles of the principal office of the loan applicant.

''(iv) PREFERRED LENDERS.—If a lender described in clause (iii) does not agree to originate, underwrite, close, and service the loan applied for within 5 business days of receiving a loan application described in clause (i),

the Administrator shall subsequently make available such loan application to lenders in the Preferred Lenders Program under paragraph (2)(C)(ii) of this subsection.

''(v) AUTHORITY OF ADMINISTRATION TO LEND.—If a lender described in clauses (iii) or (iv) does not agree to originate, underwrite, close, and service the loan applied for within 10 business days of receiving a loan application described in clause (i), the Administrator shall originate, underwrite, close, and service such loan.

''(C) ASSET SALES.—The Administrator shall offer to sell loans made by the Administrator under this paragraph. Such sales shall be made through the semi-annual public solicitation (in the Federal Register and in other media) of offers to purchase. The Administrator may contract with vendors for due diligence, asset valuation, and other services related to such sales. The Administrator may not sell any loan under this subparagraph for less than 90 percent of the net present value of the loan, as determined and certified by a qualified third party.

''(D) LOANS NOT SOLD.—The Administrator shall maintain and service loans made by the Administrator under this paragraph that are not sold through the asset sales under this paragraph.

''(E) EFFECTIVE DATES.—This paragraph shall have effect on a date if—

''(i) such date occurs during a period that—

''(I) begins on the date the Bureau of Economic Analysis, or any successor organization, makes a determination that the gross domestic product of the United States has decreased for three consecutive quarters; and

''(II) ends on the date the Bureau of Economic Analysis, or any successor organization, makes a determination that the gross domestic product of the United States has increased for two consecutive quarters; and

''(ii) the number of loans provided under this subsection prior to such date in the fiscal year including such date is at least 30 percent less than the number of such loans provided prior to the same point in the previous fiscal year.

''(F) IMPLEMENTATION.—The Administrator shall establish a group of at least 250 individuals available to carry out activities under this paragraph on any date on which this paragraph has effect under subparagraph (E). The Administrator shall provide to such group the training necessary to carry out activities under this paragraph.

''(G) APPLICATION OF OTHER LAW.—Nothing in this paragraph shall be construed to exempt any activity of the Administrator under this paragraph from the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

''(H) AUTHORIZATION OF APPROPRIATIONS.—

''(i) PROGRAM LEVELS.—The Administrator is authorized to make loans under this paragraph in an amount that is equal to half the amount authorized for loans under this subsection other than loans under this paragraph.

''(ii) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available to carry out this subsection, there are authorized to be appropriated such sums as may be necessary to carry out this paragraph.''.

SEC. 112. LOANS TO FINANCE GOODWILL.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

''(41) GOODWILL.—The Administrator may not apply an application, processing, or approval standard to a loan for the purpose of financing goodwill under this subsection, unless such standard applies to all loans under this subsection.''.

SEC. 113. APPELLATE PROCESS AND OMBUDSMAN.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

''SEC. 44. APPELLATE PROCESS AND OMBUDSMAN.

''(a) APPELLATE PROCESS.—

''(1) IN GENERAL.—Not later than 270 days after the date of the enactment of the Small Business Financing and Investment Act of 2009, the Administrator shall establish an independent appellate process within the Administration. The process shall be available to review material determinations made by the Administration that affect a lender or investment company that participates or is applying to participate in a program administered by the Administration.

''(2) REVIEW PROCESS.—In establishing the independent appellate process under paragraph (1), the Administrator shall ensure that—

''(A) any appeal of a material determination by the Administration is heard and resulting recommendations are provided expeditiously; and

''(B) appropriate safeguards exist for protecting the appellant from retaliation by Administration employees.

''(3) COMMENT PERIOD.—Not later than 180 days after the date of the enactment of the Small Business Financing and Investment Act of 2009, the Administrator shall provide an opportunity for notice and comment on proposed guidelines for the establishment of an independent appellate process under this section.

''(b) AGENCY OMBUDSMAN.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of the Small Business Financing and Investment Act of 2009, the Administrator shall appoint an ombudsman.

''(2) DUTIES.—The ombudsman appointed in accordance with paragraph (1) shall—

''(A) act as a liaison between the Administration and any lender or investment company that participates or is applying to participate in a program administered by the Administration with respect to a problem such entity may have in dealing with the Administration resulting from a material determination made by the Administration; and

''(B) ensure that safeguards exist to encourage complainants to come forward and preserve confidentiality.

''(c) OTHER AUTHORITY.—An individual carrying out the independent appellate process established under subsection (a) or the position of ombudsman established under subsection (b) is authorized to—

''(1) examine records and documents relating to a matter under review pursuant to such subsections; and

''(2) initiate the review of a matter under such subsections if such individual believes that Administration procedures have not been followed as intended with respect to such matter, without regard to whether an appeal or complaint has been made.

''(d) LIMITATIONS.—

''(1) IN GENERAL.—An individual carrying out the independent appellate process established under subsection (a) or the position of ombudsman established under subsection (b) may not, as a result of the authority provided under this section—

''(A) make, change, or set aside a law, policy, or administrative decision;

''(B) make binding decisions or determine rights;

''(C) directly compel an entity to implement the recommendations of such individual; or

''(D) accept jurisdiction over an issue that is pending in a legal forum.

''(2) RULE OF CONSTRUCTION.—Activities carried out under this section may not be construed—

''(A) as a formal investigation, formal hearing, or binding decision;

''(B) as limiting any remedy or right of appeal;

''(C) as affecting any procedure concerning grievances, appeals, or administrative matters under law; or

''(D) as a substitute for an administrative or judicial proceeding.

''(e) REPORT.—Not later than one year after the date of the enactment of the Small Business Financing and Investment Act of 2009 and annually thereafter, the Administrator shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report describing and providing the status of appeals made under subsection (a) and complaints made under subsection (b).

''(f) DEFINITIONS.—In this section, the following apply:

''(1) MATERIAL DETERMINATION.—The term 'material determination' includes determinations relating to—

''(A) applications for payment relating to a loan guarantee; and

''(B) the ability of an entity to participate in an Administration loan or investing program.

''(2) INDEPENDENT APPELLATE PROCESS.—The term 'independent appellate process' means a review by an Administration official who does not directly or indirectly report to the Administration official who made the material determination under review.''.

SEC. 114. EXTENSION OF RECOVERY AND RELIEF LOAN BENEFITS.

(a) FEE REDUCTIONS.—Section 501 of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) in subsection (a) by striking ''September 30, 2010'' and inserting ''September 30, 2011''; and

(2) in subsection (c) by striking paragraph (2).

(b) ECONOMIC STIMULUS LENDING PROGRAM FOR SMALL BUSINESSES.—Section 502(f) of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking ''the date 12 months after the date of enactment of this Act'' and inserting ''September 30, 2011''.

SEC. 115. REDUCED DOCUMENTATION FOR BUSINESS STABILIZATION LOANS.

Section 506(a) of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by adding at the end the following: ''In carrying out such program, the Administrator shall establish and utilize a one-page application for loans under this section and shall authorize lenders to utilize the same documentation and procedural requirements for loans under this section as such lenders utilize for other loans of a similar size and type.''.

SEC. 116. EXPANDED ELIGIBILITY FOR BUSINESS STABILIZATION LOANS.

Section 506(c) of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking ''but shall not include'' and all that follows through ''enactment of this Act''.

SEC. 117. INCREASED AMOUNT OF BUSINESS STABILIZATION LOANS.

Section 506(d) of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking ''$35,000'' and inserting ''$50,000''.

SEC. 118. EXTENSION OF BUSINESS STABILIZATION LOANS.

Section 506(j) of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

SEC. 119. SBA SECONDARY MARKET LENDING AUTHORITY MADE PERMANENT.

Section 509 of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f), (h), and (i) as subsections (e), (f), and (g), respectively.

SEC. 120. SBA SECONDARY MARKET LENDING AUTHORITY EXPANDED.

Section 509 of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by this Act, is further amended—

(1) in subsection (c)(1) by adding at the end the following: ''Such process shall include the designation of each lender participating in a program under section 7(a) of the Small Business Act as a Systematically Important Secondary Market Broker-Dealer for purposes of this section.''; and

(2) in subsection (e), as so redesignated by section 20 of this Act, by adding at the end the following: ''To the extent that the cost of an elimination or reduction of fees is offset by appropriations, the Administrator shall in lieu of the fee otherwise applicable under this subsection collect no fee or reduce fees to the maximum extent possible.''.

SEC. 121. INCREASED LOAN LIMITS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended—

(1) in paragraph (2)(A)—

(A) in clause (i)—

(i) by inserting after ''$150,000'' the following: ''and is less than or equal to $2,000,000''; and

(ii) by striking ''or'' at the end;

(B) in clause (ii) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(iii) 50 percent of the balance of the financing outstanding at the time of disbursement of the loan, if such balance exceeds $2,000,000.''; and

(2) in paragraph (3)(A) by striking ''$2,000,000'' and inserting ''$3,000,000''.

SEC. 122. REAL ESTATE APPRAISALS.

Section 7(a)(29) of the Small Business Act (15 U.S.C. 636(a)(29)) is amended—

(1) in the matter preceding subparagraph (A) by striking ''a State licensed or certified appraiser'' and inserting ''an appraiser licensed or certified by the State in which such property is located'';

(2) in subparagraph (A) by striking ''$250,000'' and inserting ''$400,000''; and

(3) in subparagraph (B) by striking ''$250,000'' and inserting ''$400,000''.

SEC. 123. ADDITIONAL SUPPORT FOR EXPRESS LOAN PROGRAM.

Section 7(a)(18)(B) of the Small Business Act (15 U.S.C. 636(a)(18)(B)) is amended by adding after ''under subparagraph (A)(i)'' the following: '', except that a lender making a loan under paragraph (31) may not retain any percentage of a fee collected under such subparagraph''.

SEC. 124. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by inserting after subsection (e) the following:

''(f) FISCAL YEARS 2010 AND 2011 WITH RESPECT TO SECTION 7(a).—

''(1) PROGRAM LEVELS.—For the programs authorized by this Act, in each of fiscal years 2010 and 2011 commitments for general business loans authorized under section 7(a) may not exceed $20,000,000,000.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (1).''.

TITLE II—CDC ECONOMIC DEVELOPMENT LOAN PROGRAM

Subtitle A—General Provisions

SEC. 201. PROGRAM LEVELS.

Section 20 of the Small Business Act (15 U.S.C. 631 note), as amended by this Act, is further amended by inserting after subsection (f) the following:

''(g) PROGRAM LEVELS WITH RESPECT TO CDC ECONOMIC DEVELOPMENT LOAN PROGRAM.—

''(1) FISCAL YEAR 2010.—For financings authorized by section 7(a)(13) of this Act and title V of the Small Business Investment Act of 1958, the Administrator is authorized to make $9,000,000,000 in guarantees of debentures for fiscal year 2010.

''(2) FISCAL YEAR 2011.—For financings authorized by section 7(a)(13) of this Act and title V of the Small Business Investment Act of 1958, the Administrator is authorized to make $10,000,000,000 in guarantees of debentures for fiscal year 2011.''.

SEC. 202. DEFINITIONS.

Section 103 of the Small Business Investment Act of 1958 (5 U.S.C. 662) is amended as follows:

(1) By amending paragraph (6) to read as follows:

''(6) the term 'development company' means any corporation organized in order to promote economic development and the growth of small business concerns and includes companies chartered under a special State law authorizing them to operate on a statewide basis;''.

(2) By striking ''and'' at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting a semicolon, and by adding at the end the following new paragraphs:

''(20) the term 'certified development company' means a development company that the Administrator has determined meets the criteria set forth in section 501;

''(21) the term 'local governmental entity' means—

''(A) a State or a political subdivision of a State; or

''(B) a combination of political subdivisions which—

''(i) has been formed to promote economic or community development;

''(ii) is composed of representatives of the State or a political subdivision acting in their official capacity; and

''(iii) includes an area in an adjacent State if it is part of a local economic area, a rural area, or has a population determined by the Administrator to be insufficient to support the formation of a separate development company;

such term includes entities meeting the requirements of clauses (i) through (iii), such as, but not limited to, a council of governments, regional development corporation, regional planning commission, or economic development district;

''(22) the term 'member' means any person authorized to vote for a director of a corporation or the dissolution or merger of a company (for purposes of this definition, a shareholder of a for-profit corporation shall be considered a member);

''(23) the terms 'rural' and 'rural area' shall have the same meaning as those terms are given in section 1991(a)(13)(A) of title 7, United States Code; and

''(24) the term 'small manufacturer' means a small business concern—

''(A) the primary business of which is classified in sector 31, 32, or 33 of the North American Industrial Classification System; and

''(B) all of the production facilities of which are located in the United States.''.

Subtitle B—Certified Development Companies

SEC. 211. CERTIFIED DEVELOPMENT COMPANIES.

Section 501 of the Small Business Investment Act of 1958 (15 U.S.C. 695) is amended to read as follows:

''SEC. 501. CERTIFIED DEVELOPMENT COMPANIES.

''(a) CERTIFIED DEVELOPMENT COMPANY DEBENTURE AUTHORITY.—Only development companies certified by the Administrator shall have the authority to issue debentures under this Act.

''(b) CERTIFICATION STANDARDS.—A development company shall be certified for the purposes of issuing debentures if the Administrator determines that it meets each of the following criteria:

''(1) SMALL CONCERN.—

''(A) IN GENERAL.—Except as provided in subparagraph (C) of paragraph (2), the company, including its affiliates, shall have no more than 200 employees.

''(B) CONTROL.—Except as provided in paragraph (2) (B) or (C) the company shall not be under the control of any other concern.

''(C) NOT FOR PROFIT.—The development company is organized as a not-for-profit corporation.

''(2) EXCEPTIONS.—

''(A) FOR PROFIT STATUS.—If a development company was chartered as a for-profit corporation and issued debentures prior to January 1, 1987, the company shall not be required to change its status to not-for-profit in order to be certified.

''(B) AFFILIATION GRANDFATHER.—Any company that was authorized by the Administrator to issue debentures before December 31, 2005, shall be eligible for certification without regard to its status as part of, or its affiliation with, any other not-for-profit corporation or local governmental entity unless that not-for-profit corporation or local governmental entity is another entity that issues debentures under this title.

''(C) AFFILIATION WITH LOCAL GOVERNMENTAL ENTITIES.—Any company that was organized after the date of enactment of the Small Business Financing and Investment Act of 2009 shall be eligible for certification without regard to its status as part of or affiliation with any local governmental entity.

''(3) GOOD STANDING.—A development company shall be in good standing and comply with all laws, in every State in which it is incorporated or authorized to conduct business.

''(4) MEMBERSHIP.—

''(A) IN GENERAL.—The development company shall have at least 25 members.

''(B) VOTING RIGHTS.—No member shall control more than 10 percent of the total voting power in the development company.

''(C) RESIDENCE.—Members must be residents of the State in which the development company is chartered or authorized to do business.

''(D) DIVERSITY.—The development company must have at least one member from each of the following:

''(i) A local governmental entity.

''(ii) A financial institution subject to regulation by a Federal organization belonging to the Federal Financial Institutions Examination Council and that provides long-term fixed asset financing in the commercial market.

''(iii) A not-for-profit organization, other than a development company, that is dedicated to promoting economic growth.

''(iv) A for-profit business, other than a financial institution described in clause (ii).

''(E) EMPLOYMENT STATUS.—Membership in a development company shall not be predicated on employment status and an individual who retired from or was terminated (for reasons other than fraud or the commission of a crime) from an entity described in subparagraph (D) shall be deemed to be from the organization described in that subparagraph.

''(5) BOARD OF DIRECTORS.—

''(A) IN GENERAL.—The development company's board consists of members and each director receives a majority vote of the members unless the development company is a for-profit corporation in which case the board need not consist entirely of members.

''(B) BOARD REPRESENTATION.—There shall be at least one director from not fewer than 3 of the 4 types of organizations specified in paragraph (4)(D) but no single type of organization shall have more than 50 percent representation on the board of the development company. If the development company is a for-profit corporation, financial institution representatives may make up more than 50 percent of the board.

''(C) AFFILIATED ENTITY REPRESENTATION RESTRICTIONS.—A development company that is described in paragraph (1)(C) may have any or all of its board members appointed by entities affiliated with the company and may include common members who also serve on the affiliate's board of directors if the appointment of board members was exercised by an affiliate prior to December 31, 2005.

''(D) SPECIAL RULE FOR CERTAIN DEVELOPMENT COMPANIES.—The board of directors for any development company issuing debentures before December 31, 2005, and incorporated under a State law requiring, or which is interpreted by the State's legal department as imposing specific requirements on, the number and selection of members, board members, or both, and the rights and privileges conferred by such State law, may adhere to such provisions.

''(6) PROFESSIONAL MANAGEMENT AND STAFF.—

''(A) IN GENERAL.—The development company shall have full-time independent professional management, including a chief executive officer to manage the daily operations and a full-time professional staff qualified to carry out the functions authorized under this title.

''(B) UTILIZATION OF STAFF FROM AFFILIATED ENTITIES.—A development company shall not be denied certification under this section if its chief executive or full-time professional staff is from an affiliated entity as described in paragraph (1)(C).

''(C) STAFF UNDER CONTRACT.—The Administrator shall not deny certification to a development company that contracts for its full time staff if one of the following conditions is met:

''(i) The development company is located in a rural area, obtains its staff through contract from another development company that is certified by the Administrator and that development company operates in the same or a contiguous State.

''(ii) The development company had issued debentures under this title prior to December 31, 2005, and had contracted with a for-profit business concern to provide staffing and management services.

''(c) APPLICATIONS.—

''(1) DEVELOPMENT COMPANIES ISSUING DEBENTURES BEFORE SEPTEMBER 30, 2009.—

''(A) SHORT FORM APPLICATION.—(i) For any development company that issued debentures pursuant to this title before September 30, 2009, the Administrator shall develop, after an opportunity for notice and comment, no later than 90 days after the date of enactment of the Small Business Financing and Investment Act of 2009, a short-form application that contains sufficient information for the Administrator to determine that the development company currently meets the standards set forth in subsection (b). In developing such application, the Administrator shall be required to limit the amount of paperwork necessary to determine whether the development company meets the standards for certification and may limit the application to the filing of reports previously submitted to the Administrator.

''(ii) For those companies that obtain staff through contracts, the application shall include a copy of the contract.

''(B) CERTIFICATION DECISION.—(i) The Administrator shall certify the development company if the application demonstrates that the applicant meets the standards in subsection (b). The decision to certify or not approve the request for certification shall be made within 7 business days from the date the initial submission of the application is received by the Administrator. If the Administrator takes no action to approve or disapprove within 7 business days, the application for certification is deemed approved and no further action is required by the Administrator or the development company to obtain certification. If the Administrator disapproves the application, the Administrator shall provide in writing within 3 business days the reasons for the disapproval. If such document is not provided within the time specified, the application is deemed approved and no further action is required by the Administrator or the development company to obtain certification.

''(ii) For those development companies that submit contracts under subparagraph (A)(ii), the Administrator is limited in rejecting the application only if the Administrator finds that the entity servicing the applicant is no longer able to provide the employees or services needed by the applicant to perform the functions that would be authorized under this title.

''(C) APPLICATION RESUBMITTAL.—If the Administrator disapproves the application for certification and provides a written statement as set forth in subparagraph (B), the development company may file a new application limited solely to addressing the concerns of the Administrator and the certification procedures set forth in subparagraph (B) shall recommence.

''(D) APPEALS.—If the Administrator disapproves an application in accordance with the procedures of subparagraphs (B) or (C), the applicant may, within 10 calendar days after receipt of the disapproval, appeal such disapproval. The Administrator shall conduct a hearing to determine such appeal pursuant to sections 554, 556, and 557 of title 5, United States Code, and shall issue a decision not later than 45 days after the appeal is filed. The decision on appeal shall constitute final agency action for purposes of chapter 7 of title 5, United States Code.

''(E) GRANDFATHERING.—

''(i) IN GENERAL.—For the period 2 years after date of enactment of the Small Business Financing and Investment Act of 2009, any development company that was issuing debentures on or before the date set forth in this clause (i) shall be deemed to be a certified development company.

''(ii) COMPLETION OF APPLICATION PROCESS.—The procedures set forth in this paragraph for determining certification shall apply to any development company meeting the qualifications of clause (i).

''(iii) EFFECT OF DENIAL.—The denial or rejection of an application for certification as set forth in this subsection shall have no effect on the ability of a development company meeting the qualifications in clause (i) from continuing to issue debentures during the entire two-year period established in that clause.

''(iv) FAILURE TO OBTAIN CERTIFICATION.—Any development company that fails to obtain certification in accordance with the procedures set forth in this paragraph during the period set forth in clause (i) shall be considered to be a new development company and the procedures of paragraph (2) shall apply. The authority to issue debentures shall cease for any development company covered by this subparagraph that has failed to obtain certification from the Administrator during the time period set forth in clause (i).

''(F) AUTOMATIC QUALIFICATION PROVISION.—If the Administrator fails to implement the certification process set forth in this paragraph, any development company that was issuing debentures before September 30, 2009, pursuant to this title shall be considered certified until such time as the Administrator develops the certification procedures set forth in this paragraph.

''(G) SAVINGS CLAUSE.—Any action taken by a development company or the Administrator pursuant to this paragraph shall have no impact on any guarantee of a debenture issued prior to the date of enactment of the Small Business Financing and Investment Act of 2009.

''(2) APPLICATION PROCESS FOR NEW DEVELOPMENT COMPANIES.—

''(A) IN GENERAL.—For any development company that has not issued debentures prior to September 30, 2009, the Administrator shall develop no later than 180 days after the date of enactment of the Small Business Financing and Investment Act of 2009, after an opportunity for notice and comment, an application form for certification that provides the Administrator with sufficient information to insure that the applicant meets the standards set forth in subsection (b). The Administrator shall certify such development company or reject the application within 60 calendar days from the date the initial submission was received by the Administrator. If the Administrator rejects the application, the Administrator shall provide in writing within 7 business days after the decision, the reason for rejecting the application.

''(B) APPEALS.—A development company shall be able to appeal the disapproval of an application under the procedures set forth in paragraph (1)(D).''.

SEC. 212. CERTIFIED DEVELOPMENT COMPANY; OPERATIONAL REQUIREMENTS.

(a) OPERATIONAL REQUIREMENTS.—Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended to read as follows:

''SEC. 502. OPERATIONAL REQUIREMENTS FOR CERTIFIED DEVELOPMENT COMPANIES.

''(a) MAINTENANCE OF STANDARDS FOR CERTIFICATION.—Any company certified pursuant to section 501 shall continue to comply with the requirements of that section to remain certified. The Administrator shall develop a reporting form, which to the extent possible, incorporates other documents and reports already kept by certified development companies, demonstrating their continued compliance. The form shall be developed in a manner that the estimated time for completion shall take no more than 2 hours.

''(b) ETHICS AND CONFLICT OF INTERESTS.—

''(1) IN GENERAL.—A certified development company, its officers, employees, and contractors shall act ethically and avoid activities which constitute a conflict of interest or appear to constitute a conflict of interest. For purposes of this subsection, conduct that is unethical includes, but is not limited to, the actions specified in section 120.140 of

title 13, Code of Federal Regulations, as in effect on January 1, 2009.

''(2) BY ASSOCIATES.—An associate may not be an officer, director, or manager of more than 1 certified development company. The term 'associate' shall have the same meaning given the term 'Associate of a CDC' in section 120.10 of title 13, Code of Federal Regulations, as in effect on January 1, 2009. For the purposes of this subsection, 10 percent shall be substituted wherever section 120.10 of title 13, Code of Federal Regulation uses 20 percent.

''(3) BY ENTITIES.—Except as provided in sections 501(b)(5) and 501(b)(6), no person, sole proprietorship, partnership, or corporation shall control or have managerial control of more than one certified development company. Control means any of the following:

''(A) The ability to appoint or remove a member of the company or member of its board of directors.

''(B) The ability to modify or approve rate or fee changes affecting revenues of the certified development company.

''(C) The ability to veto, overrule, or modify decisions of the certified development company's body.

''(D) The ability, either directly or contractually, to appoint, hire, reassign, or dismiss those managers and employees responsible for the daily operations of the certified development company.

''(E) The ability to access the certified development company's resources or amend its budget.

''(F) The ability to control another certified development company pursuant to provisions in a contract.

''(c) MEETINGS.—The board of directors of the certified development company shall meet on a regular basis to make policy decisions for the company.

''(d) LOAN COMMITTEES.—The board of directors of a certified development company may use a loan committee to process loans in the State in which it operates as well as adjacent local economic areas. Members of the loan committee shall be residents of the certified development company's State of operation or the adjacent local economic area. Such loan committees shall meet on a periodic basis as set forth by the board of directors.

''(e) PROHIBITED CONFLICT IN PROJECT LOANS.—

''(1) IN GENERAL.—Certified development companies shall not recommend or approve a guarantee of a debenture that will be collateralized by property being constructed or acquired on which an institution, as provided in section 508(c)(1)(A), will have a first lien position.

''(2) EXCEPTION.—The prohibition in paragraph (1) shall not apply to any certified development company that was affiliated with or part of any entity that took a first lien position between October 1, 2003, and September 30, 2005.

''(f) AFFILIATION WITH LENDERS OPERATING UNDER SECTION 7 OF THE SMALL BUSINESS ACT.—

''(1) PROHIBITION.—No certified development company may invest in, or be an affiliate of, a lender who participates in the loan programs authorized in sections 7(a) and 7(c) of the Small Business Act (15 U.S.C. 636(a) and (c)).

''(2) EXCEPTION.—The prohibition in paragraph (1) shall not apply to any certified development company that is affiliated with an entity authorized by the Administrator to operate under section 7(a) of the Small Business Act if such affiliation occurred on or before November 6, 2003.

''(3) CREDIT UNION AFFILIATION.—A certified development company shall not lose its status due to an affiliation with an institution regulated by the National Credit Union Administration if the development company was affiliated with such an institution prior to January 1, 2007.

''(g) SERVICING AND PACKAGING GUARANTEED LOANS.—A certified development company is authorized to prepare applications for loans under sections 7(a) or 7(c) of the Small Business Act (15 U.S.C. 636(a) or (c)), to service such loans, and to charge a reasonable fee for servicing such loans.

''(h) USE OF EXCESS FUNDS.—Any funds generated by a certified development company from the issuance of debentures under this title, the sale of debentures in the private secondary market, or fees described in subsection (g) that remain unexpended after payment of staff, operating, and overhead expenses shall be used by the certified development company for—

''(1) operating reserves;

''(2) expanding the area in which the certified development company operates through the methods authorized in section 505 (relating to multi-State operation);

''(3) investment in other community and local economic development activity or community development primarily in the State from which such funds were generated; or

''(4) investment in small business investment companies subject to the limitations in subsection (i).

''(i) LIMITATIONS WITH RESPECT TO SMALL BUSINESS INVESTMENT COMPANIES.—A certified development company shall not—

''(1) invest excess funds in a small business investment company that the Administrator determines to be capitally impaired as set forth in section 107.1830 of title 13, Code of Federal Regulations, as in effect on January 1, 2009, or any successor regulation to that regulation, but may maintain its investment in such company if such investment was made prior to the determination of capital impairment; and

''(2) provide a debenture under this title to a small business concern that has financing with a small business investment company in which the certified development company has invested excess funds.

''(j) ECONOMIC DEVELOPMENT ACTIVITIES.—A company certified pursuant to this section shall carry out each of the following economic development activities that create or preserve jobs in urban and rural areas:

''(1) The company shall provide long-term financing to small business concerns through debentures described in section 506.

''(2) The company shall operate any other program to assist small business concerns or communities that promote local economic development and job creation or preservation.

''(k) RESTRICTIONS ON ASSISTANCE.—

''(1) IN GENERAL.—After the date of enactment of the Small Business Financing and Investment Act of 2009, no certified development company may accept funding from any source, including any Federal agency (as that term is defined in section 551 of title 5, United States Code) if the source imposes—

''(A) conditions on the types of small business concerns that a certified development company may provide assistance to under this title; or

''(B) conditions or requirements, directly or indirectly, upon any small business concern receiving assistance under this title.

''(2) EXCEPTION.—The conditions of subparagraphs (A) and (B) of paragraph (1) shall not apply if the source provides all of the financing that will be provided by the certified development company to the small business concern, provided further that any conditions or restrictions are limited solely to the financing provided by the source of funding.

''(l) REVOCATION AND SUSPENSION.—The Administrator may suspend or revoke a certified development company's status if the Administrator determines, after a hearing on the record as set forth in sections 554, 556, and 557 of title 5, United States Code, that the certified development company no longer—

''(1) meets the eligibility criteria established under section 501 of this title;

''(2) satisfies the operational standards in this section; or

''(3) complies with the Administrator's rules, regulations, or provisions of law.

''(m) EFFECT OF SUSPENSION OR REVOCATION.—A suspension or revocation under subsection (l) shall not affect any outstanding debenture guarantee.''.

SEC. 213. ACCREDITED LENDERS PROGRAM.

Section 503 of the Small Business Investment of 1958 (15 U.S.C. 697) is amended to read as follows:

''SEC. 503. ACCREDITED LENDERS PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—A certified development company may apply for status to become an accredited certified development company if it meets the operational standards of section 502 and the criteria in subsection (b).

''(2) APPLICATION.—The Administrator shall, after opportunity for notice and comment, develop an application for certified development companies seeking to become accredited certified development companies.

''(3) PROCESSING OF APPLICATION.—The Administrator shall make a determination within 30 days after a complete application has been filed by the certified development company.

''(4) REAPPLICATION.—If the Administrator rejects the application, the Administrator shall provide in writing the reasons for the rejection. Any certified development company may reapply which will recommence the processing time limits set forth in paragraph (3), and such reapplication shall be limited to addressing the reasons for rejection. If the Administrator rejects a second application, that shall be considered final agency action for purposes of chapter 7 of title 5, United States Code.

''(b) STANDARDS FOR ACCREDITED CERTIFIED DEVELOPMENT COMPANY PROGRAM.—The Administrator shall designate a certified development company as accredited if it meets the following standards:

''(1) Has been a certified development company for not less than the preceding 12 months and has issued debentures as authorized under this title during that time period.

''(2) Has well-trained, qualified personnel who are knowledgeable in the lending policies and procedures for certified development companies.

''(3) Has the ability to process, close, and service the loan issued under this title.

''(4) Has a loss rate on the company's debentures that is reasonable and acceptable to the Administrator.

''(5) Has a history of submitting to the Administrator complete and accurate debenture guaranty application packages.

''(6) Has the ability to serve small business credit needs for financing plant and equipment as a certified development company.

''(c) EXPEDITED PROCESSING OF GUARANTEE APPLICATIONS.—The Administrator shall develop an expedited procedure for processing a guarantee application or servicing action submitted by an accredited certified development company. For purposes of this subsection, an expedited procedure is one that takes at least two business days less than the processing performed for certified development companies that have not been accredited.

''(d) SUSPENSION OR REVOCATION OF ACCREDITED STATUS.—The Administrator may suspend or revoke a certified development company's accredited status if the Administrator

determines, after a hearing on the record as set forth in sections 554, 556, and 557 of title 5, United States Code, that the certified development company no longer meets the eligibility criteria established under this section (which shall not include a time limit on the term of the certified development company's accredited status) or failed to adhere to the Administrator's rules, regulations, or is violating some other provision of law. Such suspension or revocation shall have no effect on the development company's status as certified.

''(e) EFFECT OF SUSPENSION OR REVOCATION ON EXISTING GUARANTEES.—A suspension or revocation of accredited status shall not affect any outstanding debenture guarantee.

''(f) GRANDFATHER PROVISION.—Any certified development company that was accredited by the date of enactment of the Small Business Financing and Investment Act of 2009 shall remain accredited for 24 months after that date. If the certified development company does not have an application for accreditation approved by the Administrator within the 24 months, its accreditation standard shall lapse.

''(g) AUTOMATIC QUALIFICATION.—

''(1) IN GENERAL.—Until the Administrator develops procedures for granting accredited status, any certified development company that was accredited as of the date of enactment of the Small Business Financing and Investment Act of 2009 shall be deemed to be accredited.

''(2) APPLICATIONS.—Any certified development company that satisfies the provision of paragraph (1) shall have 24 months in which to submit the application established by this section for accredited status.

''(3) EFFECT WHILE APPLICATION PENDING.—The denial or rejection of an application for accredited status as set forth in this section shall have no effect on the ability of a development company that meets the standard set forth in paragraph (1) from maintaining its status during the 24 months specified in this subsection.

''(h) PROMULGATION OF ACCREDITING STANDARDS.—The Administrator shall develop standards for accrediting, suspension, and revocation under the program established by this section only after notice and an opportunity for comment as set forth in section 553(b) of title 5, United States Code. After the development of such standards, the Administrator shall publish such standards in the Code of Federal Regulations.

''(i) RULE OF CONSTRUCTION.—Any reference to the term 'accredited lender' in any provision of law enacted, or any regulation adopted, prior to the enactment of the Small Business Financing and Investment Act of 2009 shall be deemed to be a reference to the term 'accredited certified development company'.''.

SEC. 214. PREMIER CERTIFIED LENDER PROGRAM.

Section 504 of the Small Business Investment Act of 1958 (15 U.S.C. 697a) is amended to read as follows:

''SEC. 504. PREMIER CERTIFIED LENDER PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—A certified development company accredited under section 503 may apply for status to become a premier certified development company.

''(2) APPLICATION.—The Administrator shall, after opportunity for notice and comment, develop an application for accredited certified development companies seeking to become premier certified development companies.

''(3) PROCESSING OF APPLICATION.—The Administrator shall make a determination within 60 days after a complete application has been filed by an accredited certified development company.

''(4) REAPPLICATION.—If the Administrator rejects the application, the Administrator shall provide in writing the reasons for the rejection. Any accredited certified development company may reapply which will recommence the processing time limits set forth in paragraph (3), and such reapplication shall be limited to addressing the reasons for rejection. If the Administrator rejects a second application, that shall be considered final agency action for purposes of chapter 7 of title 5, United States Code.

''(b) STANDARDS FOR OBTAINING PREMIER CERTIFIED DEVELOPMENT COMPANY STATUS.—The Administrator shall designate an accredited certified development company as a premier certified development company if the application submitted pursuant to subsection (a) demonstrates that the accredited certified development company meets the following standards:

''(1) Has been an accredited certified development company for at least 12 months.

''(2) Has submitted to the Administrator adequately analyzed debenture guarantee applications.

''(3) Has closed, in a proper manner following the Administrator regulations, loans under this title.

''(4) Has serviced its loan portfolio in accordance with the standards set by the Administrator.

''(5) Has established a loan loss reserve established in accordance with this section that the Administrator determines is sufficient to meet its obligations to protect the Federal Government from the risk of loss on each debenture guaranteed under this section.

''(6) Has agreed, as part of the application and in order to protect the Federal Government against the risk of loss, to the following—

''(A) on account of a debenture, the proceeds of which were used to fund a loan approved prior to the date of enactment of the Small Business Financing and Investment Act of 2009, agrees to reimburse the Administrator for 10 percent of any loss sustained by the Administrator as a result of a default by the company in the payment of principal or interest on a debenture issued by such company and guaranteed by the Administrator;

''(B) on account of a debenture, the proceeds of which were used to fund a loan approved prior to the date of enactment of the Small Business Financing and Investment Act of 2009 and which were issued during the period in which the company had made a selection pursuant to section 508(c)(7) of the Small Business Investment Act of 1958, as in effect on the day before such date of enactment, agrees to reimburse the Administrator for 15 percent of any loss sustained by the Administrator as a result of a default by the company in the payment of principal or interest on a debenture issued by such company and guaranteed by the Administrator; or

''(C) on account of a debenture, the proceeds of which are used to fund a loan approved on or after the date of enactment of the Small Business Financing and Investment Act of 2009, upon closing, pay to the Administrator a one-time participation fee in the amount equal to the higher of the following:

''(i) 0.25 percent of the amount of the debenture.

''(ii) A percent of the amount of the debenture equal to 10 percent of the amount of the company's historic loss rate on debentures guaranteed under this section as determined by the Administrator. The rate specified by this clause shall be determined annually based upon the company's loan losses as of close of business on June 30 and notice of the determination shall be provided to each company not later than August 31. Such rate shall be applicable to loans approved during the fiscal year commencing after the determination is made and shall expire and have no further application after the end of such fiscal year. If no timely determination has been made prior to the commencement of a fiscal year, including the year of enactment of the Small Business Financing and Investment Act of 2009, one may be made after the commencement and it shall be applicable to loans approved during the balance of such fiscal year commencing 30 days after notification to the development company involved.

''(c) SUSPENSION OR REVOCATION OF PREMIER STATUS.—The Administrator may suspend or revoke an accredited certified development company's premier status if the Administrator determines, after a hearing on the record as set forth in sections 554, 556, and 557 of title 5, United States Code, that the accredited certified development company no longer meets the eligibility criteria for premier status as established under this section or failed to adhere to the Administrator's rules, regulations, or is violating some other provision of law. Such revocation or suspension shall have no effect on its status as an accredited certified development company.

''(d) LOAN LOSS RESERVE.—

''(1) ASSETS.—Each loan loss reserve maintained by the premier certified development company for loans made pursuant to the authority in subsection (g)(1) shall be comprised of—

''(A) segregated funds on deposit in an account or accounts with a federally insured depository institution or institutions selected by the company, subject to a collateral assignment in favor of, and in a format acceptable to, the Administrator that shall amount to 10 percent of the company's exposure as determined pursuant to subsection (b)(6);

''(B) irrevocable letter or letters of credit, with a collateral assignment in favor of, and a commercially reasonable format acceptable to, the Administrator; or

''(C) any combination of the assets described in subparagraphs (A) and (B).

''(2) CONTRIBUTIONS.—The company shall make contributions to the loss reserve, either cash or letters of credit as provided above, in the following amounts and at the following intervals:

''(A) 50 percent when a debenture is closed.

''(B) 25 percent additional not later than 1 year after a debenture is closed.

''(C) 25 percent additional not later than 2 years after a debenture is closed.

''(3) REPLENISHMENT.—If a loss has been sustained by the Administrator, any portion of the loss reserve, and other funds provided by the premier certified development company as necessary, may be used to reimburse the Administrator for the premier certified development company's share of the loss as provided for in subsection (b)(6). If the premier certified development company utilizes the reserve, it shall, within 30 calendar days, replace an equivalent amount of funds.

''(4) DISBURSEMENTS.—

''(A) IN GENERAL.—The Administrator shall allow the premier certified development company to withdraw from the loss reserve amounts attributable to any debenture that has been repaid.

''(B) REDUCTION.—The Administrator shall allow the premier certified development company to withdraw from the loss reserve such amounts as are in excess of 1 percent of the aggregate outstanding balances of debentures to which such loss reserve relates. The reduction authorized by this subparagraph

shall not apply with respect to any debenture before 100 percent of the contribution described in paragraph (2) with respect to such debenture has been made.

(5) APPLICABILITY.—This subsection shall apply only to a premier certified development company designated as a premier certified development company by the Administrator under this section on or after the date of the enactment of the Small Business Financing and Investment Act of 2009. The loan loss reserve requirements relating to any premier certified development company certified prior to the date of the enactment of such Act shall continue to be governed by regulations in effect on the date of the enactment of such Act.

''(e) BUREAU OF PREMIER CERTIFIED DEVELOPMENT COMPANY LENDER OVERSIGHT.—

''(1) IN GENERAL.—There is hereby established a Bureau of Premier Certified Development Company Lender Oversight in the Office of Lender Oversight at the Administration which shall have responsibility and capability for carrying out oversight of premier certified development companies and such other responsibilities as the Administrator designates.

''(2) ANNUAL REVIEW.—The Bureau established in paragraph (1) annually shall review the financing made by each premier certified development company. Such review shall include the premier certified development company's credit decisions and general compliance with the eligibility requirements for each financing approved as a result of its status as a premier certified development company.

''(3) RANDOM AUDITS.—The Bureau shall develop and implement a method for sampling the debentures issued by premier certified development companies. Such sampling shall be similar to the random file audits of development companies that utilize the Abridged Submission Method described in chapter 4 of subpart C of Standard Operating Procedure 50 10 (5)(A) as was in effect on March 2, 2009.

''(4) REVIEW OF LENDERS PROVIDING SENIOR FINANCING.—

''(A) CALCULATION OF LOAN LOSS RATE.—The Bureau shall periodically calculate the loss rate of all debentures approved under this section and shall calculate a loss rate on the basis of the total debentures attributable to projects approved by premier certified development companies in which each lender is a participating lender.

''(B) NOTIFICATION.—If the Bureau determines that the loss rate on debentures involving an individual lender exceeds the average for all debentures approved under this section, it shall advise the Administrator.

''(5) USE OF REVIEWS AND AUDITS.—The Administrator shall consider the findings under paragraphs (2), (3), and (4) in carrying out the responsibilities under subsection (h).

''(f) SALE OF CERTAIN DEFAULTED LOANS.—

''(1) NOTICE.—If, upon default in repayment, the Administrator acquires a debenture issued by a premier certified development company and identifies such loan for inclusion in a bulk asset sale of defaulted or repurchased loans or other financing, the Administrator shall give prior notice thereof to any premier certified development company which has a contingent liability under this section. The notice shall be given to the premier certified development company as soon as possible after the financing is identified, but not less than 90 days before the date the Administrator first makes any records on such financing available for examination by prospective purchasers prior to its offering in a package of loans for bulk sale.

''(2) LIMITATIONS.—The Administrator shall not offer any loan described in paragraph (1) as part of a bulk sale unless the Administrator—

''(A) provides prospective purchasers with the opportunity to examine the Administration's records with respect to such loan; and

''(B) provides the notice required by paragraph (1).

''(g) LOAN APPROVAL AUTHORITY.—

''(1) IN GENERAL.—A premier certified development company may, under conditions determined by the Administrator in regulations published in the Code of Federal Regulations, issue guarantees on debentures, approve, authorize, close, service, foreclose, litigate (except that the Administrator may monitor conduct of any such litigation), and liquidate loans that are funded with proceeds of a debenture issued by a premier certified development company unless the Administrator advises the company that loans involving a specific institutional lender are to be submitted to the Administrator for further consideration, and approval by the Administrator.

''(2) PROGRAM GOALS.—Each premier certified development company shall establish a goal of processing no less than 50 percent of the applications for assistance under this title that the premier certified development company receives. Failure to meet this goal shall have no affect on the company's status as a premier certified development company under this section.

''(3) SCOPE OF REVIEW.—The approval of a loan and guarantee of a debenture by a premier certified development company shall be subject to final approval as to the eligibility of any guarantee by the Administrator as set forth in section 506, but such final approval shall not include review of decisions by the premier certified development company involving creditworthiness, loan closing, or compliance with legal requirements imposed by law or regulation.

''(h) SUSPENSION OR REVOCATION.—The Administrator may suspend or revoke an accredited certified development company's premier status if the Administrator determines, after a hearing on the record as set forth in sections 554, 556, and 557 of title 5, United States Code, that the accredited certified development company no longer meets the eligibility criteria established under this section, fails to maintain adequate loan loss reserves mandated in this section even if it meets the other eligibility requirements for premier status, or violates the Administrator's rules, regulations, or some other provision of law. The Administrator shall consider the review of the premier certified development company conducted pursuant to subsection (e) in determining whether to suspend or revoke an accredited development company's premier status. Such suspension or revocation shall have no effect on the development company's status as an accredited certified development company.

''(i) EFFECT OF SUSPENSION OR REVOCATION.—A suspension or revocation of premier status shall not affect any outstanding debenture guarantee.

''(j) RULE OF CONSTRUCTION.—Any reference to the term 'premier certified lender' or 'PCL' in legislation enacted, or regulations adopted, prior to the enactment of the Small Business Financing and Investment Act of 2009 shall be deemed to be a reference to the term 'premier certified development company'.''.

SEC. 215. MULTI-STATE OPERATIONS.

Section 505 of the Small Business Investment Act of 1958 (15 U.S.C. 697b) is amended to read as follows:

''SEC. 505. MULTI-STATE OPERATIONS.

''(a) AUTHORIZATION.—The Administrator shall permit an accredited or premier certified development company to make loans or issue debentures in any State that is contiguous to the State of incorporation of that company only if the company—

''(1) has members, from each of the States in which it operates with not fewer than 25 members who reside in such States;

''(2) has a board of directors that contains not fewer than 2 members from each State in which the company makes loans and issues debentures and are residents of that State;

''(3) maintains a separate loan committee to process loans in each expansion State and the members of the loan committee are solely residents of the expansion State; and

''(4) files an application developed by the Administrator which provides—

''(A) notice of the intention to make loans in multiple States;

''(B) a specification of the States in which the company intends to make loans;

''(C) a list of members in each expansion State; and

''(D) a detailed statement on how the company will comply with the requirements of this subsection.

''(b) LOAN COMMITTEES.—The requirements of paragraph (3) of subsection (a) shall not require a development company to establish a loan committee in its State of incorporation or in a local economic area outside the State of incorporation unless such area is part of an expansion State.

''(c) REVIEW.—

''(1) IN GENERAL.—The Administrator shall review each application for expansion under subsection (a), but such review shall be limited to that information needed to determine whether the company will comply with the requirements of subsection (a).

''(2) DEADLINE FOR DECISION.—The Administrator shall make a decision on each application under subsection (a) within 15 calendar days after the receipt of the application. If no such decision is granted, the application is deemed to be approved and no further action is required by the applicant or the Administrator for the company to expand into the States specified in the application.

''(3) APPLICATION RESUBMITTAL.—If the Administrator rejects the application for expansion, the Administrator shall provide in writing the reasons for denial within 10 calendar days of the decision. The applicant then may resubmit the application but the review of such resubmitted applications will be limited only to the areas in which the Administrator found the original application deficient. The deadlines in paragraph (2) shall apply to resubmitted applications.

''(4) APPEAL.—If a resubmitted application is denied, the applicant may, within 10 calendar days after receipt of the disapproval, appeal such disapproval. The Administrator shall conduct a hearing to determine such appeal pursuant to sections 554, 556, and 557 of title 5, United States Code, and shall issue a decision not later than 45 days after the appeal is filed. The decision on appeal shall constitute final agency action for purposes of chapter 7 of title 5, United States Code.

''(d) FAILURE TO DEVELOP APPLICATION.—If the Administrator fails to develop an application as required in subsection (a)(4) within 60 days of the enactment of the Small Business Financing and Investment Act of 2009, an accredited or premier certified development company only need submit the information required in subsection (a) to the Administrator to be deemed eligible to commence operations authorized by this section. Such eligibility shall not be terminated if the Administrator develops an application after the 60-day period set forth in this subsection.

''(e) AGGREGATE ACCOUNTING.—An accredited or premier certified development company authorized to operate in multiple States pursuant to this section may maintain an aggregate accounting of all revenue and expenses of the company for purposes of this title.

''(f) LOCAL JOB CREATION REQUIREMENTS.—

''(1) IN GENERAL.—Any company making loans in multiple States as authorized in this section shall not count jobs created or retained in one State towards any applicable job creation or retention requirements mandated by this title in another State.

''(2) APPLICABILITY.—Any company operating under the authority of this section shall be required to meet any job creation or retention requirement of this title on the date that is 2 years after the certified development company closed its first loan in its new State of operation.

''(g) CONTIGUOUS STATES.—For the purposes of this section, the States of Alaska and Hawaii shall be deemed to be contiguous to any State abutting the Pacific Ocean. Territories of the United States located in the Pacific Ocean shall be deemed to be contiguous to any State abutting the Pacific Ocean, including Alaska and Hawaii, and territories of the United States located in the Caribbean Sea shall be deemed contiguous to any State abutting the Gulf of Mexico.

''(h) EXEMPTION FOR LOCAL ECONOMIC AREAS.—Except as provided in subsection (a)(3) with respect to loan committees, any certified, accredited, or premier development company or applicant operating in a local economic development area that crosses the border of another State shall not be considered to be operating under the provisions of this section and shall not be required to comply with the requirements of this section for multi-State operation.''.

SEC. 216. GUARANTY OF DEBENTURES.

Section 506 of the Small Business Investment Act of 1958 (15 U.S.C. 697c) is amended to read as follows:

''SEC. 506. GUARANTY OF DEBENTURES.

''(a) AUTHORITY TO GUARANTEE.—Except as provided in subsection (c), the Administrator may guarantee the timely payment of all principal and interest as scheduled on any debenture issued by a certified development company.

''(b) TERMS AND CONDITIONS OF THE GUARANTEE.—Such guarantees may be made on such terms and conditions as the Administrator may by regulation, published in the Code of Federal Regulations, determine to be appropriate, except that the Administrator shall not decline to issue such guarantee when the ownership interests of the small business concern and the ownership interests of the property to be financed with the proceeds of the loan made pursuant to subsection (e)(1) are not identical because one or more of the following classes of relatives have an ownership interest in either the small business concern or the property: father, mother, son, daughter, wife, husband, brother, or sister, if the Administrator or his designee has determined on a case-by-case basis that such ownership interest, such guarantee, and the proceeds of such loan, will substantially benefit the small business concern.

''(c) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all amounts guaranteed under this section.

''(d) SUBORDINATION.—Any debenture issued by a certified development company with respect to which a guarantee is made under this section may be subordinated by the Administrator to any other debenture, promissory note, or other debt or obligation of such company.

''(e) STANDARDS FOR ADMINISTRATOR GUARANTEES.—No guarantee may be made with respect to any debenture under this section unless—

''(1) the debenture is issued for the purpose of making one or more loans to small business concerns the proceeds of which shall be used for the purposes set forth in section 507;

''(2) the interest rate on such debentures is not less than the rate of interest determined by the Secretary of the Treasury for purposes of section 303(b);

''(3) the aggregate amount of such debenture does not exceed the amount of the loans to be made from the proceeds of such debenture plus, at the election of the borrower, other amounts attributable to the administrative and closing costs of such loans, except for the attorney fees of the borrower;

''(4) the amount of any loan to be made from such proceeds does not exceed an amount equal to 50 percent of the cost of the project with respect to which such loan is made;

''(5) the Administrator, except to the extent provided in section 504 with respect to premier certified development companies, approves each loan to be made from such proceeds; and

''(6) with respect to each loan made from the proceeds of such debenture, the Administrator—

''(A) assesses and collects a fee, which shall be payable by the borrower, in an amount established annually by the Administration, which amount shall not exceed—

''(i) the lesser of—

''(I) 0.9375 percent per year of the outstanding balance of the loan; or

''(II) the minimum amount necessary to reduce the cost (as defined in section 502 of the Federal Credit Reform Act of 1990) to the Administrator of purchasing and guaranteeing debentures under this title to zero; and

''(ii) 50 percent of the amount established under clause (i) in the case of a loan made during the 2-year period beginning on October 1, 2002, for the life of the loan; and

''(B) uses the proceeds of such fee to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) to the Administrator of making guarantees under this section.

''(f) INTEREST RATES ON COMMERCIAL LOANS.—Notwithstanding the provisions of the constitution or laws of any State limiting the rate or amount of interest which may be charged, taken, received, or reserved, the maximum legal rate of interest on any commercial loan which funds any portion of the cost of the project financed pursuant to this title which is not funded by a debenture guaranteed under this section shall be a rate which is established by the Administrator who shall publish such rate quarterly in, at a minimum, the Federal Register and on the Administration's website.

''(g) DEBENTURE REPAYMENT.—Any debenture that is issued under this section shall provide for the payment of principal and interest on a semiannual basis.

''(h) CHARGES FOR ADMINISTRATOR'S EXPENSES.—The Administrator may impose an additional charge for administrative expenses with respect to each debenture for which payment of principal and interest is guaranteed under this section. Such administrative expenses may include—

''(1) development company fees for processing, closing, servicing, late payment, or loan assumption;

''(2) agent or trustee fees for central servicing, underwriters, or debenture funding; and

''(3) fees charged by the Administrator for the debenture guaranty and from the certified development company to reduce the subsidy cost.

''(i) PARTICIPATION FEE.—The Administrator shall collect a one-time fee in an amount equal to 50 basis points on the total participation in any project of any State or local government, bank, other financial institution, or foundation or not-for-profit institution. Such fee shall be imposed only when the participation of the entity described in the previous sentence will occupy a senior credit position to that of the development company. All proceeds of the fee shall be used to offset the cost (as that term is defined in section 502 of the Credit Reform Act of 1990) to the Administrator of making guarantees under this section.

''(j) CERTIFIED DEVELOPMENT COMPANY FEE.—The Administrator shall collect annually from each development company a fee of 0.125 percent of the outstanding principal balance of any guaranteed debenture authorized by the Administrator after September 30, 1996. Such fee shall be derived from the servicing fees collected by the certified development company pursuant to regulation, and shall not be derived from any additional fees imposed on small business concerns. All proceeds of the fee shall be used to offset the cost (as that term is defined in section 502 of the Credit Reform Act of 1990) to the Administrator of making guarantees under this section.

''(k) EFFECTIVE DATE.—The fees authorized by this section shall apply to any financing approved under this title on or after October 1, 1996.

''(l) CALCULATION OF SUBSIDY RATE.—All fees, interest, and profits received and retained by the Administrator under this section shall be included in the calculations made by the Director of the Office of Management and Budget to offset the cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the Administrator of purchasing and guaranteeing debentures under this title.

''(m) ACTIONS UPON DEFAULT.—

''(1) INITIAL ACTIONS.—Not later than the 45th day after the date on which a payment on a loan funded through a debenture guaranteed under this section is due and not received, the Administrator shall—

''(A) take all necessary steps to bring such loan current; or

''(B) implement a formal written deferral agreement.

''(2) PURCHASE OR ACCELERATION OF DEBENTURE.—Not later than the 65th day after the date on which a payment on a loan described in paragraph (1) is due and not received, and absent a formal written deferral agreement, the Administrator shall take all necessary steps to purchase or accelerate the debenture.

''(3) PREPAYMENT PENALTIES.—With respect to the portion of any project derived from funds not provided by a debenture issued by a certified development company or borrower, the Administrator—

''(A) shall negotiate the elimination of any prepayment penalties or late fees on defaulted loans made prior to September 30, 1996;

''(B) shall not pay any prepayment penalty or late fee on the default based purchase of loans issued after September 30, 1996; and

''(C) shall not pay a default interest rate higher than the interest rate on the note prior to the date of default for any project financed after September 30, 1996.

''(4) COLLECTION AND SERVICING.—

''(A) IN GENERAL.—In the event of the default of any loan and the repurchase of a debenture guaranteed by the Administrator under this title, the Administrator shall continue to delegate to the central servicing agent that was contracted for that service as of January 1, 2009, or successor contractor the authority to collect and disburse all funds or payments received on such defaulted loans, including payments from guarantors or on notes in compromise of the original note. The central servicing agent shall continue to provide an accounting of income and expenses for any such loan on the same basis it does for any other loan issued under this title. The central servicing

agent shall make the accounting of income and expenses and reports thereon available as requested by the certified development company that issued the debenture or the Administrator.

''(B) EFFECTIVE DATE.—The requirements of subparagraph (A) shall become effective 180 days after the date of enactment of the Small Business Financing and Investment Act of 2009.''.

SEC. 217. ECONOMIC DEVELOPMENT THROUGH DEBENTURES.

Section 507 of the Small Business Investment Act of 1958 (15 U.S.C. 697d) is amended to read as follows:

''SEC. 507 ECONOMIC DEVELOPMENT AND DEBENTURES.

''(a) IN GENERAL.—A certified development company shall be prohibited from issuing a debenture under this title unless the project funded with the debenture meets one of the following economic development objectives:

''(1) The creation of job opportunities within two years of the completion of the project or the preservation or retention of jobs attributable to the project.

''(2) Improving the economy of the locality, such as stimulating other business development in the community, bringing new income into the area, or assisting the community in diversifying and stabilizing its economy.

''(3) The achievement of one or more of the following public policy goals:

''(A) Business district revitalization or expansion of businesses in low-income communities which would be eligible for a new markets tax credit under section 45D(a) of the Internal Revenue Code of 1986, or implementing regulations issued under that section.

''(B) Expansion of exports.

''(C) Expansion of minority business development or women-owned business development.

''(D) Rural development.

''(E) Expansion of small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), especially service-disabled veterans, as defined in such section.

''(F) Enhanced economic competition, including the advancement of technology, plan retooling, conversion to robotics, or competition with imports.

''(G) Changes necessitated by Federal budget cutbacks, including defense related industries.

''(H) Business restructuring arising from federally mandated standards or policies affecting the environment or the safety and health of employees.

''(I) Reduction of energy consumption by at least 10 percent.

''(J) Increased use of sustainable design, including designs that reduce the use of greenhouse gas emitting fossil fuels, or low-impact design to produce buildings that reduce the use of nonrenewable resources and minimize environmental impact.

''(K) Plant, equipment, and process upgrades of renewable energy sources such as the small-scale production of energy for individual buildings or communities consumption, commonly known as micropower, or renewable fuels producers including biodiesel and ethanol producers.

''(4) Debt refinancing to the extent permitted by subsection (d).

''(b) JOB CREATION AND RETENTION REQUIREMENTS.—

''(1) IN GENERAL.—A project meets the job creation or retention objective set forth in subsection (a)(1) if the project creates or retains one job for every $65,000 guaranteed by the Administrator, except that the amount shall be $100,000 in the case of a project of a small manufacturer.

''(2) EXCEPTIONS.—

''(A) Paragraph (1) shall not apply to a project for which eligibility is based on the objectives set forth in subsection (a)(2) or (a)(3) if the certified development company's portfolio of outstanding debentures creates or retains one job for every $65,000 guaranteed by the Administrator.

''(B) For projects in Alaska, Hawaii, State-designated enterprise zones, empowerment zones, enterprise communities, or labor surplus areas designated by the Administrator, the certified development company's portfolio may average not more than $75,000 per job created or retained.

''(C) Loans for projects of small manufacturers shall be excluded from the calculations in subparagraphs (A) and (B).

''(c) COMBINATION OF CERTAIN GOALS.—A small business concern that is unconditionally owned by more than 1 individual, or a corporation, the stock of which is owned by more than 1 individual, shall be deemed to have achieved a goal under subsection (a)(3) if a combined ownership share of not less than 51 percent is held by individuals who are in 1 of, or a combination of, the groups described in subparagraphs (C) or (E) of subsection (a)(1).

''(d) COMPOSITION OF THE PROJECT.—

''(1) IN GENERAL.—The projects described in this section shall include, but not be limited to, plant acquisition, construction, conversion, expansion (including the acquisition of land), equipment and related project costs, or to acquire the stock of a corporation (as long as the value of the loan for the acquisition of the stock does not exceed the fixed asset value attributable to such assets as would be eligible for financing under subsection (a)).

''(2) DEBT REFINANCING.—Any financing approved under this title may include a limited amount of debt refinancing if the project involves the expansion of a small business concern.

''(3) LIMITATION.—The amount of the existing indebtedness may be refinanced and added to the expansion cost if—

''(A) the existing indebtedness does not exceed 50 percent of the project cost of the expansion;

''(B) the proceeds of the indebtedness were used to acquire land, including a building situated thereon, to construct a building thereon, or to purchase equipment;

''(C) the existing indebtedness is collateralized by fixed assets;

''(D) the existing indebtedness was incurred for the benefit of the small business concern;

''(E) the financing under this title will be used only for refinancing existing indebtedness or costs relating to the project financed under this title;

''(F) the financing under this title will provide a substantial benefit to the borrower when prepayment penalties, financing fees, and other financing costs are accounted for;

''(G) the borrower has been current on all payments due on the existing debt for not less than 1 year preceding the date of refinancing; and

''(H) the financing under this title will provide better terms or rate of interest than the existing indebtedness at the time of refinancing.

''(e) DEFINITION.—For purposes of subparagraphs (J) and (K) of subsection (a)(3), the terms included have the meanings given those terms under the Leadership in Energy and Environmental Design (more generally referred to as LEED) standard for green building certification, as determined by the Administrator through regulation to be published in the Code of Federal Regulations.''.

SEC. 218. PROJECT FUNDING REQUIREMENTS.

Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended to read as follows:

''SEC. 508. PROJECT FUNDING REQUIREMENTS.

''(a) IN GENERAL.—Any project described in section 507 must meet the funding standards set forth in this section.

''(b) SIZE OF DEBENTURE.—The Administrator shall only be permitted to guarantee debenture issued by a certified development company up to the following amounts:

''(1) $3,000,000 for any project of a small business concern.

''(2) $4,000,000 for any project that meets the public policy goals set forth in section 507(a)(3).

''(3) $4,000,000 for any project to be located in a low-income community as that term is described in section 507(a)(3)(A).

''(4) $8,000,000 for each project of a small manufacturer.

''(5) $8,000,000 for each project that reduces the borrower's energy consumption by at least 10 percent.

''(6) $8,000,000 for each project that generates renewable energy or renewable fuels, such as, but not limited to, biodiesel or ethanol production.

''(7) $10,000,000 for each project for a small business concern that constitutes a major source of employment as that term is used in section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)).

''(c) FUNDING FROM SOURCES OTHER THAN DEBENTURES ISSUED BY CERTIFIED DEVELOPMENT COMPANIES.—

''(1) IN GENERAL.—Any project financed pursuant to this title must have the following contributions from parties other than the debenture issued by the certified development company:

''(A) FUNDING FROM INSTITUTIONS.—

''(i) If a small business concern provides—

''(I) the minimum contribution required by subparagraph (B), not less than 50 percent of the total cost of any project financed shall come from State or local governments, banks or other financial institutions, or foundations or other not-for-profit institutions; and

''(II) more than the minimum contribution required under subparagraph (B), any excess contribution may be used to reduce the amount required from institutions described in subclause (I), except that the amount provided by such institution may not be reduced to an amount that is less than the amount of the loan made by the Administrator.

''(B) FUNDING FROM SMALL BUSINESS CONCERNS.—The small business concern (or its owners, stockholders, or affiliates) that will have a project financed pursuant to this title shall provide—

''(i) at least 15 percent of the total cost of the project financed if the small business concern has been in operation for a period of 2 years or less;

''(ii) at least 15 percent of the total cost of the project financed if the project involves construction of a limited or single purposed building or structure;

''(iii) at least 20 percent of the total cost of the project financed if the project involves both of the conditions in clauses (i) and (ii); or

''(iv) at least 10 percent of the total cost of the project financed and not covered by clauses (i), (ii), or (iii), at the discretion of the certified development company.

''(2) SELLER FINANCING.—Seller-provided financing may be used to meet the requirements of paragraph (1)(B), if the seller subordinates the interest of the seller in the property to the debenture guaranteed by the Administrator.

''(3) COLLATERALIZATION.—

''(A) IN GENERAL.—The collateral provided by the small business concern shall generally include a subordinate lien position on the property being financed under this title, and is only one of the factors to be evaluated in the credit determination. Additional collateral shall be required only if the Administrator determines, on a case-by-case basis, that additional security is necessary to protect the interest of the Government.

''(B) APPRAISALS.—With respect to commercial real property provided by the small business concern as collateral, an appraisal of the property by a State licensed or certified appraiser—

''(i) shall be required by the Administrator before disbursement of the loan if the estimated value of that property is more than $400,000; or

''(ii) may be required by the Administrator or the lender before disbursement of the loan if the estimated value of that property is $400,000 or less, and such appraisal is necessary for appropriate evaluation of creditworthiness.

''(C) ADJUSTMENT.—The Administrator shall periodically adjust the amount under subparagraph (B) to account for the effects of inflation, provided that no such adjustment shall be less than $50,000.

''(4) LIMITATION ON LEASING.—

''(A) If the project funded under this section includes the acquisition of a facility or the construction of a new facility, the small business concern—

''(i) shall permanently occupy and use not less than 50 percent of the project property; and

''(ii) may, on a temporary or permanent basis, lease to others not more than 50 percent of the project property.

''(B) For purposes of this paragraph, the term 'project property' means—

''(i) the building and any exterior areas used in connection with the building or a part thereof and includes all of the parcels of real property included in the project in the aggregate; and

''(ii) occupancy and use of the project property by the operating company shall be deemed to be occupancy and use by the small business concern that received funding under this section.

''(d) REGULATIONS.—(1) The Administrator shall promulgate regulations, after notice and comment, to implement the provisions of this section within 60 days after enactment of the Small Business Financing and Investment Act of 2009. The Administrator may limit the comment period to 15 days to meet this deadline.

''(2) If the Administrator fails to promulgate the regulations as provided in paragraph (1), all leases entered into, absent clear and convincing evidence of fraud, shall be deemed to be in compliance with the limitations on leasing in this subparagraph for purposes of honoring the guarantee on the debenture issued by the certified development company.

''(3) Any regulation of the Administrator or interpretation of any regulation by the Administrator or the Office of Hearings and Appeals that restricts the use of proceeds for leased projects that was in effect on the date of enactment of the Small Business Financing and Investment Act of 2009 shall hereby cease to apply.

''(4) Any interpretation of the leasing provisions issued by the Administrator prior to the issuance of regulations required by paragraph (1) shall be considered null and void and may be not be used in any court of competent jurisdiction, be it Federal or State court, to dishonor any guarantee of a debenture issued by a certified development company for a project funded pursuant to this section.

''(e) OWNERSHIP CALCULATION.—Ownership requirements to determine the eligibility of a small business concern that applies for funding under this title shall be determined without regard to any ownership interest of a spouse arising solely from the application of the community property laws of a State for purposes of determining marital interests.

''(f) COMBINATION FINANCING.—Financing under this title may be provided to a borrower in the maximum amount provided in this section, and a loan guarantee under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) may be provided to the same borrower in the maximum amount provided in section 7(a)(3)(A) of such Act, to the extent that the borrower otherwise qualifies for such assistance.

''(g) RULES FOR DEBENTURES FUNDING PROJECTS IN LOW-INCOME AREAS.—

''(1) SIZE STANDARDS.—For purposes of determining the size of a small business concern seeking funds for a project described in subsection (b)(3), the size standard promulgated by the Administrator in section 121.201 of title 13, Code of Federal Regulations, as in effect on January, 1, 2009, or any successor regulation, shall be increased by 25 percent.

''(2) PERSONAL LIQUIDITY.—

''(A) IN GENERAL.—The amount of personal resources of an owner for a project described in subsection (b)(3) that are excluded from the amount required to reduce the portion of the project funded by the Administrator shall be not less than 25 percent more than that required for funding of any other project described in subsection (b).

''(B) DEFINITION.—For purposes of subparagraph (A), the term 'owner' means any person that owns not less than 20 percent of the equity or has not less than 20 percent of the voting rights (in the case of a small business organized as a partnership) of a small business concern seeking funds under this section.

''(h) APPLICABILITY OF CREDIT ELSEWHERE AND PERSONAL RESOURCES REGULATIONS.—Except as provided in subsection (c)(1)(B) with respect to project funding, the Administrator shall be prohibited from applying the regulations set forth in sections 120.101 and 120.102 of title 13, Code of Federal Regulations, as in effect on January 1, 2009, or any successor regulation that applies a credit elsewhere or personal resources test to any application for a loan under this title pending or filed after the date of enactment of the Small Business Financing and Investment Act of 2009.''.

SEC. 219. PRIVATE DEBENTURE SALES AND POOLING OF DEBENTURES.

Section 509 of the Small Business Investment Act of 1958 (15 U.S.C. 697f) is amended to read as follows:

''SEC. 509. PRIVATE DEBENTURE SALES AND POOLING OF DEBENTURES.

''(a) PRIVATE DEBENTURE SALES.—Notwithstanding any other law, rule, or regulation, the Administrator shall sell to investors, either publicly or by private placement, debentures issued by certified development companies pursuant to this title for the full amount of the program levels authorized in each fiscal year and if there is not authorization of a level, the amount of debentures actually issued.

''(b) FEDERAL FINANCING BANK.—Nothing in any provision of law shall be construed to authorize the Federal Financing Bank to acquire—

''(1) any obligation the payment of principal or interest on which at any time has been guaranteed in whole or in part under this title and which is being sold pursuant to the provisions of this section;

''(2) any obligation which is an interest in any obligation which is an interest in any obligation described in paragraph (1); or

''(3) any obligation which is secured by, or substantially all of the value of which is attributable to, any obligation described in paragraph (1) or (2).

''(c) POOLING OF DEBENTURES.—

''(1) IN GENERAL.—The Administrator is authorized to issue trust certificates representing ownership of all or a fractional part of debentures issued by certified development companies and guaranteed under this title if such trust certificates are based on and backed by a trust or pool approved by the Administrator and composed solely of guaranteed debentures.

''(2) GUARANTEE OF TRUST CERTIFICATES.—The Administrator is authorized, upon such terms and conditions as are deemed appropriate, to guarantee the timely payment of the principal of and interest on trust certificates issued by the Administrator or its agent for purposes of this section. Such guarantee shall be limited to the extent of principal and interest on the guaranteed debentures which compose the trust or pool. In the event that a debenture in such trust or pool is prepaid, either voluntarily or in the event of default, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of principal and interest such prepaid debenture represents in the trust or pool. Interest on prepaid or defaulted debentures shall accrue and be guaranteed by the Administrator only through the date of payment on the guarantee. During the term of the trust certificate, it may be called for redemption due to prepayment or default of all debentures constituting the pool.

''(3) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee of such trust certificates issued by the Administrator or its agent pursuant to this section.

''(4) PROHIBITION ON GUARANTEE FEE FOR POOLS.—The Administrator shall not collect any fee for any guarantee under this section, provided that nothing herein shall preclude any agent of the Administrator from collecting a fee approved by the Administrator for the functions performed in paragraph (6)(F).

''(5) SUBROGATION.—

''(A) IN GENERAL.—In the event the Administrator pays a claim under a guarantee issued under this section, it shall be subrogated fully to the rights satisfied by such payment.

''(B) ADMINISTRATOR EXERCISE OF RIGHTS.—No Federal, State, or local law shall preclude or limit the exercise by the Administrator of its ownership rights in the debentures constituting the trust or pool against which the trust certificates are issued.

''(6) CENTRAL REGISTRATION.—

''(A) IN GENERAL.—The Administrator shall provide for a central registration of all trust certificates sold pursuant to this section.

''(B) CONTRACT.—The Administrator shall contract with an agent to carry out on behalf of the Administrator the central registration functions of this section and the issuance of trust certificates to facilitate pooling.

''(C) BOND.—The Administrator shall require the contractor to provide a fidelity bond or insurance in such amounts as is deemed necessary to fully protect the interests of the Government.

''(D) DISCLOSURE REQUIREMENTS.—The Administrator shall, prior to any sale, require the seller to disclose to a purchaser of a trust certificate issued pursuant to this section, information on terms, conditions, and yield of such instruments.

''(E) AUTHORITY TO REGULATE.—The Administrator shall have the authority to regulate

brokers and dealers in trust certificates sold pursuant to this section.

''(F) BOOK ENTRY PERMITTED.—Nothing in this paragraph shall prohibit the utilization of a book-entry or other electronic form of registration for trust certificates.''.

SEC. 220. FORECLOSURE AND LIQUIDATION OF LOANS.

Section 510 of the Small Business Investment Act of 1958 (15 U.S.C. 697g) is amended to read as follows:

''SEC. 510. FORECLOSURE AND LIQUIDATION OF LOANS.

''(a) DELEGATION OF AUTHORITY.—In accordance with this section, the Administrator shall delegate to any certified development company that meets the eligibility requirements of subsection (b)(1), the authority to foreclose and liquidate, or to otherwise treat in accordance with this section, defaulted loans in its portfolio that are funded with the proceeds of debentures guaranteed by the Administrator pursuant to this title.

''(b) ELIGIBILITY FOR DELEGATION.—

''(1) REQUIREMENTS.—A certified development company shall be eligible for a delegation of authority under subsection (a) if—

''(A) the certified development company—

''(i) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), before the enactment of the Small Business Financing and Investment Act of 2009;

''(ii) is an accredited or premier certified development company; or

''(iii) during the 3 fiscal years immediately prior to seeking such a delegation, has made an average of not less than 10 loans per year that are funded with the proceeds of debentures guaranteed under this title; and

''(B) the certified development company—

''(i) has one or more employees—

''(I) with not less than 2 years of substantive, decisionmaking experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under this title; and

''(II) who have completed a training program on loan liquidation developed by the Administrator in conjunction with a certified development company that meet the requirements of this paragraph; or

''(ii) submits to the Administrator documentation demonstrating that the company has contracted with a qualified third party to perform any liquidation activities and secures the approval of the contract by the Administrator with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

''(2) CONFIRMATION.—On the request, the Administrator shall examine the qualifications of any certified development company described in subsection (a) to determine if such company is eligible for the delegation of authority under this section. If the Administrator determines that a company is not eligible, the Administrator shall provide the company, in writing, with the reasons for such ineligibility. The certified development company shall be entitled to request delegated authority and the Administrator shall review the request only to address whether the certified development company has rectified the reasons for the Administrator's original determination of ineligibility.

''(c) SCOPE OF DELEGATED AUTHORITY.—

''(1) IN GENERAL.—Each certified development company to which the Administrator delegates authority under subsection (a) may with respect to any loan described in subsection (a)—

''(A) perform all liquidation and foreclosure functions, including the purchase in accordance with this subsection of any other indebtedness secured by the property securing the loan, in a reasonable and sound manner according to commercially accepted practices, pursuant to a liquidation plan approved in advance by the Administrator under paragraph (2)(A);

''(B) litigate any matter relating to the performance of the functions described in subparagraph (A), except that the Administrator may—

''(i) defend or bring any claim if—

''(I) the outcome of the litigation may adversely affect the Administrator's management of the program established under this title; or

''(II) the Administrator is entitled to legal remedies not available to a certified development company and such remedies will benefit either the Administrator or the certified development company; and

''(ii) oversee the conduct of any such litigation; and

''(C) take other appropriate actions to mitigate loan losses in lieu of total liquidation or foreclosures, including the restructuring of a loan in accordance with prudent loan servicing practices and pursuant to a workout plan approved in advance by the Administrator under paragraph (2).

''(2) ADMINISTRATOR APPROVAL OF PLANS.—

''(A) CERTIFIED DEVELOPMENT COMPANY SUBMISSION OF PLANS.—Before carrying out functions described in paragraph (1)(A) or (1)(C), the certified development company shall submit to the Administrator a proposed liquidation plan, any proposal for the Administrator to the purchase of any other indebtedness secured by the property securing a defaulted loan, or a workout plan or any combination thereof.

''(B) ADMINISTRATOR APPROVAL PROCEDURES.—

''(i) TIMING.—Not later than 15 business days after the plans described in subparagraph (A) are received by the Administrator, the Administrator shall approve or reject the plan.

''(ii) NOTICE OF NO DECISION.—With respect to any plan that cannot be approved or denied within the 15-day period required by clause (i), the Administrator shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

''(C) ROUTINE ACTIONS.—In carrying out the functions described in paragraph (1)(A), a certified development company may undertake routine actions not addressed in a liquidation or workout plan without obtaining additional approval from the Administrator.

''(D) COMPROMISE OF INDEBTEDNESS.—In carrying out functions described in paragraph (1)(A), a certified development company may—

''(i) consider an offer made by an obligor to compromise the debt for less than the full amount owing; and

''(ii) pursuant to such offer, release any obligor or other party contingently liable, if the company secures the written approval of the Administrator.

''(E) CONTENTS OF NOTICE OF NO DECISION.—Any notice provided by the Administrator pursuant to subparagraph (B)(ii) shall—

''(i) be in writing stating the specific reasons for which the Administrator was unable to act on the request submitted pursuant to subparagraph (A);

''(ii) provide an estimate of the additional time needed for the Administrator to reach a decision on the request; and

''(iii) specify any additional information or documentation that the Administrator needs to make a decision but was not provided in the plan submitted by the certified development company.

''(3) CONFLICT OF INTEREST.—In carrying out functions described in paragraph (1), a certified development company shall take no action that would result in an actual or apparent conflict of interest between the company (or any employee of the company) and any third-party lender, associate of a third-party lender, or any other person participating in a liquidation, foreclosure, or loss mitigation action.

''(d) SUSPENSION OR REVOCATION OF AUTHORITY.—

''(1) IN GENERAL.—The Administrator may revoke or suspend a delegation of authority under this section to a certified development company if the Administrator determines that the company—

''(A) does not meet the requirements of subsection (b)(1);

''(B) violated any applicable law or rule or regulation of the Administrator that in the estimation of the Administrator requires revocation; or

''(C) fails to comply with any reporting that may be established by the Administrator relating to the establishment of eligibility in subsection (b)(1) or carrying out the functions described in subsection (c)(1).

''(2) WRITTEN NOTICE.—The Administrator shall provide in writing detailed reason why the delegation of authority was suspended or revoked.

''(e) PARTICIPATION IN LIQUIDATION.—

''(1) IN GENERAL.—

''(A) CONTRACT WITH QUALIFIED THIRD PARTY.—A certified development company which elects not to apply for authority to foreclose and liquidate defaulted loans under this section, or which the Administrator determines to be ineligible for such authority, shall contract with a qualified third party to perform foreclosure and liquidation of defaulted loans in its portfolio.

''(B) CONTRACT APPROVAL.—The contract entered into by the certified development company specified in subparagraph (A) shall be contingent upon approval by the Administrator with respect to the qualifications of the contractor and the terms and conditions of liquidation activities. The Administrator shall not unreasonably withhold such approval.

''(C) NOTIFICATION OF REJECTION.—If the Administrator rejects the contract, the Administrator shall provide a notice to the certified development company, in writing, explaining the reasons for such rejection within ten business days after submission of the contract.

''(D) RESUBMITTAL.—The certified development company shall be permitted to resubmit the contract and the Administrator's review of any such resubmittal shall be limited to insufficiencies described in the notification of rejection.

''(E) REGULATIONS.—The Administrator shall promulgate regulations, after notice and opportunity for comment, adopting standards for the approval of qualified third-party contractors within 90 days after the date of enactment of the Small Business Financing and Investment Act of 2009.

''(F) FAILURE TO PROMULGATE REGULATIONS.—If the Administrator fails to promulgate such regulations, any contract for liquidation entered into by a certified development company under this subsection shall be considered valid for the purposes of this subsection and subsection (f).

''(G) EFFECT OF ADMINISTRATOR'S PROMULGATION OF REGULATIONS.—If the Administrator promulgates regulations after the deadline specified in subparagraph (E), those regulations shall not have any retroactive application with respect to contracts that are described in subparagraph (F).

''(2) COMMENCEMENT.—This subsection shall not require any certified development company to liquidate defaulted loans until the Administrator implements a system to compensate and reimburse certified development companies for liquidation of any defaulted loans.

''(f) COMPENSATION AND REIMBURSEMENT.—

''(1) REIMBURSEMENT OF EXPENSES.—The Administrator shall reimburse each certified development company for all expenses paid by such company as part of the foreclosure and liquidation activities taken to carry out this section, if the expenses—

''(A) were—

''(i) approved in advance by the Administrator, either specifically in a plan submitted pursuant to subsection (c) or generally, such as, but not limited to, actions approved by the Administrator in regulations or other interpretative issuances; or

''(ii) incurred by the development company on an emergency basis without prior approval from the Administrator, if the Administrator determines that the expenses were reasonable and appropriate; and

''(B) are submitted by the certified development company to the Administrator not later than 3 years after the date the expense was incurred or the bill therefore is submitted to the certified development company, whichever is later.

''(2) ALTERNATIVE REIMBURSEMENT.—As an alternative to the procedure in paragraph (1), a certified development company may elect to obtain reimbursement for all such expenses from the proceeds of any collateral provided by the borrower that was liquidated by the certified development company if the expenses comply with the requirements of paragraph (1). Within 6 months of the reimbursement, the certified development company shall provide the Administrator with the same information and documentation it would be required to submit to obtain payment from the Administrator.

''(3) REGULATIONS.—The Administrator shall promulgate regulations, after notice and comment to carry out the provisions of paragraphs (1) and (2). If the Administrator does not promulgate such regulations within one year, certified development companies shall be authorized, notwithstanding the requirements of subsection (e)(2), to liquidate defaulted loans and such costs and expenses incurred, absent clear and convincing evidence of fraud, shall be deemed to be approved.

''(4) COMPENSATION FOR RESULTS.—

''(A) DEVELOPMENT.—In regulations promulgated pursuant to paragraph (3), the Administrator also shall develop a schedule of compensation that provides monetary incentives for certified development companies in order to increase recoveries on defaulted loans.

''(B) CRITERIA.—The schedule shall—

''(i) be based on a percentage of the net amount recovered, but shall not exceed a maximum amount; and

''(ii) not apply to any foreclosure which is conducted under a contract between a certified development company and a qualified third party to perform the foreclosure and liquidation.

''(C) PAYMENT.—The Administrator shall transmit the compensation provided herein to the development company from the proceeds of liquidated collateral, unless the Administrator utilizes another source for funds, within 30 days from the date when the liquidation case has been closed and documentation received.''.

SEC. 221. REPORTS AND REGULATIONS.

Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

''SEC. 511. REPORTS.

''(a) PREMIER CERTIFIED DEVELOPMENT COMPANIES.—The Administrator shall report annually to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate on the implementation of section 504. Each report shall include—

''(1) the number of premier certified development companies;

''(2) the debenture volume of each premier certified development company;

''(3) a comparison of the loss rate for premier certified development companies to the loss rate for accredited or certified development companies; and

''(4) such other information as the Administrator deems appropriate.

''(b) REPORTS ON LIQUIDATION AND FORECLOSURES.—

''(1) IN GENERAL.—Based on information provided by certified development companies and the Administrator, the Administrator shall submit annually to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of delegation of authority under section 510.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following information:

''(A) With respect to each loan foreclosed or liquidated by a certified development company, or for which losses were otherwise mitigated by pursuant to a workout plan—

''(i) the total cost of the project financed with the loan;

''(ii) the total original dollar amount guaranteed by the Administration;

''(iii) the total dollar amount of the loan at the time of liquidation, foreclosure, or mitigation of loss;

''(iv) the total dollar losses resulting from the liquidation, foreclosure, or mitigation of loss; and

''(v) the total recoveries resulting from the liquidation, foreclosure, or mitigation of loss, both as a percentage of the amount guaranteed and the total cost of the project financed.

''(B) With respect to each certified development company to which authority is delegated under section 510, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

''(C) With respect to each certified development company that contracts with a qualified third-party contractor pursuant to section 510(e), the total of each of the amounts described in clauses (i) through (v) of subparagraph (A).

''(D) With respect to all loans subject to foreclosure, liquidation, or mitigation under section 510, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

''(E) A comparison between—

''(i) the information provided under subparagraph (D) with respect to the 12-month period preceding the date on which the report is submitted; and

''(ii) the same information with respect to loans foreclosed and liquidated, or otherwise treated, by the Administrator during the same period.

''(F) The number of times that the Administrator has failed to approve or reject a liquidation plan, workout plan, request to purchase indebtedness, or failed to approve a third-party contractor under section 510, including specific information regarding the reasons for the Administrator's failure and any delays that resulted.

''(c) REPORTS ON COMBINATION FINANCING.—

''(1) REPORTING REQUIREMENT.—Not later than 90 days after the date of enactment of the Small Business Financing and Investment Act of 2009, and annually thereafter, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that—

''(A) includes the number of small business concerns that have financing under both section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) during the year before the year of that report; and

''(B) describes the total amount and general performance of the financing described in subparagraph (A).

''(d) REPORT ON OTHER ECONOMIC DEVELOPMENT ACTIVITY.—The Administrator shall compile and submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate on an annual basis, commencing in the year that the Small Business Financing and Investment Act of 2009 is enacted, a report that describes the economic and community development activities, other than loan making under this title, of each certified development company during the prior fiscal year. The Administrator may contract with another party, including non-governmental entities, to collect information or otherwise assist in the preparation of the report required by this subsection.

''SEC. 512. PROMULGATION OF REGULATIONS UNDER THIS TITLE.

''(a) DEADLINES FOR IMPLEMENTING REGULATIONS.—Except as expressly provided elsewhere in the Small Business Financing and Investment Act of 2009, the Administrator shall promulgate regulations under this title, after providing notice and the opportunity for comment, within 180 days after the date of enactment of that Act.

''(b) NOTICE AND COMMENT REQUIREMENTS IN GENERAL.—Except as otherwise provided elsewhere in this title, the Administrator shall provide, after the date of enactment of the Small Business Financing and Investment Act of 2009, notice of any proposed change to a regulation implementing this title (whether in existence on the date of enactment of the Small Business Financing and Investment Act of 2009 or subsequently adopted), publish such notification in the Federal Register, and provide a comment period of not less than 60 days.''.

SEC. 222. PROGRAM NAME.

Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), as amended by this Act, is further amended by adding at the end the following:

''SEC. 513 PROGRAM NAME.

''(a) IN GENERAL.—The program created by this title shall be referred to as the CDC Economic Development Loan Program.

''(b) MODIFICATION OF MATERIALS USED.—Not later than 60 days after the date of enactment of the Small Business Financing and Investment Act of 2009, the Administrator shall modify all documents and websites to conform to the name change made by this section.''.

Subtitle C—Miscellaneous

SEC. 231. REPORT ON STANDARD OPERATING PROCEDURES.

(a) REPORT.—The Administrator of the Small Business Administration shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report within 180 days after enactment of this Act identifying each Standard Operating Procedure issued after January 1, 1996, that relates to the operation of a development company (in any manner) under

title V of the Small Business Investment Act of 1958, that is still in effect on the date of enactment of this Act, and the regulation codified in title 13 of the Code of Federal Regulations that authorizes the issuance of the Standard Operating Procedure and separately identifies the regulation that the Standard Operating Procedure purports to interpret.

(b) INAPPLICABILITY.—If the Administrator fails to complete the report by the time specified in subsection (a), the Administrator shall, unless there is clear and convincing evidence of fraud, honor the terms and conditions of any debenture to the entity that issued the debenture pursuant to title V of the Small Business Investment Act of 1958 without regard to whether the entity complied with any of the Standard Operating Procedures described in subsection (a) until such time as the Administrator submits the report required under subsection (a).

(c) DEFINITION.—For purposes of this section, the term ''Standard Operating Procedure'' has the meaning given that term in section 120.10 of title 13, Code of Federal Regulations, as in effect on January 1, 2009, and includes any reference to the acronym ''SOP''.

SEC. 232. ALTERNATIVE SIZE STANDARD.

(a) REVIEW AND STUDY.—

(1) IN GENERAL.—The Administrator of the Small Business Administration shall study and review the optional size standard set forth in section 121.301(b) of title 13, Code of Federal Regulations, as in effect on January 1, 2009, for eligibility of a small business concern for financing under title V of the Small Business Investment Act of 1958.

(2) CONTENTS.—The review shall analyze whether the alternative size standard includes the business concerns defined in section 3(a)(1) of the Small Business Act and what, if any, regulatory changes are needed in the alternative size standard.

(3) SUBMISSION TO CONGRESS.—The Administrator shall submit its study and conclusions within 180 days after the date of enactment of the Small Business Financing and Investment Act of 2009 to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

(b) ISSUANCE OF REGULATIONS.—Any changes in the optional size standard described in subsection (a)(1) shall be promulgated within 180 days of the submission of the report to committees referred to in paragraph (3) of subsection (a).

(c) INTERIM ALTERNATIVE SIZE STANDARD.—Until the Administrator promulgates regulations either readopting the size standard referred to in subsection (a)(1) or adopts a new alternative size standard, the alternative size standard shall be a maximum tangible net worth of not more than $15,000,000 and an average net income after the payment of Federal taxes (but excluding any carryover losses) for the preceding two fiscal years not more than $5,000,000.

TITLE III—MICROLENDING EXPANSION

SEC. 301. MICROLOAN CREDIT BUILDING INITIATIVE.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended by adding at the end the following:

''(14) CREDIT REPORTING INFORMATION.—The Administrator shall establish a process, for use by an intermediary making a loan to a borrower under this subsection, under which the intermediary shall provide to the major credit reporting agencies the information about the borrower, both positive and negative, that is relevant to credit reporting, such as the payment activity of the borrower on the loan. Such process shall allow an intermediary the option of providing information to the major credit reporting agencies through the Administration or independently.''.

SEC. 302. FLEXIBLE CREDIT TERMS.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)), as amended by this Act, is further amended—

(1) in paragraph (1)(B)(i) by striking ''short-term,'';

(2) in paragraph (6)(A) by striking ''short-term,''; and

(3) in paragraph (11)(B) by striking ''short-term,''.

SEC. 303. INCREASED PROGRAM PARTICIPATION.

Section 7(m)(2) of the Small Business Act (15 U.S.C. 636(m)(2)) is amended—

(1) in subparagraph (A) by striking ''paragraph (10)'' and inserting ''paragraph (11)''; and

(2) by amending subparagraph (B) to read as follows:

''(B) has—

''(i) at least—

''(I) 1 year of experience making microloans to startup, newly established, or growing small business concerns; or

''(II) 1 full-time employee who has not less than 3 years of experience making microloans to startup, newly established, or growing small business concerns; and

''(ii) at least—

''(I) 1 year of experience providing, as an integral part of its microloan program, intensive marketing, management, and technical assistance to its borrowers; or

''(II) 1 full-time employee who has not less than 1 year of experience providing intensive marketing, management, and technical assistance to borrowers.''.

SEC. 304. INCREASED LIMIT ON INTERMEDIARY BORROWING.

Section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)) is amended—

(1) by striking ''$750,000'' and inserting ''$1,000,000'';

(2) by striking ''$3,500,000'' and inserting ''$7,000,000''; and

(3) by adding at the end the following: ''The Administrator may treat the amount of $7,000,000 in this subparagraph as if such amount is $10,000,000 if the Administrator determines, with respect to an intermediary, that such treatment is appropriate.''.

SEC. 305. EXPANDED BORROWER EDUCATION ASSISTANCE.

Section 7(m)(4)(E) of the Small Business Act (15 U.S.C. 636(m)(4)(E)) is amended—

(1) in clause (i) by striking ''25 percent'' and inserting ''35 percent''; and

(2) in clause (ii) by striking ''25 percent'' and inserting ''35 percent''.

SEC. 306. INTEREST RATES AND LOAN SIZE.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)), as amended by this Act, is further amended—

(1) in paragraph (3)(F)(iii) by striking ''$7,500'' and inserting ''$10,000'';

(2) in paragraph (6)(C)(i) by striking ''$7,500'' and inserting ''$10,000''; and

(3) in paragraph (6)(C)(ii) by striking ''$7,500'' and inserting ''$10,000''.

SEC. 307. REPORTING REQUIREMENT.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)), as amended by this Act, is further amended by adding at the end the following:

''(15) REPORTING REQUIREMENT.—Not later than 90 days after the end of each fiscal year, the Administrator shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report that includes, with respect to such fiscal year of the microloan program, the following:

''(A) The names and locations of each intermediary that received funds to make microloans or provide marketing, management, and technical assistance.

''(B) The amounts of each loan and each grant provided to each such intermediary in such fiscal year and in prior fiscal years.

''(C) A description of the contributions from non-Federal sources of each such intermediary.

''(D) The number and amounts of microloans made by each such intermediary to all borrowers and to each of the following:

''(i) Women entrepreneurs and business owners.

''(ii) Low-income entrepreneurs and business owners.

''(iii) Veteran entrepreneurs and business owners.

''(iv) Disabled entrepreneurs and business owners.

''(v) Minority entrepreneurs and business owners.

''(E) A description of the marketing, management, and technical assistance provided by each such intermediary to all borrowers and to each of the following:

''(i) Women entrepreneurs and business owners.

''(ii) Low-income entrepreneurs and business owners.

''(iii) Veteran entrepreneurs and business owners.

''(iv) Disabled entrepreneurs and business owners.

''(v) Minority entrepreneurs and business owners.

''(F) The number of jobs created and retained as a result of microloans and marketing, management, and technical assistance provided by each such intermediary.

''(G) The repayment history of each such intermediary.

''(H) The number of businesses that achieved success after receipt of a microloan.''.

SEC. 308. SURPLUS INTEREST RATE SUBSIDY FOR BUSINESSES.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)), as amended by this Act, is further amended by adding at the end the following:

''(16) INTEREST ASSISTANCE.—The Administrator is authorized to make grants to intermediaries for the purposes of reducing interest rates charged to borrowers that receive financing under this subsection.''.

SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note), as amended by this Act, is further amended by inserting after subsection (g) the following:

''(h) FISCAL YEARS 2010 AND 2011 WITH RESPECT TO SECTION 7(m).—

''(1) PROGRAM LEVELS.—For the programs authorized by this Act, the Administration is authorized to make during each of fiscal years 2010 and 2011—

''(A) $80,000,000 in technical assistance grants, as provided in section 7(m); and

''(B) $110,000,000 in direct loans, as provided in section 7(m).

''(C) $10,000,000 in interest assistance grants, as provided in section 7(m)(16).

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out paragraph (1).''.

TITLE IV—SMALL BUSINESS INVESTMENT COMPANY MODERNIZATION

SEC. 401. INCREASED INVESTMENT FROM STATES.

Section 103(13)(C) of the Small Business Investment Act of 1958 (15 U.S.C. 662(13)(C)) is amended by striking ''33 percent'' and inserting ''45 percent''.

SEC. 402. EXPEDITED LICENSING FOR EXPERIENCED APPLICANTS.

Section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681) is amended by

inserting after subsection (c) the following new subsection:

''(d) LICENSES FOR EXPERIENCED APPLICANTS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, not later than 60 days after the initial receipt by the Administrator of any request (which shall be deemed to be the application) for a license to operate as a small business investment company under this Act, the Administrator shall approve the request and issue such license if each of the following requirements is satisfied:

''(A) At least 50 percent of the principal managers of the applicant consist of at least two-thirds of the principal managers of a small business investment company that has been licensed under this Act.

''(B) The licensed small business investment company specified under subparagraph (A) has operated under such license for at least 3 years prior to the receipt of the request specified in this paragraph.

''(C) The licensed small business investment company specified under subparagraph (A)—

''(i) either has invested at least 70 percent of its private capital and drawn at least 50 percent of its projected leverage at the time of the receipt of the request specified in this paragraph or reserved for investment and expenses or some combination of both at least 70 percent of its private capital in the one-year period prior to the date on which the application referred to in this paragraph was received by the Administrator;

''(ii) has maintained 6 consecutive quarters of profitable net investment income; and

''(iii) has made at least 3 exits from investments in small businesses that have realized profits from those respective investments.

''(D) The applicant submits to the Administrator, in writing, an application consisting of all of the following:

''(i) A certification, in the form prescribed by the Administrator, that such applicant satisfies the requirements of this subsection and that all information contained in the application is true and complete.

''(ii) A copy of the organizational documents of the applicant.

''(iii) A copy of the operating plan of the applicant demonstrating that at least 50 percent of the amount of the planned investments of the applicant will be in the same or substantially similar investment stage and use the same or substantially similar type of investment instruments as the investments of the licensed small business investment company specified under subparagraph (A).

''(iv) A certification, in a form prescribed by the Administrator, that the applicant satisfies the requirements of subsections (a) and (c) of section 302 of this Act.

''(E) The applicant is in good standing as set forth in paragraph (2).

''(F) The applicant pays all fees prescribed by the Administrator under subsection (e).

''(2) GOOD STANDING.—For purposes of this subsection, an applicant is in good standing if—

''(A) a licensed leveraged debentured or non-leveraged small business investment company specified under paragraph (1)(A) is actively operating under this Act on the date of the initial receipt of the application by the Administrator to which this subsection applies;

''(B) no principal manager of the applicant has been found liable in a civil action for fraud if the Administrator makes a reasonable determination based on evidence in the agency record that such liability has a material adverse effect on the ability of the applicant to perform obligations required by a license issued pursuant to this Act; and

''(C) no principal manager is under investigation by a governmental agency or authority for, is under indictment for, or has been convicted of a felony for a violation of Federal or State securities laws, fraud, or another criminal violation if such investigation, indictment, or conviction has a material adverse effect on the ability of the applicant to perform obligations under a license issued under this Act.

''(3) LIMITATION.—

''(A) IN GENERAL.—The Administrator may remove an application from the approval process under this subsection if the Administrator determines based on evidence in the agency record that the approval of the license would present an unacceptable risk to the Federal Government.

''(B) IN WRITING.—Such determination shall be made in writing and provided to the applicant no later than 10 calendar days after such determination is made. Failure to provide this determination to the applicant shall be deemed to be a permanent waiver of the Administrator's authority to remove an application pursuant to this subsection.

''(C) NON-DELEGABILITY.—The Administrator may rely on agency personnel to collect data or other material relevant to establishing a record, but the decision to remove the application may not be delegated by the Administrator to any subordinate personnel in the agency.

''(4) NOTICE AND OPPORTUNITY TO CURE NONCONFORMANCE.—

''(A) NOTICE OF NON-CONFORMANCE.—Except for a determination made pursuant to paragraph (3), the Administrator shall provide an applicant described in paragraph (1) within 60 days after receipt of the application a written notice and description of any nonconformance with any requirement of this subsection based on evidence in the agency record.

''(B) OPPORTUNITY TO CURE.—The applicant shall have 30 days following the receipt of notice of nonconformance or the receipt of removal as set forth in paragraph (3) to cure such nonconformance.

''(C) FAILURE TO PROVIDE NOTICE.—Failure to provide the notice within the time limit set forth in subparagraph (A) shall be deemed to be acceptance by the Administrator of the applicant's conformance with the requirements of this subsection.

''(5) BACKGROUND REVIEWS.—The Administrator shall ensure that a timely background check of the principal managers of each applicant is completed with respect to paragraphs (2)(B) and (2)(C).

''(6) FEES.—The Administrator may charge an applicant additional fees for carrying out the background reviews mandated by paragraph (5). Such fees shall not exceed $10,000.

''(7) EFFECT OF NON-QUALIFICATION.—The failure of an applicant to qualify for expedited licensure under this subsection shall have no effect on an existing license or the ability for the applicant or any of its individual managers to apply for or receive a license to operate a small business investment company under the procedures established elsewhere in this Act or its implementing regulations.

''(8) REGULATIONS.—The Administrator shall develop forms and promulgate regulations to implement this subsection after providing an opportunity for notice and comment. Regulations promulgated pursuant to this paragraph shall be published in the Code of Federal Regulations.''.

SEC. 403. REVISED LEVERAGE LIMITATIONS FOR SUCCESSFUL SBICS.

(a) MAXIMUM LEVERAGE.—Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)) is amended by striking so much of paragraph (2) as precedes subparagraph (C) and inserting the following:

''(2) MAXIMUM LEVERAGE.—

''(A) IN GENERAL.—(i) The maximum amount of outstanding leverage made available to any one company licensed under section 301(c) of this Act may not exceed the lesser of—

''(I) 300 percent of such company's private capital; or

''(II) $150,000,000.

''(ii) In applying clause (i)(I) in the case of a debenture licensee which is in good standing without the imposition of additional regulatory standards and whose financings at cost are comprised of at least 50 percent of loans and debt securities, such licensee may be leveraged as follows:

''(I) The first one-third of private capital to 300 percent.

''(II) The second one-third of private capital to 200 percent.

''(III) The last third of private capital to 100 percent.

''(iii) Notwithstanding clause (i), in the case of any company operating as a business development company (as such term is defined under section 2(a)(48) of the Investment Company Act of 1940) or a majority-owned subsidiary of such a company that is in good standing without the imposition of additional regulatory requirements, the maximum amount of outstanding leverage made available to such company shall be $250,000,000.

''(B) MULTIPLE LICENSEES UNDER COMMON CONTROL.—The maximum amount of outstanding leverage made available to two or more debenture companies licensed under section 301(c) of this Act that are commonly controlled (as determined by the Administrator) and not under capital impairment may not exceed $350,000,000.''.

(b) REGULATIONS.—Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)), as amended by this Act, is further amended by adding at the end the following:

''(E) REGULATIONS.—The Administrator shall promulgate regulations, after notice and opportunity for comment, establishing quantifiable objective criteria under which a licensee's private capital in its entirety may be leveraged up to 300 percent. Such regulations shall be published in the Code of Federal Regulations.''.

(c) INVESTMENTS IN LOW-INCOME GEOGRAPHIC AREAS.—Section 303(b)(2)(C)(ii) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)(C)(ii)) is amended by striking ''$250,000,000'' in subclause (II) and inserting ''$400,000,000''.

SEC. 404. CONSISTENCY FOR COST CONTROL.

Section 305(c) of the Small Business Investment Act of 1958 (15 U.S.C. 685(c)) is amended by adding at the end the following:

''In addition to the foregoing, with respect to a loan made, or debt with equity features acquired, under this section, the minimum coupon rate of interest (cost of money ceiling) imposed by the Administrator shall not be less than 19 percent per annum for a loan or a debt security, except that nothing herein shall alter or affect provisions permitting higher coupon rates of interest (cost of money ceilings) and a company may charge up to an additional 7 percent more than the interest rate set forth in the loan or debt security in the event of a default. For purposes of this subsection a default means the occurrence of any of the following:

''(1) Failure to pay an amount when due.

''(2) Failure to provide in a timely manner material information required under the applicable financing documents.

''(3) Failure to observe any material term, covenant, or other agreement contained in the applicable financing documents.

''(4) A representation, warranty, certification, or statement of fact made by or on

behalf of a borrower in any applicable financing document or in any document delivered in connection therewith, that was materially incorrect or misleading when made.

''(5) Any material event of default specified in the applicable financing documents.''.

SEC. 405. INVESTMENT IN VETERAN-OWNED SMALL BUSINESSES.

Section 303(b)(2)(C) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)(C)) is amended as follows:

(1) In the heading, by inserting after ''AREAS'' the following: ''AND VETERANS''.

(2) In clause (i), by inserting after ''351)'' the following: ''or in a small business concern owned and controlled by veterans (as such term is defined in section 3(q)(3) of the Small Business Act)''.

(3) In clause (iii), by inserting after ''351)'' the following: ''or in small business concerns owned and controlled by veterans (as such term is defined in section 3(q)(3) of the Small Business Act)''.

SEC. 406. TANGIBLE NET WORTH.

Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662), as amended by this Act, is further amended by striking ''and'' at the end of paragraph (23), by striking the period at the end of paragraph (24) and inserting ''; and'', and by adding at the end the following:

''(25) for purposes of the terms 'small-business concern' in paragraph (5) and 'smaller enterprise' in paragraph (12), tangible net worth shall, to the extent used, mean the total net worth of the small business, in accordance with General Accepted Accounting Principles, minus all intangibles in accordance with General Accepted Accounting Principles.''.

SEC. 407. DEVELOPMENT OF AGENCY RECORD.

Part A of title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), as amended by this Act, is further amended by adding at the end the following:

''SEC. 321. AGENCY RECORD FOR LICENSING OF SMALL BUSINESS INVESTMENT COMPANIES.

''(a) RECORD.—The Associate Administrator for Investment shall establish an agency record of evidence referring or relating to each application for a license to become a small business investment company.

''(b) WRITTEN NOTIFICATION.—The Administrator shall provide a written explanation of any denial of a license application based upon evidence in the agency record. Absent an order by a Federal or State court of general jurisdiction, access to applications and the agency record shall be limited to the applicant and to the Administrator and subordinate personnel of the Administrator.''.

SEC. 408. PROGRAM LEVELS.

Section 20 of the Small Business Act (15 U.S.C. 631 note), as amended by this Act, is further amended by inserting after subsection (h) the following:

''(i) PART A OF TITLE III OF THE SMALL BUSINESS INVESTMENT ACT OF 1958.—

''(1) PROGRAM LEVELS 2010.—For fiscal year 2010, in carrying out the program authorized by part A of title III of the Small Business Investment Act of 1958, the Administrator is authorized to make $5,000,000,000 in guarantees of debentures.

''(2) PROGRAM LEVELS 2011.—For fiscal year 2011, in carrying out the program authorized by part A of title III of the Small Business Investment Act of 1958, the Administrator is authorized to make $5,5000,000,000 in guarantees of debentures.''.

TITLE V—INVESTMENT IN SMALL MANUFACTURERS AND RENEWABLE ENERGY SMALL BUSINESSES

Subtitle A—Enhanced New Markets Venture Capital Program

SEC. 501. EXPANSION OF NEW MARKETS VENTURE CAPITAL PROGRAM.

(a) ADMINISTRATION PARTICIPATION REQUIRED.—Section 353 of the Small Business Investment Act of 1958 (15 U.S.C. 689b) is amended by striking ''under which the Administrator may'' and inserting ''under which the Administrator shall''.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report describing any expansion of the New Markets Venture Capital Program as a result of this section.

SEC. 502. IMPROVED NATIONWIDE DISTRIBUTION.

Section 354 of the Small Business Investment Act of 1958 (15 U.S.C. 689c) is amended by adding at the end the following:

''(f) GEOGRAPHIC EXPANSION.—From among companies submitting applications under subsection (b), the Administrator shall consider the selection criteria and promotion of nationwide distribution under subsection (c) and shall, to the extent practicable, approve at least one company from each geographic region of the Small Business Administration.''.

SEC. 503. INCREASED INVESTMENT IN SMALL BUSINESS CONCERNS ENGAGED PRIMARILY IN MANUFACTURING.

(a) DEVELOPMENTAL VENTURE CAPITAL AND PARTICIPATION AGREEMENTS.—Section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689) is amended—

(1) in paragraph (1) by inserting after ''geographic areas'' the following: ''or encouraging the growth or continuation of small business concerns located in low-income geographic areas and engaged primarily in manufacturing''; and

(2) in paragraph (6)(B) by inserting after ''geographic areas'' the following: ''or in small business concerns located in low-income geographic areas at least 80 percent of which are engaged primarily in manufacturing''.

(b) PURPOSES.—Section 352(2) of the Small Business Investment Act of 1958 (15 U.S.C. 689a(2)) is amended—

(1) in the matter preceding subparagraph (A) by inserting after ''geographic areas'' the following: ''and small business concerns located in low-income geographic areas and engaged primarily in manufacturing'';

(2) in subparagraph (B) by inserting after ''geographic areas'' the following: ''or in small business concerns located in low-income geographic areas and engaged primarily in manufacturing''; and

(3) in subparagraph (C) by inserting after ''smaller enterprises'' the following: ''and small business concerns''.

(c) ELIGIBILITY, APPLICATIONS, AND REQUIREMENTS FOR FINAL APPROVAL.—Section 354 of the Small Business Investment Act of 1958 (15 U.S.C. 689c), as amended by this Act, is further amended—

(1) in subsection (a)(3) by inserting after ''geographic areas'' the following: ''or investing in small business concerns located in low-income geographic areas and engaged primarily in manufacturing'';

(2) in subsection (b)—

(A) in paragraph (1) by inserting after ''geographic areas'' the following: ''or in small business concerns located in low-income geographic areas and engaged primarily in manufacturing''; and

(B) in paragraph (4) by inserting after ''smaller enterprises'' the following: ''or small business concerns''; and

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''Each'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), each''; and

(ii) by adding at the end the following:

''(B) SMALL BUSINESS CONCERNS ENGAGED PRIMARILY IN MANUFACTURING.—Each conditionally approved company engaged primarily in development of and investment in small business concerns located in low-income geographic areas and engaged primarily in manufacturing shall raise not less than $3,000,000 of private capital or binding capital commitments from one or more investors (other than agencies or departments of the Federal Government) who met criteria established by the Administrator.''; and

(B) in paragraph (2)(A) by inserting after ''smaller enterprises'' the following: ''or small business concerns''.

(d) OPERATIONAL ASSISTANCE GRANTS.—Section 358 of the Small Business Investment Act of 1958 (15 U.S.C. 689g) is amended—

(1) in subsection (a)(1) by inserting after ''smaller enterprises'' the following: ''and small business concerns''; and

(2) in subsection (b)(1) by inserting after ''smaller enterprises'' the following: ''and small business concerns''.

SEC. 504. EXPANDED USES FOR OPERATIONAL ASSISTANCE IN MANUFACTURING.

Section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689), as amended by this Act, is further amended in paragraph (5) by inserting after ''business development'' the following: ''or assistance that assists a small business concern located in a low-income geographic area and engaged primarily in manufacturing with retooling, updating, or replacing machinery or equipment''.

SEC. 505. UPDATING DEFINITION OF LOW-INCOME GEOGRAPHIC AREA.

Section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689), as amended by this Act, is further amended—

(1) by striking paragraphs (2) and (3);

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

''(2) LOW-INCOME GEOGRAPHIC AREA.—The term 'low-income geographic area' has the meaning given the term 'low-income community' in section 45D(e) of the Internal Revenue Code of 1986.''; and

(3) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

SEC. 506. EXPANDING OPERATIONAL ASSISTANCE TO CONDITIONALLY APPROVED COMPANIES.

Section 358(a) of the Small Business Investment Act of 1958 (15 U.S.C. 689g(a)) is amended by adding at the end the following:

''(6) GRANTS TO CONDITIONALLY APPROVED COMPANIES.—

''(A) IN GENERAL.—Subject to the provisions of this paragraph, upon the request of a company conditionally approved under section 354(c), the Administrator shall make a grant to the company under this subsection.

''(B) REPAYMENT BY COMPANIES NOT APPROVED.—If a company receives a grant under this paragraph and does not receive final approval under section 354(e), the company shall repay the amount of the grant to the Administrator.

''(C) DEDUCTION FROM GRANT TO APPROVED COMPANY.—If a company receives a grant under this paragraph and receives final approval under section 354(e), the Administrator shall deduct the amount of such grant from the amount of any immediately succeeding grant the company receives for operational assistance.

''(D) AMOUNT OF GRANT.—No company may receive a grant of more than $50,000 under this paragraph.''.

SEC. 507. LIMITATION ON TIME FOR FINAL APPROVAL.

Section 354(d) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)) is amended in the matter preceding paragraph (1) by striking ''a period of time, not to exceed 2 years,'' and inserting ''2 years''.

SEC. 508. STREAMLINED APPLICATION FOR NEW MARKETS VENTURE CAPITAL PROGRAM.

Not later than 60 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall prescribe standard documents for a New Markets Venture Capital company final approval application under section 354(e) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(e)). The Administrator shall ensure that the standard documents are designed to substantially reduce the cost burden of the application process for companies.

SEC. 509. ELIMINATION OF MATCHING REQUIREMENT.

Section 354(d)(2)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)(2)(A)(i)) is amended—

(1) in subclause (I) by adding ''and'' at the end;

(2) in subclause (II) by striking ''and'' at the end; and

(3) by striking subclause (III).

SEC. 510. SIMPLIFIED FORMULA FOR OPERATIONAL ASSISTANCE GRANTS.

Section 358(a)(4)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 689g(a)(4)(A)) is amended—

(1) by striking ''shall be equal to'' and all that follows through the period at the end and inserting ''shall be equal to the lesser of—''; and

(2) by adding at the end the following:

''(i) 10 percent of the resources (in cash or in-kind) raised by the company under section 354(d)(2); or

''(ii) $1,000,000.''.

SEC. 511. AUTHORIZATION OF APPROPRIATIONS AND ENHANCED ALLOCATION FOR SMALL MANUFACTURING.

Section 368(a) of the Small Business Investment Act of 1958 (15 U.S.C. 689q(a)) is amended—

(1) in the matter preceding paragraph (1) by striking ''fiscal years 2001 through 2006'' and inserting ''fiscal years 2010 and 2011'';

(2) in paragraph (1)—

(A) by striking ''$150,000,000'' and inserting ''$100,000,000''; and

(B) by inserting before the period at the end the following: '', of which not less than 50 percent shall be used to guarantee debentures of companies engaged primarily in development of and investment in small business concerns located in low-income geographic areas and engaged primarily in manufacturing''; and

(3) in paragraph (2)—

(A) by striking ''$30,000,000'' and inserting ''$20,000,000''; and

(B) by inserting before the period at the end the following: '', of which not less than 50 percent shall be used to make grants to companies engaged primarily in development of and investment in small business concerns located in low-income geographic areas and engaged primarily in manufacturing''.

Subtitle B—Expanded Investment in Small Business Renewable Energy

SEC. 521. EXPANDED INVESTMENT IN RENEWABLE ENERGY.

Part C of title III of the Small Business Investment Act of 1958 (15 U.S.C. 690 et seq.) is amended—

(1) in the heading by striking ''**RENEWABLE FUEL CAPITAL INVESTMENT**'' and inserting ''**RENEWABLE ENERGY CAPITAL INVESTMENT**'';

(2) in the heading of paragraph (4) of section 381 by striking ''RENEWABLE FUEL CAPITAL INVESTMENT'' and inserting ''RENEWABLE ENERGY CAPITAL INVESTMENT'';

(3) in the heading of section 384 by striking ''**RENEWABLE FUEL CAPITAL INVESTMENT**'' and inserting ''**RENEWABLE ENERGY CAPITAL INVESTMENT**''; and

(4) by striking ''Renewable Fuel Capital Investment'' each place it appears and inserting ''Renewable Energy Capital Investment''.

SEC. 522. RENEWABLE ENERGY CAPITAL INVESTMENT PROGRAM MADE PERMANENT.

Part C of title III of the Small Business Investment Act of 1958 (15 U.S.C. 690 et seq.), as amended by this Act, is further amended—

(1) in the heading by striking ''**PILOT**''; and

(2) by striking section 398.

SEC. 523. EXPANDED ELIGIBILITY FOR SMALL BUSINESSES.

Part C of title III of the Small Business Investment Act of 1958 (15 U.S.C. 690 et seq.), as amended by this Act, is further amended by striking ''smaller enterprises'' each place it appears and inserting ''small business concerns''.

SEC. 524. EXPANDED USES FOR OPERATIONAL ASSISTANCE IN MANUFACTURING AND SMALL BUSINESSES.

Section 381(1) of the Small Business Investment Act of 1958 (15 U.S.C. 690(1)) is amended by inserting after ''business development'' the following: '', assistance that assists a small business concern to reduce energy consumption, or assistance that assists a small business concern engaged primarily in manufacturing with retooling, updating, or replacing machinery or equipment''.

SEC. 525. EXPANSION OF RENEWABLE ENERGY CAPITAL INVESTMENT PROGRAM.

(a) ADMINISTRATION PARTICIPATION REQUIRED.—Section 383 of the Small Business Investment Act of 1958 (15 U.S.C. 690b) is amended by striking ''under which the Administrator may'' and inserting ''under which the Administrator shall''.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report describing any expansion of the Renewable Energy Capital Investment Program as a result of this section.

SEC. 526. SIMPLIFIED FEE STRUCTURE TO EXPEDITE IMPLEMENTATION.

Section 387(a) of the Small Business Investment Act of 1958 (15 U.S.C. 690f(a)) is amended by striking ''or grant''.

SEC. 527. INCREASED OPERATIONAL ASSISTANCE GRANTS.

Section 397(a) of the Small Business Investment Act of 1958 (15 U.S.C. 690p(a)) is amended by inserting after ''and 2009'' the following: ''and $30,000,000 in such grants for each of fiscal years 2010 and 2011''.

SEC. 528. AUTHORIZATIONS OF APPROPRIATIONS.

Section 397 of the Small Business Investment Act of 1958 (15 U.S.C. 690p) is amended—

(1) in the heading by inserting after ''**APPROPRIATIONS**'' the following: ''**AND PROGRAM LEVELS**''; and

(2) by adding at the end the following:

''(c) PROGRAM LEVELS.—For the programs authorized by this part, the Administration is authorized to make $1,000,000,000 in guarantees of debentures for each of fiscal years 2010 and 2011.''.

TITLE VI—SMALL BUSINESS HEALTH INFORMATION TECHNOLOGY FINANCING PROGRAM

SEC. 601. SMALL BUSINESS HEALTH INFORMATION TECHNOLOGY FINANCING PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.), as amended by this Act, is further amended by redesignating section 45 as section 46 and by inserting the following new section after section 44:

''SEC. 45. LOAN GUARANTEES FOR HEALTH INFORMATION TECHNOLOGY.

''(a) DEFINITIONS.—As used in this section:

''(1) The term 'health information technology' means computer hardware, software, and related technology that supports the meaningful EHR use requirements set forth in section 1848(o)(2)(A) of the Social Security Act (42 U.S.C. 1395w–4(o)(2)(A)) and is purchased by an eligible professional to aid in the provision of health care in a health care setting, including, but not limited to, electronic medical records, and that provides for—

''(A) enhancement of continuity of care for patients through electronic storage, transmission, and exchange of relevant personal health data and information, such that this information is accessible at the times and places where clinical decisions will be or are likely to be made;

''(B) enhancement of communication between patients and health care providers;

''(C) improvement of quality measurement by eligible professionals enabling them to collect, store, measure, and report on the processes and outcomes of individual and population performance and quality of care;

''(D) improvement of evidence-based decision support; or

''(E) enhancement of consumer and patient empowerment.

Such term shall not include information technology whose sole use is financial management, maintenance of inventory of basic supplies, or appointment scheduling.

''(2) The term 'eligible professional' means any of the following:

''(A) A physician (as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)).

''(B) A practitioner described in section 1842(b)(18)(C) of that Act.

''(C) A physical or occupational therapist or a qualified speech-language pathologist.

''(D) A qualified audiologist (as defined in section 1861(ll)(3)(B)) of that Act.

''(E) A qualified medical transcriptionist who is either certified by or registered with the Association for Healthcare Documentation Integrity, or a successor association thereto.

''(F) A State-licensed pharmacist.

''(G) A State-licensed supplier of durable medical equipment, prosthetics, orthotics, or supplies.

''(3) The term 'qualified eligible professional' means an eligible professional whose office can be classified as a small business concern by the Administrator for purposes of this Act under size standards established under section 3 of this Act.

''(4) The term 'qualified medical transcriptionist' means a specialist in medical language and the healthcare documentation process who interprets and transcribes dictation by physicians and other healthcare professionals to ensure accurate, complete, and consistent documentation of healthcare encounters.

''(b) LOAN GUARANTEES FOR QUALIFIED ELIGIBLE PROFESSIONALS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Administrator may guarantee up to 90 percent of the amount of a loan made to a qualified eligible professional to be used for the acquisition of health information technology for use in such eligible professional's medical practice and for the costs associated with the installation of such technology. Except as otherwise provided in this section, the terms and conditions that apply to loans made under section 7(a) of this Act shall apply to loan guarantees made under this section.

''(2) LIMITATIONS ON GUARANTEE AMOUNTS.—The maximum amount of loan principal guaranteed under this subsection may not exceed—

''(A) $350,000 with respect to any single qualified eligible professional; and

''(B) $2,000,000 with respect to a single group of affiliated qualified eligible professionals.

''(c) FEES.—(1) The Administrator may impose a guarantee fee on the borrower for the purpose of reducing the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of the guarantee to zero in an amount not to exceed 2 percent of the total guaranteed portion of any loan guaranteed under this section. The Administrator may also impose annual servicing fees on lenders not to exceed 0.5 percent of the outstanding balance of the guarantees on lenders' books.

''(2) No service fees, processing fees, origination fees, application fees, points, brokerage fees, bonus points, or other fees may be charged to a loan applicant or recipient by a lender in the case of a loan guaranteed under this section.

''(d) DEFERRAL PERIOD.—Loans guaranteed under this section shall carry a deferral period of not less than 1 year and not more than 3 years. The Administrator shall have the authority to subsidize interest during the deferral period.

''(e) EFFECTIVE DATE.—No loan may be guaranteed under this section until the meaningful EHR use requirements have been determined by the Secretary of Health and Human Services.

''(f) SUNSET.—No loan may be guaranteed under this section after the date that is 5 years after meaningful EHR use requirements have been determined by the Secretary of Health and Human Services.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of guaranteeing $10,000,000,000 in loans under this section. The Administrator shall determine such program cost separately and distinctly from other programs operated by the Administrator.''.

TITLE VII—SMALL BUSINESS EARLY-STAGE INVESTMENT PROGRAM

SEC. 701. SMALL BUSINESS EARLY-STAGE INVESTMENT PROGRAM.

Title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended by adding at the end the following:

''PART D—SMALL BUSINESS EARLY-STAGE INVESTMENT PROGRAM

''SEC. 399A. ESTABLISHMENT OF PROGRAM.

''The Administrator shall establish and carry out an early-stage investment program (hereinafter referred to in this part as the 'program') to provide equity investment financing to support early-stage small businesses in targeted industries in accordance with this part.

''SEC. 399B. ADMINISTRATION OF PROGRAM.

''The program shall be administered by the Administrator acting through the Associate Administrator described under section 201.

''SEC. 399C. APPLICATIONS.

''(a) IN GENERAL.—Any incorporated body, limited liability company, or limited partnership organized and chartered or otherwise existing under Federal or State law for the purpose of performing the functions and conducting the activities contemplated under the program and any small business investment company may submit to the Administrator an application to participate in the program.

''(b) REQUIREMENTS FOR APPLICATION.—An application to participate in the program shall include the following:

''(1) A business plan describing how the applicant intends to make successful venture capital investments in early-stage small businesses in targeted industries.

''(2) Information regarding the relevant venture capital investment qualifications and backgrounds of the individuals responsible for the management of the applicant.

''(3) A description of the extent to which the applicant meets the selection criteria under section 399D.

''(c) APPLICATIONS FROM SMALL BUSINESS INVESTMENT COMPANIES.—The Administrator shall establish an abbreviated application process for small business investment companies that have received a license under section 301 and that are applying to participate in the program. Such abbreviated process shall incorporate a presumption that such small business investment companies satisfactorily meet the selection criteria under paragraphs (3) and (5) of section 399D(b).

''SEC. 399D. SELECTION OF PARTICIPATING INVESTMENT COMPANIES.

''(a) IN GENERAL.—Not later than 90 days after the date on which the Administrator receives an application from an applicant under section 399C, the Administrator shall make a final determination to approve or disapprove such applicant to participate in the program and shall transmit such determination to the applicant in writing.

''(b) SELECTION CRITERIA.—In making a determination under subsection (a), the Administrator shall consider each of the following:

''(1) The likelihood that the applicant will meet the goals specified in the business plan of the applicant.

''(2) The likelihood that the investments of the applicant will create or preserve jobs, both directly and indirectly.

''(3) The character and fitness of the management of the applicant.

''(4) The experience and background of the management of the applicant.

''(5) The extent to which the applicant will concentrate investment activities on early-stage small businesses in targeted industries.

''(6) The likelihood that the applicant will achieve profitability.

''(7) The experience of the management of the applicant with respect to establishing a profitable investment track record.

''SEC. 399E. GRANTS.

''(a) IN GENERAL.—The Administrator may make one or more grants to a participating investment company.

''(b) GRANT AMOUNTS.—

''(1) NON-FEDERAL CAPITAL.—A grant made to a participating investment company under the program may not be in an amount that exceeds the amount of the capital of such company that is not from a Federal source and that is available for investment on or before the date on which a grant is drawn upon. Such capital may include legally binding commitments with respect to capital for investment.

''(2) LIMITATION ON AGGREGATE AMOUNT.—The aggregate amount of all grants made to a participating investment company under the program may not exceed $100,000,000.

''(c) GRANT PROCESS.—In making a grant under the program, the Administrator shall commit a grant amount to a participating investment company and the amount of each such commitment shall remain available to be drawn upon by such company—

''(1) for new-named investments during the 5-year period beginning on the date on which each such commitment is first drawn upon; and

''(2) for follow-on investments and management fees during the 10-year period beginning on the date on which each such commitment is first drawn upon, with not more than 2 additional 1-year periods available at the discretion of the Administrator.

''SEC. 399F. INVESTMENTS IN EARLY-STAGE SMALL BUSINESSES IN TARGETED INDUSTRIES.

''(a) IN GENERAL.—As a condition of receiving a grant under the program, a participating investment company shall make all of the investments of such company in small business concerns, of which at least 50 percent shall be early-stage small businesses in targeted industries.

''(b) EVALUATION OF COMPLIANCE.—With respect to a grant amount committed to a participating investment company under section 399E, the Administrator shall evaluate the compliance of such company with the requirements under this section if such company has drawn upon 50 percent of such commitment.

''SEC. 399G. PRO RATA INVESTMENT SHARES.

''Each investment made by a participating investment company under the program shall be treated as comprised of capital from grants under the program according to the ratio that capital from grants under the program bears to all capital available to such company for investment.

''SEC. 399H. GRANT INTEREST.

''(a) GRANT INTEREST.—

''(1) IN GENERAL.—As a condition of receiving a grant under the program, a participating investment company shall convey a grant interest to the Administrator in accordance with paragraph (2).

''(2) EFFECT OF CONVEYANCE.—The grant interest conveyed under paragraph (1) shall have all the rights and attributes of other investors attributable to their interests in the participating investment company, but shall not denote control or voting rights to the Administrator. The grant interest shall entitle the Administrator to a pro rata portion of any distributions made by the participating investment company equal to the percentage of capital in the participating investment company that the grant comprises. The Administrator shall receive distributions from the participating investment company at the same times and in the same amounts as any other investor in the company with a similar interest. The investment company shall make allocations of income, gain, loss, deduction, and credit to the Administrator with respect to the grant interest as if the Administrator were an investor.

''(b) MANAGER PROFITS.—As a condition of receiving a grant under the program, the manager profits interest payable to the managers of a participating investment company under the program shall not exceed 20 percent of profits, exclusive of any profits that may accrue as a result of the capital contributions of any such managers with respect to such company. Any excess of this amount, less taxes payable thereon, shall be returned by the managers and paid to the investors and the Administrator in proportion to the capital contributions and grants paid in. No manager profits interest (other than a tax distribution) shall be paid prior to the repayment to the investors and the Administrator of all contributed capital and grants made.

''(c) DISTRIBUTION REQUIREMENTS.—As a condition of receiving a grant under the program, a participating investment company shall make all distributions to all investors in cash and shall make distributions within a reasonable time after exiting investments, including following a public offering or market sale of underlying investments.

''SEC. 399I. FUND.

''There is hereby created within the Treasury a separate fund for grants which shall be available to the Administrator subject to annual appropriations as a revolving fund to be

used for the purposes of the program. All amounts received by the Administrator, including any moneys, property, or assets derived by the Administrator from operations in connection with the program, shall be deposited in the fund. All expenses and payments, excluding administrative expenses, pursuant to the operations of the Administrator under the program shall be paid from the fund.

"SEC. 399J. APPLICATION OF OTHER SECTIONS.

''To the extent not inconsistent with requirements under this part, the Administrator may apply sections 309, 311, 312, 313, and 314 to activities under this part and an officer, director, employee, agent, or other participant in a participating investment company shall be subject to the requirements under such sections.

"SEC. 399K. DEFINITIONS.

''In this part, the following definitions apply:

''(1) EARLY-STAGE SMALL BUSINESS IN A TARGETED INDUSTRY.—The term 'early-stage small business in a targeted industry' means a small business concern that—

''(A) is domiciled in a State;

''(B) has not generated gross annual sales revenues exceeding $15,000,000 in any of the previous 3 years; and

''(C) is engaged primarily in researching, developing, manufacturing, producing, or bringing to market goods, products, or services with respect to any of the following business sectors:

''(i) Agricultural technology.

''(ii) Energy technology.

''(iii) Environmental technology.

''(iv) Life science.

''(v) Information technology.

''(vi) Digital media.

''(vii) Clean technology.

''(viii) Defense technology.

''(2) PARTICIPATING INVESTMENT COMPANY.—The term 'participating investment company' means an applicant approved under section 399D to participate in the program.

''(3) SMALL BUSINESS CONCERN.—The term 'small business concern' has the same meaning given such term under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

"SEC. 399L. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out the program $200,000,000 for the first full fiscal year beginning after the date of the enactment of this part.''.

TITLE VIII—SBA DISASTER PROGRAM REFORM

SEC. 801. REVISED COLLATERAL REQUIREMENTS.

Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) by striking ''(e) [RESERVED].'' and ''(f) [RESERVED].''; and

(2) in subsection (f), as added by section 12068(a)(2) of the Small Business Disaster Response and Loan Improvements Act of 2008 (subtitle B of title XII of the Food, Conservation, and Energy Act of 2008; Public Law 110–246), by adding at the end the following:

''(2) REVISED COLLATERAL REQUIREMENTS.—In making a loan with respect to a business under subsection (b), if the total approved amount of such loan is less than or equal to $250,000, the Administrator may not require the borrower to use the borrower's home as collateral.''.

SEC. 802. INCREASED LIMITS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended—

(1) in paragraph (3)(E) by striking ''$1,500,000'' each place it appears and inserting ''$3,000,000''; and

(2) in paragraph (8)(A) by striking ''$2,000,000'' and inserting ''$3,000,000''.

SEC. 803. REVISED REPAYMENT TERMS.

Section 7(f) of the Small Business Act (15 U.S.C. 636(f)) is amended by adding at the end the following:

''(3) REVISED REPAYMENT TERMS.—In making loans under subsection (b), the Administrator—

''(A) may not require repayment to begin until the date that is 12 months after the date on which the final disbursement of approved amounts is made; and

''(B) shall calculate the amount of repayment based solely on the amounts disbursed.''.

SEC. 804. REVISED DISBURSEMENT PROCESS.

Section 7(f) of the Small Business Act (15 U.S.C. 636(f)), as amended by this Act, is further amended by adding at the end the following:

''(4) REVISED DISBURSEMENT PROCESS.—In making a loan under subsection (b), the Administrator shall disburse loan amounts in accordance with the following:

''(A) If the total amount approved with respect to such loan is less than or equal to $150,000—

''(i) the first disbursement with respect to such loan shall consist of 40 percent of the total loan amount, or a lesser percentage of the total loan amount if the Administrator and the borrower agree on such a lesser percentage;

''(ii) the second disbursement shall consist of 50 percent of the loan amounts that remain after the first disbursement, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of 50 percent of the first disbursement; and

''(iii) the third disbursement shall consist of the loan amounts that remain after the preceding disbursements, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first disbursement and 50 percent of the second disbursement.

''(B) If the total amount approved with respect to such loan is more than $150,000 but less than or equal to $500,000—

''(i) the first disbursement with respect to such loan shall consist of 20 percent of the total loan amount, or a lesser percentage of the total loan amount if the Administrator and the borrower agree on such a lesser percentage;

''(ii) the second disbursement shall consist of 30 percent of the loan amounts that remain after the first disbursement, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of 50 percent of the first disbursement;

''(iii) the third disbursement shall consist of 25 percent of the loan amounts that remain after the first and second disbursements, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first disbursement and 50 percent of the second disbursement; and

''(iv) the fourth disbursement shall consist of the loan amounts that remain after the preceding disbursements, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first and second disbursements and 50 percent of the third disbursement.

''(C) If the total amount approved with respect to such loan is more than $500,000—

''(i) the first disbursement with respect to such loan shall consist of at least $100,000, or a lesser amount if the Administrator and the borrower agree on such a lesser amount; and

''(ii) the number of disbursements after the first, and the amount of each such disbursement, shall be in the discretion of the Administrator, but the amount of each such disbursement shall be at least $100,000.''.

SEC. 805. GRANT PROGRAM.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act, is further amended by inserting after paragraph (9) the following:

''(10) GRANTS TO DISASTER-AFFECTED SMALL BUSINESSES.—

''(A) IN GENERAL.—If the Administrator declares eligibility for additional disaster assistance under paragraph (9), the Administrator may make a grant, in an amount not exceeding $100,000, to a small business concern that—

''(i) is located in an area affected by the applicable major disaster;

''(ii) submits to the Administrator a certification by the owner of the concern that such owner intends to reestablish the concern in the same county in which the concern was originally located;

''(iii) has applied for, and was rejected for, a conventional disaster assistance loan under this subsection; and

''(iv) was in existence for at least 2 years before the date on which the applicable disaster declaration was made.

''(B) PRIORITY.—In making grants under this paragraph, the Administrator shall give priority to a small business concern that the Administrator determines is economically viable but unable to meet short-term financial obligations.

''(C) PROGRAM LEVEL AND AUTHORIZATION OF APPROPRIATIONS.—

''(i) PROGRAM LEVEL.—The Administrator is authorized to make $100,000,000 in grants under this paragraph for each of fiscal years 2010 and 2011.

''(ii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this paragraph.''.

SEC. 806. REGIONAL DISASTER WORKING GROUPS.

Section 40 of the Small Business Act (15 U.S.C. 657l) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''or'' and inserting ''and'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) REGIONAL DISASTER WORKING GROUPS.—In carrying out subsection (a), the Administrator, acting through the regional administrators of the regional offices of the Administration, shall develop a disaster preparedness and response plan for each region of the Administration. Each such plan shall be developed in cooperation with Federal, State, and local emergency response authorities and representatives of businesses located in the region to which such plan applies. Each such plan shall identify and include a plan relating to the 3 disasters, natural or manmade, most likely to occur in the region to which such plan applies.''.

SEC. 807. OUTREACH GRANTS FOR LOAN APPLICANT ASSISTANCE.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act, is further amended by inserting after paragraph (10) the following:

''(11) OUTREACH GRANTS FOR LOAN APPLICANT ASSISTANCE.—

''(A) IN GENERAL.—From amounts made available for administrative expenses relating to activities under this subsection, the Administrator is authorized to make grants to the following:

''(i) A women's business center in an area affected by a disaster.

''(ii) A small business development center in an area affected by a disaster.

''(iii) A Veteran Business Outreach Center in an area affected by a disaster.

''(iv) A chamber of commerce in an area affected by a disaster.

''(B) USE OF GRANT.—An entity specified under subparagraph (A) shall use a grant received under this paragraph to provide application preparation assistance to applicants for a loan under this subsection.

''(C) PROGRAM LEVEL.—The Administrator is authorized to make $50,000,000 in grants under this paragraph for each of fiscal years 2010 and 2011.''.

SEC. 808. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note), as amended by this Act, is further amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following:

''(j) FISCAL YEARS 2010 AND 2011 WITH RESPECT TO SECTION 7(b).—There is authorized to be appropriated such sums as may be necessary for administrative expenses and loans under section 7(b).''.

TITLE IX—REGULATIONS

SEC. 901. REGULATIONS.

Except as otherwise provided in this Act or in amendments made by this Act, after an opportunity for notice and comment, but not later than 180 days after the date of the enactment of this Act, the Administrator shall issue regulations to carry out this Act and the amendments made by this Act.

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

AMENDMENT NO. 1 OFFERED BY MS. VELÁZQUEZ

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 111–317.

Ms. VELÁZQUEZ. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Ms. VELÁZQUEZ:

Page 11, line 10, insert after ''that is'' the following: ''established or''.

Page 11, line 13, insert after ''satisfies'' the following: ''at least one of''.

Page 11, strike lines 17 through 22 and insert the following:

(2) The entity is primarily engaged in the business of banking, investing, or entrepreneurial development and does not engage in activities which are not incidental to the business of banking, investing, or entrepreneurial development.

Page 18, beginning line 17, strike ''meets basic'' and all that follows through ''subsection.'' and insert ''meets the eligibility and credit standards that a lender would be required to apply to approve a loan under this subsection.''.

Page 28, line 10, strike ''by striking'' and insert ''by repealing''.

Page 28, line 22, strike ''In carrying out'' and insert the following: ''The Administrator shall give priority under such program to small business concerns in a city with an unemployment rate that is at least 125 percent of the unemployment rate of the State that includes such city. In carrying out''.

Page 29, after line 19, insert the following (and redesignate succeeding sections accordingly):

SEC. 119. STUDY AND REPORT ON BUSINESS STABILIZATION LOANS.

(a) STUDY.—The Administrator of the Small Business Administration shall conduct a study on the business stabilization program established under section 506 of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), including—

(1) how the program has been implemented;

(2) the amount of time involved in processing applications;

(3) the volume of applications received and the effect on application processing;

(4) impediments to participation in the program by small business concerns and lenders;

(5) courses of action that might expedite action by the Administrator on applications;

(6) courses of action that might expand participation by such concerns and lenders; and

(7) a cost benefit analysis with regard to changes to the program, including—

(A) increases in loan limits;

(B) expanding eligibility requirements;

(C) changes to interest rates to lenders; and

(D) any other change the Administrator determines appropriate.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report that includes—

(1) the results of the study under subsection (a); and

(2) recommendations on how to change the program—

(A) to expand participation by small business concerns and lenders; and

(B) to decrease the amount of time involved in processing applications.

(c) OUTREACH.—In conducting the study under subsection (a) and preparing the report under subsection (b), the Administrator of the Small Business Administration shall meet with and solicit the views of relevant stakeholders, including lenders.

Page 30, line 15, strike ''20 of'' and insert ''120 of''.

Page 32, after line 7, insert the following (and redesignate succeeding sections accordingly):

SEC. 124. LOANS USED TO PURCHASE UNOCCUPIED MANUFACTURING CENTERS OR EQUIPMENT.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

''(42) LOANS USED TO PURCHASE UNOCCUPIED MANUFACTURING CENTERS OR EQUIPMENT.—The Administration may provide loans under this subsection for the purchase of what the Administrator determines to be unoccupied manufacturing centers or equipment.''.

Page 48, strike lines 14 through 18 and insert the following:

SEC. 212. CERTIFIED DEVELOPMENT COMPANY; OPERATIONAL REQUIREMENTS.

Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended to read as follows:

Page 94, strike line 10 and all that follows through line 5 on page 95 and insert the following:

''(A) FUNDING FROM INSTITUTIONS.—If a small business concern provides—

''(i) the minimum contribution required by subparagraph (B), not less than 50 percent of the total cost of any project financed shall come from State or local governments, banks or other financial institutions, or foundations or other not-for-profit institutions; and

''(ii) more than the minimum contribution required under subparagraph (B), any excess contribution may be used to reduce the amount required from institutions described in clause (i), except that the amount provided by such institution may not be reduced to an amount that is less than the amount of the loan made by the Administrator.

Page 122, strike line 15 and all that follows through line 8 on page 123 and insert the following:

''(c) REPORTS ON COMBINATION FINANCING.—Not later than 90 days after the date of enactment of the Small Business Financing and Investment Act of 2009, and annually thereafter, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that—

''(1) includes the number of small business concerns that have financing under both section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) during the year before the year of that report; and

''(2) describes the total amount and general performance of the financing described in paragraph (1).

Page 135, line 19, strike ''new subsection''.

Page 138, line 17, strike ''debentured''.

Page 159, after line 8, insert the following (and redesignate succeeding sections accordingly):

SEC. 511. FINANCING WITH RESPECT TO VETERANS.

Section 354 of the Small Business Investment Act of 1958 (15 U.S.C. 689c), as amended by this Act, is further amended by adding at the end the following:

''(g) FINANCING WITH RESPECT TO VETERANS.—A New Markets Venture Capital company shall, to the extent practicable, provide financing to small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), located in low-income geographic areas.''.

Page 165, line 24, strike ''1395x(r))'' and insert ''1395x(r)))''.

Page 166, after line 14, insert the following:

''(H) A State-licensed, a State-certified, or a nationally accredited home health care provider.

Page 185, line 11, insert after ''carrying out'' the following: ''the responsibilities pertaining to loan making activities under''.

Add at the end of the bill the following:

TITLE X—TEMPORARY EMPLOYEE SERVICES FRANCHISES

SEC. 1001. TEMPORARY EMPLOYEE SERVICES FRANCHISES.

In determining whether a franchisee is affiliated with a franchiser in the temporary employee services industry for the purposes of Small Business Administration lending programs, the Administrator of the Small Business Administration shall—

(1) continue to apply its historically-considered affiliation factors in determining whether a business is affiliated with another business or the franchiser in the temporary staffing industry;

(2) promulgate such other rules and regulations as necessary to determine affiliation within the temporary employee services industry as the Administrator determines consistent with the Small Business Act; and

(3) consider the processing of payroll and billing by a franchiser as customary and common practice in the temporary employee services industry that does not provide probative weight on affiliation, to the extent

that the temporary staffing personnel are interviewed, hired, trained, assigned, and subject to discharge by the franchisee.

TITLE XI—STUDY ON PRIVATE SECTOR LENDING

SEC. 1101. STUDY ON PRIVATE SECTOR LENDING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report that describes lending to small business concerns by the private sector, including the following:

(1) The total amount of lending to small business concerns by private sector financial institutions during each of fiscal years 2006 through 2009.

(2) The total amount of lending to small business concerns by the 10 largest private sector financial institutions (as determined by the Administrator in terms of amounts lent during fiscal year 2006) during each of fiscal years 2006 through 2009.

(b) COORDINATION.—The Administrator of the Small Business Administration shall, if necessary, coordinate with the heads of other Federal departments and agencies to complete the report under subsection (a).

(c) SMALL BUSINESS CONCERNS DEFINED.—In this section, the term ''small business concern'' has the meaning given such term under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

TITLE XII—STUDY ON INCREASES IN CERTAIN CAPS

SEC. 1201. STUDY ON INCREASES IN CERTAIN CAPS.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report that describes the anticipated effects of the following potential changes to programs, including whether such changes adequately meet the financing needs of small businesses:

(1) Increasing—

(A) the maximum amount of a loan that may be guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) to $3,000,000; and

(B) participation by the Administrator with regard to such a loan.

(2) Increasing—

(A) the maximum amount of a debenture that may be guaranteed under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.); and

(B) the maximum amount of a loan that may be made with the proceeds of such debenture.

(3) Increasing the maximum amount of a microloan that may be made under section 7(m) of the Small Business Act (15 U.S.C. 636(m)).

The CHAIR. Pursuant to House Resolution 875, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, the manager's amendment to H.R. 3854 makes technical changes to the bill and clarifies the legislative intent for several provisions contained in the legislation. More importantly, the manager's amendment incorporates additional changes that were suggested by Members of the House that will greatly improve the working of the bill.

The amendment will improve the delivery of investment capital for veteran-owned businesses through the New Markets Venture Capital program. This language was suggested by Mr. Jason Altmire, a member of the Small Business Committee, and I was happy to include it in the amendment.

Another member of the committee, Representative BEAN, also contributed language to the amendment which will improve access to the SBA's lending programs for franchise small businesses. This, too, greatly improves the bill.

Representative CONNOLLY contributed language to study the role that the private sector has played in providing small business access to capital over the past 4 years, and provisions that will study the effect of the increased loan size limits contained in the underlying legislation was suggested by Representative PINGREE.

Additionally, Representative BAIRD has suggested the SBA conduct a study to examine the efficacy of the ARC loan program that was established under ARRA.

Together, these provisions will significantly improve our understanding of the state of small business access to capital, and I am grateful for their contributions.

I would also extend my thanks to Representative BOSWELL for his suggestion to include language that will enhance the ability of small firms to use 7(a) loans to purchase unoccupied manufacturing centers and equipment. This will surely help revitalize communities that have suffered from the loss of their manufacturing industries, as will language contributed by Representative COSTA which will make more loans available for communities with unemployment that exceeds prevailing State levels by 25 percent.

Together, these changes made by the manager's amendment will significantly improve the ability of H.R. 3854 to deliver capital and credit to small businesses. I thank the Members that contributed to it, and I urge its adoption.

I reserve the balance of my time.

Mr. GRAVES. Mr. Chairman, I rise to claim time in opposition to the gentlelady's amendment, though I do not oppose the amendment.

The CHAIR. Without objection, the gentleman from Missouri is recognized for 10 minutes.

There was no objection.

Mr. GRAVES. Mr. Chairman, the gentlelady's amendment makes some needed technical changes to the bill. In addition, the amendment incorporates some suggestions from other House Members that will improve the utilization of the SBA's capital access programs. Finally, I would note that the amendment incorporates an important study that hopefully will resolve the question of whether the current loan limits for the 7(a) program are appropriate or whether or not they need to be raised.

I want to thank the chairwoman for her thoughtful consideration in developing this amendment.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Thank you, Madam Chairwoman. I rise in strong support of the Small Business Financing and Investment Act and the manager's amendment, and I thank Chairwoman VELÁZQUEZ and the committee for their excellent work.

Small businesses represent 97 percent of Iowa employers and over half of our private sector employment. They are vital to our economic recovery. This bill makes critical changes to increase their ability to expand and create new jobs by extending lending provisions included in the Recovery Act and ensuring applications are simpler.

Many Iowa businesses face another burden. In 2008, we experienced the worst natural disaster in our State's history, leaving 85 of 99 total counties disaster areas. Given our experience with this disaster, I am especially pleased with the improvements included to SBA's Disaster Loan program, such as raising disaster loan limits and the ceiling for collateral requirements, and improving repayment terms.

Further, the bill creates a grant program to help the most severely affected small businesses and will provide assistance to women and veteran outreach centers, small business development centers, and local chambers of commerce in reaching disaster victims for case management.

While these changes will be beneficial for future disaster victims, probes are ongoing with the over $270 million in SBA disaster loans already approved in Iowa. Many are facing a reduction in supplemental assistance grants due to what is considered a duplication of benefits with their SBA loans, even though these are loans that must be repaid, not grants. Additionally, after a reduction in loan principal due to a duplication of benefits, small loans' monthly payment structures are not changed to reflect the decreased balance. These issues have delayed and impeded the recovery efforts taking place in Iowa.

I look forward to working further to improve the SBA Disaster Loan program, and I thank the committee for their work to help small businesses.

I urge support for the manager's amendment.

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

The CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. SCHOCK

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 111–317.

Mr. SCHOCK. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. SCHOCK:

Page 12, line 18, strike the closing quotation marks and period.

Page 12, after line 18, insert:

''(C) If the lender demonstrates, with respect to a claim for payment described in subparagraph (A), that it followed the applicable requirements of the National Lender Training Program as established under paragraph (37) of this section, the Administrator shall pay the claim unless the Administrator has clear and convincing evidence demonstrating that the lender failed to comply with regulatory requirements established by the Administrator.''.

The CHAIR. Pursuant to House Resolution 875, the gentleman from Illinois (Mr. SCHOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. SCHOCK. Thank you, Mr. Chairman.

First, I would like to thank Chairwoman VELÁZQUEZ for her work on this very important bill and the bipartisan way in which she has carried the work of this committee out. I am truly grateful for her efforts, as well as Ranking Member GRAVES for his leadership on our side of the aisle to incorporate Members' ideas into this bill.

This legislation here today is intended to increase credit options for small business owners in America. I rise today to offer a simple amendment to this important legislation which will help small businesses across the country have greater access to necessary capital. Such support is needed, not only to sustain their operations but also for these small businesses to be able to expand their production capabilities and profits, and ultimately to lead to more jobs and opportunities for our citizens.

It is no secret that small businesses are the engine that drive the American economy. Currently creating seven out of the 10 new jobs in America, increasing lending options and capital for small business is vital to leading our country out of this current economic downturn.

I am glad today that this body is taking the necessary steps to help our small businesses grow, finally recognizing the significant role that small businesses will play in any economic recovery. It is no secret that one of the greatest disappointments my colleagues on this side of the aisle had in the so-called ''stimulus'' legislation was that it did not do enough for small businesses. Here today we are trying to rectify that.

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That said, I am offering this simple amendment, which is backed by both the American Banking Association as well as those small independent community bankers, which I believe will help incentivize increased SBA-backed lending to small businesses from more and more banks across this country.

The legislation before us sets up important guidelines to the National Lender Training Program for banks to follow if they would like to be considered preferred lenders, thus obtaining easier access to carry SBA-guaranteed loans.

While the significance of establishing such a unified training program for lenders to follow cannot be understated, it is equally important that we reward those who complete such training with the true guarantee from the SBA on the loans that they offer to businesses. As is, the SBA currently fails to pay on claims of somewhere between 5 and 10 percent of the loans they guarantee, therefore causing fear in the minds of lenders who would otherwise offer a loan.

This amendment will ensure that the SBA will pay out on a guarantee to any lender who can demonstrate that they followed the prescribed training under the National Lender Training Program. If the SBA refuses to pay on such a claim, they must present clear and convincing evidence as to how the lender failed to meet any requirements of the training program. With this type of assurance of lender compensation for SBA-guaranteed loans in default, banks across this country will be more likely to lend to small businesses, ultimately helping to loosen credit markets, get capital flowing again, and put people back to work.

While I appreciate this legislation's efforts to extend loan guarantees from the SBA, it is equally important that we ensure the SBA pays out on those guarantees should such loans go into default. Removing the ambiguity of the SBA to decide which lenders get paid on guarantees and which do not will result in more banks being willing to participate in these programs and, ultimately, more loans being made to our Nation's small businesses.

I urge adoption of this amendment.

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

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, one of the greatest challenges small firms are facing is banks' reluctance to lend. Liquidity issues are one reason for this. But equally important are the regulatory burden and capital reserves lenders are now expected to carry. As critical as it is to get capital back into the markets, we also need to be sure banks are properly regulated. At the same time, we need to increase lender confidence in SBA.

Mr. SCHOCK's amendment gets to the heart of both issues. Increasingly, we have seen incidents in which lenders believe they are following all the agency rules only to discover that SBA won't honor its guarantees. When this happens, it compounds the chilling effect already plaguing the markets.

This amendment will make it clear to lenders that if they make a good-faith effort to perform due diligence on loans and complete SBA training programs, their guarantees will be honored. In doing so, we can increase lender confidence and open the door to improved small business lending. And we can do so in a way that mitigates risk to the taxpayers.

This is a valuable amendment, and I urge Members to support it.

I now yield to the gentleman from Missouri for any comments that he might have.

Mr. GRAVES. I thank the chairwoman for yielding.

Mr. Chairman, I rise in support of the amendment from the gentleman from Illinois.

The gentleman's amendment makes it more difficult for the SBA to use technical errors to disregard 7(a) loans because the lenders are going to be able to document that they followed all the instructions of the SBA. This is going to bring greater certainty to the payment of guarantees. It will encourage more banks to participate in this program. And I thank the gentleman for his thoughtful addition to the bill.

Ms. VELÁZQUEZ. If the gentleman is prepared to yield back, we're prepared to accept the amendment.

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

Ms. VELÁZQUEZ. Mr. Chairman, I urge adoption of the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. SCHOCK).

The amendment was agreed to.

PART B AMENDMENT NO. 3 OFFERED BY MR. SCHOCK

The CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 111–317.

Mr. SCHOCK. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Mr. SCHOCK:

Page 162, line 18, strike ''Report'' and insert ''Reports'' and strike ''Not later than one year'' and insert ''At quarterly intervals''.

Page 162, line 21, strike ''any expansion of'' and insert ''the Administrator's progress towards the expansion of''.

Page 162, line 23, strike ''of this section'' and insert ''of amendments made by this title''.

Page 162, after line 23, insert:

(c) REGULATIONS.—The Administrator of the Small Business Administration shall promulgate such regulations as are necessary to carry out the Renewable Energy Capital Investment Program established pursuant to this title within 180 days after the enactment of this Act.

The CHAIR. Pursuant to House Resolution 875, the gentleman from Illinois (Mr. SCHOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. SCHOCK. Mr. Chairman, I rise today to offer one more additional change to this important legislation which I believe will help obtain some of its intended goals.

While H.R. 3854 has several initiatives aimed at increasing capital access for small businesses, it additionally makes several SBA programmatic changes. One such change is intended to increase small business and small manufacturer participation in renewable fuels and green industries through an overhaul of the already established Renewable Energy Capital Investment Program.

Less than 1 month ago, the Small Business Subcommittee on Contracting and Technology held a hearing where one of my constituents from Peoria, Illinois, Dr. Peter Johnsen, testified. Dr. Johnsen shared with that committee the difficulty he was having in finding capital investments or loans for the further development of the crop known as pennycress, a winter cover crop which yields potentially as much as 115 gallons of biodiesel per acre as compared to the current 59 gallons from traditional soy-based diesel, nearly twice as much output. I'm optimistic that operating at full potential, the Renewable Energy Capital Investment Program with its matching grant contributions would be of great assistance to agricultural entrepreneurs across our country like Mr. Johnsen.

Established in 2007, the Renewable Energy Capital Investment Program, formerly known as the Renewable Fuel Capital Investment Program, has been a shadow of its promised self. In fact, to date, the SBA Administrator has failed to even issue any rules or regulations for small business participation in the program despite its establishment nearly 2 years ago. This amendment would first place specific emphasis on requiring the SBA to release regulations for program participation within 180 days of enactment of this legislation.

Additionally, the underlying legislation allows for a yearly progress report from the SBA concerning this important program. Unfortunately, this program is too important and its potential too great for Congress to simply sit by for a year and wait for the SBA to act. This amendment will require quarterly progress reports concerning the status of the Renewable Energy Capital Investment Program, what steps the SBA is taking to encourage and promote participation, and, finally, how this program is being utilized by the small business community.

No longer is the renewable fuels market dominated by those with deep research and development pockets backed by larger corporations. This important program will help ensure small businesses get equal opportunity to participate in the effort to make our country more energy efficient while also establishing new renewable fuel sources.

For these reasons, I urge adoption of this amendment.

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

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, green energy presents a world of opportunity for our economy. In terms of job creation, it has already generated millions of high-wage positions for workers in fields ranging from engineering and IT to agriculture and construction. Small firms make up the lion's share of this growing sector, and they will play a key role in our Nation's efforts to reduce carbon emissions and break free from foreign oil. But they cannot do it without the capital to continue research and production.

H.R. 3854 delivers critical capital to the small businesses driving the clean energy sector. Mr. SCHOCK's amendment enhances those efforts by adding an important element of transparency. By requiring SBA to release quarterly reports on the Renewable Energy Capital Investment Program, we can gauge the agency's progress in expanding the initiative. We can also pinpoint areas that are working and identify places in need of improvement. Meanwhile, this amendment mandates the timely establishment of program regulations. That measure should expedite the program's expansion and increase overall efficiency.

These are critical improvements, and I urge support of Mr. SCHOCK's amendment.

I will now yield to the gentleman from Missouri for any comments that he might have.

Mr. GRAVES. Mr. Chairman, I rise in support of the amendment from the gentleman from Illinois.

The amendment would require regular reports to Congress on progress in establishing renewable energy investment companies so that this body can take appropriate action if the agency continues to delay implementing the will of Congress.

I thank the gentleman for his amendment.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentleman is prepared to yield back, we're prepared to accept the amendment.

Mr. SCHOCK. Once again, I thank Chairman VELÁZQUEZ for her bipartisan work on this and her leadership, and I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I urge adoption of the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. SCHOCK).

The amendment was agreed to.

PART B AMENDMENT NO. 4 OFFERED BY MR. BRIGHT

The CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 111–317.

Mr. BRIGHT. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Mr. BRIGHT:

Add at the end of the bill the following:

TITLE X—RURAL OUTREACH

SEC. 1001. RURAL OUTREACH.

The Small Business Act (15 U.S.C. 631 et seq.), as amended by this Act, is further amended—

(1) by redesignating section 46 as section 47; and

(2) by inserting after section 45 the following:

"SEC. 46. RURAL OUTREACH.

''The Administrator shall ensure that each district office of the Administration that includes a rural area—

''(1) establishes a plan to provide small business concerns in rural areas with information on the financing and investment programs of the Administration of use to such concerns;

''(2) designates an employee of the office as a rural business financing outreach specialist, who is responsible for providing advice concerning the lending and investment programs of the Administration to small business concerns; and

''(3) hosts at least one outreach seminar in a rural area each year to provide information described under paragraph (1) to small business concerns in rural areas.''.

The CHAIR. Pursuant to House Resolution 875, the gentleman from Alabama (Mr. BRIGHT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BRIGHT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of my amendment to H.R. 3854, the Small Business Financing and Investment Act.

This amendment requires SBA district offices servicing rural areas to establish a plan for marketing, financing, and investment opportunities for rural businesses. It also requires the offices to designate a rural business financing outreach specialist and host at least one annual outreach seminar in the rural areas of each of SBA's 70 district offices.

When I speak to small businesses throughout my district—that's southeast Alabama—I often hear about their problems accessing capital through SBA programs. In fact, my office recently received a call from a constituent in Equality, Alabama, who owns a garden and plant nursery. This gentleman, like many other small businesses across the country, they're struggling to make payroll. He needs access to capital in order to prevent layoffs but was given the runaround at his local SBA district office. He turned to my office because he didn't get the help he needed from the local SBA office.

Our constituents and other constituents tell me they simply don't know what opportunities are available to them, be it through the SBA or other Federal agencies. By passing this amendment that I have proposed today, I believe these situations could be avoided in the future. A designated rural business outreach specialist could have helped the small business owner which I just talked about to process his application to access the capital he needed to stay in business. An aggressive marketing campaign would have informed his business and other business owners in my district and throughout the country of the opportunities the SBA has to offer for them. I'm sure there are hundreds of similar businesses throughout our country that have the same story that my constituent posed to me.

This is why I have introduced this commonsense amendment which will require the SBA to do a better job of reaching out to rural small businesses that haven't previously participated in any of SBA's important programs.

□ 1530

My amendment will help small business owners throughout rural areas and strengthen the underlying bill. SBA district offices should always have business models, marketing plans and outreach specialists designed to specifically help rural areas of our country. This amendment will make the SBA user friendly for small business owners in rural parts of our great Nation. I urge passage of this amendment and this bill.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, traditionally, the SBA has been vitally important to rural businesses. For many years, rural lenders served as the backbone of the Small Business Administration's lending programs, delivering capital to areas of the country that don't have the same options as other parts of our Nation.

For a range of reasons, over the last 8 years, we have seen many of the SBA rural lenders disappear. This is a troubling trend. It means that businesses on Main Street cannot find the credit they need to expand a store, build a new plant, or simply upgrade their facilities. Without a strong selection of rural lenders, we are beginning to see the emergence of a credit gap. Rural areas have the same need for jobs that the rest of America does, and it is important that they have a chance to create them.

H.R. 3854 includes a provision targeted specifically at encouraging lenders to provide credit to entrepreneurs in rural America. The Rural Lender Outreach Program helps line up lenders in this part of America to expand capital access options for businesses.

Mr. BRIGHT's amendment addresses the other side of that coin, ensuring that businesses know these rural lenders are out there. By challenging the SBA to connect with rural businesses and requiring the SBA's district offices to engage in outreach, we can put these entrepreneurs in touch with local lenders.

Small firms' potential for job creation should not be limited to certain parts of the country. This amendment will ensure that we prevent this ''credit gap'' from growing, so that small businesses, no matter where they are located, find financing options that work for them. This is an important change to today's legislation, and I ask my colleagues to support it.

I yield to the gentleman from Missouri (Mr. GRAVES) for any comments he might have.

Mr. GRAVES. Mr. Chairman, I rise today in support of the amendment from the gentleman from Alabama. It is important that small businesses in rural areas can reach an employee at the SBA dedicated to understanding the operation of capital access programs. In addition, by having an outreach effort, businesses in rural areas will learn directly from the SBA and lenders about options for obtaining necessary capital to expand their businesses.

I would like to thank the gentleman for his very useful amendment on this legislation.

Ms. VELÁZQUEZ. Mr. Chairman, I now yield 1½ minutes to the gentleman from Iowa (Mr. BOSWELL).

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

Mr. BOSWELL. Mr. Chairman, I appreciate the gentlewoman yielding me this time, and I appreciate that you took into account the factories and the equipment that has become available because of closings and so on, like Maytag, for example, in my district. A lot of good things have happened with the small businesses going in there, and you have really taken measures that will benefit that and will help our country and certainly help those communities that have been hit very hard.

So we compliment you for your work, and see that is happening other places around the country as well. The need is there, and this will be a big asset. Well done. Thank you very much.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentleman from Alabama is prepared to yield back, we are prepared to accept the amendment.

Mr. BRIGHT. Mr. Chairman, in closing, I would like to thank our chairwoman today for the service and the leadership she has given us on the committee, and also the staff on the Small Business Committee for their attention to this issue and for working with my staff to draft this amendment.

I would also like to thank my colleagues for their continuing support and commitment to this issue. I urge all of my colleagues to support my amendment and this bill.

I yield back the balance of my time.

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

The CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. BRIGHT).

The amendment was agreed to.

PART B AMENDMENT NO. 5 OFFERED BY MR. FLAKE

The CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 111–317.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated No. 5.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 5 offered by Mr. FLAKE:

Page 178, after line 18, insert the following:

SEC. 702. PROHIBITIONS ON EARMARKS.

None of the funds appropriated for the program established under part D of title III of the Small Business Investment Act of 1958, as added by this title, may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

The CHAIR. Pursuant to House Resolution 875, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would simply prohibit the grant program established in the Small Business Early Investment Program from ever being used as a vehicle for earmarking.

As my colleagues are aware, I have offered this noncontroversial amendment many times to legislation in both the 110th and 111th Congresses. I would expect that this would be accepted by the majority. This is noncontroversial.

There is language in the bill that says this is a competitive grant program. Having said that, unfortunately, we have many programs that are slated to be competitive, or there is language saying these grants will be awarded on a competitive basis. And still, unless we have language like this amendment provides for, they become a vehicle for earmarking.

If we look at some of the FEMA grants in the Homeland Security bill, some of those are competitive grant programs, and 100 percent of the money in some of those accounts has been earmarked. So it behooves us to opt for language like this that prevents that from happening.

Under the Small Business Early Investment Program, this is a little different than others. Private investment companies can apply to receive a grant from the SBA. These grants are to be used by approved applicants for the purpose of making investments in new small businesses, presumably with a goal of creating or preserving jobs.

Language contained in the committee report says applicants ''should be judged by the merits of their application and should compete on equal footing with other applicants for selection to participate in the program.'' That is all we are trying to preserve, just with language to make sure that happens.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, in the 111th Congress, this body has made transparency a top priority. That is why we have adopted rule XI, which requires quarterly hearings on fraud, waste, abuse and mismanagement of Federal programs. But our commitment to good government extends beyond the committee room, which is why I am glad to accept Mr. FLAKE's amendment. That said, I want to point out that small business programs are not vehicles for waste. They are important avenues for economic growth, not earmarks.

I don't think there is a single person in this room who doesn't want to see small businesses succeed. After all, they create the lion's share of new American jobs, and we are counting on them to strengthen our economy.

It would not be in the best interest of this body or of our great Nation to compromise the integrity of SBA's programs. These initiatives deliver the best bang for the taxpayer's buck, and ultimately return more money to the economy than they take out. Mr. FLAKE's amendment is a simple affirmation of that fact, and I am willing to accept.

I now yield to the gentleman from Missouri (Mr. GRAVES) for any remarks he may have.

Mr. GRAVES. Mr. Chairman, I rise today in support of the amendment from the gentleman from Arizona. If the purpose of the early-stage seed capital program is to allow venture funds to identify the best possible small business investments, it would be counterproductive to allow Congress to override those decisions through earmarks. I thank the gentleman for his very important additional protection to the early-stage seed capital program.

Ms. VELÁZQUEZ. Mr. Chairman, I urge everyone to support the amendment. I reserve the balance of my time.

Mr. FLAKE. I thank the chairwoman and the ranking minority member on the committee for accepting the amendment.

I yield back the balance of my time.

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

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the ayes appeared to have it.

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 6 OFFERED BY MS. KOSMAS

The CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 111–317.

Ms. KOSMAS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 offered by Ms. KOSMAS:

Page 178, after line 6, insert the following: ''(ix) Photonics technology.

The CHAIR. Pursuant to House Resolution 875, the gentlewoman from Florida (Ms. KOSMAS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. KOSMAS. Mr. Chairman, I yield myself such time as I may consume.

I would like to thank the chairwoman of the committee and the committee for their hard work and leadership in introducing this important bill that will give small businesses greater access to capital.

H.R. 3854, the Small Business Financing and Investment Act of 2009, establishes an early-stage investment program that will provide financing to support small businesses in targeted business sectors. By investing in fledgling companies, America's small businesses will be able to grow and create jobs.

I rise today in support of my amendment to H.R. 3854, which would add photonics technology to the list of targeted industries qualified to receive grants under the new early-stage investment program.

Photonics technology, which includes fiber optic communications and laser technology, is a key industry in central Florida and is a supporting technology for almost every industry, including energy, telecommunications, health care, robotics, astronomy, aerospace, and defense.

According to the Opto-electronics Industry Development Association, the fast-growing, global photonics market is estimated to be worth half a trillion dollars today. In Florida alone, photonics provides over 27,000 jobs and brings billions of dollars to our State each year. We must ensure that America remains competitive in this industry and that, as the market expands, American small businesses and workers benefit.

Numerous small businesses in the photonics industry are at the very early stages of development, and therefore, they need this support and access to capital in order to grow and become profitable. By including photonics in the list of targeted business sectors, we will ensure that the photonics industry will continue to play a vital role in developing new technologies for use in every area of our economy. And this bill and my amendment will give small businesses in this industry the opportunity to succeed.

Again, I commend the chairwoman and the committee for the bill. I ask my colleagues for their support of this amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, growth in our economy has long depended on the progress of new industries. When our country bounced back from the recession of the 1990s, it wasn't because we simply rebuilt jobs where they once had been; it was because we created new ones entirely. And we did so in emerging industries like information technology. Today, we have a similar opportunity with growing fields like photonics, the science that uses light energy to power and improve everything from telecommunications to electrical systems.

Photonics technology touches virtually every industry. Through the leverage of public-private partnerships like SBIR, it is already sparking breakthroughs that impact our everyday lives, for example, better bar codes for scanning groceries, or less invasive forms of laser eye surgery. With new investments in this promising field, we can build the kind of innovation America needs. That is why we will be adding photonics to the roster of business sectors that can receive early-stage investment grants.

□ 1545

Ms. KOSMAS' amendment is a valuable one, and I urge my colleagues to support it.

I now yield to the gentleman from Missouri for any comments that he might have.

Mr. GRAVES. Mr. Chairman, I rise today in support of the amendment from the gentlelady from Florida. This is an area that I am very familiar with. Without photonics, we would not be able to enjoy the advancements in avionics, in aircraft that we have today or high-definition television. Seeking the next great advancement in this field is important, and I thank the gentlelady for her significant improvement to the early-stage seed capital program.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentlelady is prepared to yield back, we are prepared to accept the amendment.

Ms. KOSMAS. Thank you. I yield back the balance of my time.

Ms. VELÁZQUEZ. I urge adoption of the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. KOSMAS).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. GINGREY OF GEORGIA

The CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 111–317.

Mr. GINGREY of Georgia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 7 offered by Mr. GINGREY of Georgia:

Page 168, line 23, strike ''5 years'' and insert ''7 years''.

The CHAIR. Pursuant to House Resolution 875, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY of Georgia. Thank you, Mr. Chairman.

What I have offered is an important, yet straightforward, amendment. It would simply extend the period in which a physician or a medical group could participate in the Small Business Health Information Technology Financing program from 5 years to 7 years.

Mr. Chairman, the promotion and advancement of health information technology should be one aspect of the health care debate upon which most Democrats, Republicans and Independents would agree. While a large portion of the health care debate has been focused on how to extend existing coverage and figuring out who pays for it, health information technology will actually improve the underlying quality of health care, and it also will lower the overall cost by reducing overhead and medical errors. Mr. Chairman, health information technology will not only save dollars but, more importantly, save lives.

For this reason, I have long been a proponent of health information technology. Since the 109th Congress, I have introduced the Assisting Doctors to Obtain Proficient and Transmissible Health Information Technology Act, or ADOPT HIT Act, so that we can encourage medical care providers to purchase and implement health information technology with the assistance of an up to $250,000 tax deduction under section 179 of the code.

Now the underlying bill provides for Small Business Administration loan guarantees of up to 90 percent, with overall caps of $350,000 for individual physicians or $2 million for physician groups. Even more importantly, a physician or a group of physicians could defer repayment of the loan for up to 3 years. Currently, there is a 5-year window in which a physician could participate in this program.

Very simply, as I stated at the outset, my amendment will extend this window from 5 years to 7 years in order to allow physicians more time to see the benefits of HIT and make arrangements to invest in the technology and to participate in this good program.

Mr. Chairman, I strongly encourage my colleagues to support my amendment and show their support for health information technology and the promise that it offers.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, the wide-scale adoption of medical records is one of the most sweeping and most important elements of health care reform. It will improve efficiency, reduce costs and streamline communication. But like any other ground-breaking technology, it isn't cheap. For your average small medical practice, initial costs are roughly $100,000. When coupled with today's larger legislation, Mr. GINGREY's amendment will help blunt those expenses. By some estimates, the nationwide adoption of health IT will spur annual savings of $77 billion. Already many major hospitals and medical practices are enjoying these cost-cutting benefits. Small firms, however, have been reluctant to adopt it. In fact, only 13 percent of solo practitioners use the technology. The gentleman's amendment recognizes the benefits of health IT and improves the bill, and that is the reason why we are supporting this amendment.

I would now like to yield to the gentleman from Missouri for any comments that he may have.

Mr. GRAVES. Mr. Chairman, I rise today in support of the amendment from the gentleman from Georgia. The gentleman's amendment would extend the time in which physicians and other health care providers could access the new health information technology loan program. This would give all providers sufficient time to obtain loans so that we can increase efficiencies in health care and delivery.

I thank the gentleman for his very excellent contribution to this bill.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentleman is prepared to yield back, I am prepared to accept the amendment.

Mr. GINGREY of Georgia. Mr. Chairman, let me just say that I am deeply appreciative to Chairwoman VELÁZQUEZ and also to Ranking Member GRAVES for their support of this amendment, and I thank them for that support.

I yield back the balance of my time.

Ms. VELÁZQUEZ. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. KRATOVIL

The CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 111–317.

Mr. KRATOVIL. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 8 offered by Mr. KRATOVIL:

Page 32, after line 7, insert the following (and redesignate succeeding sections accordingly):

SEC. 124. 100 PERCENT GUARANTEE FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY VETERANS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended—

(1) in paragraph (3)(A) by striking the semicolon at the end and inserting the following: ''or in paragraph (42);''; and

(2) by adding at the end the following:

''(42) 100 PERCENT GUARANTEE FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY VETERANS.—Notwithstanding paragraph (2), in an agreement to participate in a loan on a deferred basis under this subsection with respect to a small business concern owned and controlled by veterans, participation by the Administrator may be equal to 100 percent. The total amount outstanding and committed (by participation or otherwise) with respect to a loan to such a small business concern from the business loan and investment fund established by this Act may not exceed $3,000,000.''.

The CHAIR. Pursuant to House Resolution 875, the gentleman from Maryland (Mr. KRATOVIL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

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

Mr. Chairman, I rise in support of my amendment to the Small Business Financing and Investment Act of 2009 that would raise the maximum SBA 7(a) loan guarantee from 90 percent to 100 percent on qualifying loans for veteran-owned small businesses. As we approach Veterans Day, I feel we should be supporting our vets not only in words but also with our actions. This amendment is a very simple and appropriate way to do so. Raising the maximum loan guarantee will not only be a way of fulfilling our commitment to veterans, but it will also serve to stimulate lending and financing for the small businesses that are the backbone of local economies and the number one source of new job creation.

Mr. Chairman, this bill frees up the often elusive credit that serves as the lifeline of any established or startup small business; it honors the service of our Nation's veterans; and it will stimulate the small businesses at the heart of the U.S. economy. I urge my colleagues to support it.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, entrepreneurship has long been a popular option for America's veterans. After all, it requires many of the same traits

that military service does—hard work, ingenuity and dedication to something larger than yourself. So it is not surprising that veterans own roughly 15 percent of our Nation's small businesses. What is surprising, however, is the rate at which lending to these companies is declining. Between fiscal year 2007 and fiscal year 2008, the number of 7(a) loans to veteran-owned businesses dropped more than 22 percent. In other words, entrepreneurship is being pushed further and further out of reach for our veterans.

Earlier this year, the House passed legislation establishing new veteran entrepreneurial development programs at SBA. This legislation will mean a range of new services for veterans. One of the most important goals was helping meet veteran-owned businesses' capital needs. The amendment offered by Mr. KRATOVIL builds on that earlier work. His amendment will ensure that veterans not only access the capital they need but lets them do so at affordable rates. By providing higher guarantees on loans and lower costs, we can offer new opportunities for veterans who own businesses as well as those who wish to start one.

For our servicemen and -women, entrepreneurship is the tried and true path to economic empowerment. This amendment will put more veterans on that path. This is a positive change to the legislation, and I urge my colleagues to support the amendment.

I yield to the gentleman from Missouri for any comments that he may have.

Mr. GRAVES. Mr. Chairman, I rise today in support of the amendment from my football teammate, the gentleman from Maryland (Mr. KRATOVIL).

Mr. Chairman, no one can deny the valuable role that veterans have played in maintaining the economic freedoms we have in this country. They certainly deserve our thanks and support. The gentleman's amendment would provide that support though a 100 percent guarantee on loans to veteran-owned small businesses. I thank the gentleman for his vital addition to this bill.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentleman is ready to yield back, we are prepared to accept the amendment.

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

Ms. VELÁZQUEZ. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. KRATOVIL).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. PAULSEN

The CHAIR. It is now in order to consider amendment No. 9 printed in part B of House Report 111–317.

Mr. PAULSEN. I rise to offer an amendment, Mr. Chair.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 9 offered by Mr. PAULSEN:

Add at the end of the bill the following:

TITLE X—STUDY RELATING TO MEDICAL TECHNOLOGY

SEC. 1001. STUDY RELATING TO MEDICAL TECHNOLOGY.

Not later than one year after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report describing recommendations for and the feasibility of a program—

(1) to increase investment in the research, development, and commercialization of medical technology by small business concerns; and

(2) that is administered in a manner similar to the program under part C of title III of the Small Business Investment Act of 1958 (15 U.S.C. 690 et seq.).

The CHAIR. Pursuant to House Resolution 875, the gentleman from Minnesota (Mr. PAULSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PAULSEN. Thank you, Mr. Chair. I yield myself as much time as I may consume.

I rise today to offer an amendment that I am hopeful will help to strengthen and accelerate advancements in medical technology. My amendment would require the SBA to conduct a study that would determine the feasibility of a program that would help bring funding to startup medical technology firms. The amendment would also require the SBA to report its suggestions on how to best structure such a program. It is my hope with this information, Congress will be able to strategically implement a program to help fund medical technology. Programs of this nature are already in place and exist for renewable energy and for rural manufacturing. This amendment would simply look at also expanding this to medical technology. Medical device companies face startup costs that are very steep, and a program under the SBA would help bring funding to these companies and allow them to get their products to market quicker.

Mr. Chair, we know very well that the development of these new cost-saving technologies allow patients to lead longer, healthier and more productive lives. These technologies also improve the quality of health care in America while helping to fight rising health care costs. Furthermore, the medical technology industry is a proven job-creator. According to one study, the medical technology industry nationwide employs more than 350,000 people. These are good, high-paying jobs. The average salary of a med tech employee is higher than the State salary average in 49 of the 50 states; and in some States, medical technology jobs pay nearly 25 percent higher than the State average salary. Many of these jobs are also often in the area of research and development, which keeps America in the forefront of innovation. It should also be noted that these companies are truly America's small businesses and success stories. Of these companies, 71 percent have fewer than 10 employees. It fits right in with this bill, Mr. Chair.

A week ago, I held a field hearing in my district on the issue of medical technology, and we heard firsthand from small businesses in my district about the work that they are doing and the jobs they are creating. As cochair of the Medical Technology Caucus, I would ask support for this amendment so we can have Congress spur additional advancement in medical technology.

I urge adoption of my amendment and reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, small businesses are our Nation's most prolific innovators. Time and time again, they have pioneered new fields, developed new products and achieved important technological breakthroughs.

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Today, small businesses are breaking new ground in the energy sector. As our Nation undergoes a green revolution, small businesses are leading the way in developing solar power. They are blazing the trail in the development of wind power and biodiesel, and renewable fuel industries are dominated by small businesses. Just as small firms are on the leading edge of developments in the energy sector, they also play an active role in the development of new medicines and medical devices.

The gentleman from Minnesota is suggesting that the SBA look into the feasibility of an initiative to help raise capital for entrepreneurs in the medical field. Given the important role that small firms play in this arena, at least exploring the possibility of an SBA program to assist them in capital formation seems prudent.

I urge adoption of the amendment.

I yield to the gentleman from Missouri for any comments that he might have.

Mr. GRAVES. Mr. Chairman, I rise today in support of the amendment from the gentleman from Minnesota.

My district has a significant biotechnology industry, so I certainly understand the gentleman's interest in investigating the viability of having small business investment companies focus on medical technologies. It certainly is a laudable goal, and I understand the utility of a program before expanding it.

Mr. Chairman, I would urge the support of this.

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

Mr. PAULSEN. Mr. Chairman, I yield 2 minutes to a gentleman who has a

great understanding of the importance of medical technology and who is emerging as one of the more thoughtful members of the Financial Services Committee, the gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. I rise today in support of the amendment offered by the gentleman from Minnesota.

I thank the distinguished chairwoman of the committee and the ranking member.

Mr. Chairman, throughout the United States, the medical technology sector employs more than 350,000 workers, many of them in firms with fewer than 100 employees. This includes more than 3,000 jobs in the congressional district I have the honor of representing, the Seventh Congressional District in New Jersey, which many believe to be the medicine chest of the entire Nation and of, indeed, the world.

These jobs are tied heavily to research and development, helping to keep the United States at the forefront of medical innovation. We must consider the importance of these lifesaving technologies, especially as we move forward with health care. It is vital that we do not forget the valuable impact medical technology has on lowering the costs of health care, on expanding access to lifesaving cures, and on creating jobs. That is why I believe we should be making investments in this field.

I urge my colleagues to support the amendment sponsored by my friend, the gentleman from Minnesota.

Ms. VELÁZQUEZ. Madam Chair, if the gentleman is prepared to yield back, we are prepared to accept the amendment.

Mr. PAULSEN. If I could just close by saying I appreciate the leadership of the Chair and of the gentlewoman, and I extend my appreciation for the support of this amendment.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, I urge adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIR (Ms. EDWARDS of Maryland). The question is on the amendment offered by the gentleman from Minnesota (Mr. PAULSEN).

The amendment was agreed to.

PART B AMENDMENT NO. 10 OFFERED BY MR. MASSA

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part B of House Report 111–317.

Mr. MASSA. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 10 offered by Mr. MASSA:

Page 131, after line 4, insert the following (and redesignate succeeding sections accordingly):

SEC. 306. YOUNG ENTREPRENEURS PROGRAM.

Section 7(m)(4) of the Small Business Act (15 U.S.C. 636(m)(4)) is amended by adding at the end the following:

''(G) YOUNG ENTREPRENEURS PROGRAM.—

''(i) IN GENERAL.—An intermediary that receives a grant under paragraph (1)(B)(ii) may establish a program for the geographic area served by such intermediary that provides to young entrepreneurs technical assistance regarding the following:

''(I) Establishing or operating a small business concern in the geographic area served by the intermediary.

''(II) Acquiring or securing financing to carry out the activities described in subclause (I).

''(ii) YOUNG ENTREPRENEUR DEFINED.—For purposes of this subparagraph, a young entrepreneur is an individual who—

''(I) is 25 years of age or younger; and

''(II) has resided in the geographic area served by the intermediary for not less than 2 years.

''(iii) GOOD FAITH EFFORT REQUIREMENT.—If a young entrepreneur who receives technical assistance under this subparagraph from an intermediary establishes or operates a small business concern, the young entrepreneur shall make a good faith effort to establish or operate such concern in the geographic area served by the intermediary.

''(iv) DEFERRED REPAYMENT.—If a small business concern established or operated by a young entrepreneur receives a loan under this subsection, such concern may defer repayment on such loan for a period of not more than 6 months beginning on the date that such concern receives the final disbursement of such loan.''.

The Acting CHAIR. Pursuant to House Resolution 875, the gentleman from New York (Mr. MASSA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. MASSA. Madam Chair, let me take this opportunity to thank Ms. VELÁZQUEZ and to commend Mr. SCHRADER and his colleagues on the Small Business Committee for their efforts in crafting this landmark legislation to expand opportunities for many new entrepreneurs and for expanding business opportunities across the country.

Offering these business ventures this needed help in getting off the ground is essential, especially right now, for the creation of jobs and so as to boost economic activity in local communities, especially in local rural communities, which are so important to my district.

With my amendment, we can focus on a very pressing concern from many places across this country and on one of exceptional concern back home. This is the brain drain, the loss of talent, caused by the outmigration of so many young businesspeople.

As is a common trend for many regions in America, we have seen a great loss of young people in my district, in western rural New York. This is due to a longstanding scarcity of jobs and of many shrinking opportunities for bright, young entrepreneurs. By creating programs in the Small Business Administration which focus specifically on providing business advice, technical assistance, and lowering eligibility to younger entrepreneurs, we can give these young people who would like to stay in our districts better opportunities to do so.

Year to year, we continue to see our children leave their communities because they have limited opportunities to find good-paying jobs or to find any attractive means to make livings and to raise families. Our communities are shrinking in rural America, and the efforts of this outmigration to many places around the country and throughout the Nation are clear. With more and more young people forced to leave to find careers elsewhere, local economies are facing even higher degrees of challenges, and fewer jobs, therefore, are available. Many people back home question how long this can continue.

For those young folks who want to start businesses, who may want to earn steady paychecks, who may want to create jobs and hire others in their communities, where will they go to grow up and raise their families?

I believe we have an opportunity to help pave the way. Offering programs that will help reinvigorate communities through new business opportunities for younger entrepreneurs will both provide these jobseekers with local opportunities and will hugely benefit the local economies in the area. My amendment will do just this.

Madam Chair, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chair, young people have been acutely affected by this recession.

Americans graduating from high school or college face one of the most challenging job markets in decades. In some communities, this problem is driving recent graduates to other parts of the country as they seek economic opportunity. This means that communities which are hard hit by the downturn will have even more difficulty as they are deprived of their next generation of workers. This drain of young talent presents additional challenges for local economies that are struggling to recover.

Entrepreneurship can provide another option for young people who are living in economically hard-hit areas. However, younger individuals also face unique challenges in starting or launching their own businesses. Finding affordable loans without an established credit history can be an obstacle. Many young people may not have the large reserves of capital that older, more established entrepreneurs have. In addition, younger entrepreneurs may not have as much experience in the job market. All of these factors present difficulties to young Americans who want to go into business for themselves.

By creating an initiative through the SBA's Microloan Program, this amendment will help overcome these problems. With appropriate guidance and assistance, many young Americans can go into business for themselves. This amendment also recognizes the capital constraints that many young entrepreneurs face. It gives a younger entrepreneur who qualifies for the Microloan more time for repayment.

Madam Chair, our Nation's greatest resource has always been our young people. They will certainly play a vital role in lifting our Nation out of the current downturn. This amendment will give more young Americans the opportunity to launch their own ventures. This is a good amendment, and I support its adoption.

I now yield to the gentleman from Missouri for any comments that he may have.

Mr. GRAVES. Madam Chair, I rise today in support of the amendment from the gentleman from New York.

Providing America's youth with entrepreneurial education will show them that working for a large corporate entity is not the only way to achieve success. In addition, it will give them sufficient ability to stay in their local, often rural areas so they can use their ingenuity to create new jobs.

I thank the gentleman for his important amendment in supporting the future of America's entrepreneurs.

Mr. MASSA. I thank the gentleman from Missouri.

Madam Chairman, I ask that my colleagues support this amendment.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, we are prepared to accept this amendment, and I urge its adoption and support.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. MASSA).

The amendment was agreed to.

PART B AMENDMENT NO. 11 OFFERED BY MS. FOXX

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part B of House Report 111–317.

Ms. FOXX. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 11 offered by Ms. FOXX:

Add at the end of the bill the following:

TITLE X—TERMINATION

SEC. 1001. TERMINATION OF PROGRAMS.

(a) IN GENERAL.—Subject to subsection (b), each fiscal year the Administrator of the Small Business Administration may not carry out any program for which an authorization is established or extended under this Act.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect with respect to a program referred to in such subsection on the earlier of the following:

(1) The date that is 5 years after the date of enactment of this Act.

(2) The date on which the authorization under this Act for such program expires.

(c) EXISTING OBLIGATIONS.—Subsection (a) does not affect the ability of the Administrator to carry out responsibilities with regard to loans, grants, or other obligations made or in existence before an applicable effective date under subsection (b).

The Acting CHAIR. Pursuant to House Resolution 875, the gentlewoman from North Carolina (Ms. FOXX) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. FOXX. Madam Chair, my intentions were to offer an amendment today that would provide an opportunity to do what I think all of us on both sides of the aisle want to do, which is to have effective programs which help our citizens in this country. However, we've discovered that there are problems with the amendment as it has been drafted, and so it is my intention to withdraw the amendment at the end of my comments.

Multiple reports from the Government Accountability Office found duplicative programs across the Federal Government. These programs included 342 economic development programs; 130 programs serving the disabled; 130 programs serving at-risk youth; 90 early childhood development programs; 75 programs funding international education, cultural, and training exchange activities; and 72 safe water programs.

These are noble goals with good intentions, but they are no excuse for Congress to abrogate its responsibility to reexamine programs that may have become wasteful or duplicative since their inception.

Just yesterday, there was an article in CongressDaily about a situation that should not exist:

''Influential Senators raised fresh concerns about the $7.2 billion broadband stimulus program during an oversight hearing Tuesday, complaining that it is divided between two Federal agencies when only one is necessary.''

'' 'There shouldn't be two of you here. Only in the Federal Government would we have two people doing the same thing,' said Senator CLAIRE MCCASKILL, Democrat of Missouri, in a blunt assessment of the situation, which she described as 'nonsense.' ''

[From Congress Daily, Oct. 28, 2009]

RED TAPE COULD HURT BROADBAND PROGRAM, SENATORS WARN

(By David Hatch)

Referring to Rural Utilities Service Administrator Jonathan Adelstein and NTIA Chief Larry Strickling, Senator Claire McCaskill said, ''If I could, wave a magic wand I would morph you into one person and combine your two agencies with the snap of fingers.''

''I don't know why it was divided up the way it was, but that's what happens with political power around here,'' echoed Senate Commerce Chairman John (Jay) Rockefeller. He further complained that some applicants well-positioned to aid their communities might be dissuaded by the cumbersome process for obtaining the stimulus funds.

Their comments reflect concerns raised by companies and other parties about the complexities of having requests for loans and grants reviewed by two bureaucracies—and the risks of ending up with loans even when grants are sought.

After being inundated, with close to 2,200 requests seeking nearly $28 billion, both agencies have fallen behind schedule and plan to begin issuing awards in mid-December—a month later than intended.

Rockefeller and McCaskill were among the senators who criticized criteria that could prevent some rural areas within 50 miles of urban centers from being eligible for the most generous grants.

They urged the regulators to address the matter, prompting Adelstein to assure them that ''everything is on the table'' when it comes to making adjustments. He described Rural Utilities Service as between a rock and a hard place because it has been criticized for diverting too much assistance to nonrural areas.

Senate Commerce ranking member Kay Bailey Hutchison reiterated her view that the bulk of the funding should help regions that are unserved or ''substantially'' underserved.

During his testimony, Mark Goldstein, director of physical infrastructure issues at GAO, warned that both agencies lack funding for oversight of the program beyond FY10.

Adelstein and Strickling said they're doing everything they can to maximize the impact of the grants and loans. ''I want to ensure you today that these funds will be well-spent,'' Strickling said, noting that there have been no turf battles.

That is why I am offering this amendment which would explicitly sunset all programs contained in the bill at the end of their authorizations or within 5 years, whichever is first, while granting the administrator the authority to carry out responsibilities regarding all outstanding loans, grants, and other outstanding commitments before the authorization expiration.

As a member of the Sunset Caucus and as a cosponsor of H.R. 393, I recognize the need for regular congressional review and oversight needed to restore accountability to the multitude of Federal programs that exist and that are created every day. The amendment I had planned to offer is part of a broader effort to reaffirm the continued relevance of Federal programs and to ensure they continue to operate as intended.

With the current budget challenges facing the Federal Government and a $1.4 trillion deficit, the need for provisions that would sunset program authorizations is more pronounced now than ever. Congress constantly creates new programs with little to no thought of the amount of money that will be needed to finance what usually becomes their eternal life. This is a commonsense, prudent, and simple step that can be taken regularly to help

keep us honest and to sunset authorizations which will necessitate evaluation.

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If a program is worth continuing, its purpose and effectiveness should be dependable in the future. This gives committees an opportunity to reevaluate and retool their functioning to help restore accountability. I believe committee chairmen will wholeheartedly support sunsetting provisions, as their inclusion would more regularly work toward shaping policy under their purview.

Madam Chairman, again, I have learned just prior to coming here that there is a problem with the language, but I also understand that there is a belief on the part of the chairwoman and the ranking member that this is something that should be done, and we will be able to work on that in the future.

Madam Chairman, I ask unanimous consent to withdraw my amendment.

The SPEAKER pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

PART B AMENDMENT NO. 12 OFFERED BY MR. KISSELL

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part B of House Report 111–317.

Mr. KISSELL. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 12 offered by Mr. KISSELL:

Page 32, after line 7, insert the following (and redesignate succeeding sections accordingly):

SEC. 124. DEFERRED REPAYMENT FOR CERTAIN SMALL BUSINESS CONCERNS.

Section 7(a)(7) of the Small Business Act (15 U.S.C. 636(a)(7)) is amended by adding at the end the following: ''If a small business concern classified in sector 23 of the North American Industry Classification System receives a loan under this subsection after the date of the enactment of the Small Business Financing and Investment Act of 2009, such concern may defer repayment on such loan for a period of not more than 12 months beginning on the date that such concern receives the final disbursement of such loan.''.

The SPEAKER pro tempore. Pursuant to House Resolution 875, the gentleman from North Carolina (Mr. KISSELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. KISSELL. Madam Chair, I yield myself such time as I may consume.

Madam Chair, this amendment is very simple and is directed directly at the construction segment of our small business economy.

Madam Chair, the Bureau of Labor Statistics tells us that since our economy has entered this downturn, we have lost nationwide almost 1.5 million jobs. In my State of North Carolina, almost 20 percent of the jobs in construction have been lost during this time period. Clearly, the construction segment of our economy has suffered.

Madam Chair, the SBA's 7(a) loans are the loans that are most commonly used by those small businesses engaged in construction. They are being used for many things. They can be used for day-to-day capital, for purchasing new equipment that is needed to do the job, construction itself, renovation or refinancing. Many things, many aspects of maintaining a business are used in these SBA 7(a) loans.

The amendment that we offer is quite simple. Currently if a business takes out a loan, then payments are due back immediately. The amendment would offer that these payments be deferred for 1 year, that the small businesses engaged in construction have 1 year to start their payments back. This would help these businesses have just a little bit more help towards being successful.

We oftentimes, Madam Chair, have relied upon construction to lead us out of recessions. This opportunity will help small businesses that are engaged in construction help lead us out of this recession.

Madam Chair, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chair, virtually every sector of the economy has suffered at the hands of the downturn. The construction industry, however, has seen some of the most significant declines. According to a study by the Associated Equipment Distributors, two out of every 25 jobs lost in the recession were construction jobs. Nationwide, the industry has shed 37 percent of its workforce. Those losses are larger than either the automobile or financial sectors. Clearly, we need to be addressing this issue.

By providing better terms for 7(a) loans, this amendment will give small construction firms the flexibility to hire new workers. Allowing these businesses to defer repayment for up to 12 months also means they have greater capital for new investments. After all, equipment purchased, items such as cement mixers and bulldozers, are expensive. Most small firms rely on loans in order to buy these items.

With the housing market recovering and the new transportation bill working its way through Congress, we should see new opportunities for small construction firms. Mr. KISSELL's amendment gives the resources they need to take advantage of those opportunities, and I urge my colleagues to support it.

I yield to the gentleman from Missouri for any comments that he might have.

Mr. GRAVES. I thank the chairwoman for yielding.

Madam Chair, I rise in support of the amendment of the gentleman from North Carolina. Everyone is aware that the construction industry is facing some significant economic difficulty. The amendment takes a sensible approach to authorizing new 7(a) loans for construction and to defer repayment for up to 1 year, enabling them to better survive the current economic conditions.

I thank the gentleman for his unique solution to a very real problem.

Ms. VELÁZQUEZ. If the gentleman is prepared to yield back, we are prepared to accept the amendment.

I yield back the balance of my time.

Mr. KISSELL. Madam Chair, I would like to thank the chairman and her committee for their fine work here in helping us on this amendment, and I urge all my colleagues to support this.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. KISSELL).

The amendment was agreed to.

PART B AMENDMENT NO. 13 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part B of House Report 111–317.

Mr. PETERS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 13 offered by Mr. PETERS:

Page 29, line 14, strike ''$50,000'' and insert the following ''$50,000 (except as provided under subsection (1))''.

Page 29, after line 19, insert the following (and redesignate succeeding sections accordingly):

SEC. 119. DELAYED REPAYMENT FOR SMALL BUSINESS CONCERNS IN AREAS WITH HIGH UNEMPLOYMENT.

Section 506 of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by adding at the end the following:

''(1) SMALL BUSINESS CONCERNS IN AREAS WITH HIGH UNEMPLOYMENT.—

''(1) INCREASE LOAN LIMITS.—Notwithstanding subsection (d), a loan made under this section to a small business concern in what the Administrator determines to be an area with high unemployment may not exceed $75,000.

''(2) DELAYED REPAYMENT.—Notwithstanding subsection (g), repayment for a loan made under this section after the date of the enactment of the Small Business Financing and Investment Act of 2009 to a small business concern described in paragraph (1) shall not begin until 18 months after the final disbursement of funds is made.''.

Page 156, line 12, insert after ''of 1986'' the following: '', except that, without regard to such meaning, such term includes an area that the Administrator determines to be an area with high unemployment''.

The Acting CHAIR. Pursuant to House Resolution 875, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

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

Today we are considering important legislation that will provide borrowers, lenders and the government with a number of important tools to assist the survival and growth of small businesses. Small businesses are the prime engine of innovation, economic expansion and job creation, and supporting our small businesses should be the cornerstone of any plan for economic recovery. For areas of high unemployment, small businesses are particularly important, and the jobs they provide are particularly valuable.

While the economy is beginning to show signs of improvement, there is no doubt that in some areas unemployment remains at an extreme high level. For example, the State of Michigan has the Nation's highest unemployment rate at 15.3 percent, and in the city of Pontiac, which I represent, the unemployment rate is a staggering 35.2 percent.

My amendment would ensure that businesses that want to invest in high unemployment areas and create jobs can do so competitively at a time when innovation and investment is needed most by making high unemployment areas eligible for more expansive American Recovery Capital, ARC, loans and the New Market Venture Capital program.

In order to assist these high unemployment areas, my amendment will increase the maximum ARC loan amount from $50,000 to $75,000 and defer repayment until 18 months after final disbursement of the loan is made. This would give struggling firms room to breathe and help avoid further layoffs and closures.

My amendment would also give entrepreneurs better access to private capital by making eligibility for the New Market Venture Capital program include high unemployment areas. This would target investment and opportunity directly where it is needed most and encourage business growth in hard-hit areas like the city of Pontiac. These simple changes would ensure that hard-hit areas have the tools necessary to stop hemorrhaging jobs and to invest in new operations that will create jobs, bring new technologies to markets, and build a new foundation for Michigan's economy and the country as a whole.

I urge my colleagues to support my amendment, and I would like to thank Representative SCHRADER for bringing forth this important legislation, as well as Chairwoman VELÁZQUEZ and her staff for their help on the amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Certainly times are tough and many Americans are hurting because of the economic downturn. But, as they have done before, American entrepreneurs will lead us out of this downturn and begin rebuilding our economy. This amendment is about harnessing the job-creating potential that exists in communities that are suffering the worst of the downturn. It is about using the American entrepreneurial spirit to deliver hope to places that need it most.

As part of the Recovery Act, we aimed to help small businesses with short-term, interest-free loans. So far, this program has funneled $115 million to 3,500 businesses. With this amendment, we will make more of these loans available to businesses in economically distressed areas. By giving these businesses more time to start repayment, we will provide them a better chance to stay afloat and ultimately grow and create jobs.

This is a good amendment. I thank the gentleman from Michigan for offering it. I urge its adoption.

I now yield to the gentleman from Missouri for any comments that he may have.

Mr. GRAVES. Madam Chair, I rise today in support of the amendment offered by the gentleman from Michigan. Certainly some areas in the country are suffering more significantly in the current economic climate than others. Allowing larger-size stabilization loans may help retain an economic base in areas hard-hit by the loss of manufacturing and real estate development jobs.

I thank the gentleman for his contribution to the bill.

Ms. VELÁZQUEZ. Madam Chair, I yield 1 minute to the gentleman from Michigan (Mr. SCHAUER).

Mr. SCHAUER. Madam Chair, I rise in strong support of the Peters amendment.

The Small Business Administration has played a key role in the current economic crisis by helping businesses and manufacturers maintain access to credit, but we must do more.

Michigan's unemployment numbers are unacceptably high. Hillsdale County in my district has an unemployment rate in excess of 17 percent. Local companies tell me every day that they are ready to invest and hire more employees, but they are having trouble getting the credit they need to help put Michigan and America back to work.

Earlier this year, we passed the American Recovery and Reinvestment Act that created new programs for small businesses and manufacturers. These programs have helped. With just a $12,500 government-backed loan, Diane Brabon was able to create 10 new jobs at the Trusting Heart Home Health Services in Delta Township. Yet successful businesses are still starved for credit. With this amendment, the SBA will be able to guarantee loans that recognize the challenges small businesses are facing in high unemployment areas.

I proudly support Mr. PETERS' amendment and look forward to working to find new ways to encourage more lenders to participate in these important programs.

Ms. VELÁZQUEZ. Madam Chair, I yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Madam Chair, I rise today in strong support of the Peters amendment to H.R. 3854, the Small Business Financing and Investment Act. Capital is what allows small firms to grow their businesses, hire new employees and generate the economic activity that drives recovery. But ever since the near collapse of the financial industry, small business capital markets have been nearly frozen, making it more difficult for businesses to expand and hire workers. These problems are particularly pronounced in areas of high unemployment, which face greater barriers to economic recovery.

The Peters amendment will make important changes to existing small business programs in high unemployment areas. Firms in those areas would qualify for an additional $25,000 in loans and an extra 6-month loan deferment. For areas like my hometown of Flint, Michigan, which is struggling with a nearly 30 percent unemployment rate, these changes are crucial. Small firms have long been the engine that drives economic recovery in our Nation, accounting for nearly two-thirds of all new jobs.

I urge adoption of the amendment.

□ 1630

Ms. VELÁZQUEZ. Madam Chair, if the gentleman from Michigan is prepared to yield back, we are prepared to accept the amendment.

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

Ms. VELÁZQUEZ. I urge adoption of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. PETERS).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MRS. MILLER OF MICHIGAN

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part B of House Report 111–317.

Mrs. MILLER of Michigan. Madam Chair, I rise as the designee of the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 14 offered by Mrs. MILLER of Michigan:

Page 22, line 5, add at the end the following: ''The Administrator shall ensure that each individual in such group with loan application evaluation and underwriting responsibilities has at least 2 years experience with respect to such responsibilities.''.

The Acting CHAIR. Pursuant to House Resolution 875, the gentlewoman

from Michigan (Mrs. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Mrs. MILLER of Michigan. Madam Chair, let me start off with a simple premise: The American economy cannot recover without small business. As such, Congress has rightly taken steps to increase the guarantee amount at the Small Business Administration. But as many business owners can tell you, this has only had a modest effect. In fact, despite these thoughtful measures, the volume of SBA loan guarantees is still only a fraction of what it was last year.

As my colleagues know, the SBA only makes loan guarantees—it does not make loans directly to small businesses. Therefore, if banks decide that even with 90 percent guaranteed, it is still not in their best interest to make a loan, then the small business is simply out of luck.

One credit union president recently pointed out that, in many cases, banks won't seriously consider a small business loan if it is less than $500,000. The interest income simply isn't worth the trouble—even with the guarantee. In these cases, the viability of the business and the value of the guarantee doesn't mean anything.

H.R. 3854 rightly introduces a new program—the Capital Backstop Program—that will authorize the SBA to make loans directly to small businesses as a last resort.

While we are deeply concerned about the Federal Government acting as a bank, the fact of the matter is that Congress has spent $700 billion to resuscitate the lending system, $800 billion trying to stimulate the economy, and yet homeowners—and small businesses especially—still can't get the loans that they need. It is very important that Congress put standards in place to ensure that SBA direct loans are only made to viable businesses.

This amendment establishes this same standard for individuals at the SBA who are directly engaged in loan application evaluation and underwriting. We can only imagine the bureaucratic nightmare that would ensue if Congress actually tried to come up with a laundry list of criteria for viable businesses. As any local banker can tell you, no two businesses are exactly the same—the people matter, the models matter, the market matters.

This amendment ensures that individuals who are evaluating businesses have both the authority and the expertise to make the best decisions for the taxpayer.

We want to thank the chairwoman and ranking member and all of their colleagues on the Small Business Committee for their efforts on this legislation. It is very important work.

Madam Chair, I urge the adoption of this amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, we are prepared to accept the amendment if the gentlelady from Michigan is prepared to yield back.

Mrs. MILLER of Michigan. Madam Chair, I yield back the balance of my time.

Ms. VELÁZQUEZ. I urge adoption of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MRS. MILLER OF MICHIGAN

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in part B of House Report 111–317.

Mrs. MILLER of Michigan. Madam Chair, I rise as the designee of the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 15 offered by Mrs. MILLER of Michigan:

Page 20, line 25, strike ''on a date if'' and insert the following: ''on each date during the period beginning on the date of enactment of this paragraph and ending on September 30, 2011, and on any other date after such period if''.

The Acting CHAIR. Pursuant to House Resolution 875, the gentlewoman from Michigan (Mrs. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Mrs. MILLER of Michigan. Madam Chair, this amendment makes a simple technical correction to the Capital Backstop Program, which we were just talking about.

In short, this underlying bill wisely puts restrictions on when this program can and cannot operate. The bill states two things: First of all, that the National Bureau of Economic Research, the NBER, must have declared the United States to be officially in recession. Second, the SBA loan guarantee volume must be down 30 percent from the previous year. And if these two criteria are not met, then the program is shut down.

As you know, the Federal Reserve recently stated that the recession is already likely over. The NBER is sure to follow suit soon. As well, because SBA loan volume is already down so substantially, the likelihood of another full 30 percent drop next year is very low.

This amendment simply says that the program being created in this bill is authorized to begin operation immediately upon enactment and is authorized to continue through September 2011, even if the recession has been declared technically over.

I would note personally, being from Michigan, whatever they are saying in the Nation, the recession is definitely not over in the State of Michigan.

However, our concern, Madam Chair, is that if Congress is going to take the extraordinary step of authorizing the SBA to make loans directly to small businesses, then it ought to be making these loans now, when they are needed the most.

After 2011, the restrictions that are in the underlying bill will resume. Frankly, Madam Chair, at that time we certainly hope that even stronger restrictions are in place.

Many of our colleagues are skeptical of having the SBA make loans directly to small businesses. Nevertheless, taxpayers have spent nearly $2 trillion trying to fix this situation. It hasn't worked.

If we are going to take the step of creating this program, let us at least make sure that it is helping our constituents and the taxpayers and small businesses now, when they truly need it most.

Madam Chair, I urge the adoption of this amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, if the gentlelady from Michigan is prepared to yield back, we are prepared to accept the amendment.

Mrs. MILLER of Michigan. Madam Chair, I yield back the balance of my time.

Ms. VELÁZQUEZ. I urge adoption of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. NYE

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in part B of House Report 111–317.

Mr. NYE. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 16 offered by Mr. NYE:

Page 186, after line 24, insert the following (and redesignate succeeding sections accordingly):

SEC. 808. HOMEOWNERS IMPACTED BY TOXIC DRYWALL.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act, is further amended by inserting after paragraph (11) the following:

''(12) HOMEOWNERS IMPACTED BY TOXIC DRYWALL.—The Administrator may make a loan under this subsection to any homeowner if the primary residence of such homeowner has been adversely impacted by the installation of toxic drywall manufactured in China. A loan under this paragraph may be used only for the repair or replacement of such toxic drywall.''.

The Acting CHAIR. Pursuant to House Resolution 875, the gentleman from Virginia (Mr. NYE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

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

Madam Chairman, I'd like to thank Chairwoman VELÁZQUEZ, Ranking Member GRAVES, Mr. SCHRADER and all my other esteemed colleagues on the Small Business Committee for their work to bring about the Small Business Financing and Investment Act and bring it to the floor, and for including my bill, the Small Business Early Stage Investment Act, in this omnibus bill.

Small businesses are the engine of our economy and they are key to our recovery. Any effort to create jobs must start with an investment in small businesses. But the financial crisis and the economic downturn have been hard on small businesses as the credit markets have dried up.

When I meet with my Small Business Advisory Board back in Virginia's Second District, they tell me their number one concern is accessing the capital they need to support their business. It is now more important than ever to improve the flow of capital to our small businesses, particularly for the early stage research that will lead to new technologies—and the SBA programs outlined in this bill will do just that.

I am also proud to bring to the floor an amendment—a very important amendment to the underlying bill—together with my friend from Florida (Mr. BUCHANAN) which addresses a serious problem facing homeowners across the United States—imported toxic drywall.

In 30 States and the District of Columbia, thousands of homes have been reported to have been built with toxic foreign drywall, mainly from China. The drywall releases poisonous gases that can cause serious health problems and can make a home uninhabitable. The fumes even corrode metals—damaging electrical wiring, appliances, and piping systems.

In my district, I have visited these homes and spoken with the families. Many of them have been forced to move in with friends or relatives; many others are now living in rental housing—paying for both the cost of a mortgage and the cost of rent—or, even worse, living in the home, unable to afford repairs.

The CPSC and the EPA have recognized toxic drywall as a serious problem and they are conducting a detailed investigation. But many families simply cannot afford to wait for the test results and there is no guarantee anything will come of these efforts. We owe it to them to try every means possible to provide them relief.

These homeowners are the victims of a calamity beyond their control—just like any family whose home is damaged by a major disaster such as a hurricane or tornado—and they deserve the same assistance.

This amendment allows these families to access low-interest disaster loans from the Small Business Administration to repair or replace toxic drywall in their homes. While it may take more time and legislation to ultimately eradicate this problem, we can take immediate action today for these struggling families.

I urge my colleagues to join me and my colleague in passing this amendment to help these American families rebuild their homes and begin rebuilding their lives.

With that, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chair, I strongly support this amendment and now would like to yield 2 minutes to one of the cosponsors of this amendment, the gentleman from Florida (Mr. BUCHANAN).

Mr. BUCHANAN. Thank you, Madam Chair. Thanks for your leadership. I'd also like to thank my colleague, Mr. NYE, for working with me in a bipartisan manner to address this issue that I believe is long overdue.

Our amendment will extend SBA loans to homeowners who have residences that are suffering from toxic Chinese drywall. An estimated 36,000 residents in my home State of Florida are believed to have this hazardous material.

For most families, their house is their biggest investment. I have met with homeowners across my district who have seen their property values plummet and their health care concerns grow. The American Dream of home ownership has become a nightmare for these families.

The real life story of one of my constituents, Jim Silverblatt, comes to mind. Jim bought a house in beautiful Venice, Florida, for $680,000 in 2006. He retired from UPS as a supervisor and invested another $125,000 in his residence. He has over $800,000 in that house. However, due to the damage caused by the toxic drywall, Jim's home is now appraised at just $155,000, and is uninhabitable in the warm weather.

Jim's story is all too common in Florida in general. Many of my constituents in our area that I have talked to, they have had to move out of their homes and they're renting another place. They're paying two mortgages at the same time. While this amendment doesn't fix everything, it represents much-needed progress for all these families. I urge passage.

Mr. NYE. At this time I yield 1½ minutes to my colleague from Virginia (Mr. WITTMAN).

Mr. WITTMAN. I rise in support of this amendment and I would like to thank my colleagues from Virginia and Florida for offering it. This amendment will offer homeowners impacted by toxic drywall an option to apply for Small Business Administration loans to be used for the repair or replacement of toxic drywall manufactured in China.

Last week, I toured the homes of several constituents affected by the toxic drywall in the Hollymeade subdivision of Newport News and saw firsthand how toxic drywall has put the health and financial well-being of numerous families at risk.

I extended an invitation to President Obama to tour these impacted homes during his visit to Hampton Roads this week and I urged him to put this issue at the top of the agenda for his meetings in China next month.

Of particular concern is the significant military presence in Hampton Roads and the impact on the military families who own homes where toxic drywall is present. Many of these families are juggling the burdens of having a deployed spouse or a spouse preparing for deployment, and an additional financial burden such as a move out of an impacted home, foreclosures, or loss of insurance coverage would be devastating.

I recently sent a letter to the chairman of the U.S. Consumer Product Safety Commission to urge the expeditious resolution of the commission's investigation into the scope and impact of toxic Chinese drywall.

Homeowners across the Nation are waiting for the findings of the commission's investigation, which may determine their eligibility for State and Federal assistance, loan modification, insurance policy changes, tax deductions, and other programs.

I urge my colleagues to support this amendment, which will provide impacted homeowners with an opportunity to pursue some relief through the SBA.

Ms. VELÁZQUEZ. Madam Chair, I yield 1½ minutes to the gentleman from Louisiana (Mr. CAO).

□ 1645

Mr. CAO. Thank you very much, Madam Chair, for yielding me time.

I rise today in strong support of this amendment. Fifteen percent of all drywall contamination cases are in Louisiana. Just imagine, Madam Chair, that after Hurricane Katrina, many of these families had to spend all of their savings in order to repair their home, just to find out now that they replaced their drywall with Chinese contaminated drywall.

I myself have repaired my home twice in the last 4 years, so I know of the inconvenience and the suffering that the people of Louisiana have to undergo in order to get this job done.

With respect to myself, I was fortunate in that my damages were caused by the flooding of Katrina and Gustav. Therefore, my insurance company paid for the repairs in my home.

But for many of these homeowners in Louisiana, their policy does not cover the problems with Chinese drywall. After spending all of their money repairing their homes because of Katrina,

now they have no money whatsoever to spend in order to repair their homes due to the Chinese drywall.

Therefore, I believe that this amendment is extremely important, and I urge that all of my colleagues vote for the passage of this amendment.

Mr. NYE. Madam Chair, might I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman from Virginia has 30 seconds remaining.

Mr. NYE. I would like to ask unanimous consent to have an additional minute added to my time.

The Acting CHAIR. Without objection, the gentleman from Virginia and the gentlewoman from New York each will control 1 additional minute.

There was no objection.

Mr. NYE. Madam Chair, I yield 1 minute to my colleague from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the gentleman. I also thank Chairwoman VELÁZQUEZ, Mr. NYE, and Mr. BUCHANAN.

Madam Chair, I rise in support of this amendment.

This is a very important issue for obviously Florida, Louisiana and other States—Virginia—that have been impacted. Chinese drywall has affected many homeowners.

The defective material that has been described contains a sulfur compound that causes corrosion in the walls, faults to plumbing and electrical systems and has led to severe health problems, forcing residents to spend thousands and sometimes even hundreds of thousands of dollars to move or make repairs.

These homeowners had no reason to suspect that their homes were built with defective drywall, and they need our help. Most of these problems are not covered under standard homeowners' insurance. In some cases the builders that built the buildings are insolvent or gone. Families are now struggling to fix these problems or they risk losing insurance coverage and potentially their homes.

A few days ago a number of us had a chance to meet with HUD Secretary Shaun Donovan in south Florida so that we could all tour some of these devastated homes. While it is imperative that we develop a comprehensive solution, it is also vital that homeowners have access to small business loans.

Ms. VELÁZQUEZ. Madam Chair, I yield 1 minute to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. I thank the distinguished gentlewoman and I want to thank Congressman BUCHANAN for bringing this up.

Madam Chair, as you have heard before, this is a nightmare. This Chinese drywall is a nightmare. These people can't live in their homes; they can't sell their homes; they can't rent their homes. There are potential health hazards while they are there. This amendment would really provide immediate assistance to a number of homeowners to allow them to repair their homes.

Again, Congress has to do everything we can to help these individuals who are stuck in this horrible nightmare situation. This is a very, very good, commonsense amendment. I encourage this Congress to adopt this amendment.

Ms. VELÁZQUEZ. Madam Chair, if the gentleman from Virginia is prepared to yield back, we are prepared to accept the amendment.

Mr. NYE. Madam Chair, I yield back the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, I urge adoption of this very important amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. NYE).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. FLAKE

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on the amendment printed in part B of House Report 111–317 on which further proceedings were postponed.

The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 370, noes 55, not voting 13, as follows:

[Roll No. 828]

AYES—370

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Cooper
Costa
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Myrick
Napolitano
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuler
Shuster
Simpson
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 (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NOES—55

Baldwin
Berkley
Brady (PA)
Brown, Corrine
Butterfield
Christensen
Clyburn
Conyers
Costello
Delahunt
Doyle
Edwards (MD)

Ellison
Filner
Frank (MA)
Fudge
Grayson
Grijalva
Hastings (FL)
Hinchey
Holden
Kildee
Kilpatrick (MI)
Kucinich
Larson (CT)
Lee (CA)
Lewis (GA)
Matsui
McDermott
Meek (FL)
Meeks (NY)
Miller, George
Moore (WI)
Moran (VA)
Murtha
Nadler (NY)
Neal (MA)
Pascrell
Paul
Rahall
Rangel
Reyes
Sanchez, Loretta
Schakowsky
Serrano
Shea-Porter
Sherman
Sires
Stark
Thompson (MS)
Tonko
Wasserman Schultz
Wexler
Woolsey
Young (AK)

NOT VOTING—13

Barrett (SC)
Berman
Bishop (UT)
Brown-Waite, Ginny
Buyer
Capuano
Conaway
Crowley
Linder
Murphy, Patrick
Murphy, Tim
Nunes
Payne

□ 1718

Ms. BERKLEY, Messrs. BUTTERFIELD, REYES, RANGEL, LARSON of Connecticut, NADLER of New York, SHERMAN, MORAN of Virginia, MEEKS of New York, and Ms. WASSERMAN SCHULTZ changed their vote from ''aye'' to ''no.''

Messrs. INSLEE, SCHAUER, GONZALEZ, KLEIN of Florida, WAXMAN, RODRIGUEZ, BOREN, Ms. LINDA T. SÁNCHEZ of California, Mr. COHEN, Mrs. MALONEY, Mr. CARNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ROYBAL-ALLARD, Messrs. TURNER, HALL of New York, BACA, MCDERMOTT, Mrs. EMERSON, Ms. DEGETTE, Messrs. STUPAK, BURGESS, HARE, HINOJOSA, MCINTYRE, Ms. MCCOLLUM, and Ms. CLARKE changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1715

The Acting CHAIR. There being no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. DEGETTE) having assumed the chair, Ms. EDWARDS of Maryland, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3854) to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, and for other purposes, pursuant to House Resolution 875, she reported the bill, as amended pursuant to that resolution, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 875, the question on adoption of the further amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. CANTOR. Madam Speaker, I have a motion to recommit at the desk.

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

Mr. CANTOR. In its current form, I am.

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

The Clerk read as follows:

Mr. Cantor moves to recommit the bill H.R. 3854 to the Committee on Small Business with instructions to report the same back to the House forthwith with the following amendment:

Add at the end of the bill the following:

TITLE X—STUDY ON ADDITIONAL CREDIT RISK FACTORS

SEC. 1001. STUDY ON ADDITIONAL CREDIT RISK FACTORS.

(a) IN GENERAL.—With respect to loans made under programs established or amended under this Act, the Administrator of the Small Business Administration shall conduct a study on whether the failure of such loans to achieve one or more of the public policy goals specified in subsection (b) negatively impacts the ability of businesses receiving such loans to make timely repayment of such loans.

(b) PUBLIC POLICY GOALS.—The public policy goals referred to in subsection (a) are the provision of adequate access to capital to assist small business concerns with one or more of the following:

(1) Offsetting the costs to such concerns resulting from the imposition of a surtax on the income of small business owners.

(2) Offsetting the costs to such concerns resulting from the enactment of a requirement that such concerns offer health care of a minimum acceptable coverage level.

(3) Offsetting the costs to such concerns resulting from an increase in the marginal tax rates of small business owners.

(4) Offsetting the reduction in capital available for such concerns resulting from an increase in the tax on capital gains.

(5) Offsetting the reduction in capital available for such concerns resulting from an increase in the taxes on carried interest.

(6) Offsetting the increased energy costs for such concerns resulting from the enactment of a cap on carbon dioxide emissions.

(7) Offsetting the increased costs to such concerns resulting from a change in Federal law that allows unions to be organized through a card check process.

(8) Offsetting the reduction in capital available for such concerns resulting from new regulations on financial products.

(9) Offsetting the increased costs to such concerns resulting from the imposition of net neutrality rules on the Internet.

(c) USE OF STUDY.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report on the results of the study conducted under subsection (a) and shall use such results to evaluate and adjust, as appropriate, the potential credit risk to the Government through the provision of loans under programs established or amended under this Act.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. CANTOR. Madam Speaker, providing about 70 percent of U.S. jobs, small businesses are the lifeblood of our economy. When they struggle, when they contract, when they fail to obtain credit and put capital to work, America struggles. And right now our small businesses are struggling like never before.

With such an ominous backdrop, it is only logical that we do everything in our power to strengthen our small businesses and make it easier for them to create jobs and put people back to work. But as small business owners across this country have told us for months now, Washington is doing the opposite. The wave of newly proposed tax increases, health care mandates, and financial and energy regulations are adding fresh gasoline to the fire. They have created a pervasive state of fear about the future cost of doing business that is enveloping reluctant job creators.

Madam Speaker, if the economy is going to be resurgent, small business owners will have to provide the spark. I know many of us have met with our small business owners over the last several months. I have. I have conducted several small business forums in my district. One of those, in Richmond, I heard the message loud and clear. Small businesses want to expand. They want to hire more workers. They want to invest. But they can barely afford to keep the lights on right now.

The message to me, Madam Speaker, was very clear. Of all times, now is the wrong one for Washington to go and slap more taxes and regulations on us. These small businesses asked me: Why is there such a huge disconnect between what we in the small business community need and what our government thinks we need? Why does Washington spend so extravagantly and fund this spree by squeezing the very people who can create and provide jobs?

The point was this: It was that the misguided policies being brought forward either siphon capital away from small businesses or cause them to hoard capital out of a grave concern. Talk of card check, surtaxes, marginal tax hikes, minimum health coverage mandates, cap-and-trade, et cetera, all of this adds new and unnecessary layers of concern. This concern will harm small business employment, and has, and the number of business establishments and the types of such establishments, such as sole proprietorships, corporations, and partnerships.

Madam Speaker, we will see repercussions in the amount of capital investment small businesses attract; in the number of business formations and failures; and the amount of sales and new orders and investment in plant and equipment because of the very actions being proposed in this House and throughout Washington.

The bill before us today proposes to modify and expand a variety of SBA loan programs. The SBA plays an important part in helping America's small businesses. But let us be clear, Madam Speaker, the vast majority of small businesses do not participate in SBA programs. They rely on community banks, investment capital, and

other forms of credit to start and expand their business. In fact, the Discovery Financial Services small business survey recently found that 90 percent of small businesses report that they have never even applied for an SBA loan. Reports from banks confirm that most small business credit is supplied outside of the SBA. In 2007—the most recent data—banks reported through the CRA that they originated or purchased $329 billion in loans for small businesses. By comparison, Madam Speaker, the SBA averages between $20 billion and $30 billion in lending a year.

Small businesses, whether they use SBA or other sources of financing, will all be impacted by massive tax hikes, regulations, and mandates being proposed currently by the Democratic majority.

Madam Speaker, the bottom line is this. The resulting loans being called for under this bill by the Small Business Administration will not even come close to offsetting the cost to small businesses caused by the concerns businesses have over the majority's agenda in this House. So, Madam Speaker, I suggest this. Abandon your proposals to impose record-high taxes. Abandon the proposals for underfunded mandates on our businesses and costly regulations.

□ 1730

Provide our small business job creators with the certainty that Washington isn't going to be saddling them with new penalties, with new taxes and with new high costs. We take a first step towards that goal today, Madam Speaker, by adopting this motion, and I urge the House to do so.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Madam Speaker, while not opposed to the motion, I ask unanimous consent to claim the time in opposition.

The SPEAKER pro tempore. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. While I am not opposed to the motion, I do want to make some observations. While the gentleman is interested in studying the problems, we are interested in real solutions, and the bill under consideration does that. This bill provides $44 billion in capital for our small businesses, helping address the number one issue facing small firms right now. This bill will create 1.3 million jobs. Initiatives in this legislation will be specifically targeted to veterans and businesses located in rural communities. This legislation is supported by over 50 business organizations, representing small businesses in the health care, financial services, agriculture and technology industries.

What I would like to see the gentleman add to the study is how small businesses have benefited from increased expensing limits for purchasing equipment, extended bonus depreciation, reduced capital gains rates on small business stock, and allowing businesses to carry back 5 years of losses. Let's add that to the study.

It is interesting to see how the gentleman would like to study things that haven't happened, like offsetting the reduction in capital available for such concerns resulting from an increase in tax on capital gains. Are we going to study things that haven't happened? Does the gentleman have a crystal ball? Because if he does, I would like for him to tell me who is going to win the World Series. This is a motion that does nothing to provide loans to small businesses or create jobs. But if the gentleman wants to do a study, so be it.

I yield back the balance of my time.

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

There was no objection.

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

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

RECORDED VOTE

Mr. CANTOR. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 3854, if ordered, and the motion to suspend the rules and agree to House Resolution 729.

The vote was taken by electronic device, and there were—ayes 272, noes 149, not voting 11, as follows:

[Roll No. 829]

AYES—272

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Baird
Barrow
Bartlett
Barton (TX)
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Cleaver
Coble
Coffman (CO)
Cole
Cooper
Costa
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hoekstra
Hunter
Inglis
Israel
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Myrick
Neugebauer
Nye
Olson
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Rush
Ryan (WI)
Scalise
Schmidt
Schock
Schrader
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Turner
Upton
Van Hollen
Velázquez
Walden
Wamp
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)
Young (FL)

NOES—149

Abercrombie
Andrews
Baca
Baldwin
Bean
Becerra
Berry
Bishop (NY)
Blumenauer
Boccieri
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Davis (CA)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meek (FL)
Meeks (NY)
Miller, George
Mollohan
Moore (WI)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Serrano
Sestak
Sherman
Slaughter
Smith (WA)
Speier

Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Woolsey
Yarmuth

NOT VOTING—11

Barrett (SC)
Berman
Brown-Waite, Ginny
Buyer
Capuano
Conaway
Crowley
Murphy, Patrick
Murphy, Tim
Nunes
Payne

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1756

Messrs. DELAHUNT, NEAL of Massachusetts, COSTELLO, Ms. HARMAN, Messrs. FARR, MOLLOHAN, BOCCIERI, REYES, SESTAK, SHERMAN, VISCLOSKY, BACA, ORTIZ, SALAZAR, Mrs. HALVORSON, Messrs. GENE GREEN of Texas, SCHAUER, Mrs. DAVIS of California, Messrs. SCOTT of Georgia, GONZALEZ, Mrs. McCARTHY of New York, Messrs. ENGEL, EDWARDS of Texas, DICKS, MEEKS of New York, BISHOP of New York, KRATOVIL, and DRIEHAUS changed their vote from ''aye'' to ''no.''

Mr. GORDON of Tennessee changed his vote from ''no'' to ''aye.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Ms. VELÁZQUEZ. Madam Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 3854, back to the House with an amendment.

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

The Clerk read as follows:

Amendment offered by Ms. VELÁZQUEZ:

Add at the end of the bill the following:

TITLE X—STUDY ON ADDITIONAL CREDIT RISK FACTORS

SEC. 1001. STUDY ON ADDITIONAL CREDIT RISK FACTORS.

(a) IN GENERAL.—With respect to loans made under programs established or amended under this Act, the Administrator of the Small Business Administration shall conduct a study on whether the failure of such loans to achieve one or more of the public policy goals specified in subsection (b) negatively impacts the ability of businesses receiving such loans to make timely repayment of such loans.

(b) PUBLIC POLICY GOALS.—The public policy goals referred to in subsection (a) are the provision of adequate access to capital to assist small business concerns with one or more of the following:

(1) Offsetting the costs to such concerns resulting from the imposition of a surtax on the income of small business owners.

(2) Offsetting the costs to such concerns resulting from the enactment of a requirement that such concerns offer health care of a minimum acceptable coverage level.

(3) Offsetting the costs to such concerns resulting from an increase in the marginal tax rates of small business owners.

(4) Offsetting the reduction in capital available for such concerns resulting from an increase in the tax on capital gains.

(5) Offsetting the reduction in capital available for such concerns resulting from an increase in the taxes on carried interest.

(6) Offsetting the increased energy costs for such concerns resulting from the enactment of a cap on carbon dioxide emissions.

(7) Offsetting the increased costs to such concerns resulting from a change in Federal law that allows unions to be organized through a card check process.

(8) Offsetting the reduction in capital available for such concerns resulting from new regulations on financial products.

(9) Offsetting the increased costs to such concerns resulting from the imposition of net neutrality rules on the Internet.

(c) USE OF STUDY.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report on the results of the study conducted under subsection (a) and shall use such results to evaluate and adjust, as appropriate, the potential credit risk to the Government through the provision of loans under programs established or amended under this Act.

Ms. VELÁZQUEZ (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Ms. VELÁZQUEZ. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 389, nays 32, not voting 11, as follows:

[Roll No. 830]

YEAS—389

Abercrombie
Ackerman
Aderholt
Adler (NJ)
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)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Camp
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
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
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
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 (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
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
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
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
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman

Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—32

Akin
Bishop (UT)
Broun (GA)
Burgess
Burton (IN)
Campbell
Carter
Culberson
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Granger
Hensarling
Issa
Jordan (OH)
Kingston
Lamborn
Lewis (CA)
Lummis
McClintock
McHenry
Miller (FL)
Neugebauer
Paul
Price (GA)
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Thornberry

NOT VOTING—11

Barrett (SC)
Berman
Brown-Waite, Ginny
Buyer
Capuano
Conaway
Crowley
Murphy, Patrick
Murphy, Tim
Nunes
Payne

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1804

Messrs. KINGSTON, BURGESS and CULBERSON and Ms. FOXX changed their vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE CHAIRWOMAN OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

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

Ms. ZOE LOFGREN of California. Madam Speaker, as you know, I chair the Committee on Standards of Official Conduct, and Mr. BONNER is the ranking member.

I regret to report that there was a cyberhacking incident of a confidential document of the committee. A number of Members have been contacted by The Washington Post, which is in possession of a document. We don't know with certainty whether it is an accurate document, but we thought it important to state the relevance of the material.

As the body knows, under rule XVIII, the Chair and ranking member are permitted, indeed, obliged, to explore extraneous matters that come to our attention, anything from a stray newspaper article to a comment involving Members or staff, to make sure that there is nothing serious. In the course of doing that, no inference should be made as to any Member. We might have a newspaper article that we look at, there is nothing to it, but we have to make sure that that is the case.

I would yield to the ranking member for his further comments.

Mr. BONNER. Thank you, Madam Chairman.

The purpose of this colloquy is to notify the Members that because The Washington Post has a document that they believe originated from our committee, and because some Members of the body are receiving questions from the newspaper, we wanted to assure the body, first of all, this was an isolated incident that to our knowledge has only occurred once; secondly, that our security system for the committee has not been breached; and, third, and I think most importantly, that any name of a Member or a staff member that might appear on a document, if it in fact were a document from our committee, it should not be inferred that a Member is under an investigation of the committee, other than the fact that the committee has responsibilities.

For instance, when a colleague calls and asks about whether they can take a trip, their name would appear on this weekly report that the Chair and ranking member receive. That doesn't mean that they are doing anything other than following the rules of the House to inquire whether they should take that trip or whether it is permissible.

Ms. ZOE LOFGREN of California. I would just like to note that we understand that the computer system of the committee is secure; that at any one time, as the ranking member has said, dozens of Members' names are on our weekly report, and no inference should be made as to incorrect behavior on the part of those Members.

We wanted to make sure that the body knew and that the public knew that any other inference would be a serious mistake.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection.

NATIONAL FIREFIGHTERS MEMORIAL DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 729 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 Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 729.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 42, as follows:

[Roll No. 831]

YEAS—390

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
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
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
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)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
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)
Murtha
Myrick
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ross
Rothman (NJ)
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Sensenbrenner
Serrano

Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
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
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—42

Barrett (SC)
Barton (TX)
Berman
Brown-Waite, Ginny
Buyer
Capuano
Clarke
Conaway
Crowley
Davis (IL)
Diaz-Balart, L.
Diaz-Balart, M.
Flake
Gallegly
Garrett (NJ)
Gonzalez
Grijalva
Hoekstra
Honda
Larson (CT)
Lee (CA)
Loebsack
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Nunes
Payne
Quigley
Rangel
Ros-Lehtinen
Roskam
Roybal-Allard
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Scott (GA)
Shadegg
Smith (TX)
Sullivan
Waxman
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1823

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.

PERSONAL EXPLANATION

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, on rollcall Nos. 826, 827, 829, 830, and 831, I was unavoidably detained.

Had I been present I would have voted "yea" on rollcall No. 826; "aye" on rollcall No. 827; "aye" on rollcall No. 829; "yea" on rollcall No. 830; and "yea" on rollcall No. 831.

LEGISLATIVE PROGRAM

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

Mr. CANTOR. Madam 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.

Madam Speaker, on Monday 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 p.m.

On Tuesday, the House will meet at 8 a.m. for morning-hour debate. The House will then meet at 9 a.m. for legislative business and recess immediately. The House will reconvene at approximately 10 a.m. in a joint meeting with the Senate to receive Her Excellency, Dr. Angela Merkel, Chancellor of the Federal Republic of Germany.

On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business.

On Friday, the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by the close of business tomorrow.

In addition, Madam Speaker, we will consider the Expedited Card Reform for Consumer Act of 2009; H.R. 2868, the Chemical Facility Antiterrorism Act of 2009; and H.R. 3962, Affordable Health Care for America Act.

Mr. CANTOR. Madam Speaker, I would like to ask the gentleman if he can give us any indication about the days on which we could expect these particular bills to be debated and voted upon on the House floor.

Mr. HOYER. I would expect the credit card bill to be considered as early as Wednesday; the Chemical Facility Antiterrorism Act to be considered as early as Wednesday or Thursday; and the Affordable Health Care Act as early as Thursday.

Mr. CANTOR. I thank the gentleman for that.

Madam Speaker, I would like to say to the gentleman that I noticed that this morning we Republicans, just like the public, were not allowed to attend the Speaker's unveiling of the public option bill.

I know that the gentleman here on this House floor and I have always talked about the need for transparency, certainly at this particular occasion, and at the press conference the public nor any Republican was allowed to attend.

I would note for the record, Madam Speaker—I know the gentleman knows this—that the steps of the Capitol are and should be open to the public. I would think, Madam Speaker, that in the spirit of trying to work together, when we have such a transformative piece of domestic legislation, that if there is a press conference for the public on public grounds to discuss public option, it should be open to all.

Madam Speaker, I just felt that the gentleman would agree with me on that. But I would like to at this point turn to what the events of next week will be.

Mr. HOYER. Will the gentleman yield before we get to next week?

Mr. CANTOR. I yield.

Mr. HOYER. I am informed that Fox News is talking a lot about this, but the fact of the matter is it was open to the public. There were public there, as a matter of fact. If the gentleman's contention is somehow this was walled off or there were people who were prohibiting people from being there in attendance at the rollout of America's health care bill, I was there. I saw nobody turned away. I saw nobody precluded from attending.

If the gentleman's contention is that every time he has a press conference he calls me up or somebody else up and says, By the way, I'm having a press conference, if you want to come by, come by, I will check my phone records and my e-mail and any other messages that I have, but the gentleman and I both know that doesn't happen.

We have been considering this bill for some period of time. I will go into that a little later. But I think the gentleman's contention that somehow he or any other Republican was precluded from being on the site at the foot of the Capitol steps is incorrect, and I reject it.

Mr. CANTOR. Madam Speaker—and I don't intend to belabor this point with the gentleman—but I do know for a fact that individuals were precluded from entering. And I'm told that invitations were issued with RSVPs, and if you were not on the list of RSVPs, you couldn't enter. And I do know for a fact that people were prohibited from doing so.

Again, Madam Speaker, I would say, this is not just some ordinary press conference. This was a press conference held on the front steps of the Capitol. This was a press conference, the subject of which was a piece of legislation that portends to transform one-sixth of this economy of this country and to deal with the most personal issues of health care universally applied to all people.

So I do thank the gentleman for his concern and his belief that it should have been open, because I believe as well.

Mr. HOYER. I believe, so we accurately express it, that it was open.

Mr. CANTOR. Again, I don't want to belabor the point any further. I just politely disagree with the gentleman, having known, and the fact is there were people stopped from entering.

With that, Madam Speaker, I would turn to some inquiries that I have about how we are going to proceed in discussing this massive 1,990 pages of legislation; how it is that if the gentleman believes that we are going to be taking it up as early as Thursday, then could he tell us if the bill itself, in general, does it resemble H.R. 3200?

Mr. HOYER. There are certainly, as I think I indicated in the press, three committees worked off that base. The three committees, as you know, reported somewhat different bills. Those bills have been put together and there are additions and subtractions from that bill.

But I would say to the gentleman that the overwhelming part of that bill, as I have indicated, has been online for over 3 months. There have been literally thousands of town meetings with reference to the substance of the bill—not the specific bill that was just put on the line at 10 a.m. this morning. And now there are 8 million hits on the Rules Committee Web site, downloads. So Americans are doing what we indicated we'd give them the opportunity to do—and we wanted them to do.

□ 1830

I'm sure you have, I don't know whether you personally have, but I'm sure your side has downloaded it as well. From that standpoint, the notice that we promised to give is being given. It is a massive bill. It is a very consequential bill. We believe it's a very important bill for every American, every American family, every American business, and for our country.

That bill is going to get and has been getting, over the last, frankly, 8 months, where we have had a large number of hearings, from 2007 to this date, somewhere in the neighborhood of 60 hearings. I'm not sure of that specific number. I had it, but I can't recall it right now. There were markups on the bills, over 100 amendments presented in each committee and considered and voted upon.

So that this bill, as I said before in the colloquy last week, has had more discussion, more town meetings, has been read more extensively than any bill in the 29 years that I have been here in the House of Representatives.

So again, I would reiterate to the gentleman that this bill has received extraordinary oversight, extraordinary review, and extraordinary input from the citizens of this country and, indeed, in the markups of three committees, input from the members of the three committees.

Mr. CANTOR. I thank the gentleman.

As the gentleman knows, Madam Speaker, not every one of the Members in this body serve on those three committees. From what I can gather of the gentleman's statement that if the discussion in the committees and the discussion in the town halls across this country over the summer were indicative of the discussions surrounding this new bill, then perhaps I am to conclude that this bill is H.R. 3200, because the point, Madam Speaker, is that this is a new bill.

It was unveiled today, and, again, I pointed out to the gentleman, Madam Speaker, very troubling that it was unveiled in a closed press conference. Somehow the majority felt and the Speaker felt it necessary to block Republicans and the public from that unveiling. Now we have a new bill, it is over 1,900, nearly 2,000 pages long. We do have a concern that we have adequate time to look at this bill, to understand this bill, to debate this bill.

I would ask the gentleman how much time for debate will be given on this House floor of this 1,990-page bill?

I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

Let me again express the fact that I believe this bill has received the most extensive consideration of any bill since I have been in Congress, and that hasn't always happened.

The gentleman has been here for a number of years, and he was here, I believe, on June 25, 2003. He recalls that that was a bill which was the most massive change in Medicare in over a quarter of a century. The gentleman probably recalls that bill; the prescription drug bill, referred to affectionately. I know the gentleman must clearly remember how we considered that bill. But just on the off chance he doesn't, let me remind him.

On June 25, 2003, a new version was introduced and referred to committee. Hear me. New bill, introduced, referred to committee on June 25. On June 26, at 6:20 a.m. in the morning, a rule for martial law was considered by the Rules Committee, with 3 hours of debate and a Rangel substitute permitted with 1 hour of debate. On June 26 at 6:55 p.m., debate began pursuant to House Resolution 299. Then the House proceeded with 3 hours of general debate. On 6/27—6/27—at 2:32 a.m., there was a 50-minute vote, and the bill passed 216–215 after all of about 36 hours of exposure from introduction to passage.

Now, that bill, of course, went to conference, and it came back from conference. Let me remind my friend about the timing on the conference report.

On 11/21/2003 at 1:17 a.m., the conference report was filed. At 11/21/2003 at 3:41 a.m., 2 hours and approximately 20 minutes later, martial-law consideration of conference report by the Rules Committee. At 11/21, the same day, 2003, at 11:26 p.m.—now this started at 1:17 a.m. in the morning—at 11:26 p.m., it passed the House, the rule. Now, at 11:36 p.m., 10 minutes later—10 minutes later—Mr. Thomas brought up the conference report for consideration. At 11/22, at 2:39 a.m., we began to vote. I am sure you remember that vote. It took 3 hours.

Now, of course, we had had this under consideration from the day before at 1:17 a.m. when the conference report was reported back. This side of the aisle won for 2 hours and 45 minutes while you spent time changing votes on your side of the aisle. You were ultimately successful.

About 2 hours and 55 minutes into that particular vote, the longest vote which I have considered, and, frankly, the longest time this was considered as a piece of legislation, you changed the votes. And it won, 211–222, at 11/22 at 5:50 a.m.

In other words, consideration of the conference report was laid on the table at 11/21/2003 for the Rules Committee consideration, and by 11/22 at 5:50 a.m., about 30 hours later, it was passed.

I tell my friend in reviewing this, this was an 800-page bill, by the way, no extensive hearings on that bill. By the way, when you had press conferences regarding that bill, none of us were invited. You know that and I know that.

I would tell me friend with all due respect, this saying that the Democrats have rolled out a bill, we rolled out a bill 4 months ago. We rolled out a bill 6 months ago. We rolled out hearings 8, 9 and 10 months ago.

Your major piece of legislation, in 25 years the most significant amendment to the Medicare Act that had passed to that period of time, you passed with less than 48 hours' notice from the Rules Committee consideration to the passage. We have said we have had months of consideration, months of debate, months of transparency on the Web. Now on the Web we are going to give you, as I promised we would, at least 72 hours notice to read that bill and to have it considered on this floor.

Mr. CANTOR. I thank the gentleman for that history.

Mr. HOYER. I knew you would be interested. That's why I wanted to do it.

Mr. CANTOR. And the interpretation of that history.

I asked a simple question, Madam Speaker, of how long the debate will be on this House floor of a bill that has been just introduced, and, according to the gentleman, maybe it's not this bill that's just been introduced, maybe it is H.R. 3200, because that's what's been the discussion across this country up until now. But, Madam Speaker, this is a bill that is now being reported to be presented at a cost of $2 million a word, five times longer than the Torah, longer than the well-known work of War and Peace. That's how long this bill is.

It's a new bill. I am simply asking how much time can we expect to have for debate on the floor of this transformative piece of legislation that will alter one-sixth of the country's economy.

I yield to the gentleman.

Mr. HOYER. I would respond to him, more time than we had to consider the prescription drug bill, the major amendment to the Medicare bill, and by a factor of months and months and months, more time to consider the substance of this bill.

I tell my friend again, and he knows this well, we have had hearings on health care reform from 2007 to this day. We have had 81 hours of committee markup. We have had over 86 hours of hearings. We had over 203 hours of caucuses on our side. I presume you have had a similar time, I am sure, paying attention to this bill that has been available to you. It's been 80 days from the time the House bill was first introduced, of which this is obviously an offshoot.

The public has been able to view the bill and extensive information about it is online the entire time. It's been 126 days since, as I said, the House discussion draft was first made available online. I think every one of us has had ample opportunity to debate the bill and offer amendments.

During the markup, 129 amendments were offered by Republicans. You act as if all of a sudden this is a brand-new day. It may be a brand-new day tomorrow, but the legislation has been under consideration for a long time.

Have we made changes? We have. Are those changes so major that your side can't consider them and analyze them

over the next 72-plus hours? Because it would be longer than 72 hours. I think the answer to that is no. You certainly have that capability and have been focusing on this very carefully. We promised the 72 hours on the bill and on any manager's amendment that might be offered subsequently, and we are going to do that.

So I tell my friend, I just don't believe that it's a fair criticism to say that a bill that has been discussed, analyzed, more public hearings than any other bill, perhaps, certainly in my career in this House, has somehow all of a sudden come as a surprise to your side of the aisle.

Mr. CANTOR. Madam Speaker, I thank the gentleman.

I am just asking a simple question. There is no criticism here. There is plenty of that I know in this body. I am asking a simple question, Madam Speaker. How long are we going to be allowed for debate on this floor on this bill?

Mr. HOYER. And what I said was that the Rules Committee has not met yet. But I think clearly there will be more debate, as there has been an extraordinary amount of debate on this bill up to this time. There will be more debate than we had available to us with respect the massive amendment and legislation that you offered with reference to Medicare. I believe that there will be sufficient time made available over the consideration of this bill for both sides to make their case.

Mr. CANTOR. I thank the gentleman.

As I am not, Madam Speaker, being too successful in eliciting a response that is definitive, I would ask the gentleman, when we are considering this bill that is not affecting one program like Medicare, like he referred to in 2003 in part D, while we are considering a bill that is dealing with one-sixth of our economy, every aspect of health care in America comes under this bill.

What is it that the majority leader has in mind in terms of the ability for all Members of this body to represent their constituents, to offer amendments, to have their voices heard on this floor? If the gentleman could please enlighten me and our colleagues as to what the amendment process will be on this bill.

I yield to the gentleman.

Mr. HOYER. I know the gentleman wants to somehow diminish that little tiny bill of some 800 or 900 pages that amended Medicare and created prescription drug, and I don't know whether he recalls how many amendments our side was given. I would yield to him if he recalls, but if he doesn't recall, the answer is zero.

Why? Because you had considered that bill a long time; your proposition was that we had all had an opportunity to discuss it, albeit one-tenth of one one-hundredth of the time that this piece of legislation has been under consideration, but there were no amendments from this side allowed.

□ 1845

But what we did have allowed was a substitute. Now, I will tell my friend, and I have said before, that your side has told me you have a bill. Somebody waved it around, as a matter of fact, on national television. I presume that hopefully you're going to get that scored. Hopefully you will give us 72 hours' notice of that. And once we get the score and the 72 hours' notice of your substitute, we will be glad to consider it.

But I will tell the gentleman that we expect the same 72 hours' notice and we expect it to be scored. And I will help the gentleman facilitate the scoring of your substitute.

Mr. CANTOR. I thank the gentleman.

I would ask the gentleman if he could be a little bit more specific about the amendment deadline so our Members can be adequately put on notice for that.

I yield.

Mr. HOYER. Well, there is no amendment deadline. The committee has not requested amendments at this point in time.

Mr. CANTOR. Madam Speaker, I would ask the gentleman, then, does that mean there will be no amendments allowed?

I yield.

Mr. HOYER. I just indicated to you that you will recall that after you brought this massive bill, I suggest, you wanted to diminish 900 pages. Ours is longer because it deals with a broader subject, you're correct, in giving every American health care and including, by the way, expanding protections to senior citizens on the doughnut hole that was incorporated in that bill. There were no amendments offered, and my presumption is your theory was that it had been so carefully constructed that you didn't want to have amendments to that bill, but you did, in fact, allow us a substitute and we offered that substitute.

I would say to the gentleman, as I have said before, that certainly I believe you ought to have, and we are going to invite you to have, a substitute and introduce your alternative that you have been talking about now for some months. I hope that you have submitted it to CBO for scoring, and we would expect 72 hours' notice of that substitute before it's brought to the floor, as you expect us to give you 72 hours' notice of our bill and of our manager's amendment.

Mr. CANTOR. I thank the gentleman.

I would expect that he would inform us of exactly when that vote will take place in order for us to know when that 72-hour period will be triggered as far as our substitute, if the gentleman is offering us a substitute, would be submitted in order to meet what he imposes as a deadline on us.

Madam Speaker, I would ask, though, I still don't understand about the posture of amendments. I know that there are many Members in this House, in fact, there may very well be close to a majority if not more than a majority of Members in this House, who are interested in amendments having to do with the protection of life in this bill on health care and the question of prohibiting government funding of abortion. And I would ask the gentleman whether we are going to be given an opportunity to vote on that issue through the amendment process.

I yield.

Mr. HOYER. I think that question will be addressed.

Mr. CANTOR. I'm sorry?

Mr. HOYER. I think that question will be addressed. The answer is yes.

Mr. CANTOR. I thank you.

Madam Speaker, there is also the issue of the conscience clause, as to whether that will also be a subject of an amendment to this bill, as many of our Members, if not a majority, are interested in that as well.

I yield.

Mr. HOYER. As the previous issue, I think that will be addressed. As a matter of fact, there is some reference to it, as you know, in existing legislation and existing law. We have not changed that. And the answer is my presumption is that will be considered—will be addressed.

Mr. CANTOR. I thank the gentleman.

I would just point out, I'm sure as he knows, the law that perhaps he's referring to is riders on appropriations bills, and, as well, I think he is well aware that courts have indicated if there is silence on the issue of life and government funding of abortion, that necessarily goes against those who want to see the prohibition of the government funding of abortion, which is why it is so important that this House take up that issue.

I would ask the gentleman, though, if the issues that I raised surrounding the government funding of abortion will be addressed, will those issues be addressed in the manager's amendment or will we expect to be able to address those in an amendment?

I yield.

Mr. HOYER. I have not discussed specifically the Rules Committee's plan on that. I would repeat that it will be addressed. Now, how it will be addressed, I don't have an answer for you specifically.

Mr. CANTOR. I thank the gentleman, and I thank him for taking note of our concern on that issue.

Mr. HOYER. If the gentleman would yield.

Mr. CANTOR. I yield.

Mr. HOYER. As you know, that concern is shared on both sides of the aisle.

Mr. CANTOR. That is correct, and I appreciate the gentleman's comments there.

I would ask the gentleman, Madam Speaker, about the question of the manager's amendment, when we can expect that to be online and whether the public will have 72 hours to view that amendment prior to any vote.

I yield.

Mr. HOYER. I think you sort of asked the question and then I didn't respond to it as to when we may first consider the bill itself; so let me back up from there.

I expect the manager's amendment to be available on Monday, and I expect there to be 72 hours for the body to have notice of that as well as the general public. I would expect, therefore, the earliest votes to be no earlier than Thursday, 72 hours after the manager's amendment is put online. So that may be Thursday at some point in time, but we will meet that 72-hour pledge that we have made.

Mr. CANTOR. I thank the gentleman.

Finally, on the issue of this massive bill on health care that we are about to debate next week, I would ask, Madam Speaker, the gentleman whether we can expect the doctor reimbursement bill to be included in this bill or whether it will be coming as a separate bill to the floor.

I yield.

Mr. HOYER. As the gentleman knows, the so-called sustainable growth rate, which as you referred correctly, as we all sort of refer to it as the doc fix or compensation, as the gentleman knows, the Senate tried to pass a freestanding bill on the sustainable growth rate so that doctors do not receive a 21 percent decrease on January 1 in their Medicare reimbursement rates.

On our side of the aisle, we are strongly in favor of making sure that that cut does not occur. We think that will not serve seniors in particular, because medical personnel will be unable to serve with those compensation levels. As a result, we very much expect to have a sustainable growth rate bill pass this House.

As the gentleman knows, we have done that in years past, not related necessarily to any other health reform bill. It is an issue in and of itself that relates to existing Medicare. The health care reform bill deals with the reform and the creation of a system of affordable, accessible, quality health care for all Americans. The sustainable growth rate deals with the present system. We have got to deal with it, and I will tell the gentleman it's my intention that we make sure that we bring to the floor a sustainable growth rate. We've been discussing it with the Senate because the Senate tried to do it and was not successful in passing that. We want to see success. It is absolutely essential that we do that. Whether we do health care reform or not, we will do that. So I tell my friend that we are going to have that probably, probably, as a freestanding piece of legislation.

Mr. CANTOR. I thank the gentleman.

I know that, as he discussed the Senate's experience with that bill, obviously the question of a deficit is looming large surrounding that issue, and I would note that, Madam Speaker.

But in closing——

Mr. HOYER. Will my friend yield on that point?

Mr. CANTOR. I yield.

Mr. HOYER. I thank my friend for yielding, because I did not mention that. We are and, as the gentleman knows, I am very concerned about the looming deficits that have been caused by the very substantial economic downturn and our necessity to respond to that under the previous administration and under this administration. We need to get a handle on that.

One of the things that we have pledged in our budget to do is to make sure that statutory PAYGO is put in place which will be an extrinsic constraint, if you will, a statutory constraint on the spending, whether it's spending in terms of entitlement spending, whether it's in terms of revenues or in terms of spending. Both have an adverse impact on deficit. So it is my expectation that when we deal with either the sustainable growth rate, the doc fix, or the estate tax or the AMT or middle class income tax reduction, we will include provisions for statutory PAYGO to be sent with that legislation to the Senate, as is consistent with the budget that we passed and that the Senate passed.

Mr. CANTOR. I thank the gentleman.

And I know that he knows the reported agreement on all of this excludes the doc fix as well as those other items from being paid for, which is of concern to him, I know, as well as many of us when we're considering this health bill and then choose to leave out a significant portion of government expense under Medicare in terms of reimbursing providers under the SGR.

Mr. HOYER. Will my friend yield?

Mr. CANTOR. I yield.

Mr. HOYER. Let me ask my friend, just so I know as we move forward, if we do not consider the health reform bill, is the gentleman in favor of moving a reimbursement for doctors provision notwithstanding that?

Mr. CANTOR. I think the gentleman knows that I, as well as most of my colleagues, Madam Speaker, will be supportive of trying to address the inequities that exist in the current SGR formula, and he has my commitment to want to work to try to fix and right those inequities since the payment formulas that have been established are far from matching the realities of practice expense for our physicians.

Mr. HOYER. I thank the gentleman and look forward to his help.

Mr. CANTOR. I thank the gentleman for that.

In closing, Madam Speaker, after we have had this discussion and the colloquy and the gentleman's words as well as mine for some time now, I would just note for the gentleman as well as our colleagues that 41 percent of the American people, according to a recent Gallup Poll, think the economy should be our top priority while only 17 percent think that health care should be Congress's top priority.

In addition to that, Madam Speaker, there was a poll out over the last several weeks by a Democratic pollster, Jeff Garin, in which was cited that 81 percent of Americans do not think that the majority, do not think the Democrats are doing enough to address the disappearing jobs in our economy.

So, Madam Speaker, I close with that. I thank the gentleman very much for his time.

Mr. HOYER. Before you close, will you yield on that issue?

Mr. CANTOR. I yield.

Mr. HOYER. I thank the gentleman for yielding.

Those were interesting polls. Did the gentleman miss the portion of the poll that reflected which party the American public trusted more to deal with either one of those issues? I didn't hear you say it. I happened to have seen those polls and happened to have seen those numbers, and I just wondered if the gentleman had seen those numbers.

Mr. CANTOR. In closing, Madam Speaker, I would respond to the gentleman just by saying I don't think neither he nor I are proud of what the public views as the performance of this body as a whole.

ADJOURNMENT TO MONDAY, NOVEMBER 2, 2009

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate, and further, that when the House adjourns on that day, it adjourn to meet at 8 a.m. on Tuesday, November 3, 2009, for morning-hour debate and 9 a.m. for legislative business.

The SPEAKER pro tempore (Ms. PINGREE of Maine). Is there objection to the request of the gentleman from Maryland?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON TUESDAY, NOVEMBER 3, 2009, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HER EXCELLENCY ANGELA MERKEL, CHANCELLOR OF THE FEDERAL REPUBLIC OF GERMANY

Mr. HOYER. Madam Speaker, I ask unanimous consent that it may be in order at any time on Tuesday, November 3, 2009, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting Her Excellency Angela Merkel, Chancellor of the Federal Republic of Germany.

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

There was no objection.

□ 1900

H1N1 VACCINATIONS

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

Mr. STUPAK. Madam Speaker, I rise today to draw attention to an article I read yesterday in The Miami Herald. The headline is ''Pentagon to offer swine flu vaccine to terror suspects.''

While much of America waits in line to receive their H1N1 vaccination, the Pentagon is giving priority status to accused terrorists. This does not bode well with me or my constituents. If taxpayers need to wait their turn to be vaccinated, then so should the accused terrorists at Guantanamo Bay.

Next week my subcommittee, the Oversight and Investigations Subcommittee, along with the Health Subcommittee, will hold a hearing into where we are with the manufacturing and distribution of the H1N1 flu vaccine. We will hear from officials from the Department of Health and Human Services as well as from the Centers for Disease Control and Prevention and the manufacturers of the vaccine.

I look forward to our hearing next week, and I urge Pentagon officials to reconsider their decision to vaccinate terrorist detainees ahead of Americans who are waiting for their H1N1 vaccines.

[From The Miami Herald, Oct. 28, 2009]

PENTAGON TO OFFER SWINE FLU VACCINE TO TERROR SUSPECTS

(By Carol Rosenberg)

Even as some Americans await the arrival of their swine flu vaccines, the Pentagon has decided to vaccinate both soldiers and terror suspects at Guantánamo Bay, Cuba.

There was no word Wednesday on when the first vaccines would reach the remote base in southeast Cuba.

But U.S. military there were notified late last week that service members would get their H1N1 virus vaccinations first. Private contractors and sailors' wives and children could get theirs afterward ''as the supply permits.''

And that means the 221 war on terror captives would also be vaccinated first, said Navy Lt. Cmdr. Brook DeWalt, a Guantánamo spokesman.

''They get all the same quality medical care and treatment options that are provided to service members,'' he said by telephone. ''But they don't have to wait for appointments.''

Each detainee would be given the vaccine on a voluntary basis, just like ''with our seasonal flu vaccination program,'' said Army Maj. Diana R. Haynie, a prison camps public affairs officer.

Guantánamo senior staff also had no plans to address the overarching question of whether a vaccine named colloquially for a pig would present particular challenges.

Instead, Haynie said, a detainee could raise any concerns when he is offered it in person.

Haynie added that the detention center's Muslim American ''cultural affairs advisor'' said ''there is no religious reason for detainees not to receive the H1N1 vaccine.''

But a former U.S. Army Muslim chaplain predicted there might be some objections among a captive population long characterized by the Pentagon as devotees of a radical fringe of Islam.

''There was huge resistance back in 2003 when just the regular flu shots were administered,'' said James ''Yusef'' Yee, who left the Army as a captain after being cleared of wrongdoing during his Guantánamo duty.

''Many prisoners feared they were being experimented on with some sort of truth serum or other drugs,'' and refused, he said.

Instead, they were tackled and shackled so prison camp staff could ''forcefully'' administer the shots—something DeWalt said could not happen today.

''Immunizations and all that kind of stuff are always voluntary for them,'' added DeWalt. ''I'm sure there'll be a percentage who will be accepted, and I'm sure there'll be another percentage that declines.''

Similar plans are underway to give the vaccine to federal inmates at the Bureau of Prisons, where some Guantánamo detainees may be headed as part of President Barack Obama's Guantánamo closure order.

A spokeswoman said Wednesday that the BOP had ordered enough H1N1 vaccines for all of its prisoners but ''we just don't know when we're going to receive it.''

U.S. military at Guantánamo have long engaged in an uneasy balancing act between the captives' rights to practice mainstream Islam and security concerns.

During the 2003 showdown over run-of-the-mill flu shots, Yee recalled, the detention center command staff waited until after dark to administer ''the shots during Ramadan—as some prisoners believed the injections would break their fasts.''

Either way, Yee predicted: ''I would anticipate prisoners objecting to the vaccinations'' among a captive population that includes 17 men whom federal courts have ordered set free.

HEALTH CARE

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

Mr. BRADY of Texas. Madam Speaker, now we know. Speaker PELOSI has released her final health care bill and scheduled a vote within a week. The Pelosi plan is a 2,000-page, $1 trillion, unapologetic, full-throated government takeover of America's health care system.

I am devoting every waking hour to stopping this bill, which will interject government into the most intimate health care decisions, drive up costs in the deficit, force millions of people into a government-run plan, raise taxes on professionals and small businesses, open the door to taxpayer-funded abortions, provide care for illegal immigrants, and exempt Members of Congress.

I call on every American who cares about our Nation to engage now in every district and every community in every way. These moments come but once in a lifetime. For our children and their future, the time for freedom, the time for action is now.

HOME HEALTH CARE

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

Mr. MELANCON. Madam Speaker, today I come to the floor to talk about an issue which I think makes a lot of sense: home health care. Being from a rural area in Louisiana, home health aides provide a tremendous benefit to my constituents, many of whom live 25 minutes or more from the nearest hospital. I believe home health care provides a necessary service to those who need a little extra assistance meeting their health care goals.

A new report by Avalere Health found that home health use saved Medicare $1.71 billion from 2005 to 2006. That's a real savings while providing good health care.

Here is an example from my district. Jimmy Jordan's life was saved when his mom's home health care nurse, Rochelle Mixon, noticed he was suffering from congestive heart failure. Since being released from the hospital with his own home health care service, he has lost 170 pounds and improved his diabetes. He no longer uses a wheelchair and has improved mobility. Jimmy says he owes his life to the care he has received from his home health care team.

I believe in home health care, and I urge my colleagues to support these providers as we move forward with the debate on health care reform. Home health makes a difference and saves money. There is no better combination than that.

IN DEFENSE OF DISSENT

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

Mr. MCCLINTOCK. Madam Speaker, I rise today in defense of dissent.

It is a sad milestone when it becomes necessary to do so, but the ferocity with which this administration is pursuing its critics in business and journalism is becoming alarming.

This isn't the first time Presidents have lashed out at dissenters. But when a government has seized the power to commandeer companies, dictate salaries for private citizens, establish government monopolies covering entire sectors of our economy, threaten companies with official retribution for merely communicating with their customers, and, as of yesterday, to punish thought itself, it evinces a design and an intent that transcends robust debate and becomes deeply threatening to the freedom of expression that our Constitution protects.

If they can intimidate institutions like the U.S. Chamber of Commerce and Fox News, they know that others will fall silently into line. And that, Madam Speaker is a disturbing prospect.

HEALTH CARE

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

Mr. GOHMERT. Madam Speaker, we have heard people on both sides of the aisle talk about the Congressional Budget Office, the CBO, as this unbiased entity, and it has a proud history of being unbiased. But the fact is that after the CBO director got called to the woodshed, to the White House, after CBO delivered a score that the White House did not like, it has become more of a lapdog than a watchdog.

One example is, we keep hearing people across the aisle. There were 1 minutes given over and over last week asking, Where is the Republican bill? We have a number of bills. I have had one filed since the end of July. We have specifically asked CBO to give us a score since August 19. They said show support from your party. Every leader who had an impact—they told us they could help get it scored—has requested it. We have been shut out. We have been shut out. Where is that unbiased body? It is sad they have disappeared.

□ 1015

HEALTH CARE AND TRANSPARENCY

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

Mr. BURGESS. Madam Speaker, on January 31, 2008, during the Democratic Presidential primary, President Obama said during the campaign, ''That's what I will do in bringing all parties together, not negotiating behind closed doors, but bringing all parties together, and broadcasting these negotiations on C–SPAN so that the American people can see what the choices are because part of what we have to do is enlist the American people in this process.''

Not negotiating behind closed doors.

It has now been over 5 months since the White House announced numerous deals with major stakeholders in the health care debate. Little to no details of these negotiations have been released by the White House. Despite the assertion of then-candidate Obama's promise to make all health care reform negotiations public, we have very few details on exactly what was agreed to in this highly publicized, yet guardedly secret, negotiations.

How can the United States Congress be diligent in creating the policy before us without these crucial details surrounding these deals? We must learn what the negotiations mean for the millions of concerned Americans.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 30, 2009.

President BARACK OBAMA,
The White House,
Washington, DC

DEAR MR. PRESIDENT, I write you once again on the topic of health care reform. As you know, Democrat leaders in the House of Representatives are currently working to merge the three committee bills. Meanwhile, the two Senate products are waiting to be merged pending completion of the Senate Finance Committee's mark-up.

I have closely followed the health care debate for months, making note of actions by all parties involved, including the House, Senate, White House, advocate groups, and the health care industry. These reforms have wide-reaching implications, and you have stressed the importance of conducting business in public so that the American people are aware and involved in the process.

In fact, during a Democratic Presidential primary debate on January 31, 2008, you said: ''That's what I will do in bringing all parties together, not negotiating behind closed doors, but bringing all parties together, and broadcasting those negotiations on C–SPAN so that the American people can see what the choices are, because part of what we have to do is enlist the American people in this process.''

It has now been over four months since the White House announced numerous deals with major stakeholders in the health care debate to save upwards of $2 trillion in the health care system. Little to no details regarding the negotiations have been released, and recent actions and press reports have reminded me of the importance of openness and transparency throughout the legislative process.

Roll Call reports today that negotiators working in the House to merge the three committee bills plan to trim the cost of the legislation by roughly $200 billion. I wonder what programs or services are being cut, who will be affected, and how these cuts are being decided.

In the Senate Finance Committee's mark-up, Senator Bill Nelson (D–Fl) introduced an amendment regarding drug prices in Medicare and Medicaid. During the debate on the amendment, Senator Tom Carper (D–Del), while arguing against the amendment, said ''Whether you like PhRMA or not, we have a deal,'' referring to the deal PhRMA cut with the White House earlier this year.

In addition, within the Senate Finance Committee plan is a commission to slow the growth of Medicare spending, most likely through changes to reimbursement policy. However, hospitals would be exempt from this commission because, according to CongressDaily, ''they already negotiated a cost cutting agreement'' with the White House.

Despite your promise to make all health care reform negotiations in public, we still have very few details on what exactly was agreed to during these highly publicized negotiations. In fact, even the stakeholders involved have, at times, seemed at odds with what was actually agreed to. But the one thing we all know is that, through press statements, many deals were made. Unfortunately, even where brief descriptions of policy goals are available, details on achieving these goals are absent, a point made by the Congressional Budget Office (CBO).

I am compelled to ask—how could Congress have done its due diligence in creating the policy before us without crucial details surrounding these deals? Were the votes we have seen in the Senate Finance Committee as of late a direct result of these backroom negotiations? Will CBO be able to actually score any of these deals to apply those cost savings to legislation? Were these negotiations in the best interests of patients?

Having little to no information, I cannot judge. However, this begs even more questions. Is Congress enacting the best policy reforms for Americans, or are certain changes being made or not made because of the negotiations orchestrated by the White House? Will smaller stakeholders suffer more from our policy choices because of what larger groups may have negotiated behind closed doors?

Mr. President, I do not write this letter to chide you for engaging in what I consider the most pressing debate before Congress. I applaud you for your leadership in compelling Congress to act. In order to fully understand the policy choices before us, though, we need to know what took place earlier this year during these meetings at the White House. You have made it very clear that you value transparency and have sought to make your Administration stand out in this regard. As a member of the House Energy and Commerce Committee's subcommittee on Oversight and Investigations, so do I. The last thing I would want to see is a formal investigation of these meetings.

Thus, I formally request full disclosure by the White House in the following areas regarding all meetings with health care stakeholders occurring earlier this year on the topic of securing an agreement on health reform legislation, efforts to pay for any such legislation, and undertakings to bend the out year cost curve:

1. A list of all agreements entered into, in writing or in principle, between any and all individuals associated with the White House and any and all individuals, groups, associations, companies or entities who are stakeholders in health care reform, as well as the nature, sum and substance of the agreements; and,

2. The name of any and all individuals associated with the White House who participated in the decision-making process during these negotiations, and the names, dates and titles of meetings they participated in regarding negotiations with the aforementioned entities in question one; and,

3. The names of any and all individuals, groups, associations, companies or entities who requested a meeting with the White House regarding health care reform who were denied a meeting.

In our efforts to improve access to health care services, the American people expect us to act in their best interests, rather than protecting business interests of those who are interested in currying favor in Washington, DC. If these health related stakeholders have made concessions to Washington politicians without asking anything in exchange for the patients they serve, Congress and, more importantly, the American public deserve to know. Conversely, if they sought out protections for industry-specific policies, we need to know that as well.

We must learn what these negotiations mean for the millions of concerned Americans. How they will be better served, including having affordable health coverage and access to the providers they need? These negotiations may have produced consensus on policy changes that are proper and needed, but Congress will never know for sure that we are acting in our constituents' best interests until all the facts are known.

I look forward to the opportunity to speak with you at your earliest convenience on this matter. Should your staff have any questions about this request please contact me or my Legislative Director J.P. Paluskiewicz at my Washington, D.C. office.

Sincerely,

MICHAEL C. BURGESS, M.D.,
Member of Congress.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees 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. 2996) ''An Act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.''.

The message also announced that pursuant to Public Law 106–286, the Chair, on behalf of the President of the Senate, and after consultation with the Republican Leader, appoints the following member to serve on the Congressional-Executive Commission on the People's Republic of China:

The Senator from Florida, Mr. LEMIEUX.

The message also announced that pursuant to Public Law 99–498, as amended by Public Law 110–315, the Chair, on behalf of the President pro tempore, appoints the following individuals to the Advisory Committee on Student Financial Assistance:

David Gruen of Wyoming.

William Luckey of Kentucky.

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.

THE TENACIOUS WARRIOR

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

Mr. POE of Texas. Madam Speaker, America is about people. Who we are and what we are is because of the people who are Americans. They are individuals who have lived and died and influenced the rest of us because of their tenacious spirit and determination.

Madam Speaker, I am a history fan. I love American history. I also love Texas history. Not the history of dates and movements, but the history of the lives of individual Americans who have made a difference.

Roy Benavidez was one of those Americans. Roy Benavidez was born in south Texas in a small town called Cuero on August 5, 1935. He was the son of a sharecropper. He was an orphan, and he had mixed blood of Yaqui Indian and Hispanic. He was raised by his uncle after he lost his own family, and eventually he dropped out of school when he was 15. He was a migrant farm worker to take care of his family. He worked all over Texas and part of Colorado in the sugar beet fields and the cotton fields.

Eventually he decided to join the Texas National Guard and then the United States Army in 1955. He joined up in Houston, Texas. And in 1965, he was sent to Vietnam as a member of the 82nd Airborne.

While serving as an adviser to the South Vietnamese Army, he stepped on a land mine in South Vietnam. U.S. Army doctors at Brooke Army Medical Center told him he would never walk again. But he did walk. And not only that, he volunteered and returned back to Vietnam as a staff sergeant in the Army Special Forces; we call them the Green Berets.

On May 2, 1968, his life and the lives of his fellow troopers changed forever. It is a story that is almost unbelievable.

On the morning of May 2, 1968, a 12-man Special Forces team was inserted into Cambodia to observe a large-scale North Vietnamese troop movement. They were eventually discovered by the enemy. Most of the team members were very close friends of Roy Benavidez, who was the forward operating officer in Loc Ninh, Vietnam.

Three helicopters were sent to rescue the 12-man team, but they were unable to land because of the heavy enemy concentration. When a second attempt was made to reach the stranded team, Benavidez jumped on board one of the helicopters armed only with a bowie knife.

As the helicopters reached the landing zone, Benavidez realized the team members were likely too severely wounded to move to the helicopters, so by himself he ran through heavy small-arms fire to the wounded soldiers. He was wounded himself in the leg, the face, and the head in the process. He reorganized the team and signaled helicopters to land. Despite his injuries, Benavidez was able to carry off half the wounded men to the helicopters. He then collected the classified documents held by a now-dead team leader. As he completed this task, he was wounded again by an exploding grenade in the back, and then he was shot in the stomach.

At that moment, the waiting helicopter pilot was also mortally wounded, and the helicopter crashed. Benavidez ran to collect the stunned crash survivors and form a perimeter. He directed air support. He ordered another extraction attempt, and was wounded again when shot in the thigh. At this point he was losing so much blood from his face wounds that his vision became blurred. Finally, another helicopter landed and as Benavidez carried a wounded friend to it, he was clubbed in the head with a rifle butt by an enemy soldier and then bayoneted twice.

Madam Speaker, Benavidez was wounded in that one battle in that one day 37 times. He had seven gunshot wounds, he had mortar fragments in his back, and two bayonet wounds. But he saved the lives of eight of his fellow troopers.

Later he was presumed dead and zipped up in a body bag; but right before they zipped up the bag, he spit in the doctor's face letting the doctor know yes, he was still alive. Amazing people, these young guns of the Green Berets.

Madam Speaker, this is a photograph of Master Sergeant Roy Benavidez. He eventually recovered from all of those wounds and received the Distinguished Service Cross, and many years later Ronald Reagan presented him with the medal he wears around his neck in this photograph, the Congressional Medal of Honor. President Reagan stated here in Washington, D.C., on presentation of that medal that if this were a movie, no one would really believe it could ever happen. What Roy Benavidez did that day is unbelievable. I will insert the Medal of Honor citation for Roy Benavidez.

After he retired from the military, this seventh-grade dropout went around America talking about the importance of education. He talked to young gang members, he talked to the Hispanic youth, telling them to stay in school and get an education. He was an amazing individual. A Navy ship has been named after him. Several elementary schools in Texas have been named after Master Sergeant Roy Benavidez, and even a toy company has issued the Roy Benavidez G.I. Joe action figure.

□ 1915

In Texas there are a disproportionately high number of Hispanic Americans who volunteer for the military. They are American Patriots. Some legal immigrants even join and serve in Iraq and Afghanistan in the hope they will become U.S. citizens. Madam Speaker, as we celebrate Hispanic Heritage Month, one of those great Hispanic Americans was Roy Benavidez, and he lived the American dream the way he wanted to.

And that's just the way it is.

BENAVIDEZ, ROY P.

Citation: Master Sergeant (then Staff Sergeant) Roy P. Benavidez United States Army, who distinguished himself by a series of daring and extremely valorous actions on 2 May 1968 while assigned to Detachment B56, 5th Special Forces Group (Airborne), 1st Special Forces, Republic of Vietnam. On the morning of 2 May 1968, a 12-man Special Forces Reconnaissance Team was inserted by helicopters in a dense jungle area west of Loc Ninh, Vietnam to gather intelligence information about confirmed large-scale enemy activity. This area was controlled and routinely patrolled by the North Vietnamese Army. After a short period of time on the ground, the team met heavy enemy resistance, and requested emergency extraction. Three helicopters attempted extraction, but were unable to land due to intense enemy small arms and anti-aircraft fire. Sergeant Benavidez was at the Forward Operating Base in Loc Ninh monitoring the operation by radio when these helicopters returned to off-load wounded crewmembers and to assess aircraft damage. Sergeant Benavidez voluntarily boarded a returning aircraft to assist in another extraction attempt. Realizing that all the team members were either dead or wounded and unable to move to the pick-up zone, he directed the aircraft to a nearby clearing where he jumped from the hovering helicopter, and ran approximately 75 meters under withering small arms fire to the crippled team. Prior to reaching the team's position he was wounded in his right leg, face, and head. Despite these painful injuries, he took charge, repositioning the team members and directing their fire to facilitate the landing of an extraction aircraft, and the loading of wounded and dead team members. He then threw smoke canisters to direct the aircraft to the team's position. Despite his severe wounds and under intense enemy fire, he carried and dragged half of the wounded team members to the awaiting aircraft. He then provided protective fire by running alongside the aircraft as it moved to pick up the remaining team members. As the enemy's fire intensified, he hurried to recover the body and classified documents on the dead team leader. When he reached the leader's body, Sergeant Benavidez was severely wounded by small arms fire in the abdomen and grenade fragments in his back. At nearly the same moment, the aircraft pilot was mortally wounded, and his helicopter crashed. Although in extremely critical condition due to his multiple wounds, Sergeant

Benavidez secured the classified documents and made his way back to the wreckage, where he aided the wounded out of the overturned aircraft, and gathered the stunned survivors into a defensive perimeter. Under increasing enemy automatic weapons and grenade fire, he moved around the perimeter distributing water and ammunition to his weary men, reinstilling in them a will to live and fight. Facing a buildup of enemy opposition with a beleaguered team, Sergeant Benavidez mustered his strength, began calling in tactical air strikes and directed the fire from supporting gunships to suppress the enemy's fire and so permit another extraction attempt. He was wounded again in his thigh by small arms fire while administering first aid to a wounded team member just before another extraction helicopter was able to land. His indomitable spirit kept him going as he began to ferry his comrades to the craft. On his second trip with the wounded, he was clubbed from additional wounds to his head and arms before killing his adversary. He then continued under devastating fire to carry the wounded to the helicopter. Upon reaching the aircraft, he spotted and killed two enemy soldiers who were rushing the craft from an angle that prevented the aircraft door gunner from firing upon them. With little strength remaining, he made one last trip to the perimeter to ensure that all classified material had been collected or destroyed, and to bring in the remaining wounded. Only then, in extremely serious condition from numerous wounds and loss of blood, did he allow himself to be pulled into the extraction aircraft. Sergeant Benavidez' gallant choice to join voluntarily his comrades who were in critical straits, to expose himself constantly to withering enemy fire, and his refusal to be stopped despite numerous severe wounds, saved the lives of at least eight men. His fearless personal leadership, tenacious devotion to duty, and extremely valorous actions in the face of overwhelming odds were in keeping with the highest traditions of the military service, and reflect the utmost credit on him and the United States Army.

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

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

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.)

REMEMBERING FALLEN HEROES

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

Mr. KIRK. Madam Speaker, I rise today with a heavy heart to honor 10 brave Americans who gave their lives in Afghanistan on October 26. After executing a flawless counternarcotics/counterinsurgency operation in Darreh-ye Bom Bazaar in Badghis Province in western Afghanistan, Drug Enforcement Administration Special Agents Forrest Leamon, Chad Michael and Michael Weston were tragically killed when their Chinook helicopter crashed. Seven American soldiers were also lost in the crash and 26 more were injured.

Special Agents Weston, Leamon and Michael were serving as part of DEA's Foreign-deployed Advisory and Support Team (FAST), working in conjunction with the U.S. military, the Afghan National Army and counternarcotics police of Afghanistan to take down and dismantle major drug trafficking organizations supporting al Qaeda and the Taliban. The operation took place in a major drug bazaar just northeast of Herat City where known insurgents and opium traffickers frequently operate. Despite taking hostile fire, the operation resulted in the seizure of a very large amount of drugs, weapons, IED materials and pressure plates.

During the extraction of members from the site, one Chinook helicopter with 36 personnel aboard crashed, resulting in the deaths of 10 personnel, including the three DEA special agents. Early reports indicate that several of the survivors performed heroic and selfless acts of bravery to rescue their injured comrades from the downed Chinook.

Early this morning, the remains of these 10 brave men returned to Dover Air Force Base. I want to thank President Obama, Attorney General Holder and DEA Administrator Michele Leonhart for their presence on the tarmac as the caskets of our fallen heroes were carried off the plane by a military honor guard at 3:30 this morning. I also want to thank special agent in charge of Afghanistan and Pakistan, Michael Marsac, for caring for them.

For the DEA, these are the first casualties suffered since FAST team operations began in 2005. For such a close-knit organization, the loss of three agents is devastating. The importance of their mission in Afghanistan cannot be understated. Just a week ago, the U.N. issued a report showing that the Taliban makes more money off the drug trade than it did when they ruled Afghanistan and effectively cornered the market for opium. Today I think it is important that the House take a moment to reflect on these three men who made the ultimate sacrifice for their country.

Special Agent Michael Weston grew up in Pennsylvania and California, earning degrees in computer science and economics from Stanford University in 1994 and a juris doctor from Harvard Law School in 1997. As a major in the Marine Corps Reserve, he served in Iraq, Norway and the Panama Canal Zone. Agent Weston joined the DEA in 2003, serving in the Richmond, Virginia, district office until he volunteered to deploy to Kabul to serve the DEA Kabul country office. The 37-year-old Weston is survived by his wife Cynthia Tidler, his mother Judy Zarit, his father Steven Weston, and his brother Thomas Weston.

Special Agent Forrest Leamon grew up in Ukiah, California. He served in the United States Navy for 9 years as a cryptologic technician, earning awards for his service in Southwest Asia and Bosnia. He joined DEA in 2002, serving in the Washington and El Paso field divisions before volunteering to serve on a FAST team in Afghanistan in 2007. Agent Leamon first served multiple FAST team tours in Afghanistan over the last 2 years. He is survived by his wife Ana Lopez Valdenea and their unborn child, his parents Sue and Richard Leamon, and his sister Heather.

Special Agent Chad Michael grew up in Muncy and Hughesville, Pennsylvania. He graduated from St. Leo University in Florida with a degree of criminal justice. After 3 years with the Hillsborough County Sheriff's Office in Tampa, Florida, he joined DEA in 2004. Agent Michael served with distinction in the Miami field division before volunteering to serve with a FAST team in Afghanistan in September. Agent Michael was 30 years old and is survived by his mother Debra Hartz, his stepfather Leo Hartz, his brother, Eric Michael, and his fiancee Paola.

Madam Speaker, our thoughts go with these families. We know we've lost many military personnel, but this is new and heavy casualties for the DEA and their families who have all given their lives in the service of the United States, her allies and our objectives in Afghanistan.

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

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

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 Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

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

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

(Mr. GOHMERT 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 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 gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

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

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

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

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

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

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

(Mr. WESTMORELAND 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. HUNTER) is recognized for 5 minutes.

(Mr. HUNTER 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 Utah (Mr. BISHOP) is recognized for 5 minutes.

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

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

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

HEALTH CARE—GET IT WHILE IT LASTS

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

Mr. DANIEL E. LUNGREN of California. Madam Speaker, we've all watched late-night television and seen the infomercials that seem too good to be true. Well, that's what we have here on the House floor being presented to us.

Yes, we have a health care bill for you that will solve every problem and not cost a dime. And yes, there is only one, so you'd better get it right away. Don't have time to examine it; don't have time to look it over; don't have time to turn it over. We don't have time for that because we have to solve your problem right now.

And let me tell you, it won't be 2,000 pages long. No, it's only 1,990 pages long. But wait, but wait. You'll get something in addition. You'll get the manager's amendment, maybe 800 pages long, so that maybe we'll have something that we have to swallow that's nearly 3,000 pages long.

And let me tell you, it's not going to cost you $1 trillion. No, no, no. We've brought it down below that, $999? No, not $999. We've brought it down now to $894 billion. But wait. But wait. There's add-ons. Maybe $250 billion. Maybe $350 billion for the doctors fix. But don't worry about that because that won't cost you anything right now. We'll charge you for that later. So remember, only $894 billion, not $1 trillion because we have a deal that you cannot reject.

But just remember, Madam Speaker, if this deal lasts longer than 4 hours, you won't be able to call your doctor.

INTERNATIONAL TRADE

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

Mr. DREIER. Thank you very much, Madam Speaker.

Let me say, I'm going to be joined by a number of my colleagues this evening to talk about an issue which often has a tendency to leave people to have their eyes glaze over. It's the issue of international trade. I know that we have people who are focused on the World Series. I regret the fact that my two Los Angeles teams, the Angels and the Dodgers, haven't made it to the World Series. We're all fascinated watching the Phillies and the Yankees play. We've got people focused on—as my California colleague Mr. LUNGREN just pointed out—the issue of health care. We've got understandable concern about the situation in Afghanistan, and our colleague from Illinois just spent time talking about the families who had loved ones who paid the ultimate price in Afghanistan.

We have a lot of very, very important issues that we are addressing here, and it's important to note, as our distinguished Republican whip, Mr. CANTOR, said in his colloquy with the majority leader, Mr. HOYER, that what we hear at home and what public opinion polls and, most recently, the Gallup Poll that came out the day before yesterday have shown is that the number one priority right now, the greatest concern of the American people happens to be the pressing need to get our economy back on track.

The report came out earlier today that the jobless numbers have, in fact, not improved. We know that we have an unemployment rate that is approaching 10 percent. In my State of California, it's 12.2 percent. As I said, today's report that the new jobless claims did not decline by the extent that had been thought. We did get positive news on the gross domestic product growth over the last 3 months. Annualized, it came at 3.5 percent. But I've got to say—and I was talking to one of my Democratic colleagues late this afternoon who said, What evidence do we have of this economic growth? We all know, as we talk with our constituents across this country, that we have very, very serious problems when it comes to job creation and economic growth.

Now I began by saying that our goal here this evening is to talk about international trade, and the challenge that we have, Madam Speaker, is to underscore the direct correlation between job creation, economic growth and international trade. Tragically, over the past several years, we have had people get it completely backwards. There are people who believe that as we pursue international trade agreements, that the natural step to follow is job loss in the United States. We constantly hear, Well, if we pass a Free Trade Agreement, what is it that's going to happen? Oh, we're going to see our jobs going to Mexico or to China or to any other country in the world, but they're going to flee the United States of America when, in fact, the opposite is the case. Why? Well, the reason for that, Madam Speaker, is that 95 percent of the world's consumers are outside of the U.S. border. They're not here in the United States. The United States is a country that has provided the world access to our consumer market. Meaning, as we all know, we can buy goods from China that people see regularly at Wal-Mart, Kmart, Home Depot, stores across the country. So we allow, virtually tariff-free, for goods to come into the United States so that the American people can enjoy a standard of living that is higher than it would be otherwise, and that's a good thing. It's a good thing.

As I said, we want the standard of living in the United States of America to improve. One of the things that can help us improve our standard of living and create jobs based on every shred of empirical evidence that we have is for us to embark on more, not fewer, trade agreements. Basically, market-opening opportunities for U.S. workers so that manufacturing workers, union members and nonunion members will have an opportunity to sell their finished products in countries around the world. It's very important for us to embark on those agreements because the existence of those agreements—and we have a lot of evidence that we're going to talk about this evening that shows that—the existence of those agreements do, in fact, create jobs right here in the United States of America.

In fact, if we think about our goal, the goal that we have of job creation and economic growth, there are very few efforts that we have that promise more benefits if we move forward on the global trade agenda, and there are very few things that threaten our goal of job creation and economic growth if we fail to move forward on the trade agenda.

So that's why I want this evening to have my colleagues who are here—and I will say that a number of my colleagues on both sides of the aisle—this was to be a bipartisan Special Order this evening—both sides of the aisle were hoping to join me. Colleagues like Mr. MEEKS, Mr. KIND and other Members on the Democratic side and other colleagues here because I very much hope, Madam Speaker, that we can get back to the bipartisanship that has existed on the trade agenda in the past.

Unfortunately, the Democratic leadership has chosen not to move the trade agenda, and I am saddened that President Obama has to this point not been able to move the trade agenda forward as it should be because I know that he very much wants to see new jobs created in the United States, but for I guess a number of reasons that I find hard to comprehend, they have failed to move the trade agenda forward.

□ 1930

Again, there are rank-and-file Members on both the Democratic side and on the Republican side who feel strongly about the need to do this in a number of areas. I want to spend this hour this evening talking about those.

I have two very distinguished colleagues who are here—my California colleague (Mr. HERGER) and the very distinguished gentleman from Woodland Hills, Texas (Mr. BRADY). I would be happy at this juncture to yield to either of the two of you if we could engage in a colloquy and discuss some of these issues.

I know that Mr. HERGER, who, Madam Speaker, has served with great distinction as the chairman of the Trade Subcommittee of the House Ways and Means Committee, has been a wonderful leader in this area. I would like to yield to him at this juncture.

Mr. HERGER. I thank my good friend from California (Mr. DREIER) for leading us in this very important discussion on trade.

Really, the surprise, I think, for myself—now, I represent a northern California district which is heavy in agriculture. It's one of the richest agricultural areas in the world. Also, it stretches from just north of Sacramento almost 300 miles to the Oregon border. The northern quarter of it has and along the sides it has some nine national forests, Mt. Shasta and Mt. Lassen. As I mentioned, it is one of the richest agricultural areas in the world. Within the United States, we grow a large percentage of specialty crops grown in the world—walnuts, almonds, prunes. We're the third largest rice-producing district in the Nation.

The fact is that our consumers in northern California and in all of California—and one out of every eight citizens in the United States lives in California—cannot consume all that we grow. We need to be able to export, so over half of all that we grow is exported to other nations. It helps with our imbalance of trade. As my friends and Mr. BRADY know, it's not just agriculture. It's manufacturing as well.

Mr. DREIER. If I could reclaim my time, I will engage my friend, if I might, Madam Speaker.

Mr. HERGER. Yes, please do.

Mr. DREIER. The issue of agriculture, let's spend just a moment on that, if we might, because the gentleman comes from an agriculture-rich area.

Frankly, there are many people who believe that the State of California's No. 1 industry is tourism, defense, or motion pictures. There are a wide range of areas, but they often don't get it right, because the No. 1 industry in the largest State of the Union is agriculture.

The Central Valley of California, which is going through serious challenges now of which all of our colleagues know because of the water problems out there, has not been able to move ahead as we would like. The area in northern California, which my friend represents, is a very, very rich area in many ways and when it comes to the agriculture field. I know that prying open those new markets with 95 percent of the world's consumers outside of our border would be very, very helpful for job creation and economic growth in his district.

I am happy to further yield.

Mr. HERGER. That's exactly true.

I'd like to give examples of agriculture and then mention that these same challenges we have in agriculture we see in manufacturing as well. As a matter of fact, we as a nation are the No. 1 agricultural country in the world and exporting country, but it's not just agriculture. We're the No. 1 manufacturing and the No. 1 trading nation in the world.

Our big challenge, as it is with our agricultural goods, is that we basically have very low tariffs coming into the United States. Yet, when we look at our markets for agriculture and for other commodities, whatever they might be—getting into the markets of China, getting into the markets of Japan, Asia, South Korea, the EU—Europe—and in the South American countries—we see that their duties, import duties, of getting our rice or our prunes or our peaches or our walnuts into their countries are very high. So, therefore, it's very difficult for us, unless we can negotiate agreements—trade agreements—with these countries, to lower their tariffs in order to get our goods into their countries.

Mr. DREIER. If I could reclaim my time, Madam Speaker——

Mr. HERGER. Yes.

Mr. DREIER. I would say it's very interesting that my friend raises both Asia and Latin America.

We have agreements, as we know, and both of these gentlemen here, Madam Speaker, have been involved in this and have negotiated free trade agreements with Colombia, Panama, and South Korea. Those three agreements are pending right now, and we, unfortunately, have not had a vote here in the Congress on those agreements.

In the wake of that, our neighbors to the north, Canada, have embarked on a free trade agreement with our allies in Colombia. They have already proceeded with that, in part, because we have not. Our friends in South Korea have already negotiated a free trade agreement with the European Union.

So what has now happened, as my friend has referred to this high tariff rate on all of these specialty crops that would be sold in Colombia, if those things are grown to the north, in Canada, under this agreement that has been struck, by virtue of that—because we have been so slow in putting together our agreement and not passing it and I believe, if we were to have it here in the House of Representatives, it would pass with bipartisan support—the Canadians are able to sell tariff-free into the Colombian market right now, and unfortunately, we are denied the opportunity to do that.

I am happy to further yield to my friend.

Mr. HERGER. Well, that's exactly right. Our tariffs are in the mid-20 percent. It is as much as that that we're paying into these countries.

So it almost defies reason to think that we are standing still in this Congress and that we actually have the three agreements that you mentioned which have already been negotiated. In Panama, they're about ready to rebuild the Panama Canal. The gentleman and myself have been down to these countries. We've seen this. These countries want these agreements. They've already negotiated bringing their tariffs down. They were negotiated in the last administration with these countries. All they need is a vote and an okay by the Congress.

Mr. DREIER. If I could reclaim my time, I will say, along that line, the gentleman is absolutely right.

In mentioning that construction, the modernization of the Panama Canal, we all know what it takes to bring about the modernization of the Panama Canal—tractors, road equipment, all kinds of heavy equipment. What comes to mind? John Deere, Caterpillar, and other companies here in the United States that are on the cutting edge of developing great, great equipment. Yet the tariff rate that exists right now on selling that equipment into Panama exists. With this agreement, we would be able to get it to zero, dramatically cutting the cost of the modernization of the Panama Canal.

I am happy to further yield to my friend.

Mr. HERGER. Well, that's exactly the case.

Like everything else in life, no one stands still. You're either moving forward merely because your competitors are moving forward or you're moving behind.

In this case, not only are we not moving forward with just these three agreements, which could pass, but as Mr. DREIER from California mentioned, we see the Canadians have also negotiated an agreement with the Colombians and with the Panamanians where they will now get in ahead of us and will be able to make agreements. Their businesses will begin developing their relationships, and our businesses and our agriculture will be on the outside, looking in. We'll be behind. We'll still be paying these high tariffs where our competitors will not be. Therefore, we will lose literally millions of jobs that we could have been gaining and billions of dollars in trade that we could have been gaining at a time when our economy is down and at a time when we have some of the highest unemployment we've had in many decades here in the United States.

Mr. DREIER. If I could reclaim my time, I think the gentleman makes a very interesting point.

As I've talked to a number of colleagues about the importance of our bringing up and considering and voting on these trade agreements, I know that my friends will hear this argument made:

My gosh. We're dealing with a nearly 10 percent unemployment rate in the United States. Our State has a 12.2 percent unemployment rate. Now is not a good time to bring up a free trade agreement, because aren't we going to lose jobs here in the United States if we put into place a free trade agreement?

When, in fact, as the gentleman has said so well, Madam Speaker, the opposite is the case, because the passage of and the implementation of these trade agreements are job creators right here in the United States of America.

I am happy to further yield to my friend.

Mr. HERGER. Well, that is exactly the case. It really is a win-win. It is virtually a win-win for all of our manufacturers, not just for agriculture, which I represent.

Again, we're falling behind. We're costing more jobs. We're not moving forward. All we're asking for is a vote on these three areas that we've already negotiated with Panama, that we've already negotiated with the Colombians, and that we've already negotiated with the South Koreans. All we're doing is waiting for a vote, up or down, and yet we have not been able to get that from this Congress.

Mr. DREIER. Well, I thank my friend for his very thoughtful remarks.

I made a horrible mistake earlier. I live in southern California. There is a great area called Woodland Hills, and I know my friend is actually from Woodland, Texas, but I hope that he'll excuse me. I know there could be a worse slur than being mistaken for a California city, but as a Texan, maybe that's not the case.

Our friend Mr. BRADY has provided very thoughtful, tremendous leadership on the trade agenda. I've been privileged to work with him. Mr. HERGER and I were able to join Mr. BRADY, with the leadership he provided, on a very important roundtable discussion we had over at the Library of Congress on the trade agenda a couple of weeks ago.

I am happy to yield to him.

Mr. BRADY of Texas. Well, thank you, Mr. DREIER. Thank you for your leadership on trade for so many years in Congress.

Thank you, Mr. HERGER, a former top Republican on the Trade Subcommittee of the House Ways and Means.

We are here because we want jobs in America, good-paying jobs, the types you can raise your family on, and today is a good day to be talking about it because two things occurred today.

One, Speaker NANCY PELOSI introduced the Pelosi plan—the new national takeover of America's health care system, which we are going to spend every waking hour defeating, sending back to the drawing board, and getting a health care reform bill that's done right.

The third quarter economic numbers came out, which show how America has done over the last 3 months. It showed that it grew about 3½ percent. Growth is good, but if you look at it, what you realize is almost all of that growth are onetime events—Cash for Clunkers, which is over, and businesses have drawn down their stockpiles of inventory. That only happens one time.

Looking forward, whether we have hit the bottom or not, the question is: Is the private sector, the private market in America, going to drive our growth in the future or is government? The only way you have a strong recovery is if it's the private marketplace.

What we are missing are jobs created by selling American products and services around the world. It's no longer enough to just buy American. We have to sell American because of what you said—so many consumers live outside our borders. We want them to buy our ag products, our services, our computers, our equipment, all of that, but when we go outside the country, what we often find is that the rules are tilted against our companies and our workers.

□ 1845

Other countries, China, Europe, Latin America, have reached trade agreements that give their companies and their workers an advantage over ours. Today, what is interesting, as you both have said, is that when we have trade agreements, we win. We sell our American products and services. We have a trade surplus with our trade agreement partners.

In Latin America—I was just thinking about it—in Chile people said we would sell about 50 percent more products there. We have sold 250 percent more American products.

Mr. DREIER. If I could reclaim my time, I would like to just underscore the point my friend has made. We regularly hear that free trade agreements lead to job losses in the United States. That is a mantra that many people, unfortunately, are beating, when in fact the empirical evidence we have, history has shown the opposite in fact to be the case.

In fact, we enjoy a trade surplus with our free trade agreement, FTA, trading partners as a whole, and the country with which we don't happens to be Mexico. There is a reason for that. It is our purchase of oil from Mexico. Were it not for the purchase of oil from Mexico, we would, for all intents and purposes, have an equilibrium in trade between the United States and Mexico.

But we do have in other countries a manufacturing job surplus, a manufacturing job surplus, right here in the United States. So we have a surplus. When we export, more jobs are created for those countries with which we have free trade agreements than with not. So the answer to deal with manufacturing job creation here in the United States is more, not fewer, free trade agreements.

I am happy to further yield to my friend.

Mr. BRADY of Texas. You are right, Mr. DREIER. Those agreements simply level the playing field. They say if your country sells into the United States, we get an opportunity to sell our products into your country, and we have fair rules to do it. And when we compete, our companies, our workers win. They do it in ag, they do it in manufacturing, in technology, in services, in all types of goods.

But, as Mr. HERGER said, and you earlier, America is falling behind. This new government has taken itself voluntarily off the playing field. They have said we are not going to engage in trade right now. And while we have benched ourselves, the rest of the world is still playing this game. They are cutting agreements that favor China, Europe, Latin America, Brazil and other countries, Korea, the Asian-Pacific area. They are cutting agreements and deals to give their companies advantages far greater over ours. As a result, that doesn't just cost us sales of our products, it costs us jobs, because we are so good as a country when we compete.

Mr. DREIER. Madam Speaker, I will say that yesterday I had the great ambassador from Colombia, Carolina Barco, in my office, and we were talking about the fact that Colombia has just embarked on this agreement with Canada, and they have proceeded with a fair trade agreement with Canada. So now what is happening is, our friends

to the north are going to have a competitive advantage over us in Colombia, a market of 40 million people, that we should be getting into, and we could do it very, very quickly.

I would like to talk and get into some of the details now, if I might, with both of my friends. Since I mentioned the Colombia agreement, it has gotten a great deal of attention. It is seen as one of the most controversial in the eyes of many, and I will admit that I am very troubled, while we want to have bipartisanship, and I know there are many Democrats supportive of the U.S.-Colombia free trade agreement, I think that one of the saddest actions taken in dealing with the trade agenda was when, for the first time since implementation of the 1974 Trade Act, we saw the commitment—and it was a commitment made for an up-or-down vote here in the United States Congress—denied when it came to the U.S.-Colombia free trade agreement. There still is another opportunity for us to do that.

But there are a number of myths out there that I would like my friends to join me in shattering, and I would like to share some information that I just received yesterday, Madam Speaker, from Ambassador Barco, Colombia's great ambassador here to the United States.

We regularly hear about union violence in Colombia. In fact, as I listened to a number of labor leaders here in the United States, we are regularly told, and it saddens me to hear this, that the Colombian government is murdering our brothers. That is a statement that I have heard repeatedly in television and speeches made by union leaders here in the United States.

Colombia is a country which has I believe in a 5-year period of time gone through a more positive transformation than any country in modern history. Are there problems in Colombia? Absolutely. Is the situation perfect in Colombia? Absolutely not. Work still needs to be done in Colombia.

But under the great President Alvaro Uribe, we have seen again a very positive transformation take place there. And this report of tremendous, tremendous violence being inflicted on union leaders has in many ways been shattered.

Many of my colleagues, and I know my friends have been to Colombia, people on both sides of the aisle have been there, but just yesterday Ambassador Barco provided me some information from an independent study that was done by the University of the Andes in Colombia, a very respected institution.

They went into a detailed analysis of violence against unionists in Colombia. Their data samples actually included the Colombian unions' own data. Information that they used for this study actually consisted of information that was provided to the University of the Andes in Colombia by the unions of Colombia.

Their findings were that while overall violence in Colombia has steadily declined, we have seen a decline in violence in Colombia, we know that very well, in the last 8 years the decline in union violence has actually been greater than the decline in overall violence in Colombia. They went on in the study to say that there is absolutely no evidence today that violence against union members is systematic or targeted.

So this notion that we have heard that the Colombian government is murdering our union brothers, which is, again, a message that has come forward from a lot of union leaders here in the United States, is just plain wrong.

The authors of the study said the following, and I quote, Madam Speaker: ''Of course, any murder is a very serious matter. However, an evaluation of the progress made in confronting such a serious problem as violence against union members in Colombia must necessarily look at the statistical evidence. This is particularly so if the conclusions of such an assessment are to be used to block important economic reforms, such as free trade agreements.''

So, in other words, Madam Speaker, they are saying that every murder is a tragedy—we all know that—and every government has a responsibility to apprehend and prosecute those who commit violent crimes.

In Colombia, the Uribe government is doing just that. But the numbers don't lie. Any claim that unionists are being targeted is patently false. In fact, the murder rate for unionists in Colombia is one-fourth the rate for the general population.

In fact, I remember on our last trip there, I was there in mid-August with our House Democracy Partnership and we had a lengthy discussion about this at what is their Attorney General, it is called the Fiscalia.

The figure I was most struck with, as we spent a great deal of time going through the analysis of violence and specifically union violence, is that the murder rate in Colombia is, tragically, 39 per 100,000 for the average Colombian. If one is a union Member, the murder rate is 4 per 100,000. So actually the threat is greater for someone who is just an average citizen as opposed to a unionist in Colombia. So this notion that somehow there is this planned violence against union leaders is preposterous.

In fact, one of the things that President Uribe has done is he has put into place around-the-clock, 24 hour security for 1,500 labor leaders in the country, because they are determined to do everything within their power to ensure that union leaders' lives are not threatened. They are doing everything they can to protect those union leaders.

I would be happy to yield to either of my colleagues who would like to comment on this.

Mr. HERGER.

Mr. HERGER. Well, as my good friend from California is pointing out, in Colombia, I think most people picture Colombia as we pictured Colombia 10, 15, 20 years ago; the heart of the narco trade, everyone fearful to go out anyplace, whether it be in the cities or countryside or wherever it might be.

As a matter of fact, I remember my first trip to Colombia, I believe it was in the early 1990s. Literally wherever you traveled, we were in Cartagena and traveled around, and you had armed guards. You had an armed convoy that you traveled with.

I was there just this last year. You mentioned President Uribe and the incredible job he has done in the center of the narco traffic of South America, how they have got in and brought in those who used to be selling narcotics and used to be part of the military that was on the side of those in the drug trafficking, brought them in, trained them.

We have met, as I know you have, Mr. DREIER, and I am sure Mr. BRADY, we have met with some of these young people who were part of the other side who have come in, who have been trained for jobs.

Mr. DREIER. It is called the demobilization effort, those from the FARC, the Armed Revolutionary Forces of Colombia, which have been the guerrillas, and the so-called paramilitaries, those on the right who responded. They have had this amazing demobilization effort, where young people have been drawn into violence and now they are so excited to be part of productive society.

Mr. HERGER. Again, as you met with them, and we met with them not only in Cartagena but also in Medellin, who would have thought about going to Medellin, where we did, and see how safe it is and met with these same young people, people in their mid-twenties, early twenties, but had spent basically their whole life on the other side, that were now productive and excited about the life in a democracy there and being able to live.

It is incredibly exciting. And it is even that much more of a reason, when they have fought and done so much to change their countryside, have risked their lives to turn their country around, that if there is anyone we should be an ally to, it should be the Colombians.

So not only are they helping us with their trade, but we are in a position there to aid them, to help them, to stand as an ally with them, as we should be with the Panamanians, as we should be with our allies the South Koreans, where, again, they are helping us at a time where economically we need these jobs in America.

This is when our Speaker PELOSI and the head of the Senate, HARRY REID, should be allowing these three already-negotiated trade agreements to come before the House and the Senate to be voted on so that we can be moving forward. They are bringing down their barriers, selling our agriculture, selling our manufactured goods, and putting literally millions of Americans to work.

Mr. DREIER. I appreciate my friend getting back to the point of why it is that we are here, because the number one priority, according to the American people in the Gallup poll that was released the day before yesterday, was job creation and economic growth. We have all been talking about that.

We want to make sure that we can create good jobs, agriculture, manufacturing, small businesses. We want to create service-sector jobs. We want to create these jobs here in the United States of America. And I believe that one of the best ways for us to do that is to open up these new markets.

Now, obviously we want to underscore concern. If governments are taking action, murdering union leaders, that understandably is outrageous. But there is a complete, complete blur that has been put together on the part of many people who, for some strange reason, are opposed to engaging in these trade agreements that I just find incomprehensible. It is, again, beyond me why it is that they would hurt rank-and-file union members, who are going to be the ones to benefit by opening up these new markets.

I am happy to yield to my friend from the Woodlands.

□ 2000

Mr. BRADY of Texas. Thank you for raising this issue because I think it is shameful that America has not ratified the trade agreement with Colombia. Yeah, there are strong jobs reasons. Colombia is able to sell their products in the United States almost duty free. We want the opportunity to compete with their customers. Canada, Europe are cutting agreements with them that will cost us about half a billion dollars of sales of U.S. goods and services and products which, again, those are lost jobs.

The point you made early on, Mr. DREIER, is that beyond that, here's a country that has brought itself, with America's help, from darkness to light. President Uribe has taken the country, established the rule of law, freedom of democracy, freedom of the press, freedom in the marketplace, has a judiciary that is working. They have lowered the violence rate in a neighborhood, in a region that absolutely rejects America and all we stand for, including this new President, rejecting him as well.

Here's America's allies who are fighting with us to stop drug trafficking, stands with us on security issues and human rights, have done remarkable things, and we've turned our backs on them.

So whether it is Colombia and that strong national security reason, Panama and the market that goes with that, Korea, and the rest of the world, where, again, as you have said, America is falling behind, it is just a shame.

Mr. DREIER. Madam Speaker, my friend makes a very, very important point on the foreign policy implications here when we talk about the tremendous alliance that we've been able to build with Colombia. Let's look at the kinds of threats that exist there.

The neighborhood is a tough one. Of course, the very famous Hugo Chavez, the strong man in Venezuela. We have Evo Morales, the leader of Bolivia, who is a Chavezista. We know that. Very closely aligned. Rafael Correa, the leader of Ecuador, has fallen in line the same way.

In the region, we of course have Daniel Ortega, the leader of the Sandinista movement there. And we have this strong—very, very strong ally of ours in Colombia. And it's amazing. When you look at the numbers, it has been 1,073 days—1,073 days, Madam Speaker—since the signing of the U.S.-Colombia Free Trade Agreement. Guess what? $2.3 billion—$2.3 billion in additional tariffs have been imposed on U.S. manufacturers, other job creators here, in their quest to get their products just into Colombia alone. $2.3 billion in the last 1,073 days.

Let's look at a couple of those items. Automobiles. Right now there is a 35 percent tariff on U.S. automobiles in the quest to get into Colombia. What does that mean? On a $20,000 automobile that would be manufactured in the United States and sold into Colombia, the tariff would be $7,000. If we can pass this agreement, have a vote here in the House and put it into place, what will happen? Well, we'll see that tariff go to zero.

Similarly, for DVDs and movies it's a 5 to 15 percent tariff. For cotton—and we know that textile manufacturing is very, very important. A lot of manufacturing takes place in Latin America. Cotton comes from the United States. Right now there's a 10 percent tariff on U.S. cotton going into Colombia. If we can bring that to zero, it means that more cotton in the United States of America will actually end up, Mr. Speaker, going to Colombia for finished product.

Mr. Speaker, we're very fortunate to have been joined by my very good friend from Lafayette, Louisiana, Dr. BOUSTANY. I appreciate his presence here and the strong leadership that he has shown not on only in this health care debate with his brilliant response to President Obama after he addressed us here in this joint session of Congress, but on the issue of international trade as well.

I'm happy to yield to Mr. BOUSTANY.

Mr. BOUSTANY. I thank my friend from California for his kind comments. There are so many aspects to trade that we really need to discuss. First of all, if you look at our economy, the United States economy has been a consumer-driven economy. We have seen imports vastly exceed exports in this country.

All the economists are talking about getting back to some sort of global trade balance and current accounts balance. And the only way to do that is for us to increase our exports. That won't happen without trade agreements.

I can give you some examples from my home State. For instance, exports from Louisiana following the NAFTA agreement rose 271 percent since 1994. Since 2004, with the U.S.-Chile Free Trade Agreement, exports from Louisiana rose 219 percent. With the Singapore-U.S. Trade Agreement we saw a 53 percent increase in exports since 2004. Morocco, 99 percent increase in exports since 2006. And with CAFTA we've seen a 43 percent increase since 2006.

Now the fact of the matter is 96 percent of the world's consumers live outside the United States.

Mr. DREIER. My friend just added an additional percentage point. I've been saying 95 percent. Is it in fact 96 percent live outside our borders?

Mr. BOUSTANY. Those are the facts I have.

Mr. DREIER. Thanks for correcting me.

Mr. BOUSTANY. I think it's important to recognize that jobs related to exports pay, on average, 13 to 18 percent more than non-exporting jobs. These are benefits for families in the United States. These are benefits that create jobs in the United States.

I know I walked in a little late into this discussion and you were discussing the foreign policy implications of this, and specifically with Colombia, but I would submit that it's even broader than that because as President Obama and his administrative team travel around to the world's capitals to deal with very difficult foreign policy problems, whether it's in Central Asia or in the Middle East and so forth, even in Africa, in these capitals those leaders are going to want to talk about trade and expanding trade opportunities because it all comes down to economic opportunity in the long run.

If we're not prepared with a trade agenda to move forward with the leaders in these respective areas, then our foreign policy is going to be a failure.

Mr. DREIER. If I could reclaim my time for a moment just to underscore what my friend is saying on this foreign policy issue, which is an important one. President Obama has, I believe correctly, talked about the importance of soft power. Dealing diplomatically, which I think is important. I, of course, am a strong proponent of a tough decision posture as well. But utilization of soft power is something that President Obama has referred to.

In fact, at the G–20 meeting that took place, those leaders all agreed that they would reject protectionism. Unfortunately, if you look at 66 of the 78 trade measures that have been implemented since that G–20 meeting, they have been protectionist. It's very sad because as we're talking about the economic downturn through which we're going right now and the challenges that we face here in the United States and in the global economy, one can't help but think about history. Because people are talking about regularly this economic downturn and what

took place seven decades ago. The Great Depression.

We know that, unfortunately, under Republican leadership, President Hoover and Congressman Hawley and Senator Smoot, we saw passage in 1930 of very, very poor trade policy. Fortunately, we as Republicans have been proudly providing leadership since then and we want to work in a bipartisan way on this.

But most economists, regardless of their stripe, acknowledge that the protectionist actions which, frankly, Smoot-Hawley began as just a little agricultural tariff measure at the outset and grew into one of the most protectionist measures in the history of the United States. It undermined our ability globally to provide leadership.

If you look at what happened to Europe, as we all know, following that, the Second World War, it can go back to this use of soft power question, which the President has correctly raised and, similarly, at that time engaging in protectionism undermines that.

The unfortunate thing is we seem to be slipping down that road of protectionism now, which seriously undermines our ability to provide that strong global leadership in dealing with the war against radical extremism, in dealing with the challenges that exist in a wide range of areas.

I'm happy to further yield to my friend.

Mr. BOUSTANY. I want to add as we look at this difficult economy and the significant unemployment we're seeing here in the United States, it's important to keep in mind that 97 percent of U.S. exports are from small and medium-size businesses.

Mr. DREIER. I was afraid you were going to say 97 percent of the world's consumers are out of our borders; that it's gone up 2 percent since I started.

Mr. BOUSTANY. Here we are. If we want to grow small business jobs, the best way to do it is to expand our exports and that will help us also expand our manufacturing capacity. Actually, the world is moving forward and we're sitting still here.

If you look at the TransPacific Partnership, everybody's waiting on the United States to move forward with this agreement. It's a critically important agreement to work out with Chile, Peru, Singapore, Australia, New Zealand, and Brunei.

We're also looking at the Asia-Pacific Economic Cooperation. This is where we need to be engaged with China and these Eastern countries, because we have huge, huge trade opportunities and job growth opportunities by expanding these agreements.

So I think it's clear that this administration needs to come forward with a comprehensive trade policy to Congress and let's get to work on creating this liberalized trade order because that is the element of soft power that you were emphasizing earlier. And it is probably our most important instrument of power as we move on the global stage.

With that, I will yield back.

Mr. DREIER. Let me say that my friend is absolutely brilliant. Not all doctors are seen as that way. But I'm so impressed Dr. BOUSTANY has been able to charge towards great brilliance in a wide range of areas beyond his field of expertise. We're very fortunate to have him in the House.

I'd be happy to yield to my friend who sneered when I mentioned doctors, my friend from The Woodlands.

Mr. BRADY of Texas. I was just thinking about people who are out of work. We have lost 9 million people who no longer have jobs since the recession began—almost 3 million since they passed that huge stimulus bill—who may be watching tonight, to have no jobs, maybe have lost hope of getting them. Yet the companies that could hire them are manufacturing products or offering services or growing agricultural goods they don't have an opportunity to sell throughout the world. That the rest of these countries are just moving past us so aggressively selling, promoting their country's goods and services. And America is so arrogant that we don't even go out there to try to create a level playing field.

I always tell people, in closing for myself, that if you drive down a highway, every third acre you see planted is for sale around the world. If you go to a computer company, every fourth worker is building something for sales around the world. If you go to a manufacturing plant, every fifth worker is building something for sale around the world. If you look at our whole economy, four out of every ten workers are tied to trade.

So if we can sell American, not just buy American—sell American—we can create jobs for Americans. We can put people back to work. We can improve our own economy. So what are we waiting for?

I yield back.

Mr. DREIER. I thank my friend for his very thoughtful contribution. Let me say, Mr. Speaker, that I think one of the things that we have not really spent a lot of time discussing here this evening has been the U.S.-Korea deal.

We've talked in large part about Latin America; about Colombia and Panama and the benefit of opening that up. But I do know that the three ambassadors representing countries with which we have signed these trade agreements have come together and they have unified on the message that the issue of trade and free trade is a priority for all of them. They each have unique cases to make as to what those benefits are. Frankly, as I listen to virtually all of those arguments, they are very positive for us.

When it comes to Korea, the amazing thing that we look at there, if we were to pass this U.S.-Korea Free Trade Agreement, it would be the single largest trade agreement ever embarked upon in the world because of the size of the U.S. economy and the size of the economy of South Korea.

□ 2015

They have a trillion-dollar economy, and it's a very, very growing market right now for our goods, and it's our seventh largest trading partner today. We have annual two-way trade today of $82 billion between South Korea and the United States.

It happens to be and I know, Mr. HERGER, Mr. Speaker, will be interested in this. It's our sixth largest market for agricultural goods in the world and our seventh largest market for another industry that is very important in Texas, and I know in Louisiana as well as California, is the IT market.

The largest level of broadband usage in the world is in South Korea at 83 percent, making it a really key market for U.S. technology goods and services, and there is an enormous potential for increasing those already high agricultural exports as Korea, as we all know, must import 70 percent of its agricultural needs.

It stands to benefit the agricultural sectors of all of our States tremendously if we were to embark on that. Nearly two-thirds of agricultural exports to Korea will become duty-free immediately with passage of this. Our agricultural products currently face an average tariff, those products going from California, from Texas, from Louisiana, into Korea, on average, a 52 percent tariff today. Again, that would be slashed, two-thirds slashed immediately and ultimately they would get to zero.

Under the agreement, nearly 95 percent of bilateral trade and consumer industrial products will become duty-free within 3 years and tariffs on almost all goods will be totally eliminated within the 10-year period of time for implementation. The economic and job creation benefits of eliminating tariff and nontariff barriers to trade with a $1 trillion economy would be of great, great importance.

It would be a very, very powerful display of unity between our countries, South Korea and the United States, as we work together to address, as we have said, the very important national security issues, nuclear proliferation treaties that exist, the war against radical extremism, pandemics that are there. The idea of using this soft power, as President Obama correctly says, would be dramatically enhanced if we were to pass the U.S.-Korea Free Trade Agreement.

I would be happy to yield to my friend from California (Mr. HERGER) if he would like to add to that.

Mr. HERGER. I thank my friend.

That is so true. People don't realize. You know, we hear a fair amount, or some, about their trade agreement that has been negotiated but not voted on with Colombia and some with Panama, but as the gentleman from California (Mr. DREIER) so rightly mentioned, the

big one, the biggest of all the trade agreements that we have ever negotiated is with the South Koreans.

As a matter of fact I just yesterday had eight South Koreans who represented businesses in South Korea that were in my office, and they were describing to me how they wanted us to be able to pass this agreement, be able to have a vote here in the House and the Senate on this very important agreement, that their concern was that they wanted to do business with our American companies. They wanted to do business with us and that the European Union, the EU, was already negotiating, was in the process of having an agreement with them.

If their agreement went through before ours did, they would lose their ability, obviously, if they could purchase more economically from the EU, that, economically, is what they would need to do. I was looking at some statistics, that just with South Korea, not only would we not pick up that extra business, those extra jobs, hundreds of thousands of jobs here in the United States, but we would actually lose business that we already have because we would lose part of this market to—it was estimated by staff on our Ways and Means Committee, we could see an 8 percent or $1.1 billion decline in our U.S. exports to South Korea.

Again, at a time when nationally we have 9.8 percent unemployment; in California, 12.2; and in my rural northern California district it's up around 14 percent unemployment, the last thing we want to do is be losing jobs. We need to be gaining these jobs is why it's so particularly paramount at this time that we move forward.

Mr. DREIER. I thank my friend for getting back to this issue of job creation and economic growth, which is what these agreements are about. It's about improving the standard of living and the quality of life for people here in the United States of America by not only allowing them to have access to products from around the world, but to create good jobs so that we can continue to export to those 95, 96, 97, 98 percent of the consumers who are outside of our borders.

I am happy to yield further to my good friend from the Woodlands.

Mr. BRADY of Texas. Let me just say this, because I have enjoyed this discussion. It's about jobs, it's about America falling behind.

There is this principle in trade we should not forget. The principle is if you and I build a better mousetrap, we should have the freedom to sell it throughout the world without government interference. If someone else builds a better mousetrap we should have the freedom to buy it for our family and for our business.

That freedom to buy, sell and compete is critical because you forget, other countries, because others compete to sell to you and I. We have a wide choice of automobiles and clothing and electronics and all. They say, by studies, that we save so much money because of that trade, that competition, that most families in America can go to a grocery store once a month for free because of the benefits of free trade here in America, which is even more puzzling on raising our standard of living why we allow ourselves to fall behind and why we are giving up on those jobs, why America isn't leading.

That is a question I believe only our President can answer.

Mr. DREIER. I thank my friend for his very thoughtful remarks.

Mr. BOUSTANY.

Mr. BOUSTANY. Very briefly, I would say my friend from Texas is absolutely right. This is about growing U.S. jobs and creating job opportunities for our small businesses.

As these export markets open up and that greater connectivity is created between our country and our trading partners, the standard of living goes up in those countries and those markets expand. It creates more opportunities for our small businesses to create jobs here and to continue to export.

So, at a time where we are having these discussions, when this country is seeing high unemployment, we are coming out of a recession, we should be vigorously pursuing these types of agreements.

And what are we hearing now from this White House? Silence. Silence. It makes no sense.

Mr. DREIER. I thank my friend. Let me express my appreciation, Mr. Speaker, to my colleagues from Louisiana, Texas and California and to say that it's very important for us to get back to bipartisanship on this issue of trade. I have been troubled with the fact that the President has not sent up these agreements for us to consider, as I know my colleagues are. I have been troubled at some of the decisions made by the Democratic leadership.

But I have to say this, there are Democrats with whom we serve who share our commitment to the issue of global leadership by expanding these trade agreements. They understand the improvements that have taken place in Colombia, where unionists are not, in fact, being murdered by the Government of Colombia. They share our recognition that we could have jobs created for Caterpillar and for John Deere if we were to go into the Panama agreement. And they understand the implications of this U.S.-South Korea Free Trade Agreement.

This is the right thing for us to do, Mr. Speaker. I believe that we can come together in a bipartisan way. If we will simply have the vote here in the House of Representatives, we will have strong, bipartisan support for the right thing.

HEALTH CARE

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

Ms. FOXX. Mr. Speaker, my good friend and colleague from Michigan, Congressman THADDEUS MCCOTTER, is known here for his extremely subtle wit, his use of metaphors that challenge the most intelligent among us, and for incredible insight into issues. He talks a lot about freedom, and he published a piece today from the Republican Policy Committee that I would like to use as the basis of my comments tonight.

The title of it is ''Leeches vs. Laser Surgery: The Contemporary Crux of Health Care Reform.''

He goes on to say that ''Contrary to 'conventional wisdom,' on the issue of health care reform (and all others) the Democrats are the party of the past. We Republicans are the party of the present and the future.

''Bluntly, Democrats are fighting against the times. Their stale, government-run health deform proposals are as outdated and unsuited to contemporary life as a leaching is to laser surgery.''

No one can quite put things in perspective like THADDEUS MCCOTTER.

But when I read that today, I wanted to share that with the American public, because I think it is a very, very good analogy.

Everywhere I go, I talk to people in my district and they say they are scared to death with what is happening in our country. And I talk to other people who travel all around the country, and they say they hear that, too.

What are people scared to death of? What they are scared of is losing their freedoms. We have people all over the world fighting to protect the freedoms that have been so dearly won in this country and to help other countries gather their freedoms and to get the freedom that they deserve.

Yet the biggest threat to our freedom in this country right now isn't anywhere else in the world; it's right here in this Capitol, right here in this room and in the Senate Chamber across the hall. That's the greatest threat to our freedom.

Republicans, though, have alternatives, and I want to talk a little bit about those alternatives. We should be looking at reforming medical liability laws, ending exclusions for preexisting conditions, expanding health savings accounts, providing tax credits for purchasing private health insurance, allowing association health plans, permitting health insurance purchases across State lines, encouraging individuals to ensure against changes in health status, giving incentives for preventive health care, and applying information technology to enhance transparency and increase efficiencies. All that can be achieved without trillions in new spending. In fact, most of it can be done for absolutely no cost.

Instead, what we have offered to us by the Democrats is an erosion of our freedom. It's a government takeover of the best health care system in the world.

I want to quote again from THADDEUS:

''Unfortunately, trapped in the past of a big government ideology and purblind to the people empowering wondering powers of our globalized world, the President and his Democratic majority cavalierly dismiss such sensible, affordable approach and determinedly toil behind closed doors to impose their radical health distribution scheme on unwilling Americans. If the Democrats prevail, their health redistribution will impel higher costs, lower quality, fewer choices and lost jobs during this painful recession. There is a better way, the Republican way: patient-centered wellness for our people powered world.''

This should not happen in the greatest country in the world. We must do everything that we can to stop this, and we will do everything we can to stop it.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order request of the gentleman from Texas (Mr. GOHMERT) is vacated.

There was no objection.

HEALTH CARE

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

Mr. GOHMERT. Mr. Speaker, today Speaker PELOSI, with a lot of fanfare and locked doors, invitation only, which didn't include any Republicans, just as the input in this bill included no Republicans, this is the bill, 1,990 pages. I haven't had a chance to read it. They just got it out today. I have been trying to get through it.

One of the frustrating things we have is we have had hearings and hearings, hours and hours of hearings on the Democratic health bill, H.R. 3200, hour after hour. Think about how many people in America have spent hour after hour reading H.R. 3200.

□ 2030

They carefully examined it because this was the law that was proposed by the Democratic leadership. And they were concerned that this may be voted into law, and they need to know because this is going to be country changing.

So they spent thousands and thousands of hours all across America to review H.R. 3200. Some have gone to the trouble and spent hundreds or thousands of hours, when you consider all the people in America are reading these bills because they're scared, reading the Baucus bill, reading some of the other bills. And then it turns out those were all red herrings. The American public, all the Members of Congress were tricked into wasting their time, spending all those hours reviewing a bill that they knew they weren't going to introduce.

Mr. Speaker, you know, Thomas Jefferson laid out the rules that we follow. They're not Robert's Rules of Order. They're Thomas Jefferson's rules that get modified with each Congress. And that's what we're supposed to follow. And the procedure is well thought out. You have subcommittees that are supposed to have legislative hearings and bring in witnesses and consider all these different aspects, and after they've considered all this, someone starts working together with other people. You're supposed to have bipartisan support. We were told all year long we would have that. Yes, big joke there. So someone, though, is supposed to put together the bill and lots of people working together to get it done, and then you give everybody plenty of time to review the bill at the subcommittee level. And then you have a markup, it's called, in subcommittee, where some of those hearings are very long when they're done properly because they're open to any amendment by anyone on the subcommittee. Once it clears the subcommittee, if it gets voted out of the subcommittee, then it goes to the full committee. And anyone in the full committee can make amendments, as many as they want, and you stay as long as you have to get through all the amendments. That's the process. And then once the amendments are done and the committee votes it out, that is the bill that is supposed to come to the House floor. You bring the bill that was amended and agonized over.

Not in this Congress, oh, no. We're going to spend thousands and thousands of hours, and there's no telling how many of the trees in America got cut down to print out H.R. 3200 so that people could read it because this is going to be really country changing, as the President said. He's going to transform America. He didn't say to what, but he's going to transform America. And then it turns out after all those hearings, amendments, considerations, all that work, behind closed doors they were working on a bait-and-switch scheme. And today it played out. And now we're told by the Democratic leadership, well, we want to make sure you have 72 hours to review this bill.

Well, I'm telling you what. You mark my words. You mark my words. We've got 1,990 pages here, but by the time this bill is voted on, there will be hundreds of pages added, as we've seen over and over, in the wee hours of the morning, and people won't have time to read it. And just like the crap-and-trade bill, it will be up there and they won't even have the whole bill put together in time for us to read the whole bill before we vote on this transforming bill that's going to change and, I would submit humbly, end some lives in America. Not because people are going to be denied treatment but because they're going to be put on lists and be required to wait an inordinate amount of time because you can't cut $500 billion from Medicare and not expect to have some people not get treated.

Another thing you need to realize too, in this new bill, from what we've been able to quickly discern, this Pelosi bill, the 1,990 pages, reduces the size of affordable credits for patients to purchase insurance in the exchange, and instead it expands the eligibility for Medicare to 150 percent of the Federal poverty level.

Well, our seniors are not as stupid as some people in this body think they are. They get it. You're going to cut Medicare $500 billion and you're going to expand coverage to people that have never been covered before, and we're supposed to feel good that we're going to get more coverage than ever? They're not stupid. They understand what's happening.

I have been joined by some of my colleagues here, and I would love to get their input because we've been scrambling to see what we are facing here with this bill.

I would love to yield to my friend Mr. BRADY.

Mr. BRADY of Texas. I thank my friend from east Texas, where our districts border each other and whom I have gotten to know and respect here in Congress. And I thank you for this leadership.

The timing is now. The bill has been introduced. The fight is on. And rarely in our lives do we have the opportunity to make such a difference on a bill that can take us down such a wrong road for America.

I will be brief, but what comes to mind is recently a national pollster whom you would know and recognize did a survey of Americans, and he asked them two questions, and he said, which one is most true: The first question is America is going to spend $1 trillion of your tax dollars to reform health care and it won't add a dime to the deficit. The second statement was there is human life on other planets. By a three-to-one margin, people chose human life on other planets as more true than we can spend all this money and not add a dime to the deficit.

The American public is smart. I held more than 50 town hall meetings during August and September, roundtables, all types of forums, and the truth of the matter is this Speaker and this House didn't listen to any of them.

This bill, Mr. GOHMERT, you talk about and show today, 2,000 pages, $1 trillion, 31 new Federal agencies, mandates and commissions that come between you and your doctor, who ultimately decide what doctors you can see, what treatments the government thinks you deserve, what medicines they think you can get.

This bill today, the fight we are engaged in, government will inject itself in our most intimate health care decisions. It raises the costs of health care. It increases the deficit for generations

to come. It raises taxes on professionals and small businesses. It will force millions of people out of the private plan that they choose to take. It cuts Medicare for seniors. It will ration care in the future. It opens the door to taxpayer-funded abortions and taxpayer care for illegal immigrants. And it exempts Members of Congress from this government-run plan.

This is a bill that is wrong for America. We all, everyone tonight, every Republican, support health care reform. Many of us have worked years, all of us on this floor have worked years for this day. But we can do better than this.

And we've submitted now, what, Mr. GOHMERT, over 40 Republican health care bills; five of them, comprehensive reform. We haven't gotten an opportunity to offer any of them. They haven't spent an hour listening to any of them. And as our leaders in Texas Medical Center have told me, it is so important we get this right. Health care is so complex. Take it step by step. Focus on affordability. Move to coverage for small businesses and people with preexisting illnesses. Pass lawsuit reform to end defensive medicine. Find innovative ways to squeeze the overhead out of health care. Make it more efficient. There are all these great ideas. They will never be heard in the rush to this national health care system.

Now is the time to act. That's why tonight your discussion with the American public, even though there is a World Series Game going on, in truth, at the end of that 9 innings, that game is over. But at the end of this bill, everyone's life in America, our children and grandchildren, will be touched and I think harmed by this bill.

I appreciate your leadership. I'm going to spend every waking hour until this vote is held to kill this bill, to kill this bill and send it back to the drawing board and come back with reform that all of America can embrace.

Mr. GOHMERT, thank you, my friend from east Texas, for leading this discussion tonight.

Mr. GOHMERT. Thank you, Mr. BRADY.

I think it's important to note that despite all the rhetoric about where are the Republican solutions, we have done everything in our power to try to offer good solutions, to try to sit down, and we have offered good solutions. And they are running into brick walls because the doors are locked. I know the President said, My door's always open. And I'm sure he wouldn't lie about that. But the gates aren't. We can't get to the open door. So it's deeply troubling that we could not submit anything.

As I used to say in deacons meetings, unless one person has a 100 percent lock on God's truth all the time, we really need to listen to each other. There are some Democrats with some good ideas. There are some Republicans with some good ideas. I think my health care proposal, patient-centered health care, patient-controlled health care, is a great idea. It's a good bill. It would score if CBO had not become a lapdog for the Democratic leadership.

I have been trying for 2½ months to get that bill scored, and I'm told over and over again they don't have time. They run in the Baucus bill that wasn't even a bill. It was a plan. I was told unless you've got a bill you filed, we will not, cannot do a score. Oh, no, not the Baucus bill. They run in and it's a plan, just an outline, and they give him a score on it. I mean how fair is that that this government has got gotten so slanted and people are getting hurt? It isn't right and it isn't fair. And something this important is going to be rushed through.

I heard my friend from North Carolina discussing this earlier today about the time that's been allotted and what's going on. I would like to yield to my friend Ms. FOXX.

Ms. FOXX. Thank you, Congressman GOHMERT. I still don't think you and I sound a lot alike, although people say that. You definitely have a Texas accent, and I know I don't have an accent from North Carolina. But I want to thank you for the leadership you've given on this issue. I know you've been here several nights, late at night, talking about the issues that the American people need to know about. It's so difficult to get the information out to them, and I appreciate what you're doing.

I find it very ironic that we are a couple of days away from Halloween. I'm not a great phrase maker, but today it hit me that we really need to talk about this in terms of Halloween.

This bill that Speaker PELOSI has introduced today is a tax increase bill masquerading as a health reform bill.

In this time of Halloween, the kids get really concerned about monsters and get afraid of them. But I want to tell you there is no scarier monster that has ever been conceived of by cartoon people, by movie people, than this 1,990-page bill. It is a monster. It is a monstrosity. It is something that should scare every American to death. It is frightening to me, I can tell you that.

I think my colleague from Texas has done a very good job of framing how a bill should come to the floor. Bills that are thoughtfully done go through subcommittees. People get a chance to debate them, look through them, find things that are not as well defined as they should be. We vote. That's the way legislation should be done, on a bipartisan basis, bringing in everybody's brain, bringing in everybody's aspect about it, and making sure that when we pass something, it's going to be as well thought out as it can possibly be, ''vetted'' sometimes it's called. That's what we should be doing.

□ 2045

But that is not what is going to happen with this bill because the President made a promise in his campaign that he would get passed a health reform bill. The people in this body think that they owe it to the President, not to the American people, their fealty is to a President, to help him meet his campaign promise. That is not where my loyalty lies. It did not lie with the President when we had a Republican President. My loyalty is to the American people. That is where all of our loyalties should be, and this bill is a betrayal of the American people because it takes away their freedoms. It promises something that it isn't. It is worse than a shell game, as I said. It is a tax increase masquerading as a health bill.

The one good thing that we have been able to accomplish with the great help of the American people in recent weeks is to really raise Cain about these bills being crammed down people's throats. So we will have 72 hours to look at the bill. The American people may think that we are not telling the truth. Sometimes the things we say are in the bill are hard for people to believe. The bill will be there and be able to be read, and we will be reading it and looking at every single aspect of it. And I want to encourage other people to do that. We will put copies in libraries. We want the American people to see it. We are not trying to mislead people about what is so horrible about this bill.

You all may remember that the President said in his campaign, ''We live in the greatest country in the world. Help me change it.'' To me that meant take what is good about this country and change it into something that is not good.

This bill will take us down that path very, very quickly. We will be losing our freedoms, and we will be beholden to a government that is not always the most benevolent and will get less benevolent the more power it has.

We have a fundamental difference between the Democrats and the Republicans. We believe that the American people should be in control of their lives. They believe that the government knows best, they and the government bureaucracy. It doesn't matter that the majority of the American people are opposed to this. They believe they have the wisdom and they are going to impose this on the American people.

But not if the American people speak up as they should. We are going to be fighting, as my colleague from Texas has said, we are going to fight every step of the way until there is a vote on this bill, probably next week, but we need the help of the American people to contact your Member of Congress and tell them this is not what you want. This is not what America stands for. This is not what we have men and women fighting for all over this world. They are fighting for freedom. But the greatest threat to the freedom of the people in this country is right here in this room. Ladies and gentlemen, I am not exaggerating. It is right here in

this room, but we can defeat it, as we have before.

With that, I yield back to my colleague from Texas.

Mr. GOHMERT. I thank my friend from North Carolina, and I appreciate so much those insights. How ironic, here we are the last day, the last hour Congress is in session before the witching hour of Halloween, and as Congresswoman FOXX observed, we have a tax bill masquerading as a health care bill.

We have with us a great medical doctor here in Congress, and I want to point out something that affects doctors and ask him to comment, and on such other things as his insights that can be shared.

On page 140 of this new 1,990-page bill, I want to be fair, it is not 2,000 pages, it is 1,990 pages, but on page 140, it gives us some insights on what has been going on behind closed doors, the deal-making. I have heard around east Texas, and these are smart, wise people, we had some insurance companies come out and say they thought that the President's plan was going to be okay. We have had some pharmaceutical companies say it is going to be okay. And the American Medical Association, some of them said it was going to be okay. The AMA represents maybe 17 percent of the doctors, I think. So you wonder what kind of deals got cut behind closed doors.

On page 140 and 141, some insights, because those of us who have dealt with the law have seen medical malpractice cases, I have been a judge over many malpractice cases, and I have had many of them removed from my court, my district court to Federal court, because there are certain types of medical liability cases where when they could get themselves to be considered as falling under the Employee Retirement Income Security Act of 1974, then, boom, they could yank it right out of State court into Federal court, and it was governed by ERISA, the Employee Retirement Income Security Act. And the defense lawyers love to do that, defending the insurance companies, because if they can get a med-mal case to fall under ERISA, that meant that they got it removed to Federal court and they got it basically dismissed, that the plaintiff could get zero damages.

So here we go. How could insurance companies go along with this when it is basically ultimately going to bring an end to private insurance. That is clear. We saw that in H.R. 3200 despite the promises you would never lose your policy. Well, all it would take is if you added one beneficiary to the policy, or if you changed any term or condition. Well, they change every year. So at most, you could keep your policy 1 year and then you fall under the Federal situation.

But here on page 140, it says that in the case of health insurance coverage not offered through the health insurance exchange, and in the case of employment-based health plans, the requirements of this title do not supersede any requirements applicable under titles 22 and 27 of the Public Health Service Act, part 6 and 7 of subtitle B of title 1 of the Employee Retirement Income Security Act of 1974 or State law, except insofar as such requirements prevent the application of a requirement of this division as determined by the commissioner.

Now most people will read through that, most laymen will read through that and say, I don't know what that means. It sounds innocuous enough. What it means is for that year or maybe a little more that somebody keeps their insurance policy, if the insurance companies are sued, and we had a terrible case that arose, a court room case, where the insurance company intentionally, and there was a smoking gun memo or letter, as I recall, where the insurance company lawyer was saying just hold it up, and as I recall the woman died. And phenomenal damages should have been coming forth from the insurance company, but instead they got it under ERISA in Federal court, and the case got zero damages.

So you think, wow, the insurance companies, that is the deal they made. So they can fall under ERISA, so even when they intentionally deny coverage to someone, they are protected by ERISA. They can deny coverage, they are protected, and they don't have to pay any damages if that ends up falling through, as ERISA has in the past. There is no reason not to believe that is the case.

So the insurance companies got their deals, but they made a terrible deal because they will not be able to stick around very long. Maybe they will be able to stay solvent for a while trying to compete against the Federal Government. They didn't last long in flood insurance.

But, boy, in 2006 we know that the biggest donors to the Democratic Party were the plaintiff trial lawyers. How in the world would they let that go through? Well, they cut a deal with them, apparently, because that is the next page. The insurance company got their deal. They are going to be protected. They can deny coverage. That is how egregious it has been before, deny coverage knowing it is going to potentially kill somebody to deny coverage, but the insurance company is protected. So they got their deal.

And then the next page, it says in the case of health insurance coverage offered through the health insurance exchange, that is the Federal program, the requirements of this title do not supersede any requirements, including requirements related to genetic information, nondiscrimination, mental health parity applicable under title 27 of the Public Health Service Act, or under State law, except insofar as such requirements prevent the application of requirement of this division as determined by the commissioner, and individual rights, remedies, under State laws shall apply.

So they cut the deal with the insurance company, made them feel really special. And until they go broke because they can't compete with the Federal plan, they may be protected from some of the most egregious insurance decisions. And then on the other hand, you have the trial lawyers, they know ultimately everybody is going to end up on the Federal program. And boy, do they have a deal because this means that they will be able to sue under State law under all of the plans. And that will end up being all of them under the Federal plan. That is the way that this looks to me.

One other thing, and it is a big bill, and this is at page 431 and 432. And this is amazing. This is another perk the trial lawyers got. Having been a lawyer and a judge, I have great respect for the judicial system. When someone has been wronged, rather than an eye for an eye, we allow them to go into court, sue and get damages. There is nothing wrong with that. That is a good system.

But here we are at page 1,431, and it says that the Secretary shall make an incentive payment in an amount determined by the Secretary, and I am sure that is Health and Human Services, to each State that has an alternative medical liability law in compliance with this section.

So under this bill, this is a new expense. New. New money to be spent by the Federal Government. Now will that be new money for health care for seniors? Oh, no, we are cutting $500 billion out of the seniors' Medicare. This is new money for any State that will follow the rule here on page 1,431 and 1,432, and here is the kicker at subsection 4, you get that incentive pay as determined by the Secretary if it meets these requirements, and that includes the contents of an alternative liability law that are required to get the incentive payments, or in accordance with this paragraph if the litigation alternatives contained in the law consist of certificate of merit, early offer, or both, and the law—and this is unbelievable—the law does not limit attorney's fees or impose caps on damages.

Now, think about the number of States that have been able to save hospitals and save doctors from going out of business so women could get gynecological care, places that hospitals had to close, they came in with tort reform and they were able to open back up and have doctors come in and help because they put caps on damages. And in some places, they put a cap on attorney's fees. We are going to spend Federal dollars bribing every State to get rid of any limit on damages so that the doctors can be tagged. We are going to protect the insurance companies for awhile. We are going to protect the plaintiff's bar permanently. And the doctors, once again, are going to really get hurt.

□ 2100

I know my friend from Louisiana has a reputation as having been a fantastic medical doctor and also knows what it is like to suffer and require treatment himself.

I yield however much time my friend needs and wishes to speak.

Mr. BOUSTANY. Well, I thank my friend. I am amazed at all the reading you have done already with this bill and the scholarship that you have put in today. It says a lot about your character as a judge and a lawyer, having dug into the details of this.

Here we are, talking about the Pelosi health care plan just released today, all just under 2,000 pages of it. I commend my colleague for shedding some light on just a couple of the provisions in this. There are so many unintended consequences, most likely, in this bill, and I have not had the kind of time to go through it that even my colleague has had so far, but we will be reading this bill and going through it very carefully.

Let me just say, before coming to Congress, I practiced medicine for about 20 years. I did open heart surgery, lung surgery, oftentimes doing three and four operations a day, caring for anybody who needed surgical care in my practice, whether they could pay or not. We're dealing with health care, one-sixth of the entire U.S. economy, something that affects every man, woman and child in this country. This is a kitchen table issue, if there ever was one, a very important issue. What gives me great distress is that we're on the wrong path. We're not going to lower the cost of health care for families and for small business owners. In fact, there is nothing in this bill that is going to actually drive down the cost of health inflation. Those increases in premiums, double-digit increases in premiums year after year that families and small business owners are seeing, there is nothing in there that will do this.

The sad thing is, I think Republicans and Democrats could agree on a number of areas where we could work together that would actually make a difference and bring those costs down, yet the decision was made by the leadership to ignore these things. The whole idea was to create a new government plan, sort of modeled after Medicare, based on the same faulty financial footing that Medicare is currently struggling with today, and now we're going to double the liability to the Federal taxpayer based on all this.

This is a huge problem. What we see in this bill are increased taxes for families. The Pelosi health care bill, it's an increase in taxes on families and small businesses. It's an increase in taxes on health plans. It's an increase in taxes on all the research and innovation that have made American health care as great as it is today. Let's face it, we know health care is expensive. It's too expensive. We know there is waste in the system, and those things can be corrected. But we also know that we have the finest doctors, the finest nurses and the best hospitals, teaching hospitals and training facilities in the entire world. Patients come from all over the world to be treated in the United States, if they're lucky enough to be able to get here. Doctors from all over the world come here to train, to learn the latest techniques. All of that innovation and technology is at risk because of the tax provisions and the punitive approaches taken in these health care proposals. This is going to be a major step backwards.

I can talk about many, many instances where a new technology came out or a new pharmaceutical came out that made a huge difference in quality of life. Initially it was expensive, but with time, the costs went down. There are many, many examples of this. I will give an example. When I was in medical school, preparing to undertake a surgical career, I remember one of the operations we used to do the most was this big operation for ulcers. If you had an ulcer, a lot of times you had complications from that ulcer, either bleeding or you got obstructed in your intestinal tract or you had severe pain or even an ulcer perforated and caused you to get very, very sick, requiring emergency surgery. These were very devastating conditions. We had nothing to treat that, other than to do a massive operation, a major surgery under general anesthesia where you had to take out almost half the stomach and reconstruct all of it. Patients had all kinds of problems afterwards. I will never forget early on in my surgical training when a new drug came out, and everybody thought, Oh, my gosh. This is going to be great. This drug was called Tagamet. The generic name was Cimetidine. Now you can buy it over the counter, but back then it was expensive. Almost immediately upon the release of this drug, we quit doing most of those big stomach operations. We didn't have to do them anymore, except under extraordinary circumstances. So countless numbers of patients avoided surgery and had a much higher quality of life.

Now we've seen several other generations of these drugs come about that have made a tremendous difference for individuals, and it's cut the cost of health care. But the Congressional Budget Office doesn't recognize that because it works in an artificial 5-year window. It doesn't work based on the real world, which deals with the lengthy process of doing research and development to get these new technologies and these new pharmaceuticals out.

Think of coronary stents. Back when I started off, oftentimes when someone had a heart attack, they died. We had very little in the way of pharmaceutical treatments for heart disease. If you had blockage, there was nothing we could do about it. Then open heart surgery developed with coronary artery bypasses, and it was a big operation. Then it became more routine and less expensive over time, and patients have done very well following those operations. Then the advent of stents, where you go in, you have a stent put in a blocked coronary, you go home the same day, and you are feeling much better. We can actually stop a heart attack in progress by inserting a stent in a timely manner. Those advancements here in the United States are now being adopted abroad. They've made a huge difference. That innovation is at risk. This bill taxes businesses, taxes families, taxes innovation, taxes insurance plans. What happens when you tax insurance plans? Premiums go up. The CBO and other actuaries have said that on average, premiums for Americans are going to double and in some cases, triple. What's going to happen? That's going to put more of these insurance companies in a bind because their products would become untenable, and we're going to move to a single-payer health care system, run by the Federal Government with all the bureaucracy and the lack of innovation. And that's the goal here.

I can tell you, it is very distressing, as a physician who practiced for 20 years and saw the great things that we could do in health care, but I have also seen the problems. I can tell you, I, myself, have had health problems. I would still be doing open heart surgery and not standing here giving a speech tonight to the United States Congress if I didn't have a health problem. I developed a form of arthritis that basically ended my surgical career early. When I closed my practice down, we had a health plan. I tried to shift from the plan that we had with the same insurance company. We tried to shift from an employer-based plan to a family plan within the same insurance company. They knew everything about my history and records and everything else. Guess what: They denied my entire family and myself coverage, but because I knew how to negotiate within the health care system, I called the insurance company. They said, You have a preexisting condition. I said, I understand that. You have already been helping to treat that, and this is a continuous process. So why not just exclude my condition and at least insure my family? And after a lot of vigorous going back and forth with the insurance company, I convinced them to do that.

Americans should not be denied coverage based on preexisting conditions. Republicans have ideas where we can get the cost of that kind of insurance down for all Americans by creating competition and choice in the insurance marketplace, which this bill does not do. It will limit competition and choice. We can keep those costs down. We can make insurance much more accessible, and at the same time, take what I think our colleague from Texas mentioned earlier, take this kind of an incremental step-by-step approach so

that we don't create unintended consequences—we know what we're getting into—and build a system that's comprehensive that Americans can be proud of.

As my colleague said earlier, we have over 40 bills that move us in that direction. And how many hearings have we had on the Republican bills in the House Ways and Means Committee where I serve? None. None. These ideas have not been discussed, they have not been vetted, and furthermore, a lot of the ideas in this bill have not been thoroughly vetted. That's a problem. That's legislative malpractice in my mind. It's wrong, and the American public deserves better. This health care problem has been going on for too long, and there is a lot that we can do to solve it if we put our heads together.

I know there are some well-meaning friends across the aisle who want to work together on it, and I think that's what the American people want us to do, instead of an ideologically driven approach to a single-payer health care system, run by the Federal Government, which we know is going to run up massive deficits for this country, which we already are seeing now. It's going to stifle job growth, and it's going to hurt the American economy.

With that, I will yield back to my friend.

Mr. GOHMERT. I thank you, Dr. BOUSTANY, so much. You've provided so much insight since you've been in Congress. You've been a breath of fresh air. Especially for someone who has been on the other side of the insurance company, has been paid by the insurance company, has performed surgery saving lives and has been on the other side of the doctors providing the treatment. That provides an awful lot of wisdom, and I am so grateful that that wisdom from the gentleman from Louisiana, Dr. BOUSTANY, is being brought here to the House of Representatives.

I tell you, though—maybe it's part of my background, having been a judge for so many years—you look for evidence to help you know whether to believe or disbelieve what people are saying. As I have listened to our friends across the aisle—not all of them, but many of them that were pushing this bill, this 1,990-page bill—they knew it was going to be coming. We didn't know what was coming or when it was coming, but some of them knew. Knowing that, they have been coming down to this floor, coming to these microphones here and telling horror story after horror story about something that happened because of an insurance company, because of a doctor, because of bad health care problems. One thing after another, and never, ever having one good story to tell about a doctor who came in in the middle of the night. Like the doctor who saved my daughter's life one night when her temperature spiked to 108. Doctors all over this country, health care providers, nurses, most of them are so dedicated and do a great job, and yet we've not heard one good story about some success from the incredible health care in this country. Somebody point out one in the RECORD because it is something I didn't hear, and I will apologize. But I have not heard one. That's one of the pieces of evidence you can look to to know that something is being put over here on the American people because they're only getting one side of the story. Not one favorable story. That tells you they're trying to scare people.

And another thing you look at, they're saying they are going to pay for this with waste, fraud and abuse. Hundreds of billions of dollars that will be saved by eliminating waste, fraud and abuse. You mark my words on this: If they could save even $100 billion on waste, fraud and abuse, it would have been done before now. Those who are not familiar with politics, who are not familiar with the history of our great country, just take a lesson here. Anytime anyone from either party—any party, Independent or whomever—is elected, comes into office and cuts out massive amounts of waste, fraud and abuse within the government system, they can be elected as many times for as many offices as they ever care to run for. Nobody is ever going to beat them because they will always be able to show, Look at the waste, fraud and abuse I eliminated. I did that because I cared. And they will win from now on. Well, we've got this being dangled out there. If you'll give us this trillion-dollar bill—trillion-plus, probably, because we've seen how slanted CBO has become in recent days—but if you will give us this trillion-dollar bill, we'll cut out hundreds of billions of dollars in waste, fraud and abuse.

□ 2115

In my courtroom, you would see, through proof, that, if people know that fraud is going on and if they have a duty to do something about it, which elected officials would, and if they do nothing about it, then they're accomplices. Under the Law of Principles under Federal law, under 18 U.S.C. 2, if you aid, abet, encourage, induce, you're as guilty as the principal. So I don't believe they know where hundreds of billions of dollars of waste, fraud, and abuse are.

Let me also mention, you know, I filed a bill. This came after lots of consultation, including from my friends, from my doctor friends here in Congress and from people around. I've talked to all aspects, including to representatives of AARP, who came and talked to me. Of course, if my bill were to get passed, which would eliminate the need for any senior to ever buy supplemental insurance from AARP, it would financially hurt AARP, but it would be so good for their members. You know, they're not going to support that because that takes money out of their pocket.

A big part of my bill has to do with Health Savings Accounts, not the kind that are still around or that were around previously where you could put money aside pretax and where, if you didn't spend it by the end of the year, you lost it. Huh-uh. We're talking about, in my bill, having a Health Savings Account where you could put money in there pretax, and where it could roll over and grow. If you don't spend it all, it just rolls over and grows. It is yours. It is for health care alone. You have a debit card, and that let's you go into any doctor's office, any hospital, any pharmacy to buy what you need for health care. You use that debit card. Then you buy catastrophic care to cover over that.

Under my bill, employers would still get great tax benefits by buying insurance for their employees, and they would do so by buying catastrophic insurance to cover everything above their Health Savings Accounts, and then they'd put money in their Health Savings Accounts which would be owned by the individual but could only be used for health care. Then we've been told by the statisticians that, as for the kids in their twenties and thirties, as they get older and by the time they get to 65 and get ready to retire, the vast majority will have so much money that they're not going to need Federal Government help. They will not want the Federal Government intervening in their health care because they will be masters of themselves.

In the meantime, to move us to that, I want to be fair to seniors and not promise something that ends up hurting them, like this monstrosity. So, under this bill, we're better off. Since it costs $10,000, on average, for every household in America to pay for Medicare and Medicaid, we're better off just saying, Senior households, here's $3,500 in your Health Savings Account—cash—and we, the Federal Government, will buy you catastrophic insurance to cover everything above that. There's no more need for supplemental insurance. None of that. You're good to go. Then that starts getting the young people moving on the road to getting us out of this trap of Medicare.

Under the bill that we have right here, seniors will have a choice. If you want Medicare, stay on it, but when you see your neighbors are better covered and that they control their own destinies in health care, then you're going to want what they have, and then it will go that way very quickly.

I just want to point out one other thing really quickly—another deal that was cut—and I don't have time to pull it out right now and find it, but let me just point out that there was a deal that was cut for pharmaceuticals. The deal is that, under this monstrous Pelosi health care bill, people will no longer be able to buy over-the-counter medication with their Health Savings Accounts. They'll have to buy prescription drugs if they want to use those Health Savings Accounts that are funded by their employers or they'll have to use their own money that has built up over the years.

I've got a good example here. I have this in my pocket because, since I was 8 years old, I've suffered from hay fever. It's Chlor-Trimeton. Years and years ago, it was a prescription drug. Now I can buy it for $2.34—a big bottle of it. It's embarrassing, frankly, if you get up and your nose starts running. So I have one in my pocket, so that, if my nose starts running, I can take a Chlor-Trimeton so my nose isn't running and so I'm not sniffing here on the floor of the House. Yet, under this bill, I'll have to buy some expensive prescription antihistamine if I'm going to use my Health Savings Account.

That was a deal done, and now we begin to see a little bit. Now that this has come out of the closet, we're beginning to see the deals that were done, and that's one to help the pharmaceuticals.

I will yield to my friend.

Mr. BOUSTANY. I thank my friend for yielding.

I'm really glad that you brought up Health Savings Accounts. First of all, Health Savings Accounts were created by a Republican Congress, so that was one of the things that Republicans did when we were in control of the Congress, among a few other things in health care; but one of the problems we've had with Health Savings Accounts, that I've heard, is that a lot of families can't put enough money into them to really make them meaningful.

You know, I introduced a bill that actually, really, raises the amount of money that you can put into one so that you actually, really, do save money year in and year out and do build savings.

Secondly, when you get to be a senior and when you go on Medicare, you can keep that Health Savings Account and can continue to fund it and can use it for things that Medicare currently doesn't cover. So many seniors have to buy supplemental insurance. You could use your Health Savings Account to fund that. So now you're using pretax dollars rather than really hard-earned, after-tax dollars for that health need. There are a number of other things that families could use these for.

Finally, upon death, you can pass your Health Savings Account on to your family without a tax consequence, and now you're really building savings across generations to take care of our health problems, putting families back in control of their health care destinies rather than, again, a big government, one-size-fits-all-kind of a program, such as what we see with the Pelosi health plan.

I yield back.

Mr. GOHMERT. I thank you for that observation.

That's exactly right. Some people will not be able to put money into the Health Savings Accounts, and those will be people we will be able to help as the Federal Government, and it will be cheaper to do that than to keep going bankrupt, which is where we're going. The projection is, by 2017–2018, we're going to bankrupt America with Medicare. Why wouldn't you try to do something to rein that in?

Let me just say I disagree with what the President has done. I've been in the Army. I've seen how commanders agonize, and I know General McChrystal was handpicked. He went over there. He gave the President his assessment. We really need at least 40,000 troops. It's very plain. You either put them in there or we're going to lose this war. Now, to me, that seems like that ought not to require more than 72 hours once you get that general's report. My goodness.

He says, The guy I handpicked, if we don't give him 40,000 troops quick, then we're going to lose the war.

That's very clear. He didn't take 72 hours. He is taking 60 days or more and counting. We've got 60,000, 70,000 troops or so over in Afghanistan who are waiting with bated breath to know what the President is going to do, and so are we.

This bill here will affect over 300 million people's lives and the lives of generations to come. We don't get the 60 days that the President has taken to make sure he gets it right. We're told we get 72 hours. You're not going to have time to find all the pitfalls that we've put in there. We're talking about the future of this country and about future generations. They are owed so much better, not because they've done anything to deserve it, not because we've done anything to deserve the blessings that have been heaped upon us, but because those who went before us made the sacrifice of life—of their fortunes, of their sacred honor—and that's why we reap the benefits we do. We owe it to future generations because of what the past generations have done for us, and that is what we have to do.

It breaks my heart to close out this congressional session. We're going home, and the President will make a lot of appearances, and so will Speaker PELOSI. The American people are the ones who are going to get hurt, and the children of the future will get hurt.

Oh, yeah. Congresswoman CAPPS is a very gracious, delightful Member of Congress, but the Capps amendment is in there, so this type of public option will be able to fund abortions. I mean this stuff is here. We need more than 72 hours. We need at least as much as the President is taking to review Afghanistan.

Mr. Speaker, with that, I know my time has run out, so I yield back at this time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PATRICK J. MURPHY of Pennsylvania (at the request of Mr. HOYER) for today and the balance of the week on account of the birth of a child.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MELANCON) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. GINGREY, for 5 minutes, today.

Mr. WESTMORELAND, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. DEAL of Georgia, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, November 2, 3, 4 and 5.

Mr. MORAN of Kansas, for 5 minutes, November 2, 3, 4 and 5.

Mr. POE of Texas, for 5 minutes, November 2 and 5.

Mr. JONES, for 5 minutes, November 5.

Mr. KIRK, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, November 2 and 3.

Mr. DANIEL E. LUNGREN of California, for 5 minutes, today.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 832. To amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 1694. An act to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on October 29, 2009 she presented to the President of the United States, for his approval, the following bills:

H.J. Res. 26. Proclaiming Casimir Pulaski to be an honorary citizen of the United States Posthumously

H.R. 1209. 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.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until Monday, November 2, 2009, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4356. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Inert Ingredients; Extension of Effective Date of Revocation of Certain Tolerance Exemptions with Insufficient Data for Reassessment [EPA-HQ-OPP-2009-0601; FRL-8794-1] received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4357. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Restriction on Research and Development — Deletion of Obsolete Text (DFARS Case 2009-D005) (RIN: 0750-AG33) received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4358. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Carbon Monoxide Maintenance Plan Updates; Limited Maintenance Plan [EPA-R05-OAR-2009-0120; FRL-8968-1] received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4359. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio Administrative Code Rule 3745-21-17 Portable Fuel Containers [EPA-RO5-OAR-2007-0908; FRL-8958-1] received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4360. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Primary Drinking Water Regulations: Drinking Water Regulations for Aircraft Public Water Systems [EPA-HQ-OW-2005-0025; FRL-8967-9] (RIN: 2040-AE84) received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4361. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State Implementation Plan, Maricopa County Air Quality Department [EPA-R09-0AR-2009-0339; FRL-8947-2] received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4362. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. ACT 18-221, ''Public Assistance Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4363. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. ACT 18-220, ''Private Fire Hydrant Responsibility Temporary Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4364. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. ACT 18-219, ''University of the District of Columbia Procurement Authority Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4365. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. ACT 18-218, ''University of the District of Columbia Board of Trustees Quorum Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4366. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. ACT 18-217, ''Reinstated Nonprofit Corporation Contract Ratification Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4367. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-216, ''Personal Mobility Device for Persons with Disabilities Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4368. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-222, ''Unemployment Compensation Extended Benefits Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4369. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-223, ''Studio Theater Housing Property Tax Exemption and Equitable Tax Relief Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4370. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-224, ''Kelsey Gardens Redevelopment Project Real Property Limited Tax Abatement Assistance Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4371. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-225, ''Chemotherapy Pill Coverage Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4372. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Carlos Bay, FL [COTP St. Petersburg 07-225] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4373. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Garrison Channel, Florida [COTP St. Petersburg, FL 07-224] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4374. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks — St. Petersburg Beach, Gulf of Mexico, Florida [COTP St. Petersburg, FL 07-223] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4375. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Iron Man Swimming Competition, Gulf of Mexico, Clearwater, FL [COTP St. Petersburg, FL 07-222] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4376. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks — Seddon Channel, Tampa Bay, Florida [COTP Sector St. Petersburg, FL 07-221] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4377. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for Marco Island Air Show; Tampa Bay, FL [COTP Sector St. Petersburg 07-220] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4378. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 485.1 [COTP Sector Upper Mississippi River-07-004] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4379. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 130 to 145 [COTP Sector Upper Mississippi River-07-005] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4380. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 534.5 to 535.5 [COTP Sector Upper Mississippi River-07-006] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4381. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 180 to 187 [COTP Sector Upper Mississippi River-07-007] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4382. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River Mile Marker 364.0 to Mile Marker 366.0, Kansas City, KS [COTP Sector Upper Mississippi River-07-009] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4383. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 309.0 to

315.0 [COTP Sector Upper Mississippi River-07-010] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4384. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 630.0 to 300.0 [COTP Sector Upper Mississippi River-07-011] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4385. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Illinois River Mile 157 to Mile 167.0 [COTP Sector Upper Mississippi River-07-001] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4386. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kaskaskia River Mile Marker 10.5 to Mile Marker 11.5, Evansville, IL [COTP Sector Upper Mississippi River-07-003] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4387. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Tampa Bay, Garrison Channel, Florida [COTP Sector St. Petersburg, FL 07-240] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4388. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Old Tampa Bay, FL [COTP Sector St. Petersburg, FL 07-244] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4389. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Clearwater Harbor, Florida [Docket No.: COTP Sector St. Petersburg 07-254] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4390. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Tampa Bay, FL [COTP Sector St. Petersburg 06-255] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4391. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tampa Bay, Florida [COTP St. Petersburg, FL 07-268] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4392. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Alafia River, FL [Docket No.: COTP St. Petersburg 07-270] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4393. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's ''Major'' final rule — Revised Medical Criteria for Evaluating Maligant Neoplastic Diseases [Docket No.: SSA-2007-0066] (RIN: 0960-AG57) received October 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. ZOE of California: Committee on Standards of Official Conduct. In the Matter of Representative Sam Graves (Rept. 111–320). Referred to the House Calendar.

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. DINGELL (for himself, Mr. RANGEL, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. STARK, Mr. PALLONE, and Mr. ANDREWS):

H.R. 3961. A bill to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians; 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. DINGELL (for himself, Mr. RANGEL, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. STARK, Mr. PALLONE, and Mr. ANDREWS):

H.R. 3962. A bill to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, Oversight and Government Reform, the Budget, Rules, Natural Resources, 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. DANIEL E. LUNGREN of California (for himself, Mr. DENT, Mr. BILIRAKIS, Ms. JACKSON-LEE of Texas, and Mr. CARNEY):

H.R. 3963. A bill to provide specialized training to Federal air marshals; to the Committee on Homeland Security.

By Mr. HENSARLING (for himself, Mr. RYAN of Wisconsin, Mr. GARRETT of New Jersey, Mr. CAMPBELL, Mr. JORDAN of Ohio, Mrs. LUMMIS, Mr. LATTA, Mr. BARTON of Texas, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. COLE, Mr. FRANKS of Arizona, Mr. HERGER, Mr. LAMBORN, Mr. LUETKEMEYER, Mr. MARCHANT, Mr. NEUGEBAUER, Mr. PITTS, and Mr. SHADEGG):

H.R. 3964. A bill to reform Federal budget procedures, to impose spending and deficit limits, to provide for a sustainable fiscal future, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Rules, Appropriations, Oversight and Government Reform, 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 Ms. SPEIER (for herself, Mr. TOWNS, Mrs. MALONEY, Mr. FOSTER, Ms. KAPTUR, Mr. DRIEHAUS, Ms. WATSON, Mr. CUMMINGS, and Mr. QUIGLEY):

H.R. 3965. A bill to require full and complete public disclosure of the terms of home mortgages held by Members of Congress; to the Committee on House Administration.

By Mr. CARSON of Indiana:

H.R. 3966. A bill to amend the American Reinvestment and Recovery Act of 2009 to extend for 6 months the period of eligibility for COBRA premium assistance under such Act; to the Committee on Education and Labor, and in addition to the Committees on Ways and Means, and 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. CUMMINGS (for himself, Ms. CORRINE BROWN of Florida, Ms. NORTON, and Mr. PAYNE):

H.R. 3967. A bill to amend the National Great Black Americans Commemoration Act of 2004 to authorize appropriations through fiscal year 2015; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLISON:

H.R. 3968. A bill to amend the Bank Holding Company Act of 1956 to require the Board of Governors of the Federal Reserve System to take prompt corrective action to resolve problems of bank holding companies; to the Committee on Financial Services.

By Mr. REYES (for himself, Mr. HASTINGS of Florida, Mr. RUPPERSBERGER, and Mr. BOREN):

H.R. 3969. A bill to extend and modify certain provisions of the Foreign Intelligence Surveillance Act of 1978 relating to combating terrorism; to the Committee on the Judiciary, and in addition to the Committees on Financial Services, and Intelligence (Permanent Select), 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. KIRK (for himself, Mr. BURGESS, Mrs. BIGGERT, Mr. LEE of New York, Mr. LANCE, Mr. SCHOCK, Mr. MICA, Mrs. CAPITO, Mr. FRELINGHUYSEN, and Mr. MACK):

H.R. 3970. A bill to protect the doctor-patient relationship, improve the quality of health care services, lower the costs of health care services, expand access to health care services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Ways and Means, Education and Labor, Appropriations, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE:

H.R. 3971. A bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include health insurance payments and to increase the dollar limitation for contributions to health savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida (for himself, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Ms. NORTON, and Mr. SABLAN):

H.R. 3972. A bill to establish a commission to make recommendations on the appropriate size of membership of the House of Representatives and the method by which Members are elected; to the Committee on the Judiciary.

By Mr. HIMES (for himself, Mr. TOWNS, Mr. COURTNEY, Mr. LARSON of Connecticut, Mr. MURPHY of Connecticut, Mr. BLUMENAUER, Mr. CONYERS, Ms. DELAURO, Mr. SCOTT of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON of Illinois, and Mr. ELLISON):

H.R. 3973. A bill to establish a competitive grant program assisting the development of innovative early learning curricula for low-income children; to the Committee on Education and Labor.

By Mr. HONDA (for himself, Mr. DENT, Mr. TOWNS, Mr. CASSIDY, Ms. LEE of California, Mr. CAO, Mrs. CHRISTENSEN, Mr. PLATTS, Mr. BUTTERFIELD, Ms. CHU, Mr. RUSH, and Mr. WU):

H.R. 3974. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, education, research, and medical management referral program for viral hepatitis infection that will lead to a marked reduction in the disease burden associated with chronic viral hepatitis and liver cancer; to the Committee on Energy and Commerce.

By Ms. NORTON (for herself, Mr. HOYER, Mr. WOLF, Mr. MORAN of Virginia, Mr. VAN HOLLEN, Ms. EDWARDS of Maryland, and Mr. CONNOLLY of Virginia):

H.R. 3975. A bill to require the National Transportation Safety Board to include affordable alternative recommendations and corrective actions in its reports; to the Committee on Transportation and Infrastructure.

By Mr. PERRIELLO:

H.R. 3976. A bill to extend certain expiring provisions providing enhanced protections for servicemembers relating to mortgages and mortgage foreclosure; to the Committee on Veterans' Affairs.

By Ms. SUTTON (for herself, Mr. GRIJALVA, Ms. CORRINE BROWN of Florida, Ms. KAPTUR, Mr. HARE, Ms. HIRONO, Mr. STUPAK, Mr. HASTINGS of Florida, Mr. SIRES, Mr. COURTNEY, and Ms. MARKEY of Colorado):

H.R. 3977. A bill to amend the Truth in Lending Act to establish limits on certain fees with regard to credit card accounts under open end consumer credit plans,and for other purposes; to the Committee on Financial Services.

By Mr. WU (for himself, Mr. FRANK of Massachusetts, Mr. WOLF, Mr. SMITH of New Jersey, Mr. WAXMAN, Mr. MURTHA, Mr. LEVIN, Mr. SKELTON, Mr. ACKERMAN, Mr. LARSON of Connecticut, Mr. GEORGE MILLER of California, Ms. VELÁZQUEZ, Mr. RAHALL, Mr. REYES, Mr. THOMPSON of Mississippi, Mr. HONDA, Mr. CAO, Ms. CHU, Ms. MATSUI, Ms. HIRONO, Mr. DEFAZIO, Mr. BLUMENAUER, Mr. SCHRADER, Mr. SHERMAN, Mr. HOLT, Mr. STARK, Ms. JACKSON-LEE of Texas, Mr. SMITH of Washington, Ms. WOOLSEY, Mr. SCHIFF, Mr. FLAKE, Ms. WASSERMAN SCHULTZ, Mr. MARIO DIAZ-BALART of Florida, Mr. JONES, Mr. BARTLETT, Mr. MCNERNEY, Mr. ISRAEL, Mr. MITCHELL, Ms. BALDWIN, Mr. HALL of New York, Ms. KILROY, Mr. COHEN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. EDWARDS of Maryland, Mr. MILLER of North Carolina, Mr. GRIFFITH, Mr. LUJÁN, Mr. BAIRD, Ms. FUDGE, Mr. INGLIS, Mr. MATHESON, Mr. HALL of Texas, Mr. EHLERS, Mr. TONKO, Mr. BILBRAY, Mr. GRAYSON, Mr. YARMUTH, Mr. SIRES, Mr. TAYLOR, Mr. ADERHOLT, Mr. KAGEN, Mr. HOLDEN, Mr. ROHRABACHER, Mr. WHITFIELD, Mr. LATOURETTE, Mr. FRELINGHUYSEN, Mr. SIMPSON, Mr. NUNES, Mr. ANDREWS, Mr. ROYCE, Mr. CAMPBELL, Mr. SOUDER, Mr. SAM JOHNSON of Texas, Mr. CASSIDY, Mr. WAMP, Mr. CONAWAY, Mr. KINGSTON, Mrs. MYRICK, Mr. MARSHALL, Mr. BOOZMAN, Mr. CRENSHAW, Mr. DOYLE, Mr. DONNELLY of Indiana, Ms. KAPTUR, Mr. HINCHEY, Mr. PASCRELL, Mr. CAPUANO, Mr. STUPAK, Mr. PERLMUTTER, Mrs. MCCARTHY of New York, Mr. HASTINGS of Florida, Mr. KANJORSKI, Mr. DAVIS of Illinois, Ms. KILPATRICK of Michigan, Mr. CARSON of Indiana, Mr. ROGERS of Kentucky, Mr. DUNCAN, Mr. BURTON of Indiana, Mr. BROWN of South Carolina, Mr. LOBIONDO, Mr. PETRI, Mr. BILIRAKIS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BARTON of Texas, Mr. KING of Iowa, Mr. GRIJALVA, Mr. TANNER, Mr. MOORE of Kansas, Mr. FILNER, Ms. MCCOLLUM, Ms. SCHAKOWSKY, Mr. MOLLOHAN, Ms. ROYBAL-ALLARD, Mr. GONZALEZ, Mr. JACKSON of Illinois, Mr. ABERCROMBIE, Mr. BRALEY of Iowa, Mr. POMEROY, Mr. SABLAN, Mr. COOPER, Ms. BEAN, and Mr. BRADY of Pennsylvania):

H. Res. 877. A resolution expressing support for Chinese human rights activists Huang Qi and Tan Zuoren for engaging in peaceful expression as they seek answers and justice for the parents whose children were killed in the Sichuan earthquake of May 12, 2008; to the Committee on Foreign Affairs.

By Mr. PLATTS:

H. Res. 878. A resolution expressing support for the goals and ideals of National Family Literacy Day; to the Committee on Education and Labor.

By Mr. MINNICK (for himself and Mrs. BIGGERT):

H. Res. 879. A resolution supporting the goals and ideals of American Education Week; to the Committee on Oversight and Government Reform.

By Mr. CASSIDY:

H. Res. 880. A resolution recognizing the efforts of career and technical colleges to educate and train workers for positions in high-demand industries; to the Committee on Education and Labor.

By Mr. HENSARLING:

H. Res. 881. A resolution recognizing the citizens of Wills Point for commemorating 100th anniversary of President William Taft's 1909 campaign stop and preserving the city's history for future generations of Texans; to the Committee on Oversight and Government Reform.

By Mr. SCHIFF (for himself, Mr. BERMAN, Mr. SHERMAN, Mr. WEINER, and Ms. HARMAN):

H. Res. 882. A resolution commending Chief William J. Bratton for his service as Chief of Police of Los Angeles; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. WALZ.

H.R. 28: Mr. FRELINGHUYSEN.

H.R. 61: Mr. TOWNS, Ms. LEE of California, Mr. MCGOVERN, Mr. LEWIS of Georgia, Mr. COHEN, Mr. JOHNSON of Georgia, Mr. FATTAH, and Ms. FUDGE.

H.R. 208: Ms. ZOE LOFGREN of California, Ms. KAPTUR, Mr. GUTHRIE, and Mr. FRANK of Massachusetts.

H.R. 211: Ms. KOSMAS.

H.R. 213: Mr. NYE and Mr. PLATTS.

H.R. 417: Mr. PAYNE and Ms. WASSERMAN SCHULTZ.

H.R. 442: Mr. GRIFFITH and Mr. UPTON.

H.R. 484: Mr. MARSHALL and Mr. ROTHMAN of New Jersey.

H.R. 501: Mr. STARK.

H.R. 510: Mr. AKIN, Mr. SHIMKUS, and Mr. GRIFFITH.

H.R. 558: Mr. WALZ.

H.R. 593: Ms. KOSMAS. H.R. 634: Mr. UPTON.

H.R. 658: Mr. WHITFIELD.

H.R. 690: Mr. CAMPBELL.

H.R. 697: Mr. STARK.

H.R. 734: Mr. LOBIONDO.

H.R. 795: Mrs. DAVIS of California.

H.R. 836: Mr. MILLER of North Carolina.

H.R. 840: Mr. HEINRICH.

H.R. 858: Mr. WALDEN.

H.R. 868: Mr. MEEKS of New York, Mr. KENNEDY, and Mr. TOWNS.

H.R. 932: Mr. CARNEY.

H.R. 953: Mr. LAMBORN.

H.R. 980: Mr. GRAYSON and Ms. DEGETTE.

H.R. 1050: Mr. FORBES, Mr. SENSENBRENNER, and Mr. ROE OF TENNESSEE.

H.R. 1067: Ms. Zoe LOFGREN of California.

H.R. 1086: Mr. PETRI.

H.R. 1126: Mr. SERRANO.

H.R. 1132: Mr. KRATOVIL.

H.R. 1175: Mr. PETERSON.

H.R. 1245: Mr. HELLER.

H.R. 1250: Mr. CUMMINGS.

H.R. 1326: Ms. EDWARDS of Maryland, Mr. NEAL of Massachusetts, Ms. RICHARDSON, and Mr. HEINRICH.

H.R. 1422: Mr. POSEY.

H.R. 1454: Mr. REICHERT.

H.R. 1521: Mr. GORDON of Tennessee.

H.R. 1526: Ms. WASSERMAN SCHULTZ.

H.R. 1547: Mr. CULBERSON.

H.R. 1548: Mr. FOSTER and Ms. CLARKE.

H.R. 1549: Ms. SPEIER and Mr. ABERCROMBIE.

H.R. 1557: Mr. SMITH of Texas.

H.R. 1625: Mr. BARROW and Mr. SPACE.

H.R. 1670: Mr. HOLT.

H.R. 1685: Ms. HIRONO.

H.R. 1691: Mr. ALEXANDER.

H.R. 1778: Mrs. LOWEY.

H.R. 1791: Mr. WEINER.

H.R. 1799: Mr. PAUL.

H.R. 1828: Ms. MARKEY of Colorado.

H.R. 1829: Mr. BOSWELL.

H.R. 1835: Mr. SHULER, Mr. COURTNEY, Mrs. LUMMIS, Mr. MOLLOHAN, Mr. GRIFFITH, Mr. CHANDLER, Mr. TOWNS, Mr. BOCCIERI, Mr. CARNEY, Ms. KAPTUR, Mr. MURPHY of Connecticut, Mr. POMEROY, and Ms. SUTTON.

H.R. 1974: Mr. CANTOR, Mr. CARNEY, Mr. NYE, Mr. HIGGINS, and Mr. ROGERS of Michigan.

H.R. 1977: Mr. ACKERMAN.

H.R. 2054: Mr. HEINRICH.

H.R. 2057: Mr. CUMMINGS.

H.R. 2067: Mr. WEINER.

H.R. 2068: Mr. HEINRICH.

H.R. 2112: Mr. THOMPSON of California.

H.R. 2135: Mr. WALZ.

H.R. 2136: Mr. ALEXANDER.

H.R. 2138: Mr. SOUDER.

H.R. 2269: Ms. RICHARDSON.

H.R. 2279: Mr. BERMAN, Mr. SCOTT of Virginia, and Mrs. CAPPS.

H.R. 2296: Mr. GARY G. MILLER of California and Ms. JENKINS.

H.R. 2372: Mr. SENSENBRENNER and Mrs. MYRICK.

H.R. 2378: Mr. PERRIELLO, Mr. EHLERS, Mr. ROGERS of Kentucky, and Mr. FILNER.

H.R. 2408: Ms. ZOE LOFGREN of California and Mr. TIERNEY.

H.R. 2425: Mr. GRIJALVA.

H.R. 2446: Mr. WALZ.

H.R. 2452: Mr. MCHENRY.

H.R. 2478: Mr. REHBERG.

H.R. 2480: Mr. HEINRICH.

H.R. 2492: Mr. SESTAK and Ms. WOOLSEY.

H.R. 2502: Mr. CARSON of Indiana.

H.R. 2516: Mr. BURGESS, Mrs. CAPITO, and Mr. PETRI.

H.R. 2526: Mr. BRALEY of Iowa.
H.R. 2537: Mr. POSEY.
H.R. 2556: Mr. COFFMAN of Colorado.
H.R. 2562: Mr. BUCHANAN.
H.R. 2624: Mr. WALZ.
H.R. 2628: Mr. LOBIONDO.
H.R. 2642: Mr. RODRIGUEZ.
H.R. 2672: Mr. KLINE of Minnesota.
H.R. 2690: Mr. GENE GREEN of Texas.
H.R. 2696: Mr. BLUMENAUER.
H.R. 2698: Mr. HOLT, Mr. ADLER of New Jersey, Mr. MOLLOHAN, and Mr. DRIEHAUS.
H.R. 2710: Mr. MARKEY of Massachusetts.
H.R. 2730: Mr. WALZ.
H.R. 2740: Mr. STARK.
H.R. 2748: Mr. COURTNEY and Mr. MURPHY of Connecticut.
H.R. 2766: Mr. STARK and Mr. ELLISON.
H.R. 2777: Ms. ROS-LEHTINEN.
H.R. 2817: Mr. BOSWELL and Mr. GRIJALVA.
H.R. 2879: Mr. MICHAUD and Mrs. HALVORSON.
H.R. 2906: Mr. BOSWELL.
H.R. 2932: Mr. BISHOP of Georgia.
H.R. 2941: Mr. DAVIS of Illinois.
H.R. 3006: Mr. ALTMIRE.
H.R. 3010: Mr. DEFAZIO and Mr. WALZ.
H.R. 3035: Mr. GONZALEZ and Mr. FILNER.
H.R. 3048: Mr. HEINRICH.
H.R. 3053: Mr. RUSH.
H.R. 3126: Mr. DAVIS of Illinois.
H.R. 3149: Mr. BRALEY of Iowa, Mr. HARE, and Mr. FARR.
H.R. 3199: Ms. ZOE LOFGREN of California.
H.R. 3202: Mr. MAFFEI.
H.R. 3227: Mr. JOHNSON of Georgia, Mr. BISHOP of New York, and Mr. GRIJALVA.
H.R. 3242: Ms. TSONGAS.
H.R. 3243: Mr. HINCHEY.
H.R. 3245: Ms. CLARKE.
H.R. 3286: Mr. BLUMENAUER, Mr. SCHIFF, and Mr. KILDEE.
H.R. 3321: Ms. WOOLSEY, Mr. WEXLER, Ms. CORRINE BROWN of Florida, Mr. SIRES, Mr. GRIJALVA, and Mr. FILNER.
H.R. 3328: Mr. ELLISON.
H.R. 3339: Mrs. NAPOLITANO.
H.R. 3343: Mr. GRIJALVA.
H.R. 3356: Mr. CAMPBELL, Mr. THOMPSON of Pennsylvania, Mr. LUETKEMEYER, Mr. PITTS, and Mr. RYAN of Wisconsin.
H.R. 3363: Mr. LAMBORN.
H.R. 3407: Mr. KLINE of Minnesota.
H.R. 3421: Mr. CAPUANO.
H.R. 3453: Mr. ALEXANDER and Mr. BOUSTANY.
H.R. 3462: Mr. ROGERS of Michigan.
H.R. 3485: Mr. GARRETT of New Jersey and Mr. CAPUANO.
H.R. 3503: Mr. COHEN, Mr. SIRES, and Ms. HIRONO.
H.R. 3510: Ms. WATSON, Mr. MILLER of North Carolina, Mr. LANGEVIN, Ms. ESHOO, Mr. MAFFEI, Mr. LUJAN, and Mr. KENNEDY.
H.R. 3596: Mr. GONZALEZ, Mr. KENNEDY, and Ms. WASSERMAN SCHULTZ.
H.R. 3608: Mr. MCCLINTOCK.
H.R. 3634: Mr. HOEKSTRA and Mr. Peters.
H.R. 3636: Ms. DELAURO.
H.R. 3644: Ms. HIRONO, and Ms. SHEA-PORTER.
H.R. 3650: Mr. MICHAUD, Mr. INSLEE, Ms. HIRONO, and Mr. KIRK.
H.R. 3654: Ms. KOSMAS.
H.R. 3666: Mrs. EMERSON and Mr. COURTNEY.
H.R. 3668: Mr. GRIJALVA, Mr. MCDERMOTT, Mr. BURTON of Indiana, Mr. VAN HOLLEN, Mr. DOGGETT, and Mr. TONKO.
H.R. 3702: Mr. SOUDER.
H.R. 3727: Mr. TONKO.
H.R. 3742: Mr. LUJAN, Mr. BECERRA, Mrs. KIRKPATRICK of Arizona, and Mr. LARSEN of Washington.
H.R. 3752: Mr. CHAFFETZ and Mr. LOBIONDO.
H.R. 3760: Ms. JENKINS, Mr. PLATTS, and Mr. YOUNG of Alaska.
H.R. 3761: Ms. JENKINS.
H.R. 3790: Mr. ROGERS of Alabama, Mrs. MYRICK, Mr. GORDON of Tennessee, Mr. WOLF, Mr. LATHAM, and Mr. LATOURETTE.
H.R. 3797: Mr. LATTA.
H.R. 3799: Mr. CLEAVER and Mr. CONYERS.
H.R. 3810: Mr. KUCINICH.
H.R. 3813: Mr. ALTMIRE.
H.R. 3828: Mr. OLSON, Mr. PLATTS, Mr. KING of Iowa, and Mrs. MYRICK.
H.R. 3832: Mr. BROUN of Georgia, Mr. DANIEL E. LUNGREN of California, Mr. BURGESS, Mrs. Lummis, Mr. BISHOP of Utah, Mr. LAMBORN, Mr. AKIN, Mr. HUNTER, Mrs. BACHMANN, Mr. ROONEY, Mr. LUETKEMEYER, Mr. MCCOTTER, Mr. KLINE of Minnesota, Mr. WILSON of South Carolina, and Mr. MILLER of Florida.
H.R. 3837: Mr. LUJÁN and Mr. FILNER.
H.R. 3838: Mr. CARNAHAN.
H.R. 3855: Mr. SABLAN, Mr. MCGOVERN, Mr. STARK, and Ms. NORTON.
H.R. 3904: Mr. OLVER and Ms. LINDA T. SÁNCHEZ of California.
H.R. 3905: Mr. SKELTON, Mr. MORAN of Kansas, and Mr. CUELLAR.
H.R. 3916: Mr. TIM MURPHY of Pennsylvania.
H.R. 3921: Ms. BORDALLO, Mr. HALL of New York, Ms. RICHARDSON, Mr. UPTON, and Mr. MATHESON.
H.R. 3922: Mrs. BLACKBURN and Mr. BOOZMAN.
H.R. 3924: Mr. BUYER, Mr. UPTON, Mr. CONAWAY, Mr. FRANKS of Arizona, Mrs. LUMMIS, Mr. BISHOP of Utah, Mr. BOREN, Mr. AKIN, Mrs. BACHMANN, Mr. LUETKEMEYER, Mr. HUNTER, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. LAMBORN, Mr. SHIMKUS, Mr. SHADEGG, Mrs. MYRICK, Mr. JORDAN of Ohio, and Mr. GINGREY of Georgia.
H.R. 3926: Ms. BORDALLO, Mr. MICHAUD, Mr. PETERSON, and Mr. MCINTYRE.
H.R. 3931: Ms. HARMAN.
H.R. 3939: Mr. MCCLINTOCK.
H.R. 3940: Mr. FALEOMAVAEGA, Mr. PIERLUISI, and Mr. SABLAN.
H.R. 3942: Mr. PASTOR of Arizona.
H.R. 3943: Mr. WALZ, Mr. CARNEY, Ms. KILPATRICK of Michigan, Mr. PAUL, Mr. RODRIGUEZ, Ms. CORRINE BROWN of Florida, Ms. HIRONO, Mr. MINNICK, Ms. SHEA-PORTER, Mr. ALEXANDER, and Mr. WOLF.
H.R. 3959: Mr. MEEK of Florida and Ms. SUTTON.
H. J. Res. 11: Mr. SOUDER.
H. J. Res. 42: Mr. AUSTRIA.
H. J. Res. 61: Mr. CAPUANO.
H. Con. Res. 42: Mr. THOMPSON of Mississippi.
H. Con. Res. 43: Mr. THOMPSON of Mississippi.
H. Con. Res. 199: Mr. LANGEVIN, Mr. ROONEY, Mr. HUNTER, Mr. ABERCROMBIE, Mr. BARTLETT, Mr. HEINRICH, Mr. COFFMAN of Colorado, Ms. MOORE of Wisconsin, Ms. KAPTUR, Mr. HONDA, Mr. PIERLUISI, Mr. SCOTT of Georgia, Mr. ROSKAM, Mr. PITTS, and Ms. HIRONO.
H. Con. Res. 206: Mr. ROGERS of Alabama, Mr. MCKEON, Mr. TAYLOR, Mr. LANGEVIN, Mr. COOPER, Mr. BOYD, and Mr. FRANKS of Arizona.
H. Res. 89: Ms. CORRINE BROWN of Florida, Mr. GUTIERREZ, Mr. AL GREEN of Texas, Mr. RUSH, Mr. MURPHY of New York, Mr. CAPUANO, Mr. MEEK of Florida, and Mr. LOBIONDO.
H. Res. 150: Mr. ELLISON.
H. Res. 267: Mr. CUMMINGS.
H. Res. 554: Mr. COFFMAN of Colorado, Mr. GUTHRIE, and Mr. LATOURETTE.
H. Res. 577: Mr. ELLSWORTH, Mr. CONAWAY, Mr. VISCLOSKY, Mr. BURGESS, and Mr. RYAN of Wisconsin.
H. Res. 619: Mr. TURNER.
H. Res. 704: Mr. FRANKS of Arizona, Mr. MACK, Mr. YOUNG of Alaska, Mrs. EMERSON, Mr. MORAN of Kansas, and Mr. COFFMAN of Colorado.
H. Res. 708: Mr. CUMMINGS.
H. Res. 749: Mr. TURNER.
H. Res. 780: Mr. COURTNEY and Ms. MATSUI.
H. Res. 835: Mr. WOLF.
H. Res. 841: Mr. BOOZMAN, Mr. DUNCAN, Mr. COLE, Mr. LUCAS, Mr. DAVIS of Kentucky, Mr. ROGERS of Alabama, Mr. LANCE, Mr. PRICE of Georgia, Mr. SHUSTER, Mr. HOLDEN, and Ms. RICHARDSON.
H. Res. 847: Mr. SULLIVAN, Mr. MCCLINTOCK, Mr. KLINE of Minnesota, Mr. SOUDER, Mr. SIMPSON, and Mr. GOODLATTE.
H. Res. 848: Mr. MORAN of Kansas.
H. Res. 856: Mr. FRANKS of Arizona.
H. Res. 858: Mrs. SCHMIDT.
H. Res. 861: Mr. BRADY of Pennsylvania, Mr. WITTMAN, Mr. MILLER of Florida, Mrs. DAVIS of California, Mr. BUCHANAN, Mr. NYE, Mr. MURPHY of New York, Mr. ISSA, Mr. HALL of New York, Mr. SHULER, Mr. INGLIS, Ms. BORDALLO, Mr. RODRIGUEZ, Mr. PIERLUISI, Mr. MASSA, Mrs. MCMORRIS RODGERS, and Mr. AKIN.
H. Res. 866: Mr. FARR, Ms. GRANGER, Mr. SMITH of Texas, and Mr. MCINTYRE.
H. Res. 867: Mr. BARTLETT, Mr. HALL of New York, Mrs. MCCARTHY of New York, Ms. SCHWARTZ, Ms. FOXX, Mr. PENCE, Mr. TIM MURPHY of Pennsylvania, Mr. SCALISE, Mr. BACA, Mr. GENE GREEN of Texas, Mr. SENSENBRENNER, Mr. BARTON of Texas, Mr. TIBERI, Ms. CORRINE BROWN of Florida, Mr. REHBERG, Mr. GRAVES, Mr. JORDAN of Ohio, Mr. WILSON of South Carolina, Mr. HARE, Mrs. MILLER of Michigan, Mr. KLINE of Minnesota, Mr. MCCLINTOCK, Mr. SOUDER, Mr. HELLER, Mr. BROWN of South Carolina, Mr. YOUNG of Alaska, Mr. BROUN of Georgia, Mr. BOOZMAN, Mr. WOLF, Mr. GARRETT of New Jersey, and Ms. SCHAKOWSKY.
H. Res. 869: Mr. KLINE of Minnesota, Mr. REICHERT, and Mr. GOODLATTE.
H. Res. 874: Mr. WALDEN, Mr. DENT, Mr. CHAFFETZ, Mr. KING of New York, and Mr. BUCHANAN.

PETITIONS, ETC.

Under clause 1 of rule XXII,

76. The SPEAKER presented a petition of City of Atlanta, Georgia, relative to Resolution 09–R–1646 urging the President and the Congress of the United States and those from across Georgia to work together on finding a solution to the health care crisis; which was referred to the Committee on Energy and Commerce.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, OCTOBER 29, 2009 No. 159

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.

Holy God, as we labor today, may our praise rise to You. All Your works praise Your Name on the Earth, in the sky, and on the sea.

Lead our Senators along the paths of Your will. Stir Your cleansing and edifying spirit among them as You clarify and strengthen their thoughts and actions. Lord, empower our lawmakers to work diligently for the freedom and justice of all people. Help them to see and know purposes beyond partisan interest, as they remember that they are first and foremost citizens of Your kingdom. Remind them that You guide the humble and teach them Your way.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND 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 29, 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 leader remarks, there will be a period of morning business, with Senators allowed to speak for up to 10 minutes each. The Republicans will control the first hour and the majority will control the next hour.

I anticipate that the Senate will adopt the motion to proceed to H.R. 3548, the Unemployment Benefits Extension Act of 2009. We also expect to receive the conference report to accompany Interior appropriations. I have spoken to the Speaker and the majority leader of the House, and they expect to have that to us early this afternoon. The conference report contains a continuing resolution that funds the government through December 18. We hope to reach a short time agreement to consider that conference report today. If we are not able to do that, we are going to have to have some votes tomorrow and it could spill over into Saturday if we can't work anything out. We have to get the unemployment done. We have millions of people who are waiting for that money.

MEASURES PLACED ON THE CALENDAR—S. 1963 AND H.R. 3617

Mr. REID. Madam President, I understand there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for a second time.

The bill clerk read as follows:

A bill (S. 1963) to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care veterans, and for other purposes.

A bill (H.R. 3617) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

Mr. REID. Madam President, I object to any further proceedings with respect to these matters en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the calendar.

NOMINATIONS

Mr. REID. Madam President, last week four Nevadans tragically died from the H1N1 virus, the swine flu. In Clark County, NV, the State's most populous county and the home of Las Vegas, 18 people have now died as a result of the H1N1 flu. We are all familiar with this strain of the flu. It has been on the front pages for months.

This past weekend, President Obama declared the outbreak a national emergency in anticipation of a rush of patients to doctors' offices and emergency rooms.

Fortunately, for nearly 150 years the United States has had a high-ranking official in place to serve as the government's top public health officer. We call that person the Surgeon General of the United States. Unfortunately, though, right now we have no permanent Surgeon General. The reason is as simple as it is mind-boggling: Republicans in the Senate refuse to confirm President Obama's exceptionally qualified nominee for this job. I would try to explain the Republican reason for the refusal, but, as with so many other

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

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things they oppose, a rationale simply does not exist. Senate Republicans are simply so opposed to everything—absolutely everything—that they even oppose putting people in some of the most important positions in our government. Democrats, on the other hand, believe those who are chosen to serve our country must be able to get to work without delay.

Perhaps those watching and listening think this is how the Senate always operates. It is not. Allow me to put these delays in context.

President Obama has 228 nominations awaiting confirmation—228. During the first Bush administration, there was not a problem; during the Reagan years, not a problem; during the Clinton years, minor problems; during the second Bush administration, no problems. During the first Bush administration, the first year, there wasn't a single cloture motion that had to be filed. He got basically everyone he wanted. But that isn't the way it is here. In the first 4 months of the Bush administration, as I indicated, the Senate was controlled by the President's party. We were in the minority. There wasn't a single filibuster—not one. But in the first 4 months of the Obama administration, Republicans filibustered eight of his nominees—in the first 4 months. That means President Obama faced twice as many filibusters of his nominees in the first 4 months of his administration as President Bush faced in his first 4 years.

Those who are watching may also understandably assume that if this is not how the Senate always operates, then there must be something extraordinarily controversial about these nominees, something highly objectionable or even questionable. Again, no. None of the nominees are controversial. None of them are questionable.

As I mentioned, Republicans in the Senate refuse to confirm our Nation's Surgeon General at a time when our President has declared a national emergency over the H1N1 virus. The President's nominee, Dr. Regina Benjamin, a physician from Alabama and the founder of a nonprofit rural health clinic, is eminently qualified for the position. She had been written up in news accounts from all over the country before she was selected by President Obama.

But that is not all. Republicans in the Senate also refuse to confirm the top official responsible for science and technology in our Department of Homeland Security. For that position, President Obama nominated an expert in combating both pandemics and bioterror attacks. Imagine that. Americans are bracing against a flu epidemic here at home and threats of terrorism from abroad; the President nominated someone highly experienced in both of these areas, and Republicans are saying no.

If that sounds like something you wouldn't want your Senate to do, you might even be further concerned that it is not the first time these Republican Senators have done it. While our sons and daughters are fighting in Iraq and rebuilding that nation, earlier this year Republicans delayed the confirmation of America's Ambassador to Iraq. While troops serve bravely in Afghanistan, earlier this year Republicans delayed the confirmation of LTG Stanley McChrystal, our new commander in that difficult war.

These telling examples are only the tip of the iceberg. Allow me to continue.

Months ago, President Obama picked a trade expert who worked in the Reagan, Bush, and Clinton administrations to be this Nation's Deputy Trade Representative, an extremely important job, but she has yet to officially join the Obama administration. Listen to this one. Why? Because a Republican Senator is holding up the nomination over a bill they think would hurt tobacco companies. If that seems like an unrelated, random reason to hold up this qualified nominee, you might even be more outraged to learn that the bill that so angers this Republican Senator is not before the U.S. Senate, it is not even before the U.S. House of Representatives. In fact, it is not even in the United States. It is a bill before the Canadian Parliament. It should go without saying that our administration can't dictate how the Canadian legislature does its job any more than the Canadian Parliament can dictate how we do ours. It should go without saying, but unfortunately we evidently have to say it.

Another example: President Obama nominated another former chief of staff of the General Services Administration, which manages Federal agencies. Today, that person has still not been confirmed. President Obama nominated this woman in April on the first full day of the Major League Baseball season. Today, on the second day of the World Series, she remains unconfirmed for her job. Why? Because a Republican Senator is demanding that a Federal building be built in his home State.

Let's go over these few things. There are 228 being held up, but we know we should have a Surgeon General. We know Regina Benjamin is eminently qualified. We have a flu pandemic. We have other issues facing our country, and we need the top doctor. We don't have it. Why? Just because the Republicans don't want anyone to move forward. We know that the head of the Department of Homeland Security, the Secretary of Homeland Security, is desperate to have someone there who can do the work that is needed dealing with this flu epidemic. I had a call from the Secretary of Homeland Security, Janet Napolitano, the day before yesterday. She said: I can't imagine why I can't get this woman to help me. We are dealing with bioterrorism, with the flu pandemic, and she is being held up. We are talking about trade relations that need to be improved all over the world, and we have this being held up because of some tobacco law they are considering in the Canadian Parliament.

There are so many examples. President Obama asked an expert in Latin American affairs, a man who has written books, a scholar—his expertise is in regime change in Central and South America. He has been a visiting scholar at many fine universities in the United States, even at Oxford. He has been chosen to be our Nation's Assistant Secretary of State for the Western Hemisphere to take care of what is going on in the southern part of this world in which we live.

Nearly 6 months after he was nominated, one Republican Senator still refused to allow the confirmation to move forward. This Senator is trying to force our Nation to recognize a military coup in Honduras, and so he is holding this nomination hostage. Most people would reasonably conclude that this nominee's expertise would be particularly useful at a time when there is a diplomatic crisis in Central America, in Honduras. The man who was ousted—some say constitutionally, some say not—they took him out of the country. He came back, and now he is in Brazil's Embassy and has been for about a month. There are demonstrations every day. The economy is staggering. Yet this is being held up.

These examples are not isolated. They are part of a much larger pattern. This year, Republicans have already gone to great lengths to ensure that President Obama cannot have his full team in place. We have already wasted taxpayers' precious time and money by holding up the present nominees for Secretary of Labor, Secretary of Health and Human Services, Director of National Drug Control Policy, Deputy Secretary for the Department of the Interior, two members of the Council of Economic Advisers, a number of Assistant Attorneys General, and many others. These nominees finally broke through, the ones I just mentioned: the Secretary of Labor, Health and Human Services, the Director of National Drug Policy, the Deputy Secretary of the Interior, two members of the Council of Economic Advisers, and a number of Assistant Attorneys General. They finally broke through, but their story doesn't end there. When votes were finally called, they passed with flying colors.

They passed with votes of 89 to 2, 97 to 1, 88 to 0, and 97 to 0. The numbers don't lie, and there is no clear evidence that many of these objections were without merit—just to stall. Some took weeks of time when we could have been doing other things. So it is obvious that these objections are not the norm, that they are not based on qualifications, and they are rampant with this Republican minority.

As far as Republicans are concerned, no one is too important to block. No high-ranking position is too important to remain empty, and no problem is too urgent to delay. The person who Janet

Napolitano wants to work on bioterrorism and the pandemic that we have with the flu, who has been selected by the President, is being held up; the Surgeon General is being held up; the Trade Representatives are being held up; 228 nominations are being held up for reasons like a Canadian bill, like a building in their State—petty reasons.

The American people must look at what is going on and say: What is this all about? It is about Republicans setting records last year on how many filibusters they would conduct. If I sound like a broken record, it is because Senate Republicans continue to be recordbreakers. Last year, after they held up the work of Congress more than any other time in history, the American people rejected the Republican status quo. They said no to Republicans' ''just say no'' strategy.

There is no question that the American people are taking notice, there is no question that they see these games for what they are, and there is no question they are fed up with these petty partisan tricks, and there is no question that these tactics have consequences—consequences that we don't have one of the most important jobs in America filled by one of the most important doctors in America, Regina Benjamin, and that we don't have somebody in the Department of Homeland Security to help with bioterrorism and with the flu pandemic.

These reckless tactics have consequences. The Republicans delay and delay at their own peril. But the truth is that all Americans suffer. It is time for them to allow these nominations to go through. And I haven't mentioned the judges.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE WEEK XV, DAY IV

Mr. McCONNELL. Madam President, it was a signature assurance of the President's campaign: Middle-class Americans would see no new taxes of any kind under the new administration.

It is a pledge he will have to break if the health care bill, as currently moving through Congress, makes its way to the President's desk and he signs it. We already know that the bill slashes seniors' Medicare, and study after study shows it is going to drive up premiums for people who already have insurance. Higher taxes will be the third painful blow to Americans already struggling in a recession.

Here is a sample of the new taxes Americans are going to have to bear to finance more government health care. Anyone whose health care benefits are worth more than $8,000 or any family whose benefits are worth more than $21,000 will get a 40-percent excise tax. While backers like to call these ''high value'' or ''Cadillac'' plans, the new tax won't be indexed to keep pace with rising health care costs. So as time marches on, it won't just hit the so-called Cadillac plans but the ''Buick and the Chevy'' plans, too—all the way down to tricycles. Eventually, this tax will hit all plans.

Health insurers also get hit with a giant new nondeductible tax, which we know will get passed along to families in the form of higher premiums.

The bill would tax life-saving medical devices such as heart stents and prosthetics. Prescription drugs get taxed, which we know patients will have to pay for in the form of higher drug costs and premiums.

Tens of millions of American families who have experienced tax-saving benefits of Flexible Spending Accounts to pay for prescription drugs and other necessities will see those benefits wiped out under this plan. In an effort to redirect billions of dollars these families currently save through FSAs back to the government, FSAs would automatically be capped at $2,500 and then phased out over time. Anything families currently save by deducting more than that would go to the government instead.

People who choose not to buy government-approved health insurance will get clobbered with a penalty as high as $1,500.

Businesses would also get hit. According to the bill, any business with 50 or more employees that doesn't currently provide insurance to its employees will be forced to subsidize it at a significant cost per employee—all of which brings us back to the President's pledge.

Would health care reform hit the pocketbooks of all the people who earn less than a quarter million dollars a year or wouldn't it? That is the question. You bet it would. I have listed some of the ways middle-class Americans get hit under this plan. These are the ones we know about.

But don't take it from me. The testimony of the independent, nonpartisan Joint Committee on Taxation could not be clearer. It looked at the taxes in the Finance Committee bill and found that nearly 80 percent of the burden would fall on Americans earning less than $250,000 a year. Again, 80 percent of the burden would fall on those making less than $250,000 a year.

Taxes on insurers and manufacturers will be passed right along to consumers, and the average income for people who have Flexible Saving Accounts is $55,000—hardly the wealthiest segment of Americans.

Bottom line: If you have insurance, you get taxed. If you don't have insurance, you get taxed. If you are a struggling business owner who cannot afford insurance for your employees, you get taxed. If you use medical devices, you get taxed. If you buy over-the-counter medicine, you get taxed. In other words, Americans get taxed going and coming under the $1 trillion plan that is making its way through Congress.

No wonder most Americans oppose this plan—higher premiums, higher taxes, and cuts to Medicare. This is not the reform America bargained for. In fact, it is no reform at all. It is a bill of goods being forced on the middle class when they can least afford it.

Commonsense reforms and lower costs—that is what people want, and that is what they should get.

Madam President, 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, there will now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each, with time equally divided and controlled between the leaders, or their designees, with the Republicans controlling the first hour and the majority controlling the second hour.

The Senator from Iowa is recognized.

HEALTH CARE REFORM

Mr. GRASSLEY. Madam President, I am going to continue on a point that the Senator from Kentucky made, and that is tax increases. I want to be a little more specific about how the health care reform bill is going to very dramatically increase taxes—particularly for groups of people with under $250,000 a year in income, which group President Obama has promised would never have their taxes increased.

On September 12, 2008, in Dover, NH, candidate Obama said:

> And I can make a firm pledge: No family making less than $250,000 will see their taxes increase—not your income taxes, not your payroll taxes, not your capital gains taxes, not any of your taxes.

You can see on the chart that quotation. It is very firm, very clear. Well, I believe we are at the point of abrogating that promise.

President Obama's pledge has also been repeated by the President and his advisers numerous times since candidate Obama has been in office. However, the health care reform bill reported out of the Senate Finance Committee is loaded with tax hikes on ''the middle class.''

President Obama, however, has defined the middle class as those making under $250,000. Candidate Obama stated that ''if you are making less than $250,000, then you are definitely somewhere in the middle class.''

President Obama's budget tracks this definition by preserving the current income tax rate structure for families under $250,000 and singles under $200,000. And the Democratic leadership

budgets adopted President Obama's definition of the middle class.

President Obama and congressional Democrats have adopted this definition of the middle class in the context of health care reform.

As evidence, on August 3, 2009, President Obama's press secretary Robert Gibbs said:

> Let me be precise. The President's clear commitment is not to raise taxes on those making less than $250,000 a year.

In his Portsmouth, NH, townhall meeting, the President—referring to ways in which to pay for health care reform—said this:

> It should not burden people who make $250,000 a year or less.

The congressional Democratic leadership have made similar commitments. So the question is: When health care reform comes up, will it not increase taxes for people making under $250,000? Will the promises that the President made as a candidate be kept by the bills that may become law? I don't want to refer to this Senator's judgment of this. I want to use the words of the Joint Committee on Taxation and the Congressional Budget Office. These are people who are experts—nonpartisan—and nobody questions their judgment. They are intellectually honest. They are not Republicans or Democrats.

According to these official scorekeepers—Joint Tax and the Congressional Budget Office—the Finance Committee bill contains over $500 billion of taxes, increases, fees, and penalties on individuals and businesses.

The Joint Committee on Taxation testified that a significant percentage of these tax increases, fees, and penalties will be borne by the middle-class taxpayers—those making under $250,000.

Joint Tax also performed a distributional analysis of three tax provisions of the Senate Finance Committee bill for the year 2019—when these provisions are fully in effect. In other words, Joint Tax and the Congressional Budget Office look ahead 10 years. So we are talking about between now and 2019.

The three provisions that Joint Tax made distributional analyses of are: the advance refundable insurance premium tax credit; second, the high cost plans tax, also known around here as the Cadillac health insurance plans—and that is the tax connected with it; third, the medical expense deduction tax increase.

The Joint Committee on Taxation found that, on average, by 2019, singles making over $40,000 a year, and married couples making over $75,000 a year would have a net tax increase under the Finance Committee bill.

Again, if you are single and making over $40,000 a year, or married and making over $75,000 a year, your taxes are going up, on average, under the Finance Committee bill. We have two charts up here that make that very clear.

My colleagues on the other side of the aisle may say that the Finance Committee bill lowers people's taxes. Let's look at that. This may be a little bit true for some taxpayers. But for middle-class taxpayers, their taxes will go up. Further, Joint Tax—the official congressional tax scorekeeper—said so.

So if the President signs the Senate Finance Committee bill, or some of the financing measures in that bill, into law, the President would break that campaign pledge.

The President then would be raising taxes on families making $250,000 and singles making $200,000. Now that we have established that the Finance Committee bill raises taxes on the middle class, I would like to dig a bit deeper.

In looking to 2019, Joint Tax data leads to the conclusion that 77 percent of the burden of the tax increases in the Finance bill would be borne by middle-class taxpayers. In 2019, out of these taxpayers making under $200,000 who are affected by the three provisions mentioned above, 54 percent of them will see tax increases. In other words, 46 million middle-class families and individuals would pay higher taxes under the Finance Committee bill, contrary to what the President has said.

Joint Tax data also finds that middle-class families who file joint returns are very dramatically affected. Specifically, in 2019, over 64 percent of middle-class families filing joint tax returns would face a significant increase, and these families, obviously, make less than $250,000 a year.

Once again, I have charts that will show the different divisions of people falling into those income categories.

Another way to look at this is, there are four groups of middle-class taxpayers who are treated differently under the Finance Committee bill. The first is a group of 14.5 million who will receive refundable tax credits. These refundable credits represent government spending and not tax relief. That is the judgment of these official scorekeepers, not this Senator. In 2019, this government spending amounts to $77 billion alone.

In the second group, some of the 25 million will see some tax relief. However, a substantial number of those 25 million in this second group will not see any tax relief under the bill.

The third group, made up of 46 million middle-income taxpayers, will bear a large tax increase.

A fourth group of 83 million will have a tax increase from provisions in the bill that Joint Tax has not yet analyzed, so I cannot go into depth about that group.

For example, Joint Tax has not yet provided distribution analysis on the effect of the fees on health insurers that will be passed through and medical device manufacturers.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. GRASSLEY. I ask for 5 additional minutes.

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

Mr. GRASSLEY. Because we do not have that analysis, we do not know how many of those 83 million will face tax increases. For instance, many of those 83 million buy health insurance themselves or their employers buy it for them, and they will bear the burden of the new insurance fees in the form of higher insurance premiums.

During the Finance Committee debate, some Senators of the majority party described the Finance Committee bill as providing a net tax cut. Let's look at what is a net tax cut because the official scorers would not determine that is what it is.

To understand whether these claims are accurate, one has to figure out what is meant by the words ''tax reduction.''

The premium tax credit under the bill is refundable. That means tax return filers receive the tax credit, even if they have no income tax liability. If a tax filer has no income tax liability, how can their taxes go down? Joint Tax does not describe that as a tax reduction. Instead, Joint Tax says these filers receive a Federal benefit.

Joint Tax also tells us that 73 percent of the $453 billion in the refundable tax credits for health insurance is, in fact, pure and simple, government spending. That leaves just 27 percent—or $122 billion—that might legitimately be called a tax reduction, and we see it on the chart.

Meanwhile, as mentioned above, there are over $500 billion in tax increases—$½ trillion is another way of saying it. Even if we add in the meager small business tax credit of $23 billion, which is the only other tax benefit in the bill, this bill contains a net tax increase of over $350 billion.

Because the refundable insurance premium credit is called a tax credit, Democrats have argued the entire $453 billion is a tax credit. However, Joint Tax and the Congressional Budget Office scores 330 billion of that $453 billion as pure and simple government spending.

Colleagues on the other side of the aisle argue that such government spending is actually a tax cut. However, Joint Tax scores this as government spending, not tax cuts.

An outlay results when the tax credit is larger than an individual's income tax liability, if any. That individual simply receives a check from the Internal Revenue Service. Sending a check to an individual who pays no income tax cannot credibly be called a tax cut. Some colleagues argue that the refundable tax credit offsets payroll taxes. However, payroll taxes are meant to be paid so individuals can receive benefits from Social Security and Medicare later in life.

Even if you agree that individuals should not have to pay payroll taxes but should also receive Social Security and Medicare benefits, that rationale cannot be used over and over. It should only be used once.

We already have a number of generous refundable tax credits. The child

tax credit, the earned-income tax credit, and the making work pay credit are all refundable tax credits.

The insurance premium credit in the Finance bill is added to that list. Therefore, this same payroll tax cut rationale has been used four times to claim that this government spending is actually a tax cut. Joint Tax scores these outlays as government spending, not as a tax cut. That is not this Senator saying that; it is the professionals in Joint Tax who say it is government spending, not a tax cut.

The interesting thing about the refundable tax credit for health insurance is, it does not go to the individual or family. Instead, this Federal tax benefit goes from the government directly to the insurance company providing health care coverage. That is a check from the Federal Government made out to your insurance company dated, signed, sealed, and delivered directly to that insurance company.

I remember hearing President Obama criticize sending money directly to insurance companies. On October 4, before his election, in Newport News, VA, then-Candidate Obama criticized Senator MCCAIN's health credit for health insurance by saying these words:

> But the new tax credit he is proposing? That wouldn't go to you. It would go directly to your insurance company—not your bank account.

That is what the President said in that quote. If Candidate Obama was against it then, how is President Obama for it now? But that is what is in this legislation.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, as we begin to slowly emerge from the economic pitfalls of the worst recession this country has seen in decades, the long-term issues that remain are real and affect Americans of all walks of life.

Out-of-control government spending has resulted in a skyrocketing deficit, fueling fears of an unsustainable financial future for America. A stifled free market drags down our economic growth and impairs our ability to work toward reducing this enormous burden on our children's and grandchildren's future.

In spite of this volatile forecast, there are some who feel that the best way to reinvigorate our economy is to impose heavier costs, higher fees, and greater taxes on businesses and individuals, while forcing the Federal Government to oversee and manage health care in the United States, ultimately adding an additional one-sixth of our economy to the government's balance sheet.

Make no mistake, this financial instability is not disconnected from Americans' everyday lives. It is being felt at bill-paying time, discussed at dinner tables, and it is weighing on the minds of the very people who drive this country's economy.

The other side would have you believe that greater government control, increased spending, and less money in Americans' pockets is the way toward economic stability and growth.

Since there has been no legislative language circulated on the proposed government takeover of health care at this point, we can only consider the conceptual language as passed by the Senate Finance Committee.

Here is 1,502 pages of conceptual language that has come out of the Finance Committee and is being proposed as meaningful health care reform.

This phantom health care proposal imposes $½ trillion in new taxes, fees, and penalties on individuals and businesses. While some would have you believe these taxes will only be borne by the wealthy in the form of a 40-percent excise tax on high-value insurance plans, both the Congressional Budget Office and the Joint Committee on Taxation—as alluded to by the ranking member on the Finance Committee, the Senator from Iowa—have testified that these taxes will almost entirely be passed on to the consumer, irrespective of their tax bracket.

Under the tax provisions of this health care proposal, in my home State of Georgia, a young, healthy individual under certain health plans would see his monthly premiums almost double.

Additionally, $92 billion of this new burden will be in the form of new fees on manufacturers and importers of branded drugs and certain medical devices, as well as on health insurance providers. Again, all this is going to be passed on to consumers, resulting in higher health insurance premiums and higher costs for health-related products.

While a majority of the health reforms in the Finance Committee bill do not go into effect until 2013, such as the tax credit for health insurance and the individual mandate, both of which are designed to lower health care costs, these so-called fees are effective on January 1 of next year. This means health insurance, in general, will become more expensive before any government assistance or policies intended to make health insurance more affordable even take effect.

Also included in the Senate finance proposal is a tax on individuals without essential health benefits coverage, which would subject individuals who fail to maintain government-approved health insurance coverage to a penalty of $750 per adult in the household.

While Democrats complain this contains savings for low- to middle-income families, CBO has stated that almost half those families paying this tax would be between 100 percent and 300 percent of the Federal poverty level—or a family of four earning between $22,800 and $68,400 in 2013. Additionally, proponents of this bill say it reduces the deficit while providing relief from high health care costs from lower income families. However, what they do not tell you is, under their refundable tax credits, families who earn nearly four times the Federal poverty level will have almost 91 percent of their health care costs paid for by other taxpayers.

The CBO—the Congressional Budget Office, the independent Congressional Budget Office—estimates that by 2019, out of 253 million Americans with health insurance, only 18 million will be eligible for these tax credits to purchase insurance. So this supposed health care cost-reducing tax credit at the heart of the Democrats' health care reform is only available to 7 percent of the population.

Increasing taxes on 91 percent of Americans to pay for 7 percent of the population is not reform, it is business as usual. While I am in favor of tax credits to purchase health insurance, I do not support placing limitations on who can receive such credits or what type of coverage they can purchase.

Madam President, as if increasing the size of government even more in the health care sphere isn't going to make matters worse, who do you think is going to administer, implement, and enforce these tax increases? None other than the Internal Revenue Service. With a new influx of complex health care policies being legislated through the Tax Code, the IRS would be tasked with overseeing all aspects of the millions of taxpayers now burdened with even more filings to the IRS.

Additionally, the IRS would likely be entrusted with enforcing these new provisions as well as protecting against fraud in certain cases. These new responsibilities of the Internal Revenue Service would mean only one thing: a bigger and more intrusive IRS.

As I continue to say, I am in support of reforming the health care system in this country because we do have problems. We need greater transparency in health care costs, increased competition, more individual portability for peace of mind for those who change jobs, a better focus on prevention and wellness and real reform of the health insurance industry. Republican-backed plans do exactly that. There are ways to lower health care costs and be more fiscally responsible, and there are opportunities to pay for this coverage without expanding entitlements and increasing taxes on middle-class Americans.

Americans deserve a patient-centered approach to health care reform. The 1,502 pages being discussed this morning as we speak—behind closed doors, by the majority leader and other Democrats—puts politicians and bureaucrats in charge of the health care industry in this country, and that is not what the American people want or deserve.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAPO. Madam President, I also rise to speak about the health care legislation the Senate is preparing to consider on the Senate floor. I will begin my remarks, as my colleague from Georgia has done, by referring to the bill which the Finance Committee has put out. This is it. It is 1,502

pages which, interestingly, we did not have before us when we considered it in the Finance Committee.

I think most people in the country realize right now that as the Finance Committee proceeded through 2 full weeks of markup on this legislation, the legislation had not actually been written. Even though the very first amendment, which we brought, was an amendment to say that before we would be forced to vote on a bill, we should see the bill for 72 hours and have the CBO, the Congressional Budget Office, score on the bill for 72 hours so that we and the American public could understand what was in it, that was not allowed. We cast our final votes in the Finance Committee on the Finance Committee's bill—well, the Finance Committee's concept paper. This bill didn't yet exist. We did have an idea about what concepts were intended to be in it, but the bill itself didn't exist.

The reason I bring that up right now is because this is actually not going to be the bill we consider on the Senate floor. As soon as the Senate Finance Committee finished with this bill, the majority leader and the chairmen of a couple of the relevant committees—I presume with some personnel from the White House—got together behind closed doors in the Capitol Building and began drafting a new bill to merge this bill with a previous bill that had come out of the HELP Committee bill in the Senate. That new bill has now been sent to CBO for a score, but we don't know what is in it either.

In fact, we are told it is concepts and options that are being submitted to CBO. I am not even sure if that new bill has yet been written, but I do know no one, except those who have submitted it to CBO, know what is in it.

Well, we have a good idea of what is in the health care bill the Senate Finance Committee put out, and I expect a lot of what was in this Senate Finance Committee bill will make it into this new bill that someday maybe the American public and the rest of the Members of this Chamber will be able to see. As we approach the health care issue, I think it is important for us to understand exactly what it is we are expected to do by the American people and what it is we are doing with the health care legislation.

Most Americans want health care reform. But when they say that, the vast majority of them mean they want Congress to take swift and decisive action to bring under control the spiraling costs of health care and the spiraling costs of health care insurance. As a part of that, they want to see increased access for those who are uninsured, whose burden of coverage and health care falls on the taxpayers. That is the core focus, the purpose behind the drive in America for health care reform.

Well, what does the legislation we passed out of the Finance Committee do? With regard to the cost of insurance, it will not cause the cost of insurance to go down. It will, in fact, drive up the cost of insurance at even faster rates of growth than would have occurred without the legislation. What does it do for coverage of those who are uninsured? It establishes an extremely expensive new government program that would provide tax credits—or what are called renewable tax credits—for those at certain income levels to provide the ability for them to obtain coverage. But of the 47 million who are uninsured in the United States today, the bill still leaves approximately 25 million of them uninsured.

What it does put into place for these two outcomes on the major reasons for reform—increased cost of insurance and only about 50 percent reduction of the uninsured—is a massive new amount of Federal control over the health care industry, a massive new entitlement program that will cost, according to CBO, approximately $829 billion of new spending, and then offsets that try to address the growing costs of the Federal Government that it represents by about $404 billion worth of cuts in Medicare and $506-or-so billion of new taxes, fees, and penalties.

Remember the discussion I started with about the fact that the American people wanted to see the cost curve on health care bend down? We will hear it said that this bill bends down the cost curve. Well, it doesn't bend down the health care cost curve, and it doesn't bend down the health care insurance cost curve. All it does is try to address the impact of the phenomenal amount of new spending—$829 billion—by raising taxes and cutting Medicare in amounts that are greater than the amount of the cost in the bill.

Well, what kind of impact will these increases in taxes have? First and foremost, I want to return to what my colleague, Senator GRASSLEY, recently pointed out. In the discussion of this issue, President Obama made it clear as a candidate, and he has repeatedly made it clear as President, that he will not sign legislation that imposes a tax increase on people making less than $250,000 in the United States. These are his remarks on September 12 during the campaign in New Hampshire, which, again, he has repeated consistently:

> And I can make a firm pledge: No family making less than $250,000 will see their taxes increase—not your income taxes, not your payroll taxes, not your capital gains taxes, not any of your taxes.

Well, what does this bill do? This bill squarely increases the taxes on the middle class in the United States. The full tax burden of this bill, including all of the taxes and fees and penalties that are included in it, is over $½ trillion. Experts have now told us that the majority, in fact the significant majority of those taxes and those increased fees and penalties, will fall on the backs of those who make less than $250,000. We don't have the data yet, but, in fact, the impact on people who make less than $120,000 will be a huge portion of these new taxes and fees. Yet how can that be allowed to happen with the President making this pledge?

I think the American people need to pay attention. In essence, what we have represented is a huge increase in spending in the Federal Treasury—$829 billion under the Finance Committee plan. It is expected to be closer to $900 billion under the plan that was devised recently and submitted to CBO. Nonetheless, it is a massive increase in Federal spending, matched by equally massive cuts and tax increases—cuts in Medicare and tax increases—to make it appear that the impact on the deficit is marginal. But don't be fooled. When those who support this approach defend it, they will tell us it bends the cost curve. The cost curve they are talking about is the cost to the Federal Government. They are not telling us the cost of the Federal Government—the expenditures of the Federal Government—will be going down. What they are telling us is the expenditures will not be going up faster than the taxes and the cuts in Medicare are going up.

It is important for the American public to recognize that this legislation represents yet again one huge step of the Federal Government into management and control of the health care economy, and that huge new step of the Federal Government into management of the economy will be financed squarely on the backs of the middle class with a huge tax increase. That is not what America was asking for.

So to summarize, Madam President, what do we have? We have a proposal that will not bend the cost curve; it will, in fact, cause the cost curve on which everyone in America is focusing—the cost of health care and the cost of insurance—to go up. It will not achieve universal coverage for those who do not have access to insurance today, but it will put the Federal Government much more in charge and control of our health care economy and will grow the Federal Government by nearly $1 trillion of new spending at the expense of $½ trillion of tax increases and $400 billion of Medicare cuts.

That is not the kind of health care reform our Nation needs. It is not the kind of health care reform the American people have asked for. We should change the debate, and we should begin focusing on those kinds of common ground areas that we know how to identify where we can bend the cost curve—the true cost curve—down, where we can do so without raising taxes on the American people, and we can do so without devastating the Medicare programs of our country.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. KIRK). The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I understand I am allowed 10 minutes of this morning business period; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERTS. Mr. President, I rise today to share my concerns about the tax increases called for in the health care reform bill that is now being finalized behind closed doors. I want to make sure the American people truly understand what these tax increases will mean for them and their families. This bill calls for an incredible and shocking $500 billion in taxes, in massive new taxes, taxes that will fall on average Americans who already know their tax burden is too high.

We hear a lot about the efforts behind the closed doors to merge three different bills and all the costs and all the efforts to get more voters onboard. But we do not really hear much about the tax increases. They really should make the taxpayer sit up and take notice.

The behind-the-doors crowd has tried to disguise some of the new taxes in this bill by presenting them as being paid for by targeted health care industries. However, the reality is that average Americans who purchase health insurance and use medical services, from prescription drugs to hearing aids, are the ones who will foot the bill for this tax-and-spending spree. The higher taxes called for in this bill come straight out of Americans' pocketbooks. American taxpayers, Americans, have the right to know, they have the right to be informed, they have the right to understand, and they have the right to be heard—not only on the spending, not only on the health care reform bill, but in regard to the taxes they will pay.

Let me give just a few examples of the new taxes called for and who will actually pay them.

The bill imposes a 40-percent excise tax on health insurance providers that offer high-cost health insurance plans. This provision is the largest tax hike in the bill. It raises $201 billion. Of this amount, an analysis by the Joint Committee on Taxation, or the JCT, finds that more than 80 percent or $164 billion of the tax will come from increased income and payroll taxes on higher wages. When the bill is implemented, however, the excise tax is likely to hit 40 percent of American families, so the reality is that these families, not the insurance providers, will be on the hook for the $164 billion.

The bill raises taxes on those who pay for their health care out of pocket by raising the floor for deducting catastrophic medical expenses from 7.5 percent to 10 percent of adjusted gross income. Those who take this deduction are most often seniors and those with serious medical issues. Eighty-seven percent of taxpayers who claim this deduction have income under $100,000.

While an amendment to exempt taxpayers 65 or older from the higher threshold was approved in committee, thank goodness, don't be fooled: the exemption is only in effect in the first 3 years. As a result, in the following years roughly 50 percent of the taxpayers affected by this proposal will be over the age of 65. This makes no sense.

The bill raises taxes on the more than 35 million Americans who participate in flexible spending accounts. The median income of a flexible spending account participant is $55,000. This program is a very important benefit for many families for whom health insurance does not cover, or does not sufficiently cover, some of the highest cost health care expenses, such as dental, vision, and also prescription drug costs. It is also important for individuals who manage chronic diseases such as diabetes, heart disease, or cancer. FSAs allows participants to set aside money out of their own pockets to pay for these necessary expenses. However, under this bill the government caps how much can be set aside in a flexible spending account, a person's own account, effectively raising the tax burden on certain FSA participants and increasing their health care costs—typical of a disguised tax in this bill.

Another tax attack: It also eliminates the ability of individuals to use money from their accounts, the FSA accounts, to purchase over-the-counter medications. Here we are, trying to put downward pressure on health care costs. Rather than maintaining current law that gives consumers the option to purchase over-the-counter medications through a flexible spending account that they have chosen to put money into, the bill instead directs them to more costly alternatives and increased use of the health care system and limits the consumers' ability to fully use their own accounts.

Another example of the stealth taxes called for in this bill is the individual mandate penalty. Although the President has said this penalty is not a tax, the Finance Committee bill adds this provision under a section called the ''Excise Tax on Individuals Without Essential Health Benefits Coverage.'' The government expects to collect $4 billion from this tax.

In 2013, almost half of those Americans who will be paying the penalty tax will have incomes between $22,800 and $68,400 for a family of four. This penalty essentially means the IRS will now tax you if you do not buy a health care plan approved by the government. Let me repeat that. This penalty essentially means the IRS will now tax you if you don't buy a health care plan approved by the government.

Not only that, this bill also expands the reach of the IRS even further into the lives of ordinary Americans, allowing them to collect more information than ever before about you and your health care choices in order to tax you based on these choices. This provision highlights one of the most disturbing aspects of this bill: the increased role the IRS will play in the lives and health care choices of every American.

Under this bill, the IRS will gain unprecedented new powers. But here is the clincher. There is no money in this bill to pay for the expansion of the IRS that will have to occur for the IRS to administer and enforce these new tax provisions—emphasis on ''enforce.'' How much will that cost? How many billions will be needed to pay for this growth in government? How many more employees will the IRS have to hire? We don't know. But make no mistake, every American should understand that the IRS will be playing a bigger role in their life and their health care decisions.

Question, for all those who braved the townhall meetings. Everyone who wants more IRS involvement in their lives, raise your hands. I don't think in these townhall meetings you will hear many hands clapping. Under this bill, not only will Americans see massive new taxes, they will also see an unprecedented expansion of the Internal Revenue Service and a further reach by government into their lives.

This is the wrong solution to health care reform. Americans are looking for real reform that preserves their health care choices. But reform that comes with a $500 billion tax increase and is supervised, if not more, by the Internal Revenue Service is simply not the answer.

Mr. President, I yield the remainder of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. HATCH. 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. HATCH. Mr. President, this health care debate is one of the most important debates we have ever had in this country. We are talking about one-sixth of the American economy. We better get it right because if we do not, this economy will never be able to recover. If we go down the wrong path and we spend too much time building the government at the expense of the individuals in this country, we will never be able to change it. So this is a very important time, and I am calling upon all my colleagues in both the Senate and the House to try to work together so we can come up with a program, a system that literally will work.

We can build upon things we already agree upon. Things such as preexisting conditions should be covered, automatically covered. That is a very difficult issue; it is not something you can just say glibly. The fact is, we have to resolve this problem so people will not just wait until they get sick to buy insurance because they have a right to do so under any new policy we are coming up with. But they should be able to get into the insurance market now.

Having said that, there are many on the other side who would like to have what they call a public plan or what I

call a government plan. The problem with the government plan is that the central force would be right here in Washington, filled with bureaucracy, filled with expenses, filled with all of the clogs that occur in Washington, DC. And we will not be solving the individual problems of the various States, each of which has its own demographics. I have often pointed out that Utah's demographics are not the same as New York's or California's or those of Massachusetts. But neither are New York's the same as those of Massachusetts or California. Each State has its own demographic problems.

Utah is considered one of the top three States in the delivery of health care. There is a good reason for that; that is, we thought it through and we basically bring health care closer to the people. We already have an exchange in Utah which is working to a large degree. It is just starting, but the fact is, it has been embraced and accepted by people. We would bitterly resent a one-size-fits-all Federal Government program to resolve all problems.

This business of making sure preexisting conditions are covered is fraught with all kinds of difficulties if we do not do this right. There are all kinds of expenses if we fail to observe the past and, I might add, all kinds of bureaucratic problems if we do not work together to get this problem solved.

On the other hand, are we going to go to a system where government tells people they have to buy insurance, whether it be a public plan or otherwise? I am not sure constitutionally that the government has that kind of power. If the government has that kind of power, to tell people they have to have insurance even if they don't want it—and that includes the public plan insurance—then what limitations are there on government? What happens to all the freedoms we all take for granted? What happens to the liberties we have embedded in the Constitution?

These are important issues. They are not issues you just brush aside because one side or the other wants to have the Federal Government take over all control of our health care system.

I might add, I think most of us agree there should be transparency in the system. If we had transparency over all of the hospitals, all of the physicians, and we could tell which ones are great, which ones aren't, we could make our own decisions as to where to go for particular types of care, especially very serious care. I think most of us would like to provide a system where our constituents could do that.

What about medical liability reform? As a former medical liability defense lawyer, I defended doctors, hospitals, nurses, and health care providers who needed defending, many of whom did not commit negligence but were finding themselves suddenly in court in front of juries that may be empathetic to somebody who did not have a good result even though there was no negligence involved. I estimated 25 years ago that, in unnecessary defensive medicine, we are probably wasting upwards of $300 billion a year.

That sounds very high. But I am finding more and more people are starting to come to the conclusion that we waste an awful lot of money on what is unnecessary defensive medicine. We all want defensive medicine because we all want the doctors to do what they should do. Our advice to the doctors back in those days happened to be, if somebody comes to you with a common disease or injury, you cannot afford to just give them—tell them to just do the minimum. You better have every test and every procedure you possibly can in your history, so if you ever do get sued, you will be able to say you went way beyond the standard of practice in the community and did everything you possibly could to try to help this person with their problems and that you should not have liability because of that.

Well, I have to say we can go on and on. It was interesting to me, when I first asked Dr. Elmendorf, who heads our CBO, the Congressional Budget Office, what does unnecessary defensive medicine cost us, Dr. Elmendorf came up with an extremely low figure over 10 years. I think it was something like $10 billion.

I chatted with him and I said: That cannot be so. I explained to him what my experience was and the experience of almost anybody who has any experience in this field, and he went back. He said: Well, I am going to go back and review it. He did go back and review it and came up with a figure of $54 billion over 10 years, just for Federal Government unnecessary defensive medicine. So it is much more than that if you add in everything else and extrapolate it all out.

We should be able to save some of these dollars. That also would help us to be able to pay for real health care that needs to be done.

We know the health care reform bill has been basically written in the office of the majority leader. While we do not know what this bill will look like, because it apparently has been written in the secrecy of the majority leader's office, and by very few people, by the way—and the same over in the House—every indication is, it will be similar to the bill reported out by the Finance Committee earlier this month.

That bill, which would drastically change the very fabric of an industry that affects every American in the most personal way and represents one-sixth of our economy, contains roughly $409 billion in new taxes that are going to be passed on to the average taxpayer. Many Utahns are asking me who is going to have to pay these new taxes? Unfortunately, I have to tell them that it will not just be the wealthiest among us, but middle and even lower income American families as well.

Perhaps the most solid promise that President Obama made during his campaign was that ''no [one] making less than $250,000 a year will see any form of tax increase!'' He further pledged that the 98 percent of Americans earning less than this amount would not see any tax increase on income and savings. Let me repeat that: The President promised that 98 percent of Americans earning less than $250,000 would not see any tax increase on income and savings.

The majority leader is preparing a partisan proposal to which he hopes to attract at least a modicum of Republican support. Thus far, however, he has no takers from my side of the aisle, and support from some on his side appears to be waning. Perhaps a major reason for this is that everyone knows the bill would break the President's promises not to raise taxes on average Americans. That is not the only thing it would do.

The Finance Committee product offers a cornucopia of revenue raisers that would fund health care reform. Some of these provisions include direct taxes on lower and middle income wage earners, while others would hit average families indirectly through penalties, fees, and higher costs.

If your employer offers you a higher cost insurance plan, your taxes will likely rise under this plan. If you have a flexible spending account or a health savings account, your taxes will likely rise. If you or your family use a medical device costing more than $100, such as a hearing aid or an insulator, or if you purchase prescription drugs, the cost of those items will likely rise.

And ironically, in a bill that is designed to lower the costs of health care, the cost of health insurance itself is likely to rise under this plan. And if you do not have insurance, the cost of not having health insurance will rise because the bill will impose a tax if you do not get insurance.

My friends on the other side of the aisle will probably paint this rise in penalties, fees, and higher costs as Republican hocus-pocus. But do not take it from me or my colleagues; take it from the nonpartisan Congressional Budget Office and the Joint Committee on Taxation.

Looking first at the direct taxes on the middle class, the Democrats' bill declares war on savings accounts for health care. For example, the bill would limit the amount that employees can set aside of their own money into flexible spending accounts. In addition, over-the-counter medicine would no longer be qualified expenses for FSAs and health savings accounts, unless you have a doctor's note. Lastly, the proposal includes an increase from 10 percent to 20 percent for the penalty for withdrawals that are not used for qualified medical expenses. All together, this means that employees could be facing a 55-percent Federal tax on a bottle of aspirin. I thought we were trying to make health care more affordable, not more expensive.

This year, 35 million employees participate in employer-sponsored, employee-funded flexible spending accounts. These accounts provide relief for the ever-increasing amount of health care that families must pay out of their own pockets. How does cutting back on FSA accounts lower the costs of health care? These accounts are not just provided to the wealthy. On the contrary, the average income for flexible spending account participants is just $55,000 per year.

Another clear increase on taxes for middle income families is the raising of the threshold for the itemized medical expense deduction from 7.5 percent of adjusted gross income to 10 percent. This tax deduction is already means-tested so that it only kicks in when medical expenses are catastrophic or nearly so. This is not a tax benefit for the wealthy. The Joint Committee on Taxation estimates that in 2013, approximately 11.5 million taxpayers would be affected by this proposal. Of that number, about half have incomes less than $75,000.

Perhaps even worse are the indirect tax increases in the bill. One of the most troubling ones to me is an unprecedented fee levied on entire segments of the health care industry, including pharmaceuticals, medical devices, and health insurance. While these fees would be paid by corporations, they will ultimately be passed on to consumers in the form of higher prices or on to employees in the form of lower pay, or even layoffs. Under this plan, the cost of everything from contact lenses to hearing aids to thermometers would rise for consumers, creating one more unfair burden on middle income families seeking affordable health care.

And if you decide to either not have health insurance or if you need a more expensive plan than is allowed, the Democratic plan would raise taxes on you, even if you do not make anywhere near $250,000 per year. This is part of the so-called individual mandate, which requires individuals to obtain health care coverage or pay an extra tax. The amount of tax could reach as much as $750 per uninsured adult. Some may say this is simply a penalty for not doing what Uncle Sam wants you to do, but let us face it, it is nothing more than a new tax.

There are at least two provisions in the Finance Committee bill that raise serious constitutional questions. First, is the transition relief for the high-cost insurance plans that is granted to 17 yet-to-be determined States. This means that a different tax rate will apply depending on where you live. Second, is the individual mandate itself. The constitutionality of the mandate, as pointed out by the Congressional Research Service, has never been addressed. We are treading into new waters. Are we just going to simply ignore these serious constitutional questions?

Again, President Obama promised from the beginning that he would not raise taxes on the 98 percent of Americans who make less than $250,000. Unfortunately, the Democratic proposal we will soon be debating would break that promise. We are all for real health care reform, everybody, Republicans, Democrats and Independents, but not all of us are willing to pass it on the backs of middle-income taxpayers. At a time when we have trillion-dollar-plus deficits and an unemployment rate nearing double digits, this would be a colossal mistake.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The minority's time has expired.

Mr. HATCH. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

(The remarks of Mr. UDALL of Colorado pertaining to the introduction of S. 2052 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Maryland.

HEALTH CARE REFORM

Mr. CARDIN. Mr. President, soon we will have an historic opportunity to take up the most significant change in our health care system in many decades, a bill that will help Americans deal with their health care needs, that will reform our health care system so we have affordable, quality health care for all Americans. This bill will help middle-income families who currently have health insurance. Because we are going to build on the current system, protect those who have good health care coverage so they are able to keep that coverage in the future, we base it on building on what is right in our health care system and correcting the problems that currently exist.

For a family who has health insurance today, they are paying a large amount of money for those who don't have health insurance. The number of people without health insurance has grown dramatically, to over 46 million Americans. The cost to a family who has health insurance for those who don't have health insurance is $1,100 a year. That is a hidden tax on middle-income families today. Health insurance reform will help correct that inequity to help middle-income families. It will also reform the practices of health insurance companies dealing with preexisting conditions and caps put on the amount of coverage and with making sure that prevention is available without copayments and deductibles. All that will help middle-income families today who have health insurance.

But the critical factor, why this is so important for middle-income families today, is because of the escalating cost of health care. Health care is growing three times greater than wages. That means for the typical family, every year they are falling further and further behind on their standard of living, because more and more of their income needs to be devoted toward health care costs. Whether your employee pays it or you pay it or a combination of both, it comes out of your compensation package. For many families, they are actually receiving less income every year because so much more is devoted toward health care costs.

In Maryland, 10 years ago the cost for a family was about $6,000 for health insurance. Today that is $12,000. By the year 2017, it is projected to be $23,000. We are spending in America today $7,400 per person for health care, $2.4 trillion. Health reform will help middle-income families because we are going to bring down the cost of health care.

First, we invest in wellness. We know that if people take care of their own health care needs, if they deal with their diabetes, high blood pressure, high cholesterol, with keeping themselves healthy through exercise, if they don't smoke, all of that will bring down the cost of health care. The health care reform that we will be taking up invests in wellness programs, gives incentives for wellness programs to bring down the cost. What we also do is invest in health information technology. The amount of money we waste every year because of the administrative inefficiencies of the system is staggering. Also we have unnecessary tests that are given in the emergency room because they don't have medical records. We have the technology. Let's use it. We can use technology to keep people healthy by sharing information so that your health care provider knows what medicines you are taking. And managing care, we can save money by managing diseases much more effectively than we do. For all those reasons, health care reform will help control the escalating costs, and that will help middle-income families. It will also help small businesses.

Small businesses need more competition among health care insurance companies. Today, if you are a small business owner, there are very few options available as to who you can choose as your health insurance company. As a result, you are subjected to unpredictable annual adjustments in your premiums. We already know that health insurance is too expensive. We already know that it increases every year by too high a percentage rate. But for a small business owner, it is worse than that. They can be subjected to a 20, 30, 40-percent increase in any given year because they are not in the large pools that larger companies are. Health insurance reform helps small businesses by providing larger pools that small businesses can get into, more competition. The State exchanges provide information that is critically important for small businesses to get a competitive product, to get the product they want. It makes it more affordable.

Let me give one example. We all have received letters. I have received lots of letters from my constituents. I want to read one I received. It comes from

Keith, a Maryland small business owner. He writes:

Currently, I have what is considered a ''Cadillac'' health plan. It is an old CareFirst Blue Cross Blue Shield plan that does not cover vision or dental [and has] a moderate deductible. It only covers general health and drugs. My wife is disabled and is unable to work. She is under age 50 and has Medicare as a primary insurance and is on my family plan as secondary where she gets drug coverage.

This person is a small business owner involved in a plan.

I have one child with some health issues on the plan as well. Based [on] my situation, my health insurance options are limited.

I am a small business owner and have had significant increases in my insurance costs over the last 20 years. Currently, I pay $29,000 for family coverage thru (sic) my company and last year I had $9,900 in out of pocket expenses, which is ''normal'' for my family. My income is above $100,000, but well below the $250,000.

At one time I considered myself part of the middle class, but with my ever increasing health care costs, I now have second thoughts. . . .

It is unbelievable to me that a family like mine could be in this situation. I know there are others far worse than mine and can empathize with their plight. . . .

How can I be spending about $40,000 a year [on health care] with no end in sight?

Well, help is on the way. The bills that have been reported out of our committees that the majority leader is now merging to bring to the Senate floor will help my constituent Keith, who finds that he cannot afford health care today even though he has certainly a reasonable income.

This legislation will also help our seniors. I mention that because there is a lot of concern about how we can strengthen the Medicare system, which is so important to our seniors. Well, the problem with Medicare today is that health care costs are going up. Medicare is a pretty efficient program. We know its administrative costs are far less than private insurance. But we cannot bring down the government cost of Medicare unless we bring down health care costs in America. That is exactly what the health care reform proposals will do.

It will also, by the way, use those savings to help our seniors by improving their prescription drug benefit so we can certainly make improvements to mitigate the doughnut hole on prescription drug coverage. It strengthens dramatically the preventative health care services that are offered our seniors under the Medicare system.

Well, the uninsured are also helped under this bill and those who are in danger of losing their health insurance by the State exchanges, where there will be more competition, more availability. The bill deals with affordability, providing subsidies for those who otherwise could not afford the health insurance.

One of the prime ways that is done is through the public option, so let me talk a moment about it. There has been a lot of discussion about it. I saw that it is going to be included in the bill in the House of Representatives. The majority leader is looking to include that in the bill that is going to be brought forward on the floor of this Senate.

A public option is nothing strange to Americans. It is not that the government takes over health care; it does not. Health care is provided by private doctors, private hospitals. The most successful public option program in America in health care is Medicare, and I do not see anyone coming and saying we should do Medicare in a different way. Medicare has worked well, with the government providing the way we collect the premiums and collect the dollars necessary to pay the doctors and hospitals that are private, and where the Medicare beneficiaries can choose their own doctor or hospital. That is the way it should be.

The reason it is important to include a public insurance option in the bill that is being brought forward is to make sure we have an affordable option for those who cannot find insurance, so we have an affordable product in every part of America. If you live in rural America, it is tough to find an insurance company that is interested in insuring you if you are in the individual market. That is just a fact of life.

So the public option provides an affordable option and provides more competition. In my own State of Maryland, two insurance companies represent 71 percent of the private insurance market. We do not have effective competition in our State of Maryland. The public option offers more competition. If we have more competition, it is going to be less costly. That is the reason we want to make sure it is included in the bill that is brought forward and the bill we hope will be reconciled with the House and sent to the President of the United States.

Mr. President, as I said when I took the floor, we have a unique opportunity. We have a unique opportunity in taking up health care reform and health insurance reform to help the people of our Nation. We have to make sure we get it right. I agree with my colleagues, we need to take the time to make sure we get this bill right, but we need to act. We need to act in order to protect middle-income families so they have affordable health care coverage in America.

We need to act to help small businesses so they have more choices, more competition, so they can afford to provide health insurance for their employees. We need to act for our seniors and those who are disabled in the Medicare system to make sure we strengthen Medicare for future generations and can expand the benefits that are covered under Medicare.

We need to act for the sake of our economy. We need to act for the sake of our Nation. I encourage my colleagues to get engaged in this debate so that, at the end of the day, we pass a bill that is going to be in the best interest of the people of this Nation.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. 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. BAUCUS. Mr. President, I ask unanimous consent that I be allowed to speak for up to 20 minutes in morning business.

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

UNEMPLOYMENT INSURANCE

Mr. BAUCUS. Mr. President, these days, the economy is foremost on the minds of Americans, and well it should be. Two out of five Americans say the economy should be our top priority. That is more than twice as many as cite any other issue—two times that the economy is much more important.

The unemployment insurance bill before us today helps to address the economy in several ways. In several ways, our legislation would help Americans to get and keep good jobs. First, our bill would extend much needed unemployment benefits. This unemployment insurance relief would get money into the hands of people who need it—need it desperately. I might say, there are about 15 million Americans out of work chasing about 3 million jobs. There are many more people unemployed looking for work.

When we help unemployed Americans, let's also remember we help our communities, not just the individuals who receive unemployment benefits—and they have earned those benefits—but also the communities are helped by payment of those benefits. When we help our unemployed neighbors, we also help to keep open the neighborhood grocery store and the neighborhood gas station. When we help our unemployed neighbors, we also help to keep houses out of foreclosure. When we help our unemployed neighbors, we also help our economy; we help ourselves.

According to officials in my home State of Montana, if we do not pass this 14-week extension, then at least 7,000 Montanans will lose their unemployment benefits. That is a significant number when we consider the population of my State, which is just a little bit over 900,000 total.

A report prepared in June for the Montana Manufacturing Center showed that nationwide manufacturing employment fell from 13.8 million workers at the end of 2007 to 12.4 million workers at the beginning of 2009. That is a 10.5-percent drop in little more than a year—a 10.5-percent drop in workers in just more than a year. The decline nationwide was echoed in Montana, where manufacturing employment fell 8 percent.

In south central Montana, logging and milling have slowed down in the Bozeman area, just as they have elsewhere in the State. That means workers in the logging and milling industries have been losing their jobs.

It is absolutely essential we get this aid to those in need so they can continue to put food on the table while they continue to look for work.

A second integral part of this legislative package is the extension of the home buyers tax credit. This tax credit has already helped nearly 1.5 million Americans to achieve the dream of owning a home. Without this tax credit, many of these first-time home buyers would have remained on the sidelines. They would have been unable to buy a home in these challenging economic times.

The home buyers tax credit provides up to $8,000 for millions of Americans to purchase their first home. The credit has helped to reduce the excess supply of homes on the market and, in doing so, the credit has helped to stabilize the housing market.

In many places throughout the country, homes are selling and inventories are dropping. The Pending Home Sales Index, a leading indicator of existing home sales, rose again in September for the eighth straight month. Total housing inventory fell 10.8 percent at the end of August.

Home prices also appear to be slowly recovering. The Case-Shiller Home Price Index increased 1.4 percent in June after falling for 35 consecutive months. These encouraging numbers tell us that the home buyer tax credit is working. Yet the housing market remains fragile. High unemployment has increased foreclosure rates, inventories remain well above normal levels, and homes are worth substantially less than they were a year ago.

In May, back home in Montana, I helped with a charity raffle of a new home in Billings. During the event, the homebuilders for this home told me how well the home buyer tax credit is working. They said it definitely helped to boost their sales. The builder made it very clear how much the tax credit has helped in Montana.

Realtors and home builders across Montana have provided examples of the tax credit working to get buyers off the fence and into new homes. The Billings Gazette recently reported on one development where 30 homes were sold this year. Home buyers of 17 of those homes used the first-time home buyer tax credit when they bought their home. In Bozeman, MT, housing starts and home purchases have dropped off, but it is clear that the home buyer tax credit has helped to cushion that.

The success of the American economy is closely tied to the success of the housing market. By helping to stabilize the housing market, the home buyer tax credit has helped to shore up the economy as it begins to recover. It is important that we temporarily extend the home buyer tax credit to further support our recovery. That is why we have proposed extending the tax credit to April 30 of next year. Because the housing market remains fragile, we propose expanding the credit to include a greater number of potential home buyers.

As before, the $8,000 tax credit would be available to those buying a principal residence for the first time, but it will also be available to home buyers who have lived in their current residence for 5 years or more. These home buyers hoping to move up would be eligible for a $6,500 tax credit. This strikes a fair middle ground. We would help first-time home buyers and we would also help homeowners looking to move up to a new home, but we would exclude from the credit speculators who may have recently purchased a home intending to flip it for a fast profit.

Our amendment would also increase income limits. This would enable an even greater number of potential home buyers to take the credit. Those earning less than $225,000 for joint filers and $125,000 for single filers would be eligible. Increasing this threshold would further stimulate the housing market by bringing a new group of buyers into the market. These days, millions of renters earn more than $75,000 a year.

Our new home buyers tax credit would also include a ''binding contract'' provision that would allow anyone who has entered into a binding contract to be eligible for the credit, so long as they close on the home within 60 days. Also, the extended tax credit would continue to allow military personnel to claim their credit for an additional year.

Many more Americans stand to gain from the extension of the home buyers tax credit, and with our amendment they would get help buying a new home during these tough economic times.

Homes that are worth more than $800,000 would not be eligible for the home buyers tax credit. We need to target the credit toward those potential home buyers who need it most, not those buyers who would have bought a new home even without the new credit.

To address concerns such as those raised by the Treasury Inspector General for Tax Administration, we have given the IRS additional tools to prevent erroneous credits from being paid.

It is important that this tax credit does not become a permanent fixture in the Tax Code. That is very important. It certainly is to me. Our amendment would end the credit on April 30 of next year. This extension would get us through the winter, traditionally the worst season for real estate. Our amendment would jump-start the housing market as it enters the summer months in 2010. With the new ''binding contract'' provision, we would effectively extend this tax credit for 7 months, long enough to encourage home buyers to buy homes but short enough to remain fiscally responsible. It is a fair approach and it would play an important role in getting the housing market back on its feet.

In addition to unemployment insurance and the home buyer credit, our amendment would also add needed net operating loss relief for businesses. Under current law, corporations may carry back net operating losses 2 years. In the stimulus bill earlier this year, we were able to increase that carryback period to 5 years, but only for small businesses. The carryback provision for small businesses has been a great help to struggling small companies. They were able to carry back their losses to profitable years, and then they could file quick refund claims. This gave them much needed cash to meet payroll, invest in new equipment or inventory, or pay for other current expense obligations.

But many businesses did not qualify for the carryback stimulus provision that helped small businesses. Many larger companies are also hurting during this economic downturn. Senator SNOWE and I recognized this during our discussions on the stimulus bill. We introduced a bill to expand the needed relief to all businesses, and now we are including that relief here.

The great recession, which I heard to date is officially over because now the GDP is growing for the first time in I don't know how many months—but the great recession has hurt Montana businesses from farming to retail to manufacturing. A recent series in the Billings Gazette highlights a number of historically profitable Montana industries that are facing serious losses as a result of hard economic times. The lumber industry provides an acute example.

Pyramid Mountain Lumber is the oldest surviving family-owned and family-operated mill in Montana. Loren Rose, the controller of Pyramid Mountain, reports that their mill has faced increased costs on logs and fuel and orders have dropped because of the slowdown in home building. The owners have invested everything they have in the mill. They are terrific operators. I spent a good bit of time at that mill and I am very proud of it. They have done a super job. Loren said the lumber mills are ''all in'' as far as ownership investment. They have nothing left to invest. Other mill owners have had to shut down. Loren said that an NOL provision such as that in our bill would ''absolutely'' help in ''providing working capital to the small, independent mills.'' That is his quote. Our NOL provision would directly help this industry and others in Montana that are struggling to survive in these tough economic times. Let's expand the help we provided to small businesses to all businesses; that is, all businesses that need the cash infusion now.

The questions always arise: How do we pay for these provisions? Our amendment pays for them responsibly. In 2004, Congress created a new way for American-based corporations to allocate interest for purposes of computing their taxes. The implementation of that allocation method was to be effective in tax years beginning after 2010.

Our amendment delays the effective date of that provision until tax years beginning after 2017.

Our amendment also increases penalties for taxpayers who fail to timely file partnership and S-corporation returns. These two provisions would allow Congress to provide additional incentives for home buyers and implement expanded NOL carryback relief for businesses. Both of these goals are big steps toward boosting our economy.

Our amendment, I believe, is the right approach. I urge my colleagues to support it. Let us respond to the concern that is foremost on Americans' minds, and that is jobs, that is the economy. Let us pass this legislation to help unemployed Americans and provide tax relief, and let us pass this legislation that will help Americans to get and keep good jobs.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CAP-AND-TRADE

Mrs. HUTCHISON. Mr. President, I rise today to raise serious concerns with the cap-and-trade legislation which is currently in hearings in the Senate Committee on Environment and Public Works.

The committee is holding its third hearing today on the bill that would presumably be coming to the floor of the Senate. One of the panels today is going to focus on the impact on transportation of the cap-and-trade bill. I think Members deserve to know the real costs and effects this bill will have on transportation. That is what I will talk about today.

Last week, Senator BOND and I unveiled a report that analyzed the fuel cost implications from the House bill that is making its way through the House. Our report forecasted a $3.6 trillion gas tax on the American economy for the life of the program, which is 2015 through 2050.

At this time of economic uncertainty, with 15 million people out of work, just about every American is cutting back on spending. Do we really want to put a tax on energy and increase energy costs for families and small businesses at a time like this? I think the answer is obvious. The worst thing we could do to our struggling economy is to overburden it with new taxes and more regulations. But that is exactly what the cap-and-trade bill is doing, and that is exactly what is going through Congress right now.

This past weekend, we began to see what was in the Senate bill that is being proposed. It is even more stringent than the House bill. The legislation on the Senate side would impose a huge tax on business and levy a massive economic burden on all Americans.

For most Americans, gasoline is a mandatory expense, and raising the cost of it, of course, is going to strain working families, small businesses, farmers, ranchers, and our whole economy. Last year, when consumers experienced $4 gasoline and $5 diesel, it caused enormous hardships for Americans. Fortunately, those fuel prices were temporary. But under cap and trade, those high prices will be permanent—at least until 2050.

High fuel prices don't just impact our transportation expenses; we are actually hit twice because the gas tax raises the price of every good and service—groceries, clothes—that consumers must purchase in order to live.

Energy costs are, among our businesses, top operational expenses. Companies face a variety of energy expenses, ranging from heating and cooling their plants and facilities to powering equipment and lighting. In order for businesses to withstand this heavier tax burden and to remain viable, they will be forced to pass fuel costs on to consumers through higher prices.

Several industries will be more severely penalized by the gas tax than others.

Let's take trucking. The American trucking industry is a major target of the cap-and-trade gas tax. In 2007, 1.7 million drivers of tractor trailers logged 145 billion vehicle miles, consuming 28.5 billion gallons of fuel. That equates to an annual fuel cost per vehicle of $34,560. That number will skyrocket under this cap-and-trade proposal that is going through Congress. When you consider that the average self-employed truckdriver earns only $43,000 per year in net revenue, the gas tax represents an enormous new tax on working middle-class truckers.

Of course, truckers will not suffer those higher gas taxes alone. Their additional costs will be shared by every consumer in the increased price of everything they transport. At some point, nearly everything bought or sold must be shipped to a retailer. So the sweeping effect of the gas tax on every consumer, every person, every business—certainly the trucking industry but every other business—will harm our entire economy.

The pain doesn't stop with trucking. Our Nation's farmers and ranchers, who are tasked with producing high-quality goods for much of the world, will be irreparably harmed under the House's $2 trillion tax on gasoline and $1.3 trillion tax on diesel fuel. Gas and diesel fuel-powered equipment, ranging from tractors to combines to fertilizing systems, are the operational foundation of America's farms and ranches. Every extra penny they pay will be seen in the cost of goods and certainly the cost of food. Under the climate change legislation, they will face $550 million in higher fuel costs in 2020.

Despite all of this pain we are going to see on our truckers, on our family farmers, and on every business, what good will it do? If there is a good side, let's look at it. It is supposed to be to help our environment. But even the U.S. Environmental Protection Agency Administrator admits that unless China and India impose similar Draconian taxes and regulations, there will be no effect on world temperatures. So what is the purpose of this increase in taxes and increase in costs every American will bear? Well, there is no improvement because it is certainly common sense to know that if we do this unilaterally in the United States and put this tax on our refineries, on our exploration companies that are trying to produce more energy for our economy at a cheaper price and environmentally safely, and if others around the world don't do it—put more caps on and more regulations—and they are spewing into the world much heavier carbon emissions than the United States does now—if they don't change and we do, it will still come to our country. So there will not be any effect on the global environment.

Under the bills going through today, trillion-dollar figures have been discussed so nonchalantly in Washington that it seems as if they are losing their shock value. Americans must know that $3.6 trillion in gas taxes is a real number, and it is going to have a real effect on every American.

We can improve the environment and we can improve the economy.

One of the things that is not being discussed, as we are talking about putting more taxes on the industries that produce energy, the bread-and-butter energy of our economy, what isn't being discussed is nuclear power. Nuclear power has been shown time and again, where it is in place, that it is inexpensive, efficient, and it is environmentally safe. There is no carbon emission from a nuclear powerplant.

So why does the House bill not even address nuclear? Why are we not talking, in this administration, about nuclear power, which can be clean energy, efficient energy, and which has been proven to also have fewer consequences than once thought because the amount of nuclear waste has now been lowered to a huge extent and can be safely kept? And if we continue our research, we will probably be able to reuse the nuclear waste and put it back into more nuclear power. Why aren't we pursuing nuclear instead of just putting more taxes and regulations on the bread-and-butter energy that is produced in our country?

We need to reject the cap-and-trade bills that are going through Congress right now. We need to focus on environmental policies that will make a difference in our environment, that might make a difference in our global environment. But certainly unilateral regulations and taxes just on America has been absolutely proven not to make a difference in the global economy if no

other country adopts these Draconian measures, which they have all said they are not going to do.

While I stand ready to support clean energy technology, nuclear power, I could not possibly support a bill that is going to wreck our economy in a very precarious time and that will send jobs away from America at a time when we know we need to increase jobs in America. It will be sending American jobs overseas where it is easier to do business and where regulation is more stable.

Mr. President, what are we doing? What are we doing talking about more taxes and more regulations that will not impact the global environment? I hope that as these bills are vetted in committee, we will stop and say: Let's do something rational. Let's promote clean energy. Let's promote nuclear power. Let's don't hold back those who would be willing to make that investment and take that chance.

We should not pass cap and trade, which will tax and regulate our energy industry and it will not help the environment. That is a lose-lose proposition. I hope Congress and the majority in Congress will see that this is the wrong way and stop the cap-and-trade bill.

Mr. President, I yield the floor.

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

Mr. GREGG. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes.

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

HEALTH CARE REFORM

Mr. GREGG. Mr. President, I rise to speak again about the issue that is the topic of the day for us in the Congress—independent of the question of Afghanistan and Iraq, which is our No. 1 concern—and that is the question of health care.

Today, the Speaker of the House and the Democratic leadership and membership of the House unveiled their plan. It is 2,000 pages long. They made the representation that, in some way, it wasn't going to increase the deficit. This is a bill that is going to cost between $1 trillion and $2 trillion over 10 years. The idea that it is not going to increase the deficit is so unbelievable just on its face that it doesn't even pass the laugh test. If you believe that, then maybe the Speaker of the House should sell you a bridge in Brooklyn—or even in Oakland, for that matter. That one doesn't work, by the way. The simple fact is, when you increase the size of the government by $1 trillion or $2 trillion, as this bill proposes to do by massively creating a massive new entitlement called a government-forced insurance plan, there is no way you are going to be able to cut Medicare enough, as it is proposed in this bill, or raise taxes enough, as it is proposed in this bill, to meet the cost of that program. There is no way it is going to happen. So to claim that this won't add one dime to the deficit, as the President claimed he would not do when he spoke to the Congress, is just not believable.

Under this administration, we have seen a massive expansion in the debt of this Nation. They represent constantly that they just inherited this from the Bush administration. Yes, a fair amount of it did come over from the prior administration, but the budget they sent here, which has a trillion-dollar deficit every year for the next 10 years, isn't the Bush budget, it is their budget. The budget they sent over here, which raises the debt in this country from 40 percent of GDP to 80 percent, isn't the Bush budget, it is the Obama and Democratic budget.

The representation was that we would go out and spend almost $1 trillion—$800 billion—on a stimulus package, and that would create jobs. What it created was debt for our children.

The numbers are starting to come in now. It was represented in New Hampshire specifically, this administration said there would be 16,000 jobs created in New Hampshire by the stimulus package. Since the stimulus package has passed, we have lost 12,000 jobs in our State, and $400 million has been spent in New Hampshire. The administration argues $400 million created 3,000 jobs. They have to use some pretty creative accounting to get to those 3,000 jobs. Even if we give them the benefit of the doubt, that is over $130,000 that it has cost Americans per job.

Did we have that money to spend? No. We sent the bill for that package to our children. We put it on their backs. In fact, almost 50 percent of that stimulus package is going to be spent after this recession is long over. It is going to be spent after the year 2011.

Chairman Bernanke, head of the Federal Reserve, said the recession was over. He said that about 2 weeks ago. Granted, the pain and suffering and the difficult economic times certainly are not over, and we do need to be concerned about that. But in 2012, 2013, 2014, 2015, even in 2019, there will still be money being spent under that stimulus package, and all of it will have been borrowed, borrowed from our children, and they will have to pay it back.

Then we had the Cash for Clunkers Program which was allegedly going to be this great stimulus initiative. That has been looked at by an entirely independent group, edmunds.com, which is an automobile site on the Web. They tell you a car's value and give you an independent assessment of its qualities, pluses, and minuses. They took a look at that program. They said there were 690,000 vehicles sold during the Cash for Clunkers period. But they concluded—they are not conservative, they are not liberal, they are not moderate. They are just a professional group of people looking at what happens in the area of automobiles. They concluded that only 125,000 of those cars would not have actually been purchased or sold by the dealer were the Cash for Clunkers Program not in place. In other words, the vast majority of cars would have been sold; they would have been bought under Edmunds' estimates.

So we spent about $3 billion to buy 125,000 cars. That works out to $24,000 per car. Who did that bill go to? That is going to our kids too.

Just in the last 2 weeks—well, almost every week around here we hear proposals to spend money and not pay for it. A week ago, somebody suggested from the administration that we should spend $14.5 billion by sending $250 to every Social Security recipient. Why did that come about? That came about because people were starting to realize senior citizens were getting a little upset with the fact that under the health care proposals that have been coming forward from the Finance Committee, from the Labor Committee, now from the House, that under these proposals Medicare was going to be significantly reduced. Seniors were going to lose their Medicare benefits so that a brandnew entitlement could be created which had nothing to do with seniors and be partially paid for with these reductions in Medicare payments.

In fact, if you are on Medicare Advantage, under the Finance Committee bill, you can forget it. That program is gone. There are a lot of seniors in this country who have Medicare Advantage. They like it. They think it is a good way to get health care. But the majority of the Medicare cuts come out of Medicare Advantage. Basically, they are wiping out that insurance benefit. Talk about losing your insurance. The President says nobody is going to lose their insurance today who has it; nobody is going to lose it.

Right on the face of it, when Medicare Advantage gets wiped out, every senior who has that is going to lose it. They are going to be moved over to the standard Medicare. And for what? To pay for a new program, a new entitlement program that has nothing to do with seniors and has nothing to do with making the Medicare system more solvent.

If we are going to reduce Medicare payments, and there are adjustments we need to make in the Medicare system, it should go toward making that system solvent. Why is that? Because the system is insolvent.

It is inconceivable that the White House would suggest that we should add $14.5 billion of new spending to the Social Security Program, which is also going to be insolvent in a few years, because seniors were upset and they were realizing what was going to happen to them under Medicare. They wanted to sort of give them some walking-around money, the old Chicago way—walking-around money. If we give people money, maybe they will not be upset by things.

I think most seniors understand that, sure, they would love $250, but how does that work? When we total that all up, that is $14.5 billion of debt which is going to be given to their children and their grandchildren to pay when those grandchildren and children already are getting a massive debt, almost $50 trillion of unfunded liability just in Social Security and Medicare alone.

We have to ask ourselves: Should we put another $14.5 billion on their backs simply to make a political statement? Of course not. But that was proposed.

Then a week ago, it was proposed that we should do a $250 billion fix to reimburse doctors fairly. Doctors are not reimbursed fairly under Medicare. They are not. That is an interesting fact because if we look at all these proposals that are being talked about from the other side of the aisle, they are saying: Oh, everybody in America will have Medicare. That is a great idea. The fact is, Medicare does not reimburse doctors for what the real costs are. So a lot of doctors don't want to do Medicare.

The reflection of that fact is, they proposed the $250 billion doctor fix. They didn't want to pay for it. That is a $¼ trillion. That is a lot of money. All that debt goes on our children's backs. Our children have to pay for that spending. That was the proposal that came from the other side of the aisle.

Fortunately, some folks on the other side of the aisle—I congratulate them, 12 Members on the other side of the aisle in the Democratic Party and one Independent—said: Wait a minute. We are going to join the Republicans on this one. You can't do this. This is not right. You cannot spend $250 billion on fixing the doctors fix, which should be fixed, and then take that bill and give it to our kids and grandkids. You have to be more responsible.

Over the years, every year we have fixed the doctors fix. We have fixed it now for 10 years, and we have paid for it. But this was not going to be paid for.

These ideas for spending money and not paying for them have become fairly common around here. But the biggest item is clearly going to be this health care bill which is a brandnew entitlement representing $1 trillion to $2 trillion of new spending.

What is that money going to be used for? It is going to be used basically to create a new government-inspired insurance program to compete with the private sector in the area of supplying health care. That would be OK except for the fact that as the Speaker of the House has said, that government plan is going to be used to save money. There is only one way that a government insurance plan can save money; it has to underprice the private sector. How does it do that? It uses the authority of the government to set price controls. It uses the authority of the government to control procedures that people are able to get. It uses the authority of the government to limit innovation because innovation is costly.

Inevitably because of that—price controls, controlling access to doctors and hospitals and procedures people can get, and controlling innovation—it inevitably deteriorates the quality of health care generally for the public.

Equally important, of course, under the scheme that has been developed that we have seen so far—although we have not seen the specifics because they are being developed behind closed doors on the Senate side. We have seen the House bill, but we haven't had a chance to read the 2,000-page bill. But the scheme that came out of the Finance Committee, equally important, the practical effect would have been that employers would have been encouraged to basically drop employees from their private insurance plan and cause those employees to migrate over to the public plan—intentionally, of course—through a whole series of activities which would make it much more practical for an employer simply not to insure people but to pay a penalty instead and put employees on a public plan.

There will be a natural contraction in the private insurance community because there would be a price-controlled government plan and a natural movement of people over to the government plan because the penalty for employers not insuring people is significantly less—at least in the HELP Committee bill—than the cost of insurance and, therefore, employers will look at it and say: It is cheaper to pay the penalty than insure the folks. So I will just pay the penalty and people can go over and get a public plan. They lose their insurance.

Mr. President, 180 million, 190 million people in this country have private insurance. They are pretty happy with their doctor and their health care. They may not be happy with the insurance company—most of us are not—but they are pretty happy with their doctors and their health care. If they are forced on to a public plan, that is going to put this bureaucrat between you and your doctor. It will mean if you have a government plan, you may have to call Washington to see your doctor.

It also means, as I said earlier, in order for the public plan to work and be cost effective in the sense of saving money, as the Speaker of the House says that is how she has to save money, it has to have price controls, it has to have control over access, it has to have control over innovation, all of which inevitably leads to delay and a lesser quality health care system.

The goal on the other side of the aisle—we all understand this because they have been public about this; there is no subtlety about it—is to move to a single-payer system where there is one insurer in the country, and that is the government.

The same group that is bringing us the swine flu vaccination program is going to bring us all our health care. Think about that. We don't have to go too far for an example of how the government has a hard time managing fairly large issues of health care when it comes to the practical application of taking care of people who need assistance. All we have to do is look at what is happening in the swine flu program to recognize that the government may not necessarily, in all instances, do such a great job of delivering health care.

For example, today you cannot get your swine flu vaccination in most places in this country because it is not available. Yet that is the system which a large percentage of members of the other party seem to desire, a single-payer system where government supplies it much along the lines of what we see in places such as Canada and England.

I don't think it is healthy for you. I don't think it is healthy for patients. It is certainly not healthy for our children because it means they are not only going to get a lesser health care system, they are going to get this huge bill, this massive bill which is going to come out of this $1 trillion to $2 trillion increase in the cost of government.

It is hard to understand—it has to be intuitive to people, and I know it is to most Americans—that if we increase the size of government by $1 trillion to $2 trillion, we inevitably end up passing on massive debt.

The PRESIDING OFFICER. The Senator has used his 15 minutes.

Mr. GREGG. I ask for an additional 1 minute.

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

Mr. GREGG. As I said, it has to be intuitive, and I know it is intuitive for most Americans, that if we increase spending of the government by $1 trillion to $2 trillion—and our estimate is this program costs $2.2 trillion in fact—and we cut Medicare to try to pay for that, or we try to raise taxes to pay for that, we are like a dog chasing a tail. It never will happen. The two ends just don't meet. They just don't meet. And what happens to the part that doesn't meet? That is called debt, and it goes to our children. It is not appropriate to do that after we have already put so much debt on their backs, especially in the last few months.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Iowa.

BIOFUELS AND THE EPA

Mr. GRASSLEY. Mr. President, last week, President Obama delivered a speech at the Massachusetts Institute of Technology on the environment and on clean energy. He made an appeal for congressional support for biofuels, wind, and solar energy, clean coal technology. Naturally, as father of the wind energy tax credit of about 18 years ago, I share President Obama's support for homegrown renewable energy. When the President was in the

Senate, he and I worked together to promote the production and distribution of biodiesel and ethanol. It is because of our common interest and shared support that I make an appeal today to President Obama.

The Environmental Protection Agency is currently reviewing a number of proposals that are incredibly important to our Nation's ability to reach its potential in terms of renewable fuel production. On September 3, I was fortunate to host EPA Assistant Administrator Gina McCarthy and Margo Oge, Director of the EPA's Office of Transportation and Air Quality, on a family farm in my State of Iowa. I was happy they accepted my invitation. It was a very good visit.

With the tremendous impact EPA decisions have on the family farmer, it seemed worthwhile for Administrator McCarthy and Director Oge to see American agriculture directly through the eyes of a family farmer. I also had the opportunity to share my concerns on many pending issues, and I believe these EPA officials were a welcome audience.

The first issue I am speaking about relates to the EPA's proposal to penalize biofuels for greenhouse gas emissions from supposed changes in international—I emphasize international—land use. I know President Obama is aware of my concerns because I relayed them to him personally over lunch at the White House on May 6 of this year. Their new renewable fuels standard, enacted in the year 2007, requires various biofuels to meet specified life cycle greenhouse gas emission reduction targets.

The law specified that the life cycle greenhouse gas emissions are to include direct emissions and significant indirect emissions from indirect land-use changes. However, the proposed rule relies on incomplete science and inaccurate assumptions to penalize U.S. biofuels for so-called indirect land-use changes. Under the EPA's analysis, ethanol produced from corn reduces greenhouse gas emissions by 16 percent compared to gasoline. However, if you remove the murky science of emissions from indirect land-use changes, corn ethanol reduces greenhouse gas emissions by 61 percent compared to gasoline—remembering that the other figure was just 16 percent compared to gasoline. So you can see what we know from science—sound science—is ethanol is very environmentally positive.

The EPA's models conclude that changes in international land use—again, emphasis upon international land use—contribute more in greenhouse gas emissions than the entire direct emissions of ethanol production and use. The fact is, measuring indirect emissions of greenhouse gases is far from a perfect science. There is a great deal of complexity and uncertainty surrounding this issue. That is why Senator HARKIN and I, along with 10 other Senators, asked EPA earlier this year not to include calculations of indirect land-use changes. But the EPA ignored the request of Senator HARKIN and myself.

In its proposed rule, the EPA grossly underestimates future crop yields that will help meet the demand without requiring new crop acres. In addition, the EPA fails to adequately measure the land-use credits for the feed value of corn ethanol coproducts. Similar miscalculations exist for biodiesel as I have explained for ethanol. The EPA miscalculated the value of coproducts associated with biodiesel production and even included a nitrogen penalty.

I wish to speak to the nitrogen penalty because it is a case of total ignorance on the part of the EPA. Farmers know that growing soybeans does not require nitrogen use. Soybeans, in fact, capture nitrogen and return that very valuable product to the soil naturally.

During consideration of the Interior appropriations bill last month, Senator HARKIN filed an amendment to block EPA from including the international component of the land-use change calculation. In response, EPA Administrator Jackson sent a letter to Congress claiming the amendment would prevent them from carrying out their statutory obligations.

There are two points that need to be made with regard to Administrator Jackson's letter to us in the Congress. First, the statute does not require the inclusion of international land-use changes. Nowhere does the word ''international'' appear in the statute. Second, in measuring greenhouse gas emissions, the statute states clearly:

> Direct emissions and significant indirect emissions such as significant emissions from land use changes.

If the EPA can't determine the impact of land-use changes with any degree of certainty, how can it be sure the impact is significant? Isn't there the same probability it is entirely insignificant?

Importantly, the House of Representatives demonstrated its lack of confidence in the EPA's handling of this issue during consideration of the climate bill in June. In that bill, Agriculture Chairman PETERSON, Speaker PELOSI, and Energy and Commerce Chairman WAXMAN agreed to an amendment that recognized there is no scientific agreement or no consensus that links U.S. biofuels production to international land-use changes. The amendment blocked EPA's consideration of international land-use changes for 5 years, until it can be measured using what we ought to expect them to use—sound science. There is strong bipartisanship on the record in opposition to EPA's finding in this area. So I hope EPA gets the message.

The second issue pertains to the volume mandates required for biodiesel under the expanded Renewable Fuels Standard. The RFS–2 requires the use of 500 million gallons of biodiesel in 2009 and 650 million gallons in 2010. However, EPA's rulemaking to implement these volume requirements has not yet been finalized and may not be until well into next year.

The U.S. biodiesel producers are in a tough financial situation. They need this mandate—which Congress did enact—to ensure a domestic marketplace for their renewable fuels. While the EPA took action to increase the overall volume mandate to comply with the law, it has failed to implement the specific biodiesel mandate.

In early August, Senator CONRAD and I were joined by 22 other Senators in writing President Obama to ask for his help.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the letter to President Obama.

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

U.S. SENATE,
Washington, DC, August 6, 2009.

Hon. BARACK OBAMA,
President of the United States, The White House, Pennsylvania Avenue, NW., Washington, DC.

DEAR MR. PRESIDENT: We are writing to ask your assistance to ensure that America maintains a viable domestic biodiesel industry that is capable of producing renewable diesel replacement fuel.

The Energy Independence and Security Act (EISA) of 2007 provides for renewable content in U.S. diesel fuel as part of the program's Advanced Biofuels schedule. Specifically, the Renewable Fuel Standard (RFS–2) requires the use of 500 million gallons of biomass-based diesel in 2009; 650 million gallons in 2010; 800 million gallons in 2011; and 1 billion gallons in 2012 and thereafter. This policy, if implemented in a timely and workable fashion, will promote the significant economic, environmental and energy security benefits associated with the domestic production and use of biodiesel.

The RFS–2 program was to begin on January 1, 2009, and the Environmental Protection Agency (EPA) was required to revise the current regulations to ensure the mandated volumes are met, including the volumes for biomass-based diesel. Recently, the EPA announced a two-month extension to the comment period for the new regulations. This extension will likely delay the implementation of RFS–2 well into 2010, causing further uncertainty and creating additional harm to biodiesel plants that have, as Congress intended, made substantial investments based on the volume goals provided for in the statute. The U.S. biodiesel industry desperately needs the market provided by the RFS–2 and cannot afford a significant delay in the implementation of the volume requirements mandated by EISA.

Domestic biodiesel producers face a practically non-existent domestic marketplace. Currently, 70% of U.S. biodiesel production capacity is idle. Domestic production is expected to be less than 50% of last year's levels and numerous bankruptcies loom for the industry. If this situation is not addressed immediately, the domestic biodiesel industry expects to lose 29,000 jobs in 2009 alone, and the nation's ability to meet the common-sense volume targets for biomass-based diesel provided for in RFS–2 will be compromised. A viable biodiesel industry is key to reducing U.S. dependence on foreign oil and meeting our nation's renewable energy goals.

Given the significant delays associated with RFS–2 implementation, the precarious state of the U.S. biodiesel industry, and the

volume goals established by statute for biomass-based diesel, we believe this matter must be addressed immediately. While EPA appropriately increased the overall volume mandate to comply with EISA, it has, to date, failed to implement the specific biomass-based diesel mandate. Therefore, we request that the Administration exercise its authority immediately, either by Executive Order or through Agency action or guidance, to provide greater certainty for the 2009 and 2010 RFS–2 volume mandates for biomass-based diesel. Prompt attention is critical to the survival of the biodiesel industry, will provide greater certainty in the marketplace, and is needed to further the energy security, environmental and economic interests of the country.

Thank you in advance for your consideration on this important matter.

Sincerely,

Kent Conrad; Chuck Grassley; Tom Harkin; Byron L. Dorgan; Jon Tester; Amy Klobuchar; Sam Brownback; Max Baucus; Pat Roberts; Christopher S. Bond; Roland W. Burris; Blanche L. Lincoln; Tom Udall; John Thune; Richard Durbin; Debbie Stabenow; Maria Cantwell; Ben Nelson; Patty Murray; Mike Johanns; George V. Voinovich; Tim Johnson; Richard G. Lugar; Al Franken.

Mr. GRASSLEY. Mr. President, the domestic biofuels producers are in a precarious state, so we asked President Obama to take immediate action to implement the volume mandates for biodiesel. It is in our Nation's economic and environmental interest to maintain a robust biodiesel industry. Unfortunately, no action has been taken to immediately implement the volume mandates.

Finally, the EPA continues to delay in approving higher blends of ethanol in our transportation fuels. Earlier this year, a number of ethanol producers submitted a request to EPA to allow higher blends of ethanol. Currently, ethanol blends are limited to 10 percent in nonflex-fuel vehicles. The waiver request is simply requesting that EPA allow ethanol to be blended at 15 percent levels instead of 10 percent.

While the waiver request was submitted back in March, the EPA has not made a decision. The EPA's delay in considering this request is having a negative impact on U.S. ethanol producers and is harming consumers who would otherwise benefit from lower prices at the pump. The delay is also putting off our efforts to use more homegrown renewable fuels in place of imports.

The delay is also putting off our efforts to use more homegrown renewable fuels in place of imported fossil fuels.

I recognize that prior to approval of higher ethanol blends, the requisite studies and testing must be concluded.

A number of scientific studies conducted in recent years confirm that higher ethanol blends do not cause significant changes in tailpipe emissions, vehicle drivability, materials compatibility or durability.

It is time to end the delays and take action to further reduce our dependence on foreign oil.

I am speaking today to ask President Obama and his staff at the White House to pay close attention to these three issues.

Our Nation currently has a strong, renewable fuels infrastructure that is working every day to reduce our dependence on foreign oil.

Those involved are also working diligently to increase efficiencies and strive toward the second generation of advanced biofuels. But, we can't get there by undermining today's industry.

The President can take action within his administration to ensure that no harm is done to the renewable fuels that are displacing dirty fossil fuels today.

He can ensure that EPA uses only sound science and avoids speculative assumptions when determining the greenhouse gas emissions of biofuels.

He can take action to see that America uses even more homegrown, green energy by ensuring that even more renewable fuel is blended in our Nation's transportation mix.

And, he can take action to immediately provide the certainty for biodiesel producers that Congress intended in the energy bill of 2007.

That is what I am asking him to do.

By zeroing in on these three pivotal issues facing the renewable energy effort today, President Obama and his staff can make a major positive difference for the production of even more clean, renewable, domestic biofuels.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNS. Mr. President, may I inquire, is the procedure that we are going back and forth? If it is, I will defer to the junior Senator from Illinois.

The PRESIDING OFFICER. That is not part of the order.

Mr. JOHANNS. I thank the Chair.

HEALTH CARE REFORM

Mr. JOHANNS. Mr. President, I anticipate speaking about 10 minutes, and I rise to speak on the health care bill that is making its way to the Senate floor. Today, I wish to talk about just two topics relative to that health care bill, and those two topics are transparency and, of course, the all-important topic of taxes.

We all have been through elections. We know elections lead to promises. We say things out on the campaign trail. We make promises to the American people and to the people of our State. Well, last election, by any measure, was a historic election. Over and over again, the American people were promised change. They were promised middle-class protections. Very specifically, our President promised increased transparency. There would be no tax increases on the middle class. We can all quote that language—not one dime. But I have to tell you, everything I see about the health care debate at this point leads me to the conclusion that campaign promises are about to be broken.

Without a doubt—without a doubt—the American people clearly support more transparency in Washington. Yet health care has the same old politics. There isn't any transparency at the moment. I remember that famous tape of the President where he said: You know, we are going to do this in front of C–SPAN. We are going to see who is with the big insurance companies and who is with the people. Well, what is happening now? We are in the process of bills being merged—hugely different, monstrous bills—and we don't even know exactly what is going to be in those bills, and it is all happening behind closed doors. I just fundamentally ask the question: If this is good for America, then why be secret about it? It is altering one-sixth of our economy. It simply should not be happening behind closed doors. There is too much at stake.

Everyone should support the 72-hour transparency bill. It simply requires that legislation and a CBO score be available at least 72 hours before consideration. That is a commonsense idea and I think kind of a minimal idea, actually. A 1,900-page bill came out of the House—1,900 pages. Yet they are talking about a vote on that next week. I think most people would say: What is the rush? But we should at least get 72 hours, with a score, so we could talk to the American people about what is in the bill and what is not.

This leads me to the next piece of what I wished to talk about today, and that is taxes. A signature promise of the President's campaign was no taxes on families making under $250,000. Wow. What an important promise to the middle class. Let's look at the taxes in the Finance Committee's bill. There are over $500 billion of new taxes and fees. That is a very big number. Who is going to be hit with that? We have had studies done on it. The Joint Committee on Taxation analysis says this. It concluded that for 2019, roughly 77 percent of these taxes will be borne by middle-class tax payers; three quarters of the tax burden falls on those the President promised would not be impacted with higher taxes. What are the taxes? For anyone with a higher priced insurance plan, a 40-percent excise tax will be passed through to the worker. Higher health care costs, lower wages, I think. Any taxpayer who refuses to buy government-approved insurance will be penalized. These numbers could change, but right now it looks like $750 for singles and $1,500 for couples.

The CBO says this: Almost half of those paying this penalty tax would be between 100 percent and 300 percent of the Federal poverty level—or a family of 4, earning $22,800 and $68,400 in 2013. Clearly they are in the middle class. Clearly they are under $250,000. Call it what you will, to the people paying this, to them it will be a tax.

If you do buy insurance, prepare to be taxed by the new insurance industry fees. If you use a medical device, you will get hit with a new medical device

fee. If you contribute more than $2,500 to a Flexible Spending Account, your taxes go up. Many taxpayers who purchase over-the-counter medicine will now see them taxed. Taxes and transparency—two issues.

I will continue, in the weeks ahead, as will my colleagues, to discuss the dangers of health care reform done wrong. Health care reform is needed, no doubt about it, but not rushed legislation with no transparency and so many new taxes on the middle class.

I will wrap up with this. I think overhauling 16 percent of the economy is too important to do fast and to not do right, so I respectfully suggest that we take the time to do it right and honor the pledges made.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, over the last few months I have addressed this Chamber many times on the need for a strong public option as part of our health reform legislation. The need, I believe, is quite clear, but the controversy remains. There are some who continue to attack the public option as a ''government takeover,'' or an unnecessary intrusion into the free market. We must not be deceived by these baseless attacks. They are the instrument of a political opposition that cannot win this argument on the merits.

The American people know this better than anyone. They recognize that our health care system is broken and that they must not settle for anything less than comprehensive reform that only a public option can provide. They know that the insurance companies maintain a virtual monopoly over regional markets and that large corporations are squeezing families and businesses for extraordinary profits. Those who oppose reform see no problem with this lack of competition and accountability and that is why their arguments fall short. That is why their talking points seem tired and disingenuous, because they are out of touch with what is going on in America today.

Let's reject the constraints of partisanship. Let's shut out the lobbyists and special interest groups that stand to profit from the poor health of hard-working Americans. Let's talk about why we desperately need a strong public option in this country right now.

The key problem with health coverage today is that American consumers do not have any options. The principles of competition and choice have always been at the heart of our economic system. They have driven innovation and they have served as the foundation of so many great ideas and achievements throughout our history. In many ways, these principles are uniquely American. Yet the health industry is somewhat exempt from their influence. Private insurance companies are free to fix prices, monopolize local markets and deny coverage to almost anyone for almost any reason. We have seen unprecedented consolidations in the insurance market and that has led to a lack of competition and choice for American consumers.

In the past 13 years, there have been more than 400 corporate mergers involving health insurers. As a result, 94 percent of our Nation's markets are now considered ''highly concentrated,'' meaning that they are post-antitrust concerns. In my home State of Illinois, just two companies control 69 percent of the market and, sadly, Illinois is far from alone. In Alabama, a single company controls more than almost 90 percent of the market and in Iowa, Rhode Island, Arkansas, Hawaii, Alaska, Vermont, Wyoming, Maine, and Montana, the two largest health insurance companies control at least 80 percent of the market. In fact, there are only three States in the entire country where the largest three companies control less than a half of the insurance market.

This is a staggering statistic. In that kind of highly concentrated environment, there is no incentive to compete. There is no reason to improve service, expand access, or work with patients and doctors to achieve better health outcomes. In fact, there is every incentive to do just the opposite. These companies continue to look for new, innovative ways to deny coverage to sick Americans. They increase premiums, they cap lifetime benefits, they increase corporate earnings at the expense of families and businesses that are already stretched to the breaking point. While the rest of us suffer the effects of recession, they post record profits. That is why health care premiums are growing four times faster than wages. That is why profits are up and, relatively, health outcomes are down.

In the last quarter, one major insurance company reported profits that had more than doubled when compared to the same quarter last year. In fact, between 2000 and 2007, 10 of the country's top insurance companies increased their profits by an average of 428 percent.

Today, $1 out of every $6 spent in this country goes to pay for health care. This is wrong. This flies in the face of every value our Nation holds so dear.

It is time to stand up for the American people and restore the American values of competition and choice to the system. It is time to hold insurance companies accountable. It is time to create a strong public option that will make insurers compete for your business, like any other corporation in America.

There is nothing wrong with making a fair profit. I understand that. I have been in business myself. They have to make a profit. But there is nothing fair about creating a monopoly and then wringing money from the sick Americans who are counting on you in their hour of need.

That is why we need a strong public option. We cannot have real reform without competition and we cannot have competition without a public option. A strong public option would be a self-sustaining, would provide a low-cost alternative to private companies, and would force them to improve their product or risk losing customers. The public option would give people a choice for the first time in many years. No one would be forced to change their coverage, but if their current provider isn't treating them right, they deserve the opportunity to choose something better and more affordable.

The American people deserve the chance to shop around, to compare options and pick the plan that is right for themselves and their families or small businesses. That is what the public option would mean for Americans. That is why I will not settle for anything less. I will not compromise. I will not stop fighting. The good hard-working people in Illinois and across America demand the real reform that a strong public option would provide.

Now is not the time to back down. Now is the time to act with conviction. I urge my colleagues to join me in standing up for choice and competition in the health insurance industry. Let us rise to this challenge and include a strong public option in the reform bill we send to the President.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Tennessee.

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

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

CLIMATE CHANGE

Mr. ALEXANDER. Mr. President, this is the week of two more 1,000-page bills. The House has produced a nearly 2,000-page health care bill which we are all looking forward to reading. The Senator from New Mexico and I are members of the Environment and Public Works Committee, and this week we have been spending almost all day each day on a nearly 1,000-page bill on climate change.

As I said on Tuesday when the bill was presented, I have no problem acknowledging the problem, but I do have a problem with the proposed solution. The National Academies of Science of 11 major industrialized countries, including the United States, have said that climate change is real and that humans are causing most of the recent warming. If fire chiefs with the same reputation said my house was likely to burn down, I would buy some fire insurance. I would buy fire insurance that worked. But I wouldn't buy insurance so expensive that I couldn't pay my mortgage or I couldn't pay my hospital bill. That is my concern about the

solution that is a part of the Kerry-Boxer bill which we have been working on this week.

The Kerry-Boxer bill is a high-cost clean energy plan that will make it hard for Americans to support their families.

When the Boxer-Kerry cap-and-trade Bill is put together with the Energy Committee's Renewable Electricity Standard, it will be even bigger. It will be a combination of an economy-wide cap and trade and narrowly defined energy mandate. It will be a 1,000-page-plus bill of taxes, mandates, and surprises. But some things will not be a surprise.

We have heard this week a good deal of detail about the costs. At a time of 10 percent unemployment in America—and that is likely to continue for a while—it will impose a new national energy tax that will raise utility bills and send manufacturing jobs overseas looking for cheap energy. It will collect hundreds of billions of dollars each year from American taxpayers for use in a Washington slush fund for politicians to play with. Already we have corporations all over the country with their hands out looking for their share.

The economy-wide cap-and-trade, as has been said before our committee by very distinguished scientists, will be ineffective against fuel. Fuel is 30 percent of our carbon emitted today, which is a contributor to global warming. So the idea is that we put cap and trade on carbon, and it raises the price of fuel. But the testimony before our committee has been that it doesn't do much to reduce carbon emissions because even the large price increase in gasoline, for example, which will be passed on to those of us who drive cars, trucks, and fly in airplanes, would not be enough. It will be enough to cause a lot of pain, but it would not change much human behavior and reduce the amount of fuel consumed. The net result is higher prices but the same emissions.

The EPA has done a quick look at this nearly 1,000-page bill. Its conclusion is that its costs and benefits are much like the Waxman-Markey bill passed by the House of Representatives a few months ago. We know what people have said about that bill. President Obama's Budget Director, Peter Orszag, said in March that by giving the allowances to industry for free—instead of auctioning them—would result in the ''largest corporate welfare program in history.'' That is President Obama's Budget Director.

The Congressional Budget Office said that the House-passed Waxman-Markey bill would cut up to 3.5 percent of our GDP by 2050. In other words, it will make us poorer than we would otherwise be. The Brookings Institute said the cost is likely to be $300 billion annually by 2030. Former Senator Wirth of Colorado has criticized the bill as a cap-and-tax revenue raiser and said instead, it ought to focus primarily on utilities. James Hansen at NASA, who feels passionately about climate change and believes it is a problem, as I do, says the bill is less than worthless.

So taken altogether, the strategy of this bill to deal with climate change is, taxes, expensive energy, and mandates, plus the President's goal of a national windmill policy—a combination of subsidies and incentives and mandates that would have as a goal making 20 percent of our electricity from giant wind turbines.

Mr. President, I believe our dream for energy ought to be just the reverse. We should want large amounts of reliable, clean, low-carbon, or carbon-free energy, but it should be cheap energy not deliberate high-cost energy because that is the way we create jobs and avoid hardships for American families. Our dream throughout our existence in this world has been that someday we would have cheap, energy for the people of the world so they could get out of poverty. We are fortunate in this country. We are just 5 percent of the people in the world, and we have 25 percent of the wealth, and we use about 25 percent of the energy. We should be leading the way and not have a policy that deliberately raises the price of energy. We ought to deliberately lower it.

So before we deliberately embark on a program to send manufacturing jobs overseas, which this unquestionably will—if you work in an auto plant or auto supplier plant or cement plant or aluminum plant, if this bill passes, your job is more likely to go overseas. Before we deliberately make ourselves poorer, we should try a low-cost strategy, and we have one.

Republicans—all 40 Republicans—have a 4-point, low-cost clean energy strategy, which I believe many Democrats agree with, and I believe President Obama agrees with a lot of it. So rather than this economy-wide, high-cost energy strategy, why not the following 4-point strategy:

No. 1, create the environment in which we could build 100 new nuclear powerplants in the next 20 years. That is the same number we have today—104. We built those in 20 years, between 1970 and 1990. Those plants produce 70 percent of our carbon-free electricity today. Wind and all of the renewable energies—except for hydropower produce 4 percent. So 100 more nuclear powerplants is No. 1.

No. 2, electrify half our cars and trucks in the next 20 years. This can happen. Almost every major automobile manufacturer is making hybrid-electric cars today. I drive a plug-in hybrid. I plug it in every night when I go home, and I put gas in my car about every 6 weeks. So we can electrify half our cars and trucks in 20 years. We can do it by plugging them in at night, when we have so much spare electricity. We can do it without building one new powerplant. That is according to the testimony of a former Brookings Institute scholar who is now in the Obama administration as Assistant Secretary of Energy.

No. 3, we can explore offshore for low-carbon natural gas and for our own oil. Natural gas has suddenly become in abundant supply, and the price is low. We can use more of it for energy, for electricity. We need to be careful with that. We did that once before and the price went up to $15. But we have a new abundant supply of natural gas. It is our own and it is not overseas. We should find it and use it. It is low carbon. While we are at it, we should find our oil. Even if we drive half our electric cars—which will reduce our oil from overseas by one-third—we will still be using 12 or 13 million barrels of oil a day just for transportation, and we will be better off if we use our oil instead of oil from places overseas, from countries who don't like us.

The fourth item is to launch four mini Manhattan Projects like the one we had in World War II. Secretary Chu, the distinguished physicist who is President Obama's Secretary of Energy, calls them ''innovation hubs.'' We can launch four Mini Manhattan Projects, or innovation hubs, to find ways to recapture carbon from coal plants. We know how to take nitrogen, sulfur, and mercury out of coal plants. We need to find a commercially viable way to take the carbon out.

A mini Manhattan Project could make solar power costs competitive. Today, it costs four or five times as much as other electricity. It is too expensive to use in a widespread way.

Germany, which has invested much of its future in solar power, gets less than 1 percent of its electricity from solar power. We are nearly at zero in the United States. We need a mini Manhattan Project to make electric batteries better so that our cars can go 400 miles instead of 100 miles with electricity, a mini Manhattan Project to recycle used nuclear fuel in a way that doesn't isolate plutonium.

This strategy, as I said, is supported by all 40 Senate Republicans, and many Democrats and, I believe, some of that the President embraces: nuclear powerplants, electric cars, offshore exploration for natural gas and oil, and double energy R&D for four mini Manhattan Projects for carbon recapture, solar power, electric batteries, and recycling used nuclear fuel. This strategy doesn't drive manufacturing jobs overseas. It doesn't put an ineffective cap and trade program on fuel and raise the price of gasoline without reducing much carbon.

That is much better than a national windmill policy, which is what the Obama administration and our current subsidies basically have in store for our future. Let me say what I mean by that. To produce an additional 20 percent of our electricity from nuclear power, we would need 100 new nuclear reactors on 100 square miles. Most of them could be built on sites where we now have reactors. We have been doing this successfully since the 1950s. We have a nuclear Navy. We produce 19 percent of our electricity from the 104

reactors we have today. But the proposal of the administration is to build 20 percent of our electricity from wind power. That would require 186,000 50-story wind turbines whose blades are the size of a football field. It would require 19,000 miles of new transmission lines from remote places, through your backyard, over your scenic viewscape, to bring that electricity to your house. It would require $170 billion in taxpayer subsidies over the next 10 years, while the subsidy for the same amount of nuclear power would be about $6.8 billion, according to current law.

It would turn our ridge tops and coastlines and treasured landscapes into junkyards in the sky. According to statistics from the American Bird Conservancy these turbines could kill more than 1 million birds a year. These turbines would work one-third of the time. That means we would have to build nuclear power natural gas plants, or coal plants, to back up these 186,000 turbines that would cover an area the size of West Virginia. That is a project for our country that ranges from impractical, to expensive, to preposterous, especially when we have available the possibility of doing what we did before—adding 100 new nuclear reactors, which the rest of the world is doing.

What happened to nuclear power? If we were going to war with the successful nuclear Navy created 60 years ago and it was doing exactly what we wanted it to do as the world's leading military, with thousands of our sailors living safely on top of those reactors, why would we stop building nuclear ships and start using sailboats for our national defense? That is tantamount to what the current administration's energy policy is doing with a national windmill policy.

We should build 100 new nuclear powerplants as rapidly and as safely as we can. It is the cheapest and most reliable way to reduce carbon and deal with climate change, and it is the fastest way to do that—just as electrifying half of our cars and trucks would be a fast way to reduce foreign oil and reduce emissions in the transportation sector. We invented nuclear power. It is one of our great technologies—maybe the most important technology in the last 100 years, and we haven't built a new nuclear powerplant in 30 years—even though the old ones we have are producing 70 percent of our carbon-free electricity.

What is the rest of the world doing? China is building 132 new nuclear powerplants. The head of a French company that makes large turbines for powerplants was in my office the other day. He told me China is starting a new nuclear plant every 2 to 3 months. France is 80 percent nuclear and has among the lowest electric rates and carbon emission rates in Western Europe.

We hear a lot about green jobs. Spain has a lot of green jobs. Unfortunately, many of the rest of Spain's jobs are going to France because the electricity rates are lower in France, and they are high in Spain because they favor unreliable and expensive renewable electricity over nuclear power. Japan is 35 percent nuclear and growing. Taiwan, India, and the United Arab Emirates are building them. Russia is building two nuclear plants a year so they can use their natural gas as currency with the rest of Europe. But we invented nuclear technology and we haven't started a new nuclear powerplant in 30 years.

Why don't we go full speed ahead? We believe this is a more sensible, practical, low-cost solution for dealing with climate change. I will speak for myself; we have many different views on climate change in the Republican caucus. We have the whole spectrum. Not everybody agrees with me that it is a real problem and humans are causing it and we ought to deal with it as rapidly as we reasonably can. But here is the way we should do it.

If we, by 2030, build 100 new nuclear plants, and if we electrify half of our cars and trucks, we would be producing about 40 percent of our electricity from nuclear. Natural gas would be about 25 percent, hydro would be 10, wind and solar maybe 5 to 10. With these two efforts—nuclear power and electric cars—we would reach the Kyoto protocol goals for carbon emissions by 2030 without a significant increase in energy prices.

If in the meantime our mini-Manhattan projects for research, solar, carbon recapture, recycling nuclear waste, and electric batteries worked, we would be even more successful in reducing emissions, all without a national energy tax.

One might say: What is going to make all that happen? I would say two words: Presidential leadership. President Obama is very persuasive. He can set a goal and mobilize the country. That is part of the President's job: See a need, develop a strategy, and persuade half of us he is right. I think he can get a lot of Democrats.

He could start removing barriers to nuclear plants, speed up approval of designs for them. If China can start them every 2 or 3 months, we ought to be able to do so as well. He could provide incentives, such as $100 billion in loan guarantees—and those would all be paid back not just for nuclear but for all clean energy. His budget could fund the mini-Manhattan projects. Dr. CHU has recommended we do that.

At a town hall meeting recently, President Obama said the United States would be ''stupid''—those were his words—not to use nuclear power. I was glad to hear him say that. I was disappointed when he went to the United Nations Climate Change Conference in New York and lectured the other countries about not doing more about climate change and he didn't mention the words ''nuclear power.'' Meanwhile, Chinese President Hu Jintao said his country would ''vigorously'' develop nuclear power to combat climate change and they are building 132 nuclear plants. But I was glad to hear what President Obama said in New Orleans.

As we move through the Senate on the debate on climate change, I ask colleagues on both sides to look carefully at this economy wide cap and trade. We have had some experience with cap and trade on small dollars for coal plants and sulfur. That does not translate very well to what is being proposed here. It does not work on fuel, which is 30 percent of our carbon. It raises the price without reducing carbon emissions, it drives manufacturing jobs away, and it raises utility bills. We don't need to do it.

With Presidential leadership, we could build 100 nuclear plants, electrify half our cars and trucks, find new low-carbon natural gas, launch the mini-Manhattan projects, and meet our clean energy goals without a national energy tax, without running jobs overseas looking for cheap electricity.

All 40 Republican Senators agree with this agenda. So do many Democrats. President Obama agrees with much of it. Then why are we pushing a high-cost national energy tax and subsidizing 186,000 windmills when we should all agree on a low-cost, clean energy plan that will create good jobs and power our economy for the 21st Century?

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Pennsylvania.

FOOD SECURITY

Mr. CASEY. Mr. President, last week the United Nations Food Agency announced there are now a record 1 billion people in the world who go hungry—nearly one-sixth of the world's population. The crisis that caught the world's attention last year has escalated and has had a devastating effect in all corners of the globe.

On my left is a headline from the Associated Press from a few days ago: ''A Record One Billion Are Hungry, U.N. Report Says.'' This chart tracks from 1969 forward. We can see where it remained relatively stable for a while and then started to pick up in the early part of this decade, to the point now it is above 1 billion and is going in the wrong direction, going far too high—1 billion people in the world hungry.

While the number of undernourished has increased steadily since the 1990s, there was a sharp spike last year due to the global food crisis. We can work to address this problem, I believe. We should work to address this problem, and I believe we must work to address this problem.

Some people might say there is a bad economy in the United States. We have other major challenges and priorities. Why should we worry or address a problem that might seem too big to deal with and it is mostly about other places, they might argue.

We know what hunger has done here in America, what a lack of food security has done to our country. But we also know it has devastating impacts across the world.

There are at least two major reasons why the United States of America has to be deeply concerned about that headline of 1 billion people going hungry. First, it is a humanitarian crisis of incalculable proportions. As one of the richest countries in the world, we have, I believe, a moral obligation to help as we can and help when we can. I think this is one of those moments.

This crisis is solvable with a combination of assistance and emphasis on providing small farmers around the world with the know-how, the technology, and the means to provide for themselves.

There is also a second reason why we have to address this problem, and it involves something as fundamental as national security.

Instability arising from conflict over access to food is a documented and real problem. It is irrefutable based upon what we have seen in the last couple of years. Last year's food crisis, unfortunately, brought this into acute focus. We saw it in Somalia where struggles to gain access to food have enveloped population centers in violence. We have seen it in Egypt during last year's bread riots. And we have seen it in Haiti where hospital beds filled last year with those injured during food riots. Increased instability in any of these countries, not to mention so many others, has a direct impact on U.S. national security and our national interests.

There are a host of examples from across the world that illustrate the scope of the problem. Here are a few.

Higher rates of hunger are shown to be linked to gender inequality, especially in terms of education and literacy, which also negatively affects the rate of child malnutrition. It is estimated that 60 percent—imagine this—60 percent of the world's chronically hungry are women and girls. Sixty percent of those chronically hungry in the world are women and girls. And 20 percent of that 60 percent are children under the age of 5.

This is particularly evident in Chad which, according to the International Food Policy Research organization, ranks fifth worst on the 2009 global hunger index, second in terms of gender inequality, and has a female literacy rate of 13 percent, compared to 41 percent for men in that country.

IFPR's research shows that equalizing men and women's status could reduce the number of malnourished children in Chad by 1.7 million people in sub-Saharan Africa and a shocking 13.4 million in South Asia.

It goes beyond the one example in Chad. Hunger in Pakistan poses both problems. It poses both a humanitarian problem as well as a security problem. Last year, over 77 million people in Pakistan were considered ''food insecure'' by the World Food Program. That is nearly half of the population of that country. As Pakistan's military is conducting new operations against the Taliban, that number is expected to increase. Hunger and competition for food can lead to further instability and potentially undermine government leadership at a very critical time.

Finally, the last example. In South America, Bolivia remains one of the least developed countries with more than two-thirds of its population living below the poverty line. Poverty is the main cause of food insecurity in Bolivia. The income of 40 percent of its population and 59 percent in rural areas is not enough to meet basic food needs. This also has had a real impact on the health of the population. Malnutrition, for example, in Bolivia has stunted the growth of nearly 30 percent of children.

What should be done to address this urgent humanitarian and national security crisis? A couple of things. First, for too long, the international community has relied on an assistance model that provided food but not the capacity to grow food. We are starting to see a shift in thinking as the assistance community is more strategic about how they provide the training and technical assistance necessary to help the world's hungry.

In 1980—another stunning number that I recite here—17 percent of aid contributed by foreign countries went to agriculture. This number plummeted to 3.8 percent in 2006 and has only slightly improved in recent years. Imagine that: The percent of aid contributed by foreign countries that goes to agriculture was 17 percent worldwide but has now gone down to a little less than 4 percent.

Last year, the Bush administration responded quickly to the food crisis with emergency assistance. I was proud to be part of an effort to urge them to do that along with Senator DURBIN and others. This was an important thing to do at the time and it was the right thing to do. While we may need to provide additional emergency aid to address the current crisis, we should simultaneously attack the root cause of the problems.

I applaud President Obama and his administration for their efforts to help the hungry in America and across the world. In September, the White House announced the Global Hunger and Food Security Initiative, a comprehensive approach to food security based on a commitment, led by people in the administration, that focuses on both planning and collaboration. Secretary of State Clinton is leading a visionary ''whole of government'' effort to help the world's hungry. As the administration works out the details of implementation, I hope and trust we will maintain a sharp focus on the ability of small-scale farmers to grow food at an increased and sustainable rate.

In the Senate, we have also worked to bring attention to the world's hungry. Senator LUGAR, a respected leader in this field for decades, and I joined together to introduce the Global Food Security Act earlier this year.

Our bill has three fundamental objectives. First, the bill will provide for enhanced coordination within the U.S. Government so that USAID, the Department of Agriculture, and other involved entities are not working at cross-purposes. We do that by establishing a new position, the Special Coordinator for Food Security, who will report directly to the President of the United States on international food security issues and who would forge a comprehensive food security strategy.

Second, our bill would expand U.S. investment in the agricultural productivity of developing nations so that nations facing escalating food prices can rely less on emergency food assistance and instead take the steps to expand their own production.

Every dollar invested in agricultural research and development generates $9 worth of food in the developing world. This provision can serve as a vehicle for the President's pledge to more than double the U.S. agricultural development assistance over the next 3 years.

Third, our bill would modernize our system of emergency food assistance so that it is more flexible and can provide aid on short notice. We do that by authorizing a new $500 million fund for U.S. emergency food assistance when appropriate.

Finally, we should note that our bill, the Global Food Security Act, has passed through our Senate Foreign Relations Committee, and we hope it will be on the Senate floor soon.

This is one of those rare occasions where a serious crisis is greeted with serious administration support, interagency cooperation, as well as—we don't hear this too often—bipartisan collaboration in the Senate and House. This is the right thing to do and will ultimately enhance the security of the United States and our allies.

The global food crisis last summer had a devastating effect on the poor in every corner of the world, and today we continue to see its terrible results. In times of economic troubles, it is difficult to find funds for all programs, including international affairs. Yet I believe we are summoned by our conscience to respond to this humanitarian crisis.

I also believe we have an obligation—a deep abiding obligation—to strengthen our national security by enhancing food security here at home and around the world, especially in places where food insecurity threatens U.S. national interests.

If enacted, the Global Food Security Act has the potential to help us meet these challenges and obligations. We have a plan that can work. Let's start to attack the roots of this terrible problem so another record number of hungry is not set next year, and let's hope we can somehow alter or change that headline of 1 billion people going hungry in the world.

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. 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.

SENATE HOLD ON GSA NOMINEE

Mr. BOND. Mr. President, earlier today, apparently, our distinguished majority leader came to the floor and noted that a nomination for GSA—made on the opening day of Major League Baseball season—still remains unconfirmed for the job and said it was ''because a Republican Senator is demanding a Federal building is built in his home State.''

Obviously, I am that Senator. I thank the good Senator from Nevada for raising that question because I and a bipartisan group of Members of Congress and the leaders of the Kansas City area have been working with the GSA for the past several weeks to resolve the concerns I have and get some questions answered on a project very important to the Kansas City community.

Our conversations have amazingly become very productive, and the GSA has assured me they will have information to share very shortly. Unfortunately, until I put this hold on the nominee, progress was not quite so quick. But I expect the issue to be resolved shortly, in what I hope is a matter of a couple days, to the benefit of the GSA and certainly to the benefit of the Kansas City greater community.

Let me point out one other thing before leaving the floor. The community of Kansas City—all of the leadership, the elected officials and others—had gone together to work with the GSA to get a building—a new building—to replace an existing building, which by any stretch of the imagination is extremely expensive, is partly occupied, and is not conducive to good work, as a good workplace, and it needs to be replaced. We had gone all the way through, gotten GSA approval and gotten to OMB. Then it was held up in the Senate. After all the financing had been committed to construct a building on a lease-to-own basis, they decided to pull the plug.

The Commissioner of Public Buildings has assured me that the existing facility is not a fit place for the workers to work. So I had asked and inquired of GSA and advised them that Kansas City needs to know what the plans are. As I say, our bipartisan congressional delegation is now receiving great cooperation, and we are working hard to get this resolved. We hope to do that shortly.

I also want to point to the fact that, according to a report in govern mentexecutive.com, delay on this nomination reaches back long before my informational hold, which occurred in late July. Since Senator REID suggested the nomination has been pending since April, it raises the question: Why wasn't she approved in April, May, June or July, prior to my informational hold? That was a period during which the baseball season started and stretched long past the All-Star break.

According to governmentexecutive .com, the delay was because of concerns by Senator REID that GSA allow Federal employees to travel to Las Vegas to meet, gamble or whatever one does in Vegas. It is important to the Federal employees in Kansas City that they have a building that has a roof that doesn't leak—a proposition of which GSA concurs. Senator REID apparently wants Federal employees to be able to visit Las Vegas, and certainly I want Federal employees to have a good place to work. Senator REID has his priorities regarding the delay on this nomination and I have mine. He wants more people in Las Vegas; I want to get the building that had been promised and was expected by the Federal employees in Kansas City.

Assuming the report in govern mentexecutive.com is accurate, I wish to make sure it is clear to the Senate that the delay in approval of this nomination has more than one father and is truly bipartisan.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the article to which I referred.

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

[From Congress Daily, Sept. 14, 2009]

SENATE MAJORITY LEADER SLOWS ACTION ON GSA NOMINEE

(By Dan Friedman)

Senate Majority Leader Harry Reid, D-Nev., has missed few chances to complain about blocked executive nominations, regularly ripping Republicans for holds that he said are designed to limit floor time for Democratic legislation.

On Thursday, for example, Reid faulted Republican ''stalling tactics'' for forcing a cloture vote before the confirmation of Cass Sunstein to head OMB's Office of Information and Regulatory Affairs. In a June floor speech, he blasted Republicans for placing holds on more than 20 nominations.

But multiple Democratic and Republican staffers say Reid himself slowed action on one of the highest-ranking nominees awaiting confirmation, Martha Johnson. She is President Obama's pick to head the General Services Administration.

Johnson, a former GSA chief of staff, cannot start her job until she is confirmed, a GSA spokeswoman said.

Reid is keen to promote travel to Nevada, where he faces a tough re-election fight next year. Aides said he delayed confirmation of Johnson while seeking assurances that the agency, which oversees federal travel policy, did not discourage federal employees from traveling to Las Vegas for business conferences.

Johnson's nomination cleared the Senate Homeland Security and Governmental Affairs Committee in June, and drew no GOP objections when it was circulated to all Senate offices. But a Democrat apparently held up the nomination and prevented a floor vote, Senate staffers from both parties said.

''We later learned that Reid has expressed some concerns about travel,'' said a senior Republican aide. ''He had some concerns about that and was using the Martha Johnson nomination as leverage with the White House and GSA.''

The aide said Reid did not place a technical hold, which would not be needed since the majority leader controls the floor schedule.

''It is not accurate to say that Sen. Reid had a hold on the nomination. . . . It is typical practice that a nomination is reviewed once it is received,'' a Democratic leadership aide familiar with the matter said. ''There were a couple of issues that needed clarification on the nomination.''

Reid has touted his concern about agencies limiting travel to Las Vegas. In an exchange of letters in July, he asked White House Chief of Staff Rahm Emanuel to ensure federal agencies do not prohibit travel to Las Vegas and other conference destinations that ''are considered too leisure oriented.'' On July 27 he sent a letter asking federal agencies not to limit travel to any specific U.S. cities.

After Reid's concerns were resolved, Sen. Christopher (Kit) Bond, R-Mo., placed his own hold on the nomination last month because of concerns about delays in a federal construction project in Kansas City. Bond has met with Johnson, but is continuing the hold while waiting for further information from the nominee, a spokesman said.

Mr. BOND. I thank the Chair. 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. BURR. 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. BURR. Mr. President, are we in morning business?

The PRESIDING OFFICER. Yes.

Mr. BURR. I ask unanimous consent to speak in morning business for 20 minutes.

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

SECOND AMENDMENT RIGHTS OF VETERANS

Mr. BURR. Mr. President, I come to the floor today to talk about an issue I have been working on for 2 years—namely, ending the arbitrary process through which our own government takes away the second amendment rights of veterans. Let me briefly describe what I mean about this issue.

As most of my colleagues know, the Federal Gun Control Act prohibits the sale of firearms to certain individuals, including convicted felons, fugitives, drug users, illegal aliens, and individuals who have been ''adjudicated as a mental defective.'' Furthermore, the Gun Control Act prohibits possession of firearms by any of these classified individuals. Needless to say, it is a serious matter. Criminal prosecution is

an option against those who violate the law.

The Brady Handgun Violence Prevention Act requires the government to maintain a database of these individuals. We call this the National Instant Criminal Background Check System, NICS. The Brady law and the NICS database aim to prevent those who may pose a danger to society or to themselves from purchasing a firearm. Gun owners reference to the NICS screen customers—again, it goes without saying it is a serious matter to have one's name on NICS.

Every American should expect a rigorous and fair process before their right to buy arms and bear arms is taken away, especially when criminal prosecution is involved. Unfortunately, when it comes to certain veterans, their spouses, their dependent children, their dependent parents, the process is neither rigorous nor fair. Since 1999—now 10 years—the Veterans' Administration has sent the names of 116,000 of its beneficiaries to the FBI for inclusion under the NICS list. Again, the NICS list means those 116,000 individuals can never purchase a firearm. None of these names were sent to the FBI because they were determined to be criminals or a danger to themselves or, for that fact, a danger to others; they were listed in NICS because they couldn't manage their own financial affairs. We should not take away a constitutional right because someone can't balance their checkbook on time.

VA's review process for assigning a fiduciary is meant to determine one's financial responsibility in managing VA-provided cash assistance, such as VA disability payments, pension benefits, and other benefits. For example, a veteran may be assigned a fiduciary if they have a credit problem. The VA focuses on whether benefits paid by the VA will be spent in a manner for which they were intended to be spent. If you held that threshold to every veteran, you would probably assign a fiduciary to all of them because we don't know in fact where the payments go or what they were intended for.

Nothing involved in the appointment of a fiduciary even gets to the question of whether an individual is a danger to themselves or others or whether the person should or should not own a firearm. Yet that is exactly what happens when the VA appoints a fiduciary to one of our Nation's veterans.

Let me put a human face on the issue, if I can. I want to read excerpts from a letter I received from Jennifer Briest. I have her approval to read it. Jennifer is the wife of Corey Briest. Corey served in Iraq. He was a paramedic. He was severely injured in an IED explosion in 2004, which caused severe burns, damage to his lungs, and severe traumatic brain injury after shrapnel entered his skull. Corey has spent the last 5 years recovering from his injuries. Jennifer reports that he is walking, talking, and enjoying life at home with his two children.

Now it gets really sad. Because of his head injury, Corey still requires help with certain things. The VA said he needed help managing his disability compensation payments, and they named Jennifer, his spouse, as his fiduciary. That is where I would like to read from her letter. Again, I quote from her letter:

> On May 19, 2009, we had our annual fiduciary meeting with the VA field examiner. At the end of the meeting our field examiner said he needed to read a statement to us. He read the Brady bill statement and then stated that Corey can't own, possess, use, be around, et cetera, any firearms. He then went on to say that anyone in our household can't own a gun while living in this household.
>
> I asked him about Corey going on adaptive hunting trips and he said that he couldn't. Corey stated that he had a gun that was handed down from his grandfather and that Corey was going to hand it down to his son and the field examiner told him that he couldn't have it. He stated to Corey that if he did own a gun or be around a gun that he would be threatened with imprisonment.
>
> The way that field examiner talked to Corey about this issue was not appropriate. The field examiner said that I could challenge it and handed me a blank sheet of paper with a VA heading. I asked the field examiner for the statement he read to me, but he said that he had to ask his boss [if he could actually provide a copy of that statement]. After two weeks of me e-mailing him, I finally got the attached papers in the mail. I think the VA is taking this way out of concept and I would greatly appreciate your support.

Well, in case any of my colleagues think the government would never prosecute someone like Corey Briest for possession of a firearm, being around a firearm, I wish to read to my colleagues excerpts from a VA directive that went out to all VA regional offices on September 29, this year, on this very issue.

The directive is meant to inform fiduciary field examiners of their obligation if they were to witness a violation of the Brady Act. I am going to quote from this VA memorandum to their field examiners.

> Field Examiners or other VA employees who encounter beneficiaries believed to be in violation of the Brady Act are required to notify the Fiduciary Activity Manager as soon as safely possible. At no time should the employee place him/herself in danger. The Fiduciary Activity Manager at the VA regional office of jurisdiction must immediately report the alleged violation to the Bureau of Alcohol Tobacco and Firearms at 1–800–ATF–GUNS.

That is straight out of the Department of Veterans Affairs memorandum to their field examiners. For 2 years I have gone through this in the VA Committee. I have tried to plead with my colleagues that this is a breach of the second amendment of our country's veterans, that no veteran who has had their name reported of the 116,000, have ever been judged by a court to have a mental deficiency. In most cases, this is because there is a fiduciary needed to make sure they stay up to date. But there is not an incapacity on their part that has been judged to be a flaw in their judgment. Quite frankly, I find it offensive. I find the language of this directive offensive because the premise seems to be that our veterans are dangerous.

But as I mentioned, there is nothing about the current process that even gets to the question of an individual as dangerous. The current process is also a double standard. Only VA beneficiaries fall under these guidelines. The Social Security Administration assigns fiduciaries to help beneficiaries every single day. Yet it does not send their name to the NICS list.

We have a policy on the books that discriminates against individuals because they wore our Nation's uniform, because they fought on behalf of this country. I find it unacceptable and it must end.

I have a bill, S. 669, that would prohibit the VA from continuing this arbitrary and unfair practice. It would require a judge, a magistrate, or another judicial authority to determine that a VA beneficiary is a danger to themselves or to others before their name could be sent to the NICS list.

Twice the Veterans Affairs Committee approved this bipartisan legislation to afford veterans with due process before their second amendment right was snatched away from them. But twice the bill languished on the Senate floor. S. 669 was approved unanimously by the committee back in May. But it has gone nowhere. And the question is: Can veterans wait any longer or should veterans wait any longer?

I am not here to ask that we put guns in the hands of dangerous people. I am here to ask you, to plead with you, that we treat veterans fairly and that their rights are protected like every other citizen.

Many of our veteran organizations and other groups agree with me. The Veterans Second Amendment Protection Act has the support of the American Legion, the Veterans of Foreign Wars, AMVETS, the Military Order of the Purple Heart, the National Alliance on Mental Illness, the National Rifle Association, and Gun Owners of America.

I plead with my colleagues: Ask for S. 669 to be brought to the floor. Do not sit back and say this is an obscure thing that the VA sometimes engages in and sometimes does not. Again, September 29, 2009, 1 month ago, this directive goes out: Subject: Reporting violations of Brady Handgun Violence Prevention Act.

> This letter provides guidance to our field personnel who may encounter violations—

Violations by a veteran who served his country, is not a danger to himself or to anybody else, but has been deemed to need fiduciary help even if it is a spouse and a second amendment right was yanked from his hands, and now the VA says to their field examiners: Report it because we will prosecute these individuals.

I am not exactly sure how to respond to Jennifer Briest. That letter she sent

me about: Corey continues to make progress after an IED explosion December 4, 2005.

How do you say to a kid who served his country, who is raising a family: One, we had to turn you in so you can never own a gun. And, two, that gun your father handed down to you, Corey, you have to get rid of it. You cannot hand it down to your child, because even if you handed it down today to your son living in your home, they cannot have that gun, because the Veterans Administration says you cannot.

But if a fiduciary was assigned to Corey's father or to his mother, the Social Security Administration does not send that in to the NICS list to deprive them of their second amendment right. This is the most unfair thing I have seen this country do. It is time we end this practice. It is time we respect our veterans. It is time we treat them fairly. It is time we uphold the Constitution of this United States.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR.) The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2996

Mr. REID. Madam President, I ask unanimous consent that when the Senate considers the conference report to accompany H.R. 2996, Interior appropriations, there be 2 hours of general debate on the conference report, with the time equally divided and controlled between the two leaders or their designees; that if any points of order are raised against the conference report, then any motion to waive the point of order be debated within the time limits provided for debate on the conference report; that upon the use or yielding back of time, and disposition of points of order, if the motions to waive are successful, then the Senate vote on adoption of the conference report, with no further motions in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REID. Madam President, I will be brief. I know the Republican leader is busy, but I just wish to make a couple of comments on a couple of nominations.

A woman by the name of Tara O'Toole has been nominated to be Under Secretary of Science and Technology at the Department of Homeland Security. This woman has such wonderful qualifications. She is presently the CEO and director for the Center for Biosecurity at the University of Pittsburg Medical Center. She is a professor of medicine and public health at the University of Pittsburg. The Center for Biosecurity is an independent organization dedicated to improving the country's resilience to major biological threats.

Dr. O'Toole is internationally known for her work on biosecurity and on health and safety issues. She has written volumes, literally. She is published in areas of Anthrax, smallpox, plague, biological attacks, containment of contagious disease epidemics, biodefense research, hospital preparedness. These are areas that she has written in. She is coeditor in chief of the Journal of Biosecurity and Bioterrorism. She was a principal author and producer of ''Dark Winter,'' an influential piece of work done in 2001. She has served on numerous government and advisory committees. Her education is significant: a bachelor's degree from Vassar College, a medical degree from George Washington University, and a master of public health degree from Johns Hopkins University. She has completed an internal residency at Yale and a fellowship in occupational and environmental medicine at Johns Hopkins. This is a remarkably powerful foundation for someone who is going to be the Under Secretary, the deputy, second in charge at the Department of Homeland Security. It is such an important job, Under Secretary of Science and Technology.

I had a call on Monday from the Secretary of Homeland Security, Janet Napolitano, saying: I am desperate for this woman. My staffing for bioterrorism is depending on her. She is a person I am going to depend on for the pandemic that the President declared with the H1N1 flu. So I am really concerned about not being able to get this woman confirmed.

I ask unanimous consent, therefore, that the Senate proceed to executive session to consider Calendar No. 331, the nomination of Tara O'Toole to be Under Secretary of Science and Technology at the Department of Homeland Security; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table, with no further motions in order; that the President of the United States be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. We do have some objections on this side; therefore, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I would renew my request and inquire about the possibility of a 2-hour time limit of debate on the nomination or any reasonable time agreement, or I will even take an unreasonable time agreement at this stage.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. There are objections on this side; therefore, I must object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REID. Madam President, I am going to ask unanimous consent that the Surgeon General be confirmed. This is a wonderful woman who has dedicated her life to taking care of the poor and underprivileged. She has done that for two decades on the gulf coast rather than going to some fancy place and seeing how much money she could make. She didn't do that. She has garnered nationwide praise for founding a rural health plan in Bayou La Batre, AL.

More than 40 percent of the town's 2,500 residents have no health insurance. In 2002 she became the first African-American woman to be president of the Medical Association of the State of Alabama. She would be a terrific Surgeon General. Her family situation directs attention to the need for taking care of people who need help. Her father died of diabetes and hypertension. Her brother died at 44 with HIV-related illness. Her mother died of lung cancer. She certainly is qualified and needed during this crisis.

I, therefore, ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 477, the nomination of Dr. Regina M. Benjamin to be Surgeon General of the Public Health Services of the United States; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table, with no further action in order; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object, I think there is a good chance this nomination will be cleared. I need to hotline this nomination. If it comes out the way I anticipate, we should be able to confirm this nominee in wrap-up. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I thank the Chair.

UNANIMOUS CONSENT REQUEST—H.R. 3548

Mr. REID. Madam President, I ask unanimous consent that all postcloture time be yielded back—and we are talking about the unemployment extension bill—and the motion to proceed be agreed to; that once the bill is reported, the following be the only first-degree amendments in order to the bill; that debate time on the listed first-degree amendments be limited to 60 minutes each, except the Baucus-Reid substitute, which would be debated within

the time limits provided for the bill; that general debate on the bill be limited to 60 minutes, with that time equally divided and controlled between the leaders or their designees; Baucus-Reid substitute amendment, which contains unemployment insurance extension and net operating loss provisions, as well as the negotiated home buyer tax credit language; the Johanns amendment regarding an alternative substitute; that upon disposition of the amendments, the Baucus-Reid substitute amendment, if amended, be agreed to, the bill, as amended, be read the third time, and the Senate then proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object, and I will object, this is the same subject we have been going back and forth on for days. I have pared back our request for amendments significantly, but we are still unable to get even a modest three amendments on this side of the aisle. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, we have more than a million people, as we speak, who have no unemployment insurance. These are the most desperate of the desperate. They have long since lost their jobs. If we can recognize that what would stimulate the economy is giving somebody who has been out of work a long time a check, and they will spend it—we have more than a million people wanting to spend that money, maybe to pay rent or make a car payment they are behind on to stop the car from being taken sometime in the middle of the night.

We have agreed to a bipartisan amendment dealing with first-time home buyers that has been worked on by JOHNNY ISAKSON. It was his idea originally. We have Senator BUNNING, who offered an amendment dealing with net operating loss. We have agreed to that. I would even be willing to modify my unanimous consent request and include the Corker-Warner amendment regarding TARP trustees, another bipartisan amendment.

The Republicans have dropped their request for having an amendment on E-Verify, which took several days to work out. I appreciate that. They have dropped their request to do another in the long line of amendments dealing with ACORN. But now they are hung up on a TARP amendment that would basically sunset the program. This isn't the time to do that. This is just an effort to delay and divert attention from this most important issue.

Even if that weren't the case, the House of Representatives—I spoke to STENY HOYER at 3:30. I told him I would call him in the next half hour, 45 minutes. They will accept what we have talked about for first-time home buyers and the work we have done with net operating loss, but they are not going to accept terminating TARP. That is basically what it is. It sunsets it. We know there is a time limit on it, anyway, statutorily. It seems to me there should be a better time to debate this, dealing with a multibillion-dollar program.

So I hope my modification, which basically would add to it the alternative substitute by Senator JOHANNS and the Corker-Warner amendment regarding TARP, would be agreed to.

I say to the distinguished Republican leader that we will not be able to accept the request to do the sunsetting of TARP tonight. I think it is unfortunate that we cannot approve what we agree upon. Today is Thursday. I have already explained to the distinguished Republican leader—and he understood it, anyway—that this would put it over until Monday, and then Monday sometime we would attempt to get cloture on the bill. We got it on the motion to proceed to it. That takes another couple of days. It is a difficult thing for people to have to wait a week. I hope there will be an agreement to allow us to move forward.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, I believe the majority leader propounded another consent agreement. Reserving the right to object, let me briefly recount for colleagues where we have been on this issue over the last days.

We initially offered a modest number of amendments—eight. Five of my Members have been willing to discontinue their request for votes on their amendments. The majority leader just indicated he is willing to have one TARP amendment. We have one more TARP amendment. That would make for a total of three amendments. We could enter into a consent agreement to have votes on these three amendments, with short time agreements, and be through with this bill this afternoon.

I hope this is not the way the majority leader is planning on handling the health care debate because the American people will storm the Capitol if they think the majority is going to dictate to the minority what amendments will be offered on a bill as significant as restructuring one-sixth of the economy.

I feel as if we have been extraordinarily reasonable. We are down to three simple amendments on which we would be willing to accept time agreements to complete this unemployment insurance compensation bill. I don't think that is unreasonable. Therefore, Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I guess reasonableness is in the eye of the beholder. Try to explain to someone who has been out of work for 8 months that their ability to get a check to pay the rent before they are evicted is going to be held up because this program, which is—I think the original TARP was $700 billion, as I recall, after meeting with the Secretary of the Treasury, who first came up with the idea. The program has been moving along, and there may be some reason to modify the program, and there should be debate on that. I have no problem doing that. But we should not hold this up. Every amendment we have talked about here has been bipartisan in nature. The Isakson amendment is bipartisan, the Bunning amendment is bipartisan, and the Corker amendment is bipartisan. I cannot imagine why we would hold this up.

My friend the distinguished Republican leader said they are not going to approve this, and I think that is too bad for the nameless people out there—I can see them in my mind's eye being desperate for help.

Mr. MCCONNELL. Madam President, just to make sure there is no misunderstanding with the consent agreement I am willing to agree to, with votes on three amendments, with short time agreements, we could be finished with the unemployment compensation bill this very afternoon. This is not an effort to delay. If my friend is concerned about the amendment, he has 60 votes on his side; he could simply vote it down. That is an easy solution to the problem—to enter into the consent agreement, have short time agreements, and if my friend from Nevada opposes them, I am sure he can convince 60 Democrats to vote them down.

Mr. REID. Madam President, since we started this some 3 weeks ago, about 150,000 people have been added to the list of people who are eligible for what we are trying to do—150,000 people. Now there are well over a million people waiting to get this relief.

I have said that this matter will not be approved by the House. The House is going to move to health care next week. I received a call from Leader HOYER. He wants this matter to come over there with what we have agreed upon.

This is another effort to delay what we are doing. This is not a question of flexing muscles—who has 60 votes and who has 40 votes. It is a question of moving forward with legislation now, not next week, to help people in America.

Remember, since we started this—trying to get a simple extension of unemployment benefits, which is paid for, and it is not deficit spending—we have agreed to do what has been suggested by the Republicans. First-time home buyers, we agreed to that; net operating loss, we will agree to that; we will agree to what Senator CORKER wants, which is trustees appointed for TARP.

This is soon to be the fourth week of trying to simply get something done. The Republicans have been saying no, no, no to everything we do—''the party of no'' is pretty well described. We have had 87 noes so far this year in the form of 56 filibusters, plus trying to move the bills some 30 more times. So you

can talk all you want about it. We should have been through with this 3 weeks ago.

Mr. MCCONNELL. Madam President, the way to finish this right now is to enter into a consent agreement to have votes on three amendments, with very short time agreements, and we can solve this issue. If my friend is worried about whether the House will accept it, he can vote it down, defeat the amendment. Around here, if you get the most votes, you win; if you don't, you lose. All I am suggesting is that we have three amendment votes, with short time agreements, this afternoon, and we can wrap up this bill.

I yield the floor.

Mr. REID. Madam President, this bill should have been wrapped up 3 weeks ago. It is always something. There is always a little something more to do, until time goes on and on. It is obvious that my friends don't care about these people who are desperate for money. I care about them. We care about them.

Madam President, would the Chair announce the next order of business. Under the provisions of the consent agreement the Republican leader and I agreed to, what is the matter before the Senate—or will be shortly?

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—CONFERENCE REPORT

The PRESIDING OFFICER. The next matter before the Senate is the Interior appropriations bill conference report, which the clerk will report.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2996), making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of Wednesday, October 28, 2009.)

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

HEALTH CARE REFORM

Mr. ALEXANDER. Madam President, I have an important announcement to make on another subject which is of interest to the American people. The era of the thousand-page bill is over. We now have a 2,000-page bill, a new health care bill introduced in the House of Representatives today by Speaker PELOSI. What we will do on the Republican side, and what I hope our friends on the Democratic side will do as well, and what every American expects us to do, is read all 2,000 pages and know exactly what it costs before we begin to vote on the congressional Democrats' health care bill.

For example, while we know just a few things about the bill, we know the price tag is likely to be more than $1 trillion. So it is 2,000 pages, more than $1 trillion.

We know the physicians Medicare reimbursement rate, which is important to all of us to be included, is scheduled to be treated separately there. Well, it wasn't treated separately here. On what was the first vote on health care a week ago, 13 Democrats joined with 40 Republicans to say we are not going to begin the health care debate by increasing the deficit by $¼ trillion. That was an important statement to the American people.

One of the questions we will be asking is how is the physician Medicare reimbursement plan, which is an essential part of any plan for health care over the next 10 years, how is it paid for? Does it add to the debt? We will be looking—and I know the distinguished Senator from New Hampshire who is the ranking Republican on the Budget Committee already is looking—at not just what happens in the first 5 years of this proposed bill but in the second 5 years and the 10 years after that, because our goal is to reduce the cost of health care, the cost of premiums to each of us and to our government. A preliminary look suggests that while the cost may go down to the government in the first 5 years, it might go up in the second 5 years as the plan is implemented.

Third, we want to look at the new taxes on small businesses we have been told about.

Next, we want to look at the provision in the bill which seems to say that an employer might have to pay 8 percent of his payroll as a penalty if the employer does not provide health care to his employees. Does that mean all employees? Does that mean full-time employees? Does that mean part-time employees? We want to read the bill. We want to know exactly what it says. We want to see a Congressional Budget Office estimate—a formal estimate—of what it costs.

There is in the bill a new government-run insurance plan. We have said before that our view on the Republican side—and I know some Democrats have concern about this as well—is the effect of a government-run insurance company—some call it the government option—is no option because if you are one of the 170 million or 180 million Americans who have health insurance through your employer, the combination of a bill such as this is you are more likely to lose your insurance and the government option is likely to be your only option. We will be asking that question and see what it costs.

There is a provision in the bill that expands Medicaid. This is the government-run program for the low-income we already have that has 60 million Americans in it. The State and the Federal Government share the cost of it. My preliminary understanding of this provision is, it increases the cost of the Medicaid expansion, which Governors all across the country are deeply concerned about, and it adds a provision to require that physicians be reimbursed for Medicaid services at the same level as Medicare, which would basically double the cost of the Medicaid expansion. How much of this will the States pay?

There are a number of questions to be asked, but the news of the day is this: The era of the 1,000-page bill is over. We have a new 2,000-page health care bill. We will be reading the bill, and we will be trying to understand exactly what it costs.

Mr. GREGG. Will the Senator from Tennessee yield for a question, Madam President?

Mr. ALEXANDER. I will be glad to yield.

Mr. GREGG. A 1,000-page bill is pretty big. It is about this big, and a 2,000-page bill is about this big. We are going to find out when we see it printed. That probably weighs a lot, 4 or 5 bricks, 10 bricks maybe?

Mr. ALEXANDER. I don't know. The Senator from New Hampshire has a wide variety of experiences and may understand the weight of bricks better than I do. I just know the era of the 1,000-page bill is over. We have a 2,000-page bill, and we will need to read it.

I ask the Senator from New Hampshire how long should it take the Congressional Budget Office to provide a formal estimate of a 2,000-page bill, based upon his experience—I ask through the Chair—as former chairman of the Budget Committee and the ranking Republican member.

Mr. GREGG. Madam President, I say to the Senator from Tennessee, I presume it would be at least a week or maybe 10 days. I understand they are going to do an informal sort of ''on the back of an envelope'' estimate quickly. But the implications of this bill, 2,000 pages—it is akin to dropping 10 bricks on our seniors, isn't it? Doesn't this basically wipe out Medicare Advantage and massively impact Medicare benefits and move those savings over to fund a brandnew entitlement?

Mr. ALEXANDER. I thank the Senator from New Hampshire. Our concern has been, with the bills we have seen so far, that a bill that is supposed to reduce costs actually raises the cost of premiums, cuts Medicare, and raises taxes. The new government insurance plan will cause millions to lose their employer-based insurance and become a part of the government option and, unless the physicians Medicare reimbursement payment is a part of the plan, it also adds to the debt.

Mr. GREGG. If the Senator will entertain one other question. The Senator, in his comments on this new 2,000-page piece of legislation, which started out at significantly less, made a point that I believe the last 5 years of this bill—it is a 10-year bill and, of course, it is going to go on forever. They basically start the taxes at day one, but they don't start the expenditures until year five. It turns out, as I

believe the Senator said, the expenditures in the last 5 years exceed the income. So if you were to logically put this bill in a 10-year timeframe, where you had all the expenditures and income matched up, this bill is going to add a lot to the deficit. This is a $1 trillion to $2 trillion bill, and the deficit is going to go up a lot. That is common sense; is it not?

Mr. DURBIN. Will the Senator yield for a question?

Mr. ALEXANDER. It seems to me it will.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ALEXANDER. I am always glad to yield for a question by the assistant Democratic leader.

Mr. DURBIN. Since we are dealing with health care reform that addresses one-sixth of the American economy, does the Senator from Tennessee believe there should be a maximum number of pages the bill would entail?

Mr. ALEXANDER. That is a very good question. I saw the Senator from Illinois on the floor the other day saying: A 1,000-page bill, who cares about a 1,000-page bill?

I don't think Americans like the idea of a 1,000-page bill. I think they will like even less a 2,000-page bill. I don't think we do comprehensive very well here.

I think what the American people want us to do, if I can say to the Senator from Illinois, is not have a comprehensive bill full of higher premiums, taxes, and surprises but to focus on reducing the cost of health care premiums and reducing the cost to the government and go step by step on things——

Mr. DURBIN. Will the Senator yield for a question?

Mr. ALEXANDER. I am trying to answer his excellent question. Go step by step to meet that goal, such as a provision that would allow small businesses to combine resources and offer their employees insurance, such as provisions that would get rid of junk lawsuits against doctors, which virtually everyone agrees drives up the costs.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. DURBIN. Will the Senator yield for one more question?

Mr. MCCAIN. Will the Senator yield for an additional question?

Mr. ALEXANDER. Yes.

Mr. MCCAIN. Does the Senator recall—and perhaps the Senator from Illinois recalls—does the Senator recall, during the last Presidential campaign, when the President of the United States said there will be Republicans and Democrats sitting down together and there will be C–SPAN cameras? I wonder if the Senator knows the C–SPAN cameras are still waiting outside this room over there. Does the Senator recall that commitment? I wonder—I wonder—whatever happened to that campaign promise that the American people would know who is on the side of the pharmaceutical companies and who is on the side of the American people. If they came in now, it would be too late because they already cut a deal with the pharmaceutical companies in return for $80 billion. They got $100 million in positive ads for reform.

I wonder if the Senator from Tennessee recalls that commitment on the part of the President of the United States. I wonder if he might urge his colleague, the other Senator from Illinois, to get the C–SPAN cameras in there while these negotiations are going on.

Mr. ALEXANDER. I thank the Senator from Arizona for his excellent question. I am sure there is no one in this Chamber who more vividly remembers that promise than the Senator from Arizona. We all would like to know what is in this bill and what is going on behind closed doors.

Mr. DURBIN. Will the Senator yield for one more question, a very short question?

Mr. ALEXANDER. Only if——

Mrs. FEINSTEIN. Before he does, Madam President——

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Tennessee has the floor.

Mr. ALEXANDER. Without yielding the floor, I certainly would be glad—if I may reclaim the floor. I have the floor. I will be glad to allow the Senator from California to say whatever she would like, if I can have consent to have the floor back.

Mrs. FEINSTEIN. I appreciate that. The Senator from Tennessee is the ranking member of the Interior Appropriations Subcommittee. I alert the Senate that time is running on the bill. It is 2 hours, equally divided.

Let me ask the Parliamentarian this question: How much time remains on the Interior appropriations bill, and how much time has the Republican side used to this moment?

The PRESIDING OFFICER. The majority still has 1 hour, and the minority has used 12 minutes.

Mrs. FEINSTEIN. Just so you know.

Mr. ALEXANDER. I thank the chairman. I look forward to moving over there and working on the Interior appropriations bill. I think Senator MCCAIN is here to speak about it. I was only, in an extravagant gesture of courtesy, trying to answer the question of the distinguished assistant Democratic leader from Illinois.

Mr. DURBIN. Will the Senator yield for one more question? Will the Senator yield for one short question?

Mr. ALEXANDER. Knowing the Senator is a very able trial lawyer, it is only because I am courteous that I will do that. Of course I do.

Mr. DURBIN. Very good. Can the Senator from Tennessee tell me how many pages the Republican health care reform bill is?

Mr. ALEXANDER. The Republican health care reform bill, Madam President, if I may talk about it, has been offered in a series of proposals. The proposal for a small business health insurance program is less than 1,000 pages, by several hundred pages.

What I think I will do is not take so much more of the Senator's time, but I will enumerate the proposals and give him the number of pages. While he is reading our proposals, I will read his, and we will see who gets through first. Of course, we will have to wait until they come out from behind closed doors with their bill.

I will get the small business proposal. I will get the proposal to end junk lawsuits against doctors. I will get the proposal to allow people to buy insurance across State lines, which will reduce the cost of insurance. I will get the proposal that would adjust tax incentives. There is a proposal that would also expand technology on which we have proposals on both sides of the aisle. So I will get five or six of the Republican proposals, most of which we hope will gain bipartisan support.

I see the assistant Democratic leader every day at the beginning of the day. Maybe we can even read them together, and then whenever his bill comes out from behind closed doors and we get the House bill, we can all read that 2,000-page bill.

I am going to accede to the wishes of the chairman of the Interior Appropriations Subcommittee, because I am her ranking minority member, and cease talking about the end of the era of the 1,000-page bill and let us get to Interior appropriations.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I am very pleased to be at this moment. I join with my distinguished colleague, Senator ALEXANDER, as we begin consideration of the conference report on the fiscal year 2010 Interior, Environment, and Related Agencies appropriations bill.

This is the first year Senator ALEXANDER and I have worked together as chairman and ranking member of the Interior Appropriations Subcommittee, and I am happy to say it has been a very good experience. We consulted on several occasions and worked through several different issues as we crafted the original Senate bill and then again as we went to conference with the House, which I must say was a difficult conference. As a result, though, I think we have produced a bill that is fair, balanced, and workable. I personally thank him for all his work and cooperation.

The Interior conference report totals $32.2 billion in nonemergency discretionary spending. That amount is $4.6 billion above the equivalent 2009 level but $60 million below the President's request. It is consistent with the subcommittee's 302(b) allocation for both budget authority and outlays.

As everybody knows, each appropriations subcommittee receives an amount within which they must produce an appropriations bill. We met our allocation. The problem was, the allocation for the House committee

was $200 million bigger than our allocation. Then with some other items the House put in which raised it about $300 million, it was very difficult to reconcile the two bills.

I will not go through each and every line item, but I would like to emphasize the great strides we have been able to make in five specific areas: water and sewer infrastructure; wildfire suppression and prevention of fire on public lands; bolstering our public land management agencies; investment in the Land and Water Conservation Fund; and helping the most vulnerable in Indian country.

First, this conference report provides $3.6 billion for water and sewer infrastructure projects. That is a very significant increase over last year's level of $1.6 billion. In fact, this is the largest single commitment of funds that has ever been provided in an annual appropriations bill for these necessary and very basic infrastructure projects. And as you will hear, we are infrastructure short in this Nation.

I am a former mayor. I remember the day before bottled water. I remember the day when you could drink water right out of the tap. What we have seen is a deterioration in this infrastructure all throughout this great country. And when you factor in the $6 billion that was included in the stimulus, we are providing nearly $10 billion this calendar year to our State and local water authorities. That is a major investment, and one I believe both of us are very pleased to have achieved. Senator ALEXANDER was a Governor, I was a mayor, and we know the importance of water and sewers. This money will allow our State and local water authorities to begin to tackle 1,479 wastewater and drinking water projects across this Nation.

For those of you who might not be aware, the Environmental Protection Agency, which administers these grants, has estimated that over a 20-year period our communities will need to spend over $660 billion for drinking water and wastewater infrastructure repair and renovation. Obviously, we can't provide that level of funding during tough budgetary times. But what we were able to provide will go a long way toward helping our communities tackle their crumbling infrastructure and provide their residents with more reliable and cleaner water.

Secondly, the bill provides $1.8 billion for wild land fire suppression activities—a very big deal. It is very important that we are providing that level of funding because that is the amount that was actually spent, on average, in each of the last 3 fiscal years. The problem is it wasn't budgeted for. So these big roaring fires take place and then everybody has to scramble to transfer funds to be able not only to fight the fires but to replace the money.

The conference report includes critical firefighting budget reform as part of the FLAME Act of 2009, which was championed by Senator BINGAMAN. This act will help create a dedicated, steady, predictable funding stream for wildfire suppression activities.

As part of the $1.8 billion provided for fire suppression, the bill contains $474 million for the FLAME Fund reserve accounts for the Forest Service and Department of Interior. These FLAME Funds have been established to cover the costs of large or complex wildfire events and as a reserve when amounts of firefighting funds from the agencies' regular fire appropriations accounts are exhausted. So it is a reserve fund for big fires, of which we are having plenty in the West.

In addition to fully funding fire suppression, the conference report also includes $110 million in grants to help States fund their own firefighting and fuels reduction efforts. That is a 22-percent increase over the 2009 level. It provides $556 million for hazardous fuels reduction projects on Federal lands nationwide. That is a 7-percent increase over last year. These funds together will allow the Forest Service and the Department of the Interior to treat 3½ million acres of fire-prone Federal lands.

One of the things we know is that the past policy of suppressing fires—letting everything grow until they become a combustible mix that burns hotter, heavier, and longer—has to change. So to work these lands, to manage these lands, to remove hazardous fuels, is a real effort to protect our forests and our wild lands.

Third, the bill shores up our public land management agencies by providing a total of $6 billion for basic operations and backlog maintenance at our national parks, forests, wildlife refuges, and on Bureau of Land Management lands. For too long we have neglected these agencies and forced program cuts on them by underfunding the fixed costs they incur this year. That is not done this year. Both the ranking member and I are very proud of that.

Included in these funds are $2.3 billion for basic operations of 391 national parks, an increase of $130 million. I think all of us would agree that our national parks are the crown jewels of this Nation. People go there by the tens of millions. For many, it is the only vacation they have. For most, it is a revelation of the amazing beauty of this great country. These monies will allow the Park Service to continue utilizing the 3,000 seasonal employees who have made a real difference in the condition and enjoyment of our parks. Additional maintenance personnel, law enforcement officers, park rangers will all be brought back as a way of enhancing the visitor experience now and preparing our parks for the centennial in 2016.

In particular, I want to point out that the funding being provided in this bill will allow the Park Service to continue the drug eradication program started last year. This is a huge problem. In our vast national parks, Mexican nationals have come in. They are armed, they are dangerous, and they essentially grow acres upon acres of marijuana and then protect that marijuana. It is a real problem. So task forces have been put together—state, Federal, and local—to go into these parks and essentially roust the growers and arrest them.

This effort isn't limited to the Park Service. Included in the $1.56 billion that this bill provides for operations of the national forests is a new $10 million increase for the Forest Service's law enforcement program. These funds mean that the service will be able to hire up to 50 new law enforcement officers to battle the epidemic of marijuana in our parks and on public lands.

Fourth, the bill increases the protection and conservation of sensitive lands by providing $450 million through the Land and Water Conservation Fund—and that is an important fund for all of us—consisting of $278 million set aside for the four Federal land management agencies for conservation of sensitive lands that provide habitat to wildlife and recreation to visitors; $76 million for conservation easements through the forest legacy program; $56 million for acquisitions associated with habitat conservation plans; and $40 million for State grants through the Park Service's State assistance program.

Finally, the bill helps some of the most vulnerable among us by providing a total of $6.7 billion for the Indian Health Service and the Bureau of Indian Affairs. That is an 11-percent increase over the 2009 level and includes increases of $471 million in direct health care services; $81 million in K–12 and college education programs; and $58 million in law enforcement programs, which will allow for additional police officer staffing on streets and in detention centers.

With these funds, more than 10,000 additional doctor visits will take place that would otherwise not happen. This means additional well baby care to prevent problems before they happen. It means additional alcohol and substance abuse treatment, which is truly a plague in Indian country. It means additional public health nursing visits to those in the rural areas.

Funding provided through the Bureau of Indian Affairs will improve programs and infrastructure at the Bureau's 183 schools. Interestingly enough, the $81 million increase in education programs will allow the Bureau to substantially increase the number of schools that meet the adequate yearly progress goals spelled out in the No Child Left Behind Act. For the first time, nearly half of all schools will meet this milestone. Half. That is very good.

Additional funding for law enforcement programs will allow the Bureau to increase staffing throughout Indian country. The bill makes a major increase in funds for repair and rehabilitation of detention facilities, and funds

will allow the Bureau to repair several local facilities so that officers spend less time in transit and more time on the streets.

Let me speak of some of the problem areas. The first one was Davis-Bacon. Davis-Bacon is prevailing rate standards for, in this case, water and sewer projects. The second area is emission control requirements for the Great Lakes. And third is restrictions on the reporting of emissions from, of all things, manure management systems.

Let me speak about Davis-Bacon. The House put in their bill a permanent extension of Davis-Bacon. That was clearly a problem. Therefore, the agreement—and thanks to the ranking member—was that the bill simply would contain a 1-year extension. In other words, Davis-Bacon would be included for water and sewer infrastructure for the fiscal year 2010. We compromised on that. I have always supported Davis-Bacon. I believe that prevailing rates should apply to these programs. But I also believe this is very much a necessary compromise, and it will serve as a bridge to allow the House and Senate authorizing committees—which is, after all, the proper place for this—to enact the necessary legislation.

The conference report also includes language that would exempt 13 steamships on the Great Lakes from certain marine fuel requirements. This was language that was included at the insistence of the House. Frankly, it was not my preference to include this language, but I understand Members from the Great Lakes States are very concerned about the economic impact of pending EPA emission control regulations on these 13 older ships.

After substantial negotiation and discussion with EPA, we have crafted a narrowly tailored compromise that recognizes these concerns in report language but will not impact air quality in California or any other seaboard city, or interfere with the ability of EPA to negotiate international controls on emissions from other oceangoing vessels.

I must say, this is a very important thing to California. In the L.A. port area—this is the area where 40 percent of all of the Nation's container ships come in—there is a real and growing asthma problem. Being able to regulate these ships is critical to pollution. Not only that, the L.A. basin is one of the two worst nonattainment areas in the Nation and in a few years will have sanctions on them because they cannot meet attainment standards. Therefore, being able to improve the emissions on these ships is important.

Third, the conference report includes language proposed by the House that exempts all manure management systems from reporting greenhouse gas emissions to the EPA for 1 year. I believe the Senate version, which requires 90 of the Nation's largest factory farms to report on their greenhouse gas emissions while protecting family farmers from reporting, was a better approach. But in the interest of moving this bill we had to agree to the House language.

There is, however, one important point that must be made. The language contained in the conference report will still allow EPA to implement its underlying reporting rule and get good data on greenhouse gas emissions from nonagricultural sectors of the economy.

Finally, let me mention the CR, contained in division B of this conference agreement. As Members know, the current CR expires at midnight on Friday, which is why it is critical that we pass this conference report and get it to the White House to be signed into law. Without passage of the CR, the government shuts down. It is that simple. And no one believes this is an option.

When the Social Security checks don't go out, Medicare and everything else stops, it is a real problem.

As agreed to by the House and Senate leadership—not the ranking member and I, but the House and Senate leadership—this new CR will provide funding through December 18. That should allow enough time for the remaining appropriations bills to be completed—we hope.

All in all, this is a good bill. It is the product of a lot of hard work by Members in both the Senate and the House. I sincerely hope we could adopt what has been agreed to by the House and get this bill to the President.

I again thank my distinguished colleague from Tennessee for his cooperation and his work on this bill. Without him it would not have happened. So I thank him very much and it is now his turn.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, if I had to choose an appropriations subcommittee to serve on, this would be it. It includes the things I care the most about: the great American outdoors, clean air, our national parks. I couldn't have the privilege of working with a finer chairman than Senator FEINSTEIN. I like her especially because she says what she thinks. She was a mayor. A former Governor, as the Presiding Officer was, appreciates that. She can make a decision, and she sticks to it. She cares about the great outdoors. She has a long record of work on clean air and the environment, about our forests, about our deserts, so we see eye-to-eye about a great many things.

Senator MCCAIN is here to speak on our side in a few minutes. I think Senator SESSIONS would like 5 minutes. I would say to my Republican colleagues, I don't plan to take but 3 or 4 minutes. After they speak, I don't have any other remarks to make. We may be able to give back some of our time.

I thank the full committee, Chairman INOUYE and Vice Chairman COCHRAN and Senators REID and MCCONNELL for their allowing us to move forward. I am glad this bill will not be part of the omnibus. That is not the way to do business. There were lots of differences of opinion, both in the Senate and with the House—the chairman outlined those and talked about those. My preference, if I were the king, I wouldn't spend this much money on this bill this year. This is a tough time. But I doubt Americans will begrudge spending on national parks, on clean water, and on firefighting.

This is the 75th anniversary of the Great Smoky Mountain National Park that was created in the midst of the Great Depression. Each State appropriated $2 million, and then schoolchildren gave their pennies. Even in tough times—maybe especially in tough times—we care about our national parks. President Bush set us on the road with the Centennial Initiative to properly fund them by the time we get to 2016, and this bill continues that.

It is also good it includes within the budget the firefighting costs which were outside the budget as emergency appropriations. That is a good way to do business. We do not want the U.S. Forest Service to become the U.S. Fire Service, even though we greatly value its work in firefighting. We want it to also be able to perform other important functions.

I am glad to see the support for Land and Water Conservation Funds. Local parks, city parks, are our most popular parks, the ones down the street.

The Senator mentioned the Davis-Bacon State revolving funds. I strongly object to that being in the bill. This is the first time it has ever been in. We have applied the Davis-Bacon Act to these state revolving funds. This will mean fewer jobs, higher costs, fewer projects. The States provide 20 percent of the match. They should be able to decide what the wage rates are in their States.

The bottom line is that we are appropriating $3.5 billion to get done what last year would have only cost us $2.6 billion to do. We are making a mistake. I fought hard to change that. I appreciate the fact that the conference committee supported my effort to move this from a permanent change to a 1-year change. This is appropriately being considered by the Senate Environment and Public Works Committee on which I serve. I will make my views known there.

I thank the chairman again for her courtesies. I see the Senator from Arizona is here. I will yield the floor and give him and other Senators a chance to speak on the bill.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, what little time remains to this side of the debate?

The PRESIDING OFFICER. The minority has 41 minutes left.

Mr. MCCAIN. Forty-one minutes?

Mr. ALEXANDER. The Senator from Arizona may take as much time as he wishes.

Mr. MCCAIN. I thank my friend from Tennessee, and I thank you, Madam Chairman.

As we know, we are considering the conference agreement for the fiscal year 2010 Interior, Environment and Related Agencies appropriations bill. I was deeply touched and moved by both the manager of the bill and the ranking minority member's lamentations about the budgetary constraints in which we are suffering—deeply moved, almost to tears, until I saw that this bill provides approximately $32.2 billion, a 17-percent increase over last year's levels, and $4.66 billion more.

You know, the bill comes after we already gave $10.95 billion in the stimulus bill. It is remarkable, remarkable.

When the distinguished manager talked about how the budgetary constraints did not allow for us to have the necessary water infrastructure projects which are so vital, particularly to those of us in the West, we somehow found room for 542 earmarks totaling $341.3 million.

I believe we might be able to find some more projects that are very badly needed for water infrastructure and even for firefighting if maybe we shifted those 542 earmarks totaling $341.3 million over to the needed projects. As far as I know, not one of these earmarks was requested by the administration, authorized, or competitively bid in any way. No hearing was held to judge whether these were national priorities worthy of scarce taxpayers' dollars.

When I read some of these, I think it would be hard to argue that they would withstand any scrutiny, any competition. For example, $500,000 for a tropical botanical garden in Hawaii. Not in Arizona, not in California—Hawaii—$500,000 for a tropical botanical garden in Hawaii.

There is $150,00 to renovate an opera house in Connecticut—renovate an opera house. The real unemployment in my State is now 17 percent. It is listed as less than 10 percent, but including those who have given up looking for work—17 percent of the people in my State are without a job, and we are going to spend $150,000 to renovate an opera house in Connecticut.

We are going to spend $500,000 for a native Hawaiian arts program in Hawaii.

We are going to spend $1 million for improvements in the Sewall-Belmont House in Washington, DC. That is what I call a cozy relationship. The Sewall-Belmont House is next to the Hart Building—$1 million. Couldn't this museum raise private money for these improvements?

There is $2 million for an interpretive center at the California National Historic Trail in Nevada and another $100,000 for the Tahoe Rim Trail in Nevada to build a 15-mile hiking trail from Reno, NV, to the Mount Rose Ski Resort near Lake Tahoe.

I get favorites every once in a while, but this is probably one of my favorites recently. If we Twitter the top 10, I guarantee you this will make the top 10: $1.2 million for rat eradication at the Palmyra Atoll National Wildlife Refuge; $1.2 million worth of rat traps. This $1.2 million in rat traps is for a 5-square-mile island, U.S. territory that is not occupied except for a few scientists from the Nature Conserve studying the island's coral reef, according to the Interior Department.

There is $750,000 for a conservation training center in West Virginia. I am sure over the years my colleagues have gotten to hear certain States named—Hawaii, West Virginia, Nevada, California. I am sure all of those are strictly coincidental.

There is $200,000 for historic preservation of the Richardson-Olmstead Complex in Buffalo, NY. I am not making this up. The Richardson-Olmstead Complex is actually the former Buffalo State Insane Asylum which was decommissioned in the 1970s. According to Richardson Center Corporation, which is a nonprofit managing the complex for historic preservation, this funding would go toward maintaining the former hospital as ''an example of the humane treatment of the mentally ill.''

There is $750,000 for the Hudson Quadricentennial Commission in New York to celebrate the 400th anniversary of the Dutch explorer Henry Hudson sailing the Hudson River; $500,000 to the Vermont Wood Products Collaborative, which provides grants to promote the development and marketing of wood products businesses in the State of Vermont. According to the Office of Management and Budget, Vermont Woods Products Collaborative is a continuing earmark that has received over $780,000 from Congress over the past 4 years.

That is for the Vermont Wood Products Collaborative when my State has a 17-percent unemployment rate.

Some of these that I just described may have merit. There are 542 of them. Some of them may have merit, but we will not know that. We will not know whether or not they have merit. They have never been authorized, never been subjected to competition, they have never been scrutinized. But what has been done is they have been put in because of the relative power of certain Members of Congress.

I had intended today to bring over recent articles concerning the investigations that are being conducted on Members of Congress because of this practice of earmarking and porkbarrel spending.

One more example of this is the Environmental Protection Agency State and Tribal Assistance Grants Program, which funds wastewater and drinking water infrastructure projects throughout the country. Local communities that request assistance under this program have to do so under Federal and State systems for prioritizing the most important projects from a health and environmental standpoint.

But all it takes to sidestep the entire process is for a Member to slip an earmark into an appropriations bill that benefits a special interest in their home State. Inevitably, communities that are worthy of EPA's help are left empty handed because they were not connected well enough in Washington.

The President's 2010 budget calls for terminating all of these earmarks. The President's budget asks that they should be eliminated. The administration says, the President says, these earmarks are ''duplicative'' and ''not subject to the State priority-setting process which typically funds cost-effective and higher priority activities first.''

Moreover, the administration points out these earmarks ''single out projects and communities for a greater subsidy than otherwise available through existing programs,'' and ''that these types of projects require more oversight and assistance than standard grants because many of the recipients are unprepared to spend or manage such funds.'' In other words, some communities are receiving earmarks so large that they do not know how to handle them.

Let's look at a few of these infrastructure earmarks. For the town of Moorefield, WY, $2.5 million is earmarked for a wastewater treatment plant. The town of Moorefield has a population of 2,375. That is a subsidy of over $1,000 per person.

Six million dollars goes to construct a drinking water reservoir in Fayette County, AL. Estimated population of Fayette County: 18,000.

There is $1.2 million for sewer improvements in Plattsmouth, NE; population: 6,900. Finally, $15 million for water infrastructure in remote Alaska Native villages, which exceeds the administration's request by $5 million. In its budget submission, the administration proposed reducing spending for Alaska Native villages to $10 million because:

> Audits conducted by the EPA Office of the Inspector General identified several financial management problems, including improperly charging labor costs to grants and disbursing funds that were not tied to the actual project costs.

I am for helping our neediest and most rural communities. Some of these projects may be truly needed. But it is disregard for the procedure that should be followed that concerns me.

Last month the House and the Senate Democratic leadership airdropped a continuing resolution into the legislative branch appropriations bill to keep the government running until this Sunday. It is not the way to do business. There is nothing that prohibits the majority leader from calling up a continuing resolution as a stand-alone piece of legislation.

I want to say that I intend to raise a point of order. But, more importantly, if this bill passes the Senate, as it did the House earlier today, the President of the United States, if he is serious about eliminating waste and unnecessary spending, should eliminate a bill

that has a 17-percent increase over last year's levels, which is $4.66 billion more, in addition to the $10.95 billion that was appropriated to these accounts in the stimulus bill, and contains 542 earmarks totaling $341.3 million. If that is not enough to earn the President's veto, I do not know what is.

I raise a point of order that the conference report violates the provisions of rule XXVIII, and I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I move to waive the relevant provisions of rule XXVIII. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mrs. FEINSTEIN. Can the Chair state when the vote on the motion to waive will occur this evening?

The PRESIDING OFFICER. The motion to waive will occur after all time is used or yielded back.

Mrs. FEINSTEIN. How much time remains?

The PRESIDING OFFICER. The majority has 40½ minutes, the minority has 28 minutes.

Mrs. FEINSTEIN. My understanding is that the chairman of the Appropriations Committee is here if you have no objection, Mr. Ranking Member.

Mr. ALEXANDER. I certainly have no objection at all. The Senator from Alabama is here. As far as I know, he is the only other Republican Senator who wishes to speak at this time. I have no further comments. So if any other Republican Senator wishes to speak, they should come over. After Senator SESSIONS speaks, we will waive the rest of our time.

Mrs. FEINSTEIN. I yield the floor to the distinguished Senator from Hawaii.

Mr. INOUYE. Madam President, the conference report before the Senate provides funding for the Department of the Interior and related programs. While the funds in this measure represent a significant increase over the funding levels provided in fiscal year 2009 they are greatly needed by the Environmental Protection Agency, the Forest Service, our national parks, and other agencies which provide critical support to all Americans.

I would also note that the increase is within the amounts approved by the Senate in the budget resolution. In fact, each bill and conference agreement tha the Appropriations Committee has forwarded to the Senate has been within the amounts approved by the Congress. Those who object to the spending in these bills ignore that the Congress approved these funding levels earlier this year.

I would share my colleagues' concern with spending if the Appropriations Committee were exceeding the amounts approved in the budget, but in point of fact we are not. Moreover, in total the amounts that are in this bill when combined with the other 11 appropriations bills are below the amounts requested by the administration.

That is only one reason, but an important consideration in why these bills have received nearly unanimous support from Senator COCHRAN and the other Republican members of the committee. Once again, this Interior conference report saw nearly unanimous support from the Senate conferees.

Over the past few months we have heard the repeated cries that we are spending too much. But to reiterate, the facts are we are spending less than requested by the administration and the same amount or less than was approved by the Congress.

Included in the conference agreement is a short term extension of the continuing resolution. Regrettably, an additional extension of the CR is necessary because we are still unable to complete action on all 12 bills. I want to remind my colleagues that upon assuming the chairmanship of the committee last January I vowed that we would strive to end the process of tying all 12 bills into an omnibus bill which affords all members less opportunity to debate and amend these important measures.

I was extremely pleased to learn last spring that every one of our Republican colleagues signed a letter to the majority leader urging him to provide ample floor time to consider these bills. And, I must thank the leader, and the minority leader as well for allowing these bills to be considered.

No one can accuse the majority of not trying to return to regular order. We have passed seven appropriations bills to date, and today the Senate is considering our fifth appropriations conference report. We hope to complete Senate action on two or more measures next week.

This has not been easy. Each time an appropriations bill has been called up a handful of Members have used their rights to slow down the process. Our managers have been forced to wait 2 and even 3 days before the same Members, time after time, are willing to call up amendments.

The Senate has been in session about 153 days this year. On 56 days, so far, the body has been considering an appropriations measure. That is more than 11 weeks. We have tried to elicit cooperation on these measures, but once again a few members, who seem to oppose the appropriations process, must believe that we are better off under a continuing resolution in which the executive branch makes all spending decisions than allowing the Congress to do its work. Because of this approach, we find ourselves in need of passing another CR.

Division A of this conference report represents the hard work of Senators FEINSTEIN and ALEXANDER along with all the members of the subcommittee and their staffs. It contains critical funding that is needed today. I support the compromise that Chairman FEINSTEIN and Senator ALEXANDER brokered on a biipartisan fashion. I commend them for their fine work.

Division B of the conference agreement extends the current continuing resolution until Friday December 18. There are also two technical corrections in the bill that fix problems in the original CR. In addition, three new issues are added which generally have the support of the administration and should be noncontroversial.

First, the Small Business Administration will be allowed to use $80 million to continue Small Business 7(a) loans during the CR period. Without this authority, SBA expects to have to turn off its loan program in November.

Second, up to $200,000,000 of funds made available in the Omnibus bill will be allowed to be used to adjust allocations for public housing agencies to prevent cutting off assistance to poor families. Without this authority the administration believes up to 10,000 families would lose their housing assistance.

Third, the bill allows for government-sponsored mortgage holders to continue to loan funds at higher level loans so that high cost areas are still covered. The current law expires in December. The Department of Housing and Urban Development expects that in anticipation of the expiration of the authority lenders will start to stop credit for these high-cost loans as early as November.

The House has already approved this provision in its 2010 THUD Appropriations bill, but since that bill has not yet been completed, this action is necessary at this time.

Some of my colleagues may be concerned that we have attached the CR to this bill. It is clear as I have pointed out that we cannot expedite passage of appropriations bills this year because of a small number of opponents. Each bill has taken nearly a week to pass all because of a few Members wanting to delay.

For example, the Energy Water conference report which passed with nearly 80 votes took 3 days of delay before we were allowed to vote.

As such, regrettably this approach is necessary. I urge all my colleagues to support the swift passage of this bill to avoid a devastating shut down of government operations.

And, finally I urge my colleagues to cooperate with the managers of our appropriations bills in the coming weeks as we seek to pass our remaining bills. Without cooperation, we will no doubt be forced to return to an omnibus-type of approach which limits all Members' right to debate and amend the measures that the committee has recommended.

Mr. LEVIN. Mr. President, I will vote to approve this conference agreement and continuing appropriation resolution to provide over $32 billion for a variety of important environmental, forest and land, national parks and infrastructure purposes; as well as to extend

funding for other Federal programs through December 18.

I am pleased this bill includes the full $475 million for Great Lakes Restoration Initiative, GLRI, as requested in the President's budget. The GLRI is a multi-agency effort to address the array of current and historic threats facing the Great Lakes, such as invasive species, habitat loss, and pollution. The Environmental Protection Agency has prepared a spending plan for this money based on years of research and cooperative work with other Federal, State, tribal, and local partners, and the EPA will measure results to ensure accountability. This bill includes language, which I supported, to ensure that steamships in the Great Lakes are able to continue to operate. The compromise included in this bill allows the EPA to move forward with a proposed air emission regulation for maritime vessels operating on the coasts while the EPA works with the Great Lakes shipping community on compliance. Additionally, the EPA will conduct additional economic analysis for the Great Lakes region.

This bill provides $2.7 billion for our National Park Service, an increase of $200 million from last year's level, which I support. That increase would help maintain and protect the natural, historic and recreational resources of the six National Park units in Michigan. I am pleased conferees favorably responded to my request to waive the match requirement for Quincy Smelter funding, located within Keweenaw National Historical Park in the Upper Peninsula of Michigan. The bill includes $1 million to stabilize the deteriorating buildings at the Quincy smelting complex, which is the best remaining example of a copper smelter of its era in the country, and possibly the world. The smelter has been identified by the Park Service as a core resource in the park, yet its structures have deteriorated significantly since the smelter closed in 1971. Over the past couple of years, some parts of the smelter buildings have collapsed and last year, a smokestack, which is a critical part of the landscape, had to be removed because it was in danger of imminent collapse. With the waiver language included, this funding can be used to stabilize the buildings to prevent additional structural failures, saving one of the most important resources of the park.

Importantly, the bill would provide $1.4 billion to capitalize the Drinking Water State Revolving Fund and $2.1 billion for the Clean Water State Revolving Fund for wastewater projects. The funding in this conference agreement more than doubles the amount provided in the fiscal year 2009 omnibus. Michigan would receive about $41 million for drinking water and $90 million for wastewater projects, protecting public health, improving the environment, and creating a stronger economic climate.

This appropriations conference agreement would provide a significant boost to protect and clean up the Great Lakes, protect the environment, improve Michigan's parks and lands, provide communities with safe drinking water and improved wastewater infrastructure, and I support its passage.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, is there a time limit on this side?

The PRESIDING OFFICER. The minority still has 28 minutes remaining.

Mr. SESSIONS. I ask to be notified after 10 minutes.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mr. SESSIONS. Madam President, a number of appropriations bills, as Senator INOUYE has said, have moved forward this year, and I do not think it is obstructive or an effort to delay to try to make sure those bills spend the taxpayers' money at a reasonable level and for things that serve the national interest.

Let me talk about the bill before us today. It is stunning in its increase in spending at a time when we are not able to spend at this level. Some people dismiss the persons at the tea parties who have been ringing our phones and sending us messages and e-mails about the reckless rate of spending. I believe, unfortunately, that as a body this Senate is in denial. The Senate is of the belief that it is business as usual, that we will get together and have these meetings in these committees and bills will be dropped on the floor, with unprecedented rates of spending increases, and everybody will vote for it and it is OK because that is what we always do.

Actually, what we are doing today is worse than what we have been doing in the past. The spending increase levels are at rates that are breathtaking. I have to talk about it.

I would like to support the Interior bill. I know the Environmental Protection Agency is an important agency. We are not trying to eliminate them. But let's take a look at a few things. The Senate bill this year for Interior and EPA has a 16.9-percent increase. At this rate, spending for the Interior-EPA would double in only 4 to 5 years, the whole budget would double in 4 to 5 years at this rate of increase. Inflation today is less than 1 percent. The Environmental Protection Agency spending increase is 37.7 percent in this legislation, a 37-percent increase. At that rate, the whole EPA budget would double in 2 to 3 years.

You say, surely you are considering some of the stimulus money we passed, the $800 billion stimulus package that was supposed to create jobs, which was passed in February of this year. No, I am not. This is the baseline budget bill. If you add the stimulus for fiscal year 2010, we would have a 57-percent increase. The 2-year increase from 2008 to fiscal year 2010 would be 62-percent, assuming we are adding stimulus spending to FY2010. But that does not include the emergency funding that may occur for fires or floods or storms.

Some Senators have the gumption to come down here and ask: What are we doing? How can we continue to spend like this? Aren't we being irresponsible? Are you listening, fellow colleagues, to your phone calls, to your e-mails, to your letters and your town-hall meetings? Are you listening to them or do you think this is just business as usual? We make a few deals and we pass a bill. Everybody is happy, and we pat everybody on the back.

Let me show a few charts that relate to that issue. This is the Environment and Interior appropriations history for the last several years. A lot of my colleagues say President Bush spent so badly. Well, sometimes he did. But from calendar year 2001 through 2009, the spending increases averaged only 1 percent in these departments. Look at this year. It was an actual reduction. Now we have a 16-, 17-percent increase, and that does not include the $11 billion from the stimulus package. That totals, then, a 57-percent increase in this Interior bill.

I can't vote for this. How can I go back home and tell my people, when I said I am concerned about spending and we have to do better, yes, constituents, I know we have to do better and then waltz into the Senate and vote for a bill such as this? No matter how much good people say is in it, we don't have the money.

This year the budget deficit hit, as of September 30, about four times the highest budget deficit we have ever had in the history of the Republic, $1.4 trillion.

Look at the Ag bill. The Agriculture bill, we were waltzing along with a 2-percent average annual increase from 2001 through 2009. That includes 2009. We end up with another 14 percent increase in Agriculture. That does not count the stimulus package. Agriculture got a good bit out of the $800 billion stimulus package.

What about the THUD? Boy, it is a thud in terms of what impact there will be on the deficit for the Nation. Discretionary appropriations from 1995 to 2009 averaged an increase of 5.2 percent. What about 2010? A 23-percent increase. That is budget baseline spending.

I ask my colleagues, is anybody listening to their constituents or are Alabama constituents the only ones who care about the financial future of this country? Are they the only ones who care about their grandchildren? I don't think so. I think my colleagues are hearing some of the same thing.

So how do we come up with these increases? Here is the State Department and the Foreign Operations bill. As I said, from 1995 through 2009, over 14 years, all our discretionary spending averaged an increase of 5.2 percent. What do we get today? Look at this, a 32 percent increase in 1 year. In 3 years, that doubles the whole foreign ops budget.

What does it mean? These are not exaggerations. I hope my colleagues and

the American people look at this chart. We ended fiscal year 2008 with a $5.8 trillion total American debt. That is how much we owed to the public. In 2013, according to our own Congressional Budget Office, based on President Obama's spending plan, it will double to $11.8 trillion, doubling the entire national debt in 5 years. By 2019, the 10-year budget window the President has submitted to us, his budget for that period, it would triple the debt to $17.3 trillion. This takes us too close to having a debt equal to 100 percent of America's gross domestic product.

According to the Heritage Foundation, there are gimmicks in these numbers. They estimate it will be closer to $20 trillion, and that is going to be about 100 percent of the entire gross domestic product, which is considered very bad in international circles and historically has always resulted in adverse economic ramifications.

One more thing. The numbers get so large. You talk about trillions and billions, and it is hard to get a grip on what we are talking about. Most of us can understand what interest is on our debt. We can understand that. We pay a mortgage. You take out a mortgage and most of the money you pay the mortgage company goes to interest until it begins to go down over a period. If we look at this chart, we will see what would happen to the government's interest payment. Despite these surging increases, the Interior budget for parks and the EPA budget combined for all this year is $32 billion. That is a huge sum of money. Alabama's total budget, including education and general funds, is about $7 billion, the whole State of Alabama. So we are spending 32 nationally on Interior and EPA. This past year, fiscal year 2009, we spent $170 billion just to pay the interest on the money we borrowed for the $5.8 trillion in debt we had when the year started. So we paid $170 billion in interest. That is more than five times the Interior budget we are passing today, as big as it is and much as it has expanded. Look how it increases in only 10 years. According to the CBO, which is by far the most conservative analysis, it ends up at $799 billion in interest in 1 year. That is not paid to some other government agency, it is paid to people who hold our Treasury bills because, during this period, instead of paying interest on $5 trillion, we will be paying interest on $17 trillion, and the interest rates are unusually low today. CBO experts expect those interest rates to increase.

The result is, we are talking about $800 billion in interest. If there are higher rates of interest, as the blue chip outside economists project, they project it would be $865 billion in interest in 1 year on the public debt, much of it interest paid to people in foreign countries, countries, states who own our treasury bills and buy our debt, leaving us weakened economically, politically, strategically, our security weakened, when we are that much in debt to people around the globe.

I believe Americans are getting it. That is why they are writing us. They would like to see us do better. Are we doing better? The charts I showed indicate we are doing worse. It is time to say: No, we don't have the money. The average household income for an American citizen fell 3.6 percent. So the average household is seeing a 3.6-percent reduction, and States all over America are reducing their spending and making improvements in efficiency and taking other tough steps to contain spending. We are spending like crazy. Remember, we passed an $800 billion stimulus package in February. That is such a huge number. It is the largest spending bill this Republic has ever passed, $800 billion in one fell swoop after a few weeks of being in session. It had to pass supposedly. Unemployment was going to go up if we didn't pass it. So in panic—not with my vote—this Congress passed that stimulus bill, and we have seen very little stimulus results from it.

Unemployment in my State is about twice what it was before this recession started. So we have a problem, and we are not going to just borrow our way out of it. In the long run, I am concerned about this spending level and the debt level because there is no plan to make it better. According to the Congressional Budget Office, in 2019, what will the deficit be? Will it be going down? Will we be beginning to pay off the debt, the money we have borrowed? No. In 2019, they project the annual deficit that year to be over $1 trillion—in 1 year, over $1 trillion—in 1 year to add to the total national debt.

This is irresponsible. There was an article in today's Washington Times by one of their economists who pointed out the tremendous—

The PRESIDING OFFICER. The Senator asked to be notified after 10 minutes.

Mr. SESSIONS. Madam President, I thank the Chair, and I will wrap up.

He just noted the severe risk this kind of surging debt—the likes of which the country has never before seen or participated in. Those risks are real. He emphasized our national security. But many people are emphasizing the risk to our economy and our future growth. We are going to have to pay, in 2019, $800 billion, at least, in interest before we start buying the things America needs for its government to operate. Instead of $170 billion, we are going to be spending $800 billion.

Why? Because we cannot say no. Why? Because we are addicted to higher and higher spending. I think it is irresponsible. I certainly believe our colleagues who produce these bills think they are doing well and operate within reality, and it is hard, they think, to make any changes. But why can't we? States are making changes. People in their homes are making changes. Why can't we make changes?

I think we can. I do not think it is a little bitty matter. It is not a political matter. I keep hearing Democratic colleagues also expressing great concern about this debt. They try to blame it on President Bush and other things. But at some point it is our spending. President Bush did not propose to increase the Interior spending by 17 percent. The Democratic leadership proposed that, and all these other bills we have.

So we have to do better. I will be voting no, regretfully, and I hope more of my colleagues will join me because we need to begin to say: No, we cannot continue on this road. We are not in denial. We do believe our constituents have valid concerns about reckless spending, and we are going to try to act in a way that again wins their trust.

Madam President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I yield 10 minutes of our time to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, let me thank Senator FEINSTEIN and also Senator ALEXANDER for the work they have done on this bill. I used to be the ranking member of this subcommittee, and I understand many of the issues in this bill. The breadth and scope of it is very substantial, and I think they have done a good job.

I want to mention two things that are very small parts of this bill but, nonetheless, I think important. One is the issue of something called hydraulic fracturing. The reason I mention it is, there is a lot of discussion about how important it is for us to become less dependent on foreign energy. We need to become less dependent on oil from places like Saudi Arabia, Kuwait, Iraq, Venezuela and so on.

Madam President, about 70 percent of our oil comes from overseas. The fact is, we use a prodigious amount of oil.

The U.S. has about 5 percent of the world's population, but we use almost 25 percent of the oil. Seventy percent of it comes from off our shores from other countries, and 70 percent of all the oil we use is used for transportation. So we need to continue to develop resources at home if we are going to become less dependent on foreign energy.

There is a provision included in the Interior conference report related to hydraulic fracturing. This small provision requires a study by the EPA of hydraulic fracturing and drinking water. What I want to mention is this: In the subcommittee I chair on Energy and Water Development, I have continued to include research and development funding for oil and natural gas programs. We lead the world in unconventional oil and gas production, in part, because of this funding.

We are now discovering new fields in shale and tight sands reservoirs because we can use technologies that we

could not benefit from 5 and 10 years ago. Just think we now explore 2 miles beneath the surface of the Earth areas of shale and go into seams 100-foot thick. We have the ability to drill down 2 miles, make a big curve, and drill out 2 miles to reach the resource. So you have a 4-mile circuit with this one drilling rig and you go into a shale deposit more than out 2 miles out. To exploit the resource, companies use hydraulic fracturing by using water under high pressure. It allows them to break down that shale, and you have oil production.

The U.S. Geological Survey did a survey in North Dakota in an area called the Bakken shale. It is an area about 100-foot thick 2 miles down. They said using today's technology—today's technology—there is up to 4.3 billion barrels of recoverable oil in place. That is the largest assessment of recoverable oil they have ever found in the Lower 48 States. Think of that. But none of that resource would be available without the use of hydraulic fracturing.

By the way, this issue of hydraulic fracturing—water under high pressure to break that shale—we have been doing that for 60 years. There has been many studies, and there is simply no problem with it when properly applied. These studies show that it does not contaminate groundwater. In fact, the EPA itself did a study in 2004 and concluded there is no problem.

Well, some of our colleagues are concerned, and they have legislation to regulate hydraulic fracturing on a federal level. In the House Interior Appropriations bill, there was a requirement for the EPA to do a study. I would say the Senate did not have that requirement in its bill. I worked with other Senators and, but we requested that certain guidelines be in the study. Those requests were included in the conference report. I do not mind there being a study because I believe that it will demonstrate what we already know and what the EPA has previously discovered in their study. This issue of hydraulic fracturing is not a problem. We do need to continue to produce more energy in this country to make us less dependent on foreign oil and find ways to use more domestic natural gas. It is just a fact, and it will not continue unless we can continue the hydraulic fracturing that unleashes the opportunity of these oil and natural gas fields.

So that is a small piece of this very big bill, but I think one that is very important. I wanted to make that point.

I want to make one additional point, and this actually relates to the success of something we took out of this bill. I want to just describe it for a moment. Some things just sort of drive you batty about the way government works. Government gets big, and somehow it just leaves common sense behind from time to time. This was a circumstance where in a national park in North Dakota, the Badlands—the Theodore Roosevelt National Park—they have to thin the elk herd. There are too many elk—about 900 elk. It can only handle about 250 or 300 elk. So you have to get rid of some elk; you have to thin the herd.

Like a lot of government solutions, the solution was, well, maybe we should hire Federal sharpshooters and then have helicopters we would hire to haul the meat out of the national park.

I said: I don't understand at all how you could think about that. There are plenty of people who are qualified hunters who would be happy to volunteer their time to thin the elk herd. You do not need Federal sharpshooters. You do not need helicopters. All you need is a barrel full of common sense.

So because we could not get that done, I put a piece in this Interior appropriations bill when we did it in the subcommittee, and all of a sudden everyone got serious about negotiating on how to do this. Kudos to the Interior Secretary and his staff. We have reached an agreement in principle now, and the Park Service has a proposal that it has set forth. My expectation is that this going to be solved in the right way. So we withdrew this provision from because we do not need it.

We have an agreement in principle, to use qualified North Dakota volunteers, deputized by the National Park Service, who will, under the guidance of the Park Service, thin the elk herd. We do not need to spend a lot of money doing it. All we need to do is just use some common sense, and that is exactly what we are doing.

I understand we have a circumstance where there is not quote, hunting, unquote, in national parks. So the first blush on all this was: Well, we can't do what you suggest, Senator DORGAN. We just can't do it. We are restricted.

Well, the fact is, we are going to use volunteers in a way that is consistent with both the law and common sense. We are not going to spend your money hiring sharpshooters. We are not going to spend your money hiring helicopters. We are going to do this the right way. It is not opening up a hunting season. It is just empowering qualified hunters, under the guidance of the Park Service, with the coordination of the State's game and fish department, to work as volunteers and do what we should just do. It is just a deep reservoir of common sense.

I am proud we have finally gotten that done. I know it is not the biggest issue in the world, but do you know what. There are a whole lot of folks in North Dakota who read about these ''sharpshooters'' and ''helicopters'' who said: Are you nuts? What are you thinking about? That is what got me involved. I understand, this does not meet the test at all. But now we have gotten it done, and we have the right solution.

So I want to thank Senator FEINSTEIN and Senator ALEXANDER. I thank the Interior Department for seeing a way to do this. There is a right way and a wrong way. They saw the right way to do it, and I think it will be helpful to the American taxpayer. It will get the job done by thinning that elk herd and saving some money and giving some folks an opportunity to volunteer to serve their government.

So I wanted to mention that today and thank the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I want to thank the Senator from North Dakota, and tell him that misery loves company because in California we had a similar situation with the Point Reyes National Seashore Park, where there were growing numbers of whitetail deer, and the Park Service proceeded to do a somewhat similar thing, shoot them, and I believe in helicopters shoot them. All the residents got very upset because this is not an isolated community, and they began to call, and we worked out a solution—to use contraception, actually, to cull the herd.

But I do not know whether that is going to work. I think the Senator pointed out a good situation where the Park Service has to be more sensitive when it does some of these things.

I thank the Senator for the efforts he has made—and successful ones.

Mr. DORGAN. Well, Madam President, I would only say that we have not discussed contraception for elk in the national park, but contraception was once suggested for skunks in a wildlife refuge, and the question was who was going to get close enough to the skunks.

But I think we have solved this issue in a way that is satisfactory and especially beneficial to the taxpayer. I appreciate the work of the Senator from California.

Mrs. FEINSTEIN. Madam President, I say to the Senator, thank you. I appreciated his work.

Madam President, I yield 10 minutes to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

COMMENDING SENATOR EDWARD W. BROOKE

Mr. KIRK. Madam President, I thank the distinguished Senator from California and the Senator from Tennessee for allowing me to make a brief statement on a very important event that took place in this Capitol just yesterday.

I was privileged and deeply moved to witness a ceremony in the Rotunda of this building at which Edward W. Brooke, the distinguished former Republican Senator from Massachusetts, was honored with the Congressional Gold Medal.

This award, as you know, is the highest bipartisan award that Congress can bestow. The award to Republican Senator Brooke was the result of legislation sponsored by two history-conscious Democrats: Representative ELEANOR HOLMES NORTON of Washington, DC, and Senator Ted Kennedy of Massachusetts, who served with Ed Brooke in the Senate for many years.

Senator Brooke was a trailblazer, a bridge builder, and a statesman. The grandson of a slave, he grew up in a segregated neighborhood not far from this Chamber. But he rose to become the first African American elected to the Senate.

I am proud, and the citizens of Massachusetts are proud, to have sent Ed Brooke to Washington. We saw yesterday what our State saw in him long ago: his strength, his wisdom, his decency, and his deep commitment to meeting the needs of the American people.

Ed Brooke was elected as a Republican, but the people of Massachusetts did not see him as a strident party man. They saw him as a great American and a model politician. They supported him because they understood that difficult times require statesmen who can work across party lines.

Returning to the Capitol yesterday, at the age of 90, Senator Brooke spoke powerfully about this Senate as a place where Members of both parties can and must work together for the common good. That was the spirit of the Senate in which Ed Brooke served. That was the spirit of the Senate that Ted Kennedy embraced, and the spirit that led to countless bipartisan accomplishments. It is a spirit we desperately need to revitalize as we work our way through the needed reform and repair of our broken health care system.

As an elder statesman of the Republican Party, this is what Senator Brooke said yesterday:

> I'm here to tell you that politics is not an evil thing. It's a good thing, and when used properly, it does good things. I think of the awesome responsibilities of the House of Representatives and the U.S. Senate in these years of crisis. Three wars that we're in, and an economy that has taken such a long time to turn around, and the lack of adequate safe housing that we promised the Nation back in 1949, clear air and clear water, a health care bill.

Speaking to the Senate and to the House he went on:

> You have awesome responsibilities. Not only this country, but this world looks to you. When Republicans and Democrats get together, they can do anything! And the country is waiting for you to do anything. They just want relief. You have that responsibility. You have that authority. You are the people on Earth who are going to save this country and save this world. Think about that. We have got to get together. We have no alternative. There is nothing left. It is time for politics to be put aside on the back burner.

With those words, the several hundred people in the Chamber came to their feet and cheered and applauded.

Like Senator Brooke, I have the perspective of someone who has spent the last few decades in private life. I can report that American families are deeply troubled by the economic hardship of the present and by the uncertainty of the future. It gives them no comfort to see the Senate so politically polarized and unwilling to come together in common cause without regard to politics to solve the critical problems before us.

As I said in my maiden speech in this Chamber 2 days ago, as the health care debate moves forward, we who are privileged to serve in this historic body on both sides of the aisle have the opportunity and the obligation to take the long view, to put partisan politics aside, and come together to seize this unique and critical moment in our history.

I have had the privilege in the past to serve as chairman of the Democratic Party of the United States, so I am no stranger to partisan politics. But I like to think I also know when it is time to put partisanship aside and work together.

As President Obama said yesterday, while we grace Senator Brooke with this honor today, perhaps a better tribute to him would be to embrace that spirit: to compete aggressively at the polls, but then work selflessly together to serve the Nation we love.

No words could serve as a better summons to the historic debate on health care that lies ahead of us. We are poised to enact the most significant domestic legislation since the civil rights era. I know each and every Senator has deeply held beliefs about how we can best reform our health care system and that those deeply held beliefs will sometimes collide. We should and we will have a vigorous debate in this Chamber. But that debate should reflect a level of cooperation that is equal to the magnitude of what is at stake for American families. It should reflect a spirit of teamwork and collaboration that we always saw in statesmen such as Ed Brooke and Ted Kennedy. Our times, and our Nation, demand nothing less.

I offer my sincere congratulations to Senator Brooke. I thank him for his service to this country and his wise counsel to those of us who are serving in the Senate today.

Madam President, I ask unanimous consent to have the remarks of Senator Brooke at yesterday's Congressional Gold Medal ceremony printed in the RECORD. I commend them to my colleagues, and I yield the floor.

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

> Thank you for your very warm welcome. I want the record to show that I have turned on the sun since you came. Politicians sometimes take credit for things they had absolutely nothing to do with. But I'm proud, that after a rainy entry into Washington, that the sun is shining and that you will be able to enjoy this very beautiful city and this magnificent structure, the Capitol of the greatest country in the world. Majority Leader—Steny, how are you?
>
> Republican Leader Mitch McConnell, Minority Leader John Boehner, and Minority Leader . . . oh you're back, thank you for coming back, my dear friend, the Speaker of the House. What a wonderful thing, to have the Speaker of the great House of Representatives, a lady.
>
> I think that's progress, and I don't think it will be long before a lady will be the President of the United States.
>
> Patrick, thank you for your kind words. It is very wonderful that you came to share in this great moment of my life. You know how I feel about your family, you know how saddened I am that he's not on this platform today. In case you didn't know it, he started this together with Eleanor Holmes Norton. He called me one day and he said, Ed, come to my office, I'd like to see you. I went to his office and he said, we are introducing a bill to have you awarded the Congressional Gold Medal. I was shocked, I was in awe, but you can be sure I was pleased. Ted said don't you worry about a thing, you don't have to talk to anybody, you don't have to do a thing. I will do the Senate side, and Eleanor Holmes Norton will do the House side. And it happened. He had to get 76 United States Senators as co-sponsors of the bill, and poor Eleanor had to get only 290 Representatives to get it in the House of Representatives. But they were dauntless, and they went out and did their work, and before I knew it the Senate had passed the bill, the House had passed the bill, and I just got a call the other day that there was a debate on the floor, Madam Speaker, in order to use the rotunda of the Capitol for this occasion. And she said if you turn on C-SPAN, you'll see it. It will be a very spirited debate, and it was, and the vote was 417 to nothing. And if that isn't the way to win an election, I don't know what is. It's never been very easy.
>
> This would be a perfect day for me in my life, if it weren't for the fact that my friend, my senior Senator, though he was much younger than I, would be here on this occasion. We don't control life and death, and we couldn't control Ted, or he would still be with us. But I am really honored to have with us on this occasion his wonderful wife Vicki, who has been such a wonderful person.
>
> And to have my family, and my wife of 37 years, who's given me the best years of my life. My son and daughters, step-daughters, and grandchildren, so many aunts and cousins, I can't even begin to name you because it would take too long and the time the Speaker has given to this and the time the other members of the Senate and the House, I can't intrude upon their job.
>
> This is a heady thing for me, it would be for anybody. I love this country, since the day I was born. And I was born here in the nation's capital, on October the 26th, 1919. Most of you weren't there at that time. And I'm here to tell you that politics is not an evil thing. It's a good thing and when used properly it does good things. I think of the awesome responsibilities of the House of Representatives and the United States Senate in these years of crisis. Three wars that we're in, and an economy that has taken such a long time to turn around, and the lack of adequate safe housing that we promised the nation back in 1949. Clear air and clear water, a health care bill—which I'm sure none of you want to hear about on this occasion. I'll give you at least a break from it. And I would not be presumptuous to tell you what to do, because I'm sure you don't know what you're going to do yourselves. You have awesome responsibilities. Not only this country, but this world looks to you. I was happy when you told me just a few minutes ago, Madam Speaker, that the Republicans and the Democrats played ball last night, and they played the Capitol Police. That was an awesome responsibility in and of itself. And that you won! It only meant to me that when Republicans and Democrats get together they can do anything!
>
> And the country is waiting for you to do anything. They just want relief. You have that responsibility, you have that authority. You are the people on earth that are going to save this country and save this world. Think about that. Now we can worry about discouragement, what is it, when you can't stand the heat, get out of the kitchen? We can't

worry about that, Mitch McConnell, we can't worry about those things. We can't worry that you all can't get to that. We've got to get to it. There's nothing left. It's time for politics to be put aside on the back burner.

And we must lead by example and not by force. Security is foremost. This nation must always be strong militarily, if for no other reason than to protect itself. It's got to come first. And we've got to know how to use it. We got to use our diplomacy more and more and more. We've got to avoid these perils before they come before us, and then it takes too long. We can't keep fighting wars. We've got hungry people to feed, homeless people, homeless and ill-housed people to shelter, and young people to be educated. And so, on this occasion, I applaud the Congress for what it has done. Our three branches of government, as wonderfully founded by our Founding Fathers, our legislative branch is as strong as it wants to be. There is nothing that Congress can do that it can't correct. They have the power to do it. The President is powerful, but he has oversight of the Congress of the United States. We are part of that. And the judiciary must never politicize the Supreme Court and the Judiciary system. As Eleanor Holmes said, and I don't want to minimize this honor at all, but when she first told me that I got it I said Eleanor, I'll exchange the honor if the Congress will pass the voting rights act for the District of Columbia.

You know, Eleanor said one day, she called me when I turned 80. I was still playing tennis and riding horses in Virginia and living the life. My mother, bless her heart, lived to 100. She said to me, ''keep moving, don't stop.'' But I wasn't feeling too well. Eleanor called me one day when I wasn't feeling too good. And I told her I didn't feel so well and didn't know if I would make it. And she said to me, ''Senator, you can't die before the Congressional Gold Medal.'' So I kept my political promise to her.

Thank all of you. I wish I could call all of you by name and give you a hug and kiss you. You are all my friends and you are a part of my family and I love all of you. And I wish all of that could happen, but obviously it can't. I want you to know I am appreciative that you have come these distances to be with me on this occasion.

I'm going to conclude with the words of Him that I recite. My staff will tell you, and I had the best staff in the world, I know all of you think so, but they've been wonderful. ''God of justice save the people from the wars of race and creed, from the strife of class and friction, make our nation free indeed. Keep her faith in the simple man stronger than when she became, until she finds her full fruition in the brotherhood of man.''

Madam Speaker, Leaders of the Congress, Members of the Congress, my old colleagues, family and friends, I accept this honor with the deepest humility and everlasting gratitude.

Ms. LANDRIEU. Madam President, I rise in support of the Department of the Interior, Environment and Related Agencies Appropriations Act for fiscal year 2010 and to speak on the conference report language regarding hydraulic fracturing.

America's oil and natural gas industry is an important driver for the national economy. A recent study reveals this industry supports more than 9 million jobs and accounts for roughly 7.5 percent of the U.S. gross domestic product.

Developing untapped resources could add further value to the U.S. economy and aid in economic recovery. According to a recent ICF international study, developing areas that are currently or were recently off limits could generate $1.7 trillion for Federal, State, and local governments over the life of the resource, as well as contribute 160,000 jobs by 2030.

As our country moves towards a new energy future, oil and natural gas will continue to play a key role in our Nation's energy supply for years to come. According to the Energy Information Administration, energy demand will grow by 9 percent between 2007 and 2030. More than half of this demand is expected to be met by oil and natural gas, as is the case today.

How will the U.S. meet this growing demand? There are significant resources available to recover here at home. The Bakken formation in North Dakota, Montana, and South Dakota is estimated by USGS to contain up to 4.3 billion barrels of oil—a 25-fold increase compared to government estimates from 30 years ago.

In my home State of Louisiana, the recent development of the Haynesville shale formation will also contribute to supply the growing demand. Experts estimate that there is 250 Tcf of recoverable gas in the Haynesville shale. Last year, the U.S. consumed 23 Tcf, which means there is enough gas in just the Haynesville shale to supply the U.S. population for 11 years.

On July 28, 2009, the New York Times reported: ''Nobody knows for certain how big an area the Haynesville Shale covers—no government entity has mapped it. But energy companies and experts say it is large, possibly the largest in the lower 48 states, with an estimated 250 trillion cubic feet of recoverable gas. It is up to 13,000 feet underground, extending into East Texas.''

In addition, a recent study estimates that primarily due to the recent shale gas developments across the country, the U.S. has roughly a 100-year supply of natural gas reserves. The study was conducted by the Potential Gas Committee—a group of academics and industry experts supported by the Colorado School of Mines. This represents a 35 percent increase in reserves versus a couple years ago—the largest increase in the history of reports from the Committee.

However, these resources are not a guaranteed supply for the U.S. economy. Both the Bakken formation and the large new natural gas shale deposits—found in the Marcellus, Barnett, Haynesville, and other shale plays across the country—are developed using a combination of production technologies such as hydraulic fracturing and horizontal drilling.

Unfortunately, some opponents of oil and natural gas production are attempting to prevent the use of hydraulic fracturing. This could have significant impacts on the future of shale gas and oil production. A 2006 government-industry study found that 60–80 percent of the wells to be drilled in the next decade will require hydraulic fracturing.

This technology can be used safely in an environmentally responsible manner. Hydraulic fracturing has been around for roughly 60 years. Current industry well design practices provide multiple levels of protection between any sources of drinking water and the production zone of an oil and gas well.

The conference report to H.R. 2996 proposes an EPA study of hydraulic fracturing's impacts on drinking water supplies. It is important to note that EPA studied this issue in 2004 and concluded ''the injection of hydraulic fracturing fluids . . . pose little or no threat to (underground drinking water).'' Any new study must be conducted in a comprehensive, scientific, credible, and transparent manner. It should include a review of other existing studies regarding hydraulic fracturing and its potential impacts, and it should involve interested stakeholders during key stages of the study.

Hydraulic fracturing can play a major role in our energy future, and this technology can continue to be used in a responsible manner. I urge EPA to undertake this study in a responsible manner.

Mr. VOINOVICH. Madam President, I rise in support of the Department of the Interior, Environment and Related Agencies Appropriations Act for 2010. This legislation will help our Nation perform a variety of vital functions that serve to protect the Nation's environment, properly manage its natural resources and provide funding for critical water infrastructure projects. The bill will fund the activities of a number of important initiatives such as the Clean Water and Drinking Water State Revolving Loan Fund, the Great Lakes Restoration Initiative, and the Diesel Emissions Reduction Act. This bill will help to ensure that we wisely spend our Federal monies in the most effective and efficient manner possible.

In particular, I would like to address the specific language in the conference report addressing the request for a study regarding the use of hydraulic fracturing, an extremely important tool that will help us unlock the vast potential of our own domestic oil and gas supplies. As we all know, it is in the best interests of our Nation to become more energy secure and to reduce our reliance on foreign oil supplies. Harmful reliance on foreign supplies can certainly have adverse national security and economic implications for our country. No country can remain a leading player in the community of nations if it must increasingly rely on other nations for one of the bedrock elements of its economy. Current events compel us to proceed forward with the efficient development of our own domestic energy resources. Our continued economic prosperity, as well as the national security of the country itself, depends on the development of clean, secure and affordable energy supplies such as natural gas.

One of the most significant ways to help us tap our natural gas is through the use of hydraulic fracturing. Hydraulic fracturing is a technique that has been commonly used in industry for many decades to allow our gas reserves below ground to move freely from the rock pores where it is trapped to a producing well that can readily bring the gas to the surface. This technique is particularly used to help us tap the vast potential of our unconventional gas supplies in the United States, including tight geological formations like some coalbeds, sandstones and shales where huge amounts of gas presently are located. To obtain this gas, a well is drilled into this area and a fracturing fluid, usually consisting primarily of water and sand. This highly-reliable and cost-effective technology was developed in the late 1940s and has been continuously improved and applied since that time.

Hydraulic fracturing will undoubtedly play an important role in our future energy plans. Hydraulic fracturing will help us to develop our vast potential of oil and gas supplies more efficiently and will allow us to develop many resources that we would not otherwise be able to retrieve. Application of hydraulic fracturing to increase recovery is estimated to account for 30 percent of U.S. recoverable oil and gas reserves and has been responsible for the addition of more than 7 billion barrels of oil and 600 trillion cubic feet of natural gas to meet the Nation's energy needs. The National Petroleum Council estimates that 60 to 80 percent of all the wells drilled in the next decade to meet natural gas demand will require fracturing.

In 2004, the Environmental Protection Agency issued a report on hydraulic fracturing which the Agency characterized as the most extensive study of the technique ever performed. That study focused on hydraulic fracturing of coalbed methane wells, which was viewed as a ''worst case'' scenario in terms of the potential impacts on drinking water aquifers because hydraulic fracturing of these coalbed methane wells tends to take place at shallower depths than hydraulic fracturing of shales or other types of formations. This study carefully investigated all of the facts of hydraulic fracturing and was extensively reviewed by numerous EPA offices, other Federal agencies, a panel of technical experts and members of the public. Based on its investigation, this study again confirmed that there is no evidence that hydraulic fracturing has resulted in the contamination of drinking water supplies and that this technique poses little threat to human health and the environment.

In light of this work, the Congress reaffirmed in the Energy Policy Act of 2005 that hydraulic fracturing should not be regulated as underground injection under the Federal Safe Drinking Water Act except in very limited circumstances. Federal regulation would not result in any additional environmental benefits and could impose unnecessary burdens on the use of this critical technology that would impede development of our domestic energy resources.

This new study that Congress is requesting of the Environmental Protection Agency is intended to review the risks, if any, that hydraulic fracturing poses to drinking water sources. Just like the Agency's prior study, this study should be conducted using a systematic, scientific approach that assures transparency, validity, and accuracy. The study should be based on accepted quality assurance guidelines to ensure that the information on which the study is based is of sufficient quality to support the study's conclusions. It should be properly peer-reviewed by qualified experts in accordance with standard practices, and should also draw on the expertise of those both inside and outside the Federal Government who can contribute relevant information to a high quality study. These contributors should include other appropriate Federal agencies as well as the State regulators who have many years of experience with hydraulic fracturing. This study should eventually be made available for review and comment by interested members of the public prior to being finalized.

At the same time, since we have already studied hydraulic fracturing, it would be prudent for any proposed study to fully take into account other studies that have already been undertaken by Federal or State governmental agencies, councils, commissions, or advisory committees. For example, given the significant effort associated with the Agency's prior 2004 study, it would certainly be prudent to fully consider this study in undertaking any further examination of hydraulic fracturing. The 2004 study spent a considerable amount of time examining the hydraulic fracturing process, including the depth at which hydraulic fracturing activities take place as compared to the much shallower depths of drinking water aquifers, the physical characteristics of the rock formations that separate the zones targeted for oil and gas production and the drinking water aquifers and the creation of fractures during the hydraulic fracturing process.

Finally, and perhaps most importantly, the study should be based on well-recognized principles of risk assessment to determine whether there is any realistic risk that individuals may be exposed to substances used in the hydraulic fracturing process at levels that could possibly be considered harmful.

I believe that a targeted study of hydraulic fracturing is the most efficient way to use our resources to accomplish the goals of this study. We need to continue to develop our domestic energy resources, including clean-burning natural gas. A focused approach to the study will allow us to address concerns about hydraulic fracturing while facilitating the continued use of this critical technology.

Mr. REED. Madam President, I want to thank Chairman FEINSTEIN for her work on this bill.

I appreciate the attention that she has given to a number of key investments, particularly funding for the state revolving funds for sewer and drinking water infrastructure, which I have strongly supported. These investments are not just a matter of improving public health and environmental quality; they are a matter of job creation, which is all important at this time.

I am concerned, however, about a provision that was included at the insistence of the House of Representatives that will exempt certain vessels on the Great Lakes from regulation under a proposed EPA rule designed to limit emissions from marine diesel engines. I know that this provision is not one that was advanced by Chairman FEINSTEIN, and I appreciate her efforts to prevent a larger exemption than is in this bill.

Although the exemption included in this bill is limited to 13 vessels, the impact on public health has not been explained. In addition, the conference report includes language that encourages EPA to adopt additional exemptions for vessels on the Great Lakes in its final rule. As a result, I am alarmed about the potential impact on air quality in downwind States, like Rhode Island, which, I must note, will be required to comply with EPA's regulations on marine diesel engines.

Representing a State that has an unfortunately high unemployment rate, I have great sympathy for those who called for this exemption on the basis of potential economic impact on a local industry. On the other hand, my constituents bear the environmental and health burdens that come from pollution that originates from the Midwest.

Last week, the Northeast States for Coordinated Air Use Management, NESCAUM, which represents air quality agencies in Rhode Island, Connecticut, Maine, Massachusetts, New Hampshire, and Vermont, wrote to express its deep concern about any effort to delay or limit EPA's regulations on marine diesel engines based on the potential environmental impacts and the impacts on international efforts to reduce emissions from marine engines. I will ask that this letter be printed in the RECORD.

I would hope that after a more thorough deliberation we will have a chance to revisit this issue and provide appropriate protection to downwind States.

Again, I appreciate the efforts of the chairman to limit the reach of this provision and for the important investments she has made in this bill. I am grateful for her leadership and am honored to serve with her.

Madam President, I ask unanimous consent to have printed in the RECORD the letter to which I referred.

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

NORTHEAST STATES FOR COORDINATED AIR USE MANAGEMENT,
Boston, MA, October 21, 2009.

Sen. JACK REED,
U.S. Senate,
Washington, DC.

DEAR SENATOR REED: The Northeast States for Coordinated Air Use Management (NESCAUM) has recently learned of an effort to attach a rider to the FY 2010 Interior and Environment Appropriations Bill that would have the effect of delaying or limiting the U.S. Environmental Protection Agency's (EPA) ability to reduce air pollution from large marine vessels that operate in domestic waterways. NESCAUM is the association of eight northeastern state air pollution programs that includes Rhode Island along with Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, and Vermont. Consistent with our mission to protect and enhance air quality in the Northeast, NESCAUM opposes attempts to use the federal appropriations process to obstruct EPA's efforts to reduce emissions from large marine vessels.

Air pollution is not confined to state boundaries. Through long-range transport in the atmosphere, pollutants emitted in domestic waters, such as the Great Lakes, affect air quality in the Northeast. We point out that one of our member states, New York, has the third longest shoreline among the Great Lakes states. The fuel controls proposed by EPA will significantly reduce emissions of sulfur dioxide and nitrogen oxides (NO_X), which contribute to ground-level ozone (smog), particulate matter, and acid rain. As a result, the Northeast will realize significant public health and other environmental benefits from implementing EPA's proposed rule not only in the Northeast's local waters, but in upwind waters as well.

In addition to the negative public health and environmental implications, a special exclusion for vessels predominantly operating in domestic waters sends the wrong message to the international community regarding the U.S. commitment to reduce emissions from ocean going vessels. The governments of the United States and Canada have applied to the International Maritime Organization (IMO) for designation of their coasts as an Emission Control Area (ECA). The ECA designation establishes stringent controls for fuel sulfur and engine NO_X emissions for all ships, foreign and domestic, operating in coastal waterways. A significant change in U.S. policy at this critical juncture of the ECA application process, as signaled by such a rider to an appropriations bill, could jeopardize the standing of U.S.-Canadian application before the IMO. We should approach the IMO with ''clean hands'' by demonstrating our commitment to do for ourselves what we are asking others to do for us as well.

For these reasons, we urge you to oppose the impending rider to the FY 2010 Interior and Environment Appropriations Bill. Thank you for your consideration.

Sincerely,

ARTHUR N. MARIN,
Executive Director.

Mr. FEINGOLD. Madam President, I support many of the provisions in the Interior appropriations conference report, including the amendment I passed to allow the Federal Government to partner with private entities to develop new biofuels technologies. This provision is part of my E4 Initiative to promote the economy, employment, education and energy, and it will help us to find ways to break our addiction to oil, while also spurring job creation and enhancing rural development. The bill also includes funding for many other important programs that I support, including full funding for the new Great Lakes Restoration Initiative, as well as money for the Land and Water Conservation Fund, State wildlife grants, national wildlife refuges, and the Clean Water and Drinking Water State Revolving Funds, and funding to assist American Indian tribes through the Indian Health Services and tribal law enforcement programs.

I cannot vote for the bill, however, because it includes a continuing resolution, added in conference, that provides money to continue the wars in Iraq and Afghanistan. While I am pleased that the President has committed to withdrawing our troops from Iraq by the end of 2011, this redeployment schedule is too long and may undermine our ability to combat al-Qaida while straining our Armed Forces unnecessarily. In addition, while the President is right to focus on Afghanistan and Pakistan, I remain concerned that his strategy for those countries does not adequately address, and may even exacerbate, the global threats to our national security posed by al-Qaida.

We need to keep the Federal Government operating and make sure our brave troops get all the equipment and supplies they need, but we should not be providing funds to continue those wars without, at a minimum, engaging in a serious debate about their effects on our national security.

Mr. KYL. Madam President, I regret that I must vote in opposition to the fiscal year 2010 Interior Appropriations conference report. There are too many objectionable provisions—and spending levels are too high—for me to vote yes.

The Interior appropriations in this bill total 17 percent more than last year's level. That compares to an increase of 5 percent for Homeland Security functions and approximately 3.7 percent for Defense. At that level, the military will not even be able to recapitalize equipment used during the wars, or procure new modern equipment.

Consider some of the other spending increases provided in this bill: the Environmental Protection Agency will receive a 35 percent increase for fiscal year 2010. The National Gallery of Art will receive a 36 percent increase, for a total funding level for fiscal year 2010 of $167 million.

Another concern I have involves wildland fire funding. During consideration of the fiscal year 2010 Interior bill, Senator BARRASSO and I offered an amendment to prohibit $2.8 million in wildland fire funds from being spent in the District of Columbia for festivals and the Mayor's Green Job Corps program. Clearly, neither of these programs is fire related. The amendment was adopted, yet the Interior Appropriations conference report does not include the amendment. Instead, it allows these much needed fire dollars to go to a city that has never experienced a wildfire and does not have any national forest land.

While sensible provisions like the Barrasso/Kyl wildland fire amendment were struck from this conference report, other problematic provisions, that were not part of either the House or the Senate bill, were airdropped in. The Interior conference report now includes Davis-Bacon requirements for projects funded through the Clean Water Act and the Drinking Water Act Revolving Fund. EPA has not applied Davis-Bacon requirements to infrastructure projects funded through the State revolving funds since its authorization expired in 1995. In addition, the Act made it clear that Davis Bacon was limited in its application to water infrastructure projects constructed in whole or in part before October 1, 1994 with funds ''directly made available by'' capitalization grants. Davis-Bacon requirements have been found to increase the cost of these projects dramatically. This is a major policy issue that should be fully debated on the floor instead of being added to an appropriations bill behind closed doors.

Another provision of concern is the newly added exemption from Clean Air standards for steamships operating on Great Lakes. Whether or not it is a good idea to exempt the steamships, it is just another example of provisions being added in conference even though no similar provisions were included in either the House or the Senate bill.

I do support the continuing resolution that is included. For my part, I would have extended the CR beyond December 18. It would hold spending to fiscal year 2009 levels.

The bill also allows the limit on loans backed by the Federal Housing Administration, FHA, Fannie Mae and Freddie Mac to remain as high as $729,750 in high cost markets through 2010. While the intent is to ensure that homebuyers can get government-backed financing, there are unintended consequences that we have to consider. By increasing the number of homebuyers who can qualify for government loans, we are in effect exposing these government entities and taxpayers to more liabilities. The FHA's loss reserve fund, for instance, is estimated to cover only 3 percent of all FHA loans. If delinquencies continue at the current rate and cause the reserve fund to fall below the 2-percent threshold set by Congress, another government bailout may be on the horizon.

This bill also contains a provision that purports to prohibit the use of funds for the transfer of Guantanamo Bay detainees to the United States or its territories. The problem with the restriction is that it contains a rather significant loophole: It would permit the use of funds appropriated by this

bill to transfer Guantanamo detainees to the United States for the purposes of trial. We do not need to bring detainees to the United States for trial. Congress has established military commissions for the express purpose of prosecuting these detainees, and these military commissions can be convened in the place of detention.

There are very good reasons why this bill should deny funding for pre-trial transfer and require instead that detainees be tried in military commissions outside the country. First, if detainees are brought to the United States, even for detention and trial, it increases the chance they may be released into the country. Officials from the Obama administration have acknowledged that detainees present in the United States likely have more rights including constitutional rights than those held outside the country. Second, past public criminal trials of terrorists, namely the Blind Sheikh and Ramzi Yousef trials, have compromised U.S. intelligence information on al-Qaida. Third, importing al Qaeda terrorists into U.S. domestic prison facilities would provide them access to a prisoner population that FBI Director Mueller has identified as particularly vulnerable to extremist recruitment. And finally, the logistics of the Zacarias Moussaoui criminal trial are not something we should foist upon local officials numerous times over. During his trial in Alexandria, VA, the Washington Post described the city as a ''virtual encampment.''

Military commissions are fair to the accused and they are the appropriate forum for prosecuting detainees who are being held at Guantanamo. Indeed, in the defense authorization bill, the Senate went on record that the appropriate forum for bringing to justice combatants is military commissions, not civilian courts. By permitting the transfer of detainees to the United States for trial, this bill ignores not only the clear import of legislative enactments, but also the significant practical problems of prosecuting terrorists in the United States.

Finally, I would caution that including $382 million for climate change-related activities seems premature, given that the Senate has not yet even taken up climate legislation.

There are some good items in the bill that I should mention. First, the forest provisions. The bill includes $2 million for the Southwest Ecological Restoration Institutes, with $1.5 million going to the Ecological Restoration Institute, ERI, as is authorized by law and included in the President's budget. The Institute's program is important to providing the best available science to restore western forests and protect communities from unnaturally severe wildfires on a landscape scale.

In addition, the bill tries to address the Forest Service and Department of the Interior wildfire cost overruns that have lead to borrowing from their other programs to cover wildfire costs. Of note is the instruction to the agencies to develop new methods that consider actual prior year expenditures for formulating fire suppression funding estimates as part of their fiscal 2011 budget request, instead of just using the agency 10-year average. It also includes $474 million for two funds that will cover the costs of the largest and most expensive wildfires.

Second, the bill includes language that begins to address environmental concerns raised about the administration's push for renewable energy development on public lands. Specifically, the bill language expresses concern about the effect renewable energy projects will have on water resources. In addition, the language requires a report from the Department of Interior and the Forest Service outlining a strategic plan for renewable energy project development, and requires in that plan that impact on water resources be a part of any recommendation for specific project areas. These provisions are particularly important in western states where there are large amounts of public land and water supplies are limited.

It is unfortunate that I must cast a ''no'' vote today. As many know, Interior-related funds are critical to Arizona. But, too much spending, and too many ill-considered authorizing provisions, as I have outlined, forces me to vote no.

Mrs. HUTCHISON. Madam President, I rise today to talk about an issue of great importance to our Nation's energy supply and our ability to continue producing affordable and reliable domestic energy. In particular, I would like to speak about a provision in the fiscal year 2010 Department of Interior, Environment and Related Agencies Appropriations Act conference report which pertains to a study on the use of hydraulic fracturing, an extremely important tool that will enable us to unlock the vast potential of our domestic oil and gas supplies.

Hydraulic fracturing is a critical technique used in producing domestic oil and gas resources. Across the country, leaders are recognizing the growing importance of natural gas to our Nation's energy supply. Natural gas is the most abundant form of clean energy in the United States. Natural gas, including gas from coal beds and other unconventional sources, is becoming an increasingly important energy source for the United States. Most experts predict that demand for natural gas is likely to increase dramatically in the next decade. The increased production of natural gas will both enhance our energy security and help us address the problem of carbon reduction.

The Interior appropriations conference report includes a provision to study the relationship between hydraulic fracturing and drinking water. It is imperative that we ensure that any study conducted is based strictly on facts and science. Specifically, any study must be conducted in a comprehensive, scientific, credible and transparent manner. It must be based upon the best available science as well as independent sources of information. Additionally, it should allow for stakeholder participation and should be conducted in coordination with states and interstate regulator agencies. Finally, the study should seek input and participation from industry and be peer reviewed. This will ensure that the study is credible and useful

I am confident that if properly conducted, the proposed study will clarify that the use of hydraulic fracturing will help to increase our domestic resource potential while posing no environmental harm.

Mrs. FEINSTEIN. Madam President, pursuant to rule XLIV of the Standing Rules of the Senate, all congressionally directed spending items contained in the Interior appropriations conference report are to be disclosed. The Statement of Managers that accompanies this conference report does, in fact, contain tables which disclose the required information. In an effort, however, to go well beyond the letter of the rule and provide an additional level of transparency, I would like to include in the RECORD supplemental information that will serve as further clarification with respect to some of these items. Because of the way the information is presented at the request of the House of Representatives, the full amount of funding specified for a particular project could, to some, be difficult to discern in those instances where the item of congressionally directed spending is in addition to the amount contained in the President's budget request. The list of items that I will place in the RECORD will make it easier for Members to make the distinction between what was in the President's budget and what is subject to disclosure under the rules of the Senate.

Madam President, I ask unanimous consent that the following material be printed in the RECORD.

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

CLARIFICATION OF CONGRESSIONALLY DIRECTED SPENDING TABLE

Bureau of Land Management—Land Acquisition: $1,000,000 over budget, California Desert Wilderness (CA), Senator Feinstein.

Fish and Wildlife Service—Land Acquisition: $6,900,000 over budget, James Campbell National Wildlife Refuge (HI), Senators Akaka and Inouye; $500,000 over budget, Red River National Wildlife Refuge (LA), Senator Landrieu; $250,000 over budget, Silvio O. Conte National Wildlife Refuge (CT, MA, NH, VT), Senators Dodd, Gregg, Kennedy, Kerry, Leahy, and Lieberman; $250,000 over budget, Cherry Valley National Wildlife Refuge (PA), Senators Casey and Specter; $800,000 over budget, Bear River Migratory Bird Refuge (UT), Senators Bennett and Hatch.

Environmental Protection Agency—Environmental Programs and Management: $1,000,000 over budget, San Francisco Bay competitive grant program (CA), Senator Feinstein; $1,566,000 over budget, Lake Champlain environmental improvement program (VT), Senator Leahy.

Environmental Protection Agency—State and Tribal Assistance Grants: $3,000,000 over budget, Alaska Native Villages water infrastructure program (AK), Senator Murkowski.

U.S. Forest Service—Forest and Rangeland Research: $400,000 over budget, Center for Bottomlands Hardwood Research (MS), Senator Cochran.

U.S. Forest Service—State and Private Forestry: $1,000,000 over budget, Wood Education and Resource Center, Princeton (WV), Senator Byrd.

U.S. Forest Service—National Forest System: $1,250,000 over budget, Tongass National Forest timber pipeline program (AK), Senators Begich and Murkowski.

U.S. Forest Service—Capital Improvement and Maintenance: $800,000 over budget, Pacific Southwest, Hawaii Research Field Stations (HI), Senators Akaka and Inouye.

U.S. Forest Service—Land Acquisition: $750,000 over budget, Angeles National Forest (CA), Senator Feinstein; $500,000 over budget, Los Padres National Forest (CA), Senator Feinstein; $200,000 over budget, Chattahoochee-Oconee National Forest (GA), Senator Chambliss; $575,000 over budget, Hoosier National Forest (IN), Senator Lugar; $150,000 over budget, Chippewa and Superior National Forests (MN), Senator Klobuchar; $1,000,000 over budget, Gallatin and Custer National Forests (MT), Senators Baucus and Tester; $2,000,000 over budget, Gila National Forest (NM), Senators Bingaman and Udall; $640,000 over budget, Black Hills National Forest (SD), Senator Johnson; $3,000,000 over budget, Cherokee National Forest (TN, NC), Senators Alexander, Burr, and Corker; $2,000,000 over budget, Green Mountain National Forest (VT), Senator Leahy; $1,125,000 over budget, Chequamegon-Nicolet National Forest (WI), Senator Kohl.

U.S. Forest Service Wildland Fire Management: $2,000,000 over budget, California Fire Safe Councils (CA), Senator Feinstein; $4,000,000 over budget, Lake Tahoe Community Fire Protection Project (CA), Senators Boxer and Feinstein.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I see no other Republican Senators who wish to speak, so I yield back our time.

Mrs. FEINSTEIN. Madam President, I think we can wrap this up. I see no other Senators on the Democratic side, so I yield back our time.

Madam President, if I may, I wish to take a moment to thank the staff for their work. On the Democratic side: Peter Kiefhaber, Virginia James, Scott Dalzell, Rachael Taylor, and Chris Watkins. On the minority staff: Leif Fonnesbeck, Rebecca Benn, and Rachelle Schroeder. Everybody worked together. It was a very special effort and I thank them very much.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, could I add my thanks to the staff. They have worked hard. This hasn't been a very easy bill to do. Senator FEINSTEIN mentioned all of their names. I add my thanks to her thanks.

Mrs. FEINSTEIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the relevant provisions of rule XXVIII.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 60, nays, 40, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—60

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	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

NAYS—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	

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 40. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. REID. Madam President, the next vote will be the last vote this week. When we complete the next vote, that will be the last vote for the week. When we come in Monday, we are going to come in half an hour early; that is, we are going to have a vote at 5 o'clock on Monday. We have to do it at 5 o'clock so we can complete work before midnight the next day. So everyone should be here no later than a quarter to 6 because we are going to have to close the vote at a quarter to 6. We hope we can work something out between now and then, that we will not have to go the way we are planning on going.

The way things are now lined up, we are going to have unemployment compensation that will have the amendment of Senator ISAKSON and the amendment of Senator BUNNING in it. We hope we can complete that business and move on to other things next week.

I don't want to sound like the proverbial boy calling wolf, but there is a strong possibility—much more than 50 percent—that we will be in next weekend. Remember, we only work 2 days, the 9th and 10th, and then we are off the 11th, 12th, and 13th. I hope everyone will understand that. There has been full notice given to everyone. I hope we can work something out and that will not be necessary. I will work with the Republican leader to give everyone as much notice as possible.

The PRESIDING OFFICER (Mr. BEGICH). The question is on agreeing to the conference report.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 72, nays 28, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—72

Akaka	Feinstein	Murray
Alexander	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Begich	Gregg	Pryor
Bennet	Hagan	Reed
Bennett	Harkin	Reid
Bingaman	Inouye	Risch
Bond	Isakson	Roberts
Boxer	Johnson	Rockefeller
Brown	Kaufman	Sanders
Brownback	Kerry	Schumer
Burris	Kirk	Shaheen
Byrd	Klobuchar	Shelby
Cantwell	Kohl	Snowe
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Cochran	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lincoln	Voinovich
Crapo	Menendez	Warner
Dodd	Merkley	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	Wyden

NAYS—28

Barrasso	Enzi	Lugar
Bayh	Feingold	McCain
Bunning	Graham	McCaskill
Burr	Grassley	McConnell
Chambliss	Hatch	Sessions
Coburn	Hutchison	Thune
Corker	Inhofe	Vitter
Cornyn	Johanns	Wicker
DeMint	Kyl	
Ensign	LeMieux	

The conference report was agreed to.

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

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

Mr. COBURN. Mr. President, I ask unanimous consent to be recognized and that following my remarks Senator CASEY be recognized for 10 minutes, followed by Senator SESSIONS, who would control up to 40 minutes.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. COBURN. Mr. President, I am going to spend a few minutes talking about the bill we just passed. I decided to save my remarks so my colleagues wouldn't miss their planes and trains and could get out of here and not delay them prior to the vote.

I listened intently to Senator SESSIONS and his discussion prior to the vote, and I wish to raise a word of caution for the American public. What we just did in the Senate was to set the government on a course to double in 5 years. The size of the Federal Government will double in 5 years if we keep doing what we have been doing on appropriations bills. There is a 16.9-percent increase in this bill, with a truly negative inflation rate as far as the

basket for American people and how we look at that.

I had several amendments in the bill. All but one of them became compromised after it came out. That is not necessarily the problem of Senator ALEXANDER or Senator FEINSTEIN. But what we have done in this bill is prioritize the environment over the violation of our borders. We have hamstrung our Border Patrol, and the consequence of that is we are going to continue to see drugs, we are going to continue to see these ''rape trees,'' through the bringing in illegally of people and then the people being brought in illegally to the country being raped.

This bill had 540 earmarks—71 pages of earmarks. We had an amendment in the bill for competitive bidding. The language came out of the conference report that competitive bids would be applied to everybody except people with earmarks. The American people need to understand what that means. That means the well-heeled in this country who have a connection to a Member of this body get a benefit, and so it doesn't even have to be competitively bid. That doesn't even address the question of whether it is a priority for the country. It addresses the question of whether we may be paying two or three times what we should be paying, even if it is a good project.

So I raise the question, for the people who are listening, and I say that what we are doing is wrapping a cord around ourselves and then tying the knot so we get to a point where we cannot fix what ails us. If you look at the U.S. dollar and the lack of confidence, and you look at the meetings that have been going on by people who purchase our debt, they are trying to create a new reserve currency. That is ongoing. They do not deny it. What will happen to us is, we will be on an unsustainable course, where we can't pay the $800 billion of interest in 10 years. That interest is based on an interest rate of 4 percent, not at zero percent today.

It could very well be that in 2019, the largest portion of the expenditures of the Federal Government—well over 45 percent—will be interest. What does that mean?

What does that mean to the average family in this country? What does that mean to your children, Mr. President? What does that mean to my grandchildren? What are the consequences?

Let me explain the conservative consequences and then I will finish. If you take everybody alive in this country today who is under 20 and you add everybody who is going to be born over the next 20 years—so we have everybody who is under 40, 20 years from now—here is what they are going to owe. These are not my numbers. These are actuarial numbers that have been certified. Every one of them is going to owe $1.119 million. They are either going to be responsible for that portion of the real debt or that portion of the unfunded liabilities for which they will never gain any benefit.

So ask yourself: If we keep doing what we just did in this body, what are we doing to our kids and our grandkids?

We are absolutely abandoning the heritage of this country, and we do it cavalierly. I mean, there were 28 votes against this 16-percent increase on one bill. Only 28 votes. Only 28 Senators said a 16.9-percent increase in spending is too much, when most families' income has declined by 3.7 percent this year.

We don't get it. I don't understand why we continue to do it. I am as frustrated as the people outside this body. But I can tell you, there is a day of reckoning coming and not just for our country financially but for the Members of this body. The American people are going to wake up, they are going to see we have mortgaged their future, their children's future, and their grandchildren's future, and they are going to say: Enough. The hope would be it will not be too late.

With that, I yield to the Senator from Pennsylvania.

HEALTH CARE REFORM

Mr. CASEY. Mr. President, I rise tonight to speak about health care and all the issues we have been debating under the broad umbrella of health care reform. Obviously, I will not get to all of them tonight, but I am going to spend a few minutes talking about two general areas. One is a list of changes that I believe will take place when our work is completed in the Senate and after what I hope will be President Obama signing a bill on health care reform in a matter of weeks. That will change what I believe has been an unfair burden carried by the American people, at the expense of the American people but brought on by the power, sometimes the awesome power, of insurance companies. I will talk about that, but also I want to speak mostly about changes that need to be made in our health care system for children.

There are a couple of points on basic reform measures that I believe will be part of what we complete in the next couple of weeks. First, a basic list of consumer protections that we talked about for many years but we have never made illegal will prevent insurance companies from continuing what is often blatant discrimination. One of the things we have to do this year is end discrimination for preexisting conditions. If what I believe is the prevailing point of view in this body is successful, insurance companies will be prohibited from refusing you coverage because of your medical history. Out-of-pocket costs will be limited, as well as deductibles or copays.

Free preventive care: Why should we say on the one hand we encourage prevention, as we have for years, but now we are going to get serious about prevention in our health care system and make it part of every insurance policy and demand that we all engage in steps that will be preventive in nature and we also will say, for example, for a woman a mammogram is important but why, in the face of all of that, do we say to women in America, as is the current policy, that women have to pay exorbitant costs for mammograms? Frankly, I believe they should have to pay nothing for something as essential to prevention. So preventive care should be free or at a very low cost.

If you are seriously ill, an insurance company should be prohibited from dropping your coverage. We should make that practice illegal.

We should make gender discrimination illegal as it relates to insurance companies. I find it hard to believe that in 2009 we have to legislate to prevent insurance companies from discriminating against women, but we have to because that in fact happens today. Insurance companies will not be able to charge you more because you happen to be a woman, as happens today.

Eliminating annual lifetime caps on coverage has to be part of the final health care legislation.

Extending coverage for young adults is critically important.

Guaranteed issue renewal: Insurance companies, I believe, should be required to renew any policy as long as the policyholders pay their premium in full and insurance companies will not be allowed to refuse to renew a policy because someone gets sick. If you get sick you should not lose your coverage, and if you get sick you should not have to bankrupt your family to pay for the health care you deserve.

Finally on this list, and it is not an exhaustive list but I think it is an important list to review: protecting small businesses. Small businesses should receive tax credits so they can give their employees comprehensive and affordable health care and include a limit on out-of-pocket costs.

These are some of the basic consumer protections I believe we should enact as part of this health care legislation.

I also believe if you want to focus on a particularly vulnerable group of Americans, a group of Americans we have made some progress with in terms of their coverage, though we have not done nearly enough yet, I speak of children. We have made tremendous progress with the Children's Health Insurance Program, for example, and also the children in America covered by Medicaid, so children have the opportunity to receive very good care in almost every instance.

But there are still some problems. Even in a State such as Pennsylvania, where you have, by last count, in a survey done in Pennsylvania last year for the Insurance Department, it showed that just 5 percent of Pennsylvanians up to the age of 18 were uninsured. That 5 percent is too high. We want to get that to zero, of course, but it is a lot lower than it would have been without the Children's Health Insurance Program or without other strategies.

Unfortunately in our State, and I think it is true of most States, when you look at the age category 19 to 64, in that category the uninsured rate is more than double the uninsured rate for children. Instead of being 5 percent uninsured for children age 19 to 64, it is 12 percent. In Pennsylvania what that means is, if you are between the ages of 19 and 64, you are one of more than 870,000 Pennsylvanians who are uninsured. We cannot build an economy or improve our economy in Pennsylvania if we have that many people uninsured for a long period of time.

I still believe, even with the progress we have made on children, we have much to do. For example, we have to do everything possible to increase outreach and facilitate enrollment for low-income families and children. We should not have a program such as Children's Health Insurance, or Medicaid, and then make it hard for families to enroll. So I led the effort in our HELP Committee this summer, even before we voted on a bill, to make sure that enrollment is made easier. I worked very closely with Senator DODD, who long has been a champion for children and a strong advocate for children's health insurance.

We should also focus on the benefit packages related to pediatrics, pediatricians. We had an amendment this summer in the HELP Committee that Senator MERKLEY and I cosponsored, ensuring that a pediatric representative would be part of any advisory commission to the Secretary of Health and Human Services regarding what should be in a benefit package. It is very important to have a pediatric representative at the table.

Another thing that is critical is to have a requirement that pediatric preventive care be included in the list of mandatory preventive services that insurance plans offer with a minimum of cost-sharing requirements for families.

No. 4 on this list, in terms of what happens to children in pediatric settings: In our committee bill we talked about medical homes—not a physical place, but a way to provide treatment, that is the idea for every American to have a primary care physician and then a network of specialists around them they have access to. That is certainly the ideal and the intent of a large part of the HELP Committee bill. Also it is important to remember that children are not just smaller adults or smaller versions of an adult; they have particular and special needs in terms of their treatment. So for children, their primary care doctor is a pediatrician and therefore pediatricians must be among those practitioners who are at the center of the care or the center of the medical home that surrounds a child.

Also ensuring critical health care for children involving their oral health care: We ensured in the HELP Committee this summer the establishment of an oral health care education prevention campaign at the CDC focusing on preventive measures. We also increased funding for training for pediatric dentists in the bill we passed this summer out of the committee. It is critically important that children have access to that kind of health care in the early years of their life. We had a tragic, horrific example of what could go wrong when a child died here in the Washington region a couple of years ago—I believe actually the State of Maryland—when that child did not have access to a dentist and had horrific problems which led to that child's death. As a result of changes we make in our health care system, we must ensure that does not happen.

Strengthening the pediatric workforce: Along with both Senator BROWN and Senator DODD, this summer in our HELP Committee bill we added a loan repayment program for pediatric specialists and providers for mental health services for children. We can't say that we care about children and not build in these particular protections for them in our health care system. Part of that is a workforce issue. We heard a lot in this debate about the shortage of primary care physicians. The intent of our bill in the HELP Committee was to make sure we would have a building up, an increase, in the number of primary care physicians. Again, for a child, his or her primary care physician is a pediatrician and it is critically important that pediatric specialists be available to children when they have special needs and special challenges that need to be treated by a specialist.

I know I am over my time. I will conclude. One last point about the CHIP program: The Children's Health Insurance Program as we know is now a stand-alone program. There were some efforts this past summer and into the fall to have that program folded into any exchange that would be created as a result of the health care legislation. I thought that was a mistake. I made that very clear to others and to the Finance Committee as we were debating it. Thank goodness, Senator ROCKEFELLER worked so hard and led the fight to keep the Children's Health Insurance Program as a stand-alone program. We should not fix what ''ain't broken,'' as the expression goes, and the Children's' Health Insurance Program works well for millions of children today. Within the next couple of years, that program will cover 4 million children who will be given access to the kind of care we would hope every child has.

I think all these changes I have talked about, and more, come under the headline of ''No Child Worse Off.'' That should be, and will continue, I believe, to be one of the goals of health care reform. At the end of this process no child in America, especially poor children and children with special needs, will be worse off.

We have a long way to go, lots more work to do. But if we are guided by that principle we will make sure our children have the kind of health care that we all hope for and they have a right to expect.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

(The remarks of Mr. SESSIONS, Mr. LIEBERMAN and Mr. BOND, pertaining to the introduction of S. 2336 are located in today's RECORD under ''Statements on introduced Bills and Joint Resolutions.'')

Mr. SESSIONS. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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, would the Chair state the matter before the Senate at this stage?

UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of H.R. 3548, a bill to amend the Supplemental Appropriations Act, 2008, to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

The PRESIDING OFFICER. Is there further debate on the motion?

The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3548) to amend the Supplemental Appropriations Act, 2008, to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

AMENDMENT NO. 2712

Mr. REID. Mr. President, on behalf of Senator BAUCUS and Senator REID of Nevada, I call up a substitute amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. BAUCUS, proposes an amendment numbered 2712.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I now have a cloture motion at the desk.

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Baucus-Reid amendment No. 2712 to H.R. 3548, the Unemployment Compensation Extension Act of 2009.

Max Baucus, Byron L. Dorgan, Edward E. Kaufman, Mark L. Pryor, Jeff Bingaman, Tom Udall, Roland W. Burris, Tim Johnson, Mary L. Landrieu, Patty Murray, Al Franken, Michael F. Bennet, Benjamin L. Cardin, Richard J. Durbin, Herb Kohl, Mark Begich.

AMENDMENT NO. 2713 TO AMENDMENT NO. 2712

Mr. REID. Mr. President, I have a first-degree perfecting amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2713 to amendment No. 2712.

The amendment is as follows:

At the end of the amendment, add the following:

This section shall become effective 7 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2714 TO AMENDMENT NO. 2713

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2714 to amendment No. 2713.

The amendment is as follows:

In the amendment, strike ''7'' and insert ''6''.

AMENDMENT NO. 2715 TO AMENDMENT NO. 2712

Mr. REID. Mr. President, I have an amendment at the desk to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2715 to the language proposed to be stricken by amendment No. 2712.

The amendment is as follows:

At the end of the language proposed to be stricken, insert the following:

This section shall become effective 5 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2716 TO AMENDMENT NO. 2715

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2716 to amendment No. 2715.

In the amendment:

Strike ''5'' and insert ''4''.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion on the bill at the desk.

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 3548, the Unemployment Compensation Extension Act of 2009.

Max Baucus, Al Franken, Byron L. Dorgan, Michael F. Bennet, Edward E. Kaufman, Benjamin Cardin, Mark Pryor, Richard Durbin, Jeff Bingaman, Herb Kohl, Tom Udall, Mark Begich, Roland Burris, Tim Johnson, Mary L. Landrieu, Patty Murray.

MOTION TO COMMIT WITH AMENDMENT NO. 2717

Mr. REID. Mr. President, I have a motion to commit the bill with instructions, which is also at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Finance Committee, with instructions to report back forthwith with an amendment numbered 2717.

The amendment is as follows:

At the end insert the following: ''This section shall become effective 3 days after enactment of the bill.''.

Mr. REID. Mr. President, I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2718

Mr. REID. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amended numbered 2718.

The amendment is as follows:

In the amendment, strike ''3'' and insert ''2''.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2719 TO AMENDMENT NO. 2718

Mr. REID. Mr. President, I have a second-degree amendment to the instructions.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2719 to amendment number 2718.

The amendment is as follows:

In the amendment, strike ''2'' and insert ''1''.

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume consideration of H.R. 3548 on Monday, November 2 at 4 p.m., and that the time until 5 p.m. be equally divided and controlled between the leaders or their designees; that at 5 p.m. the Senate proceed to vote on the motion to invoke cloture on the Baucus-Reid substitute amendment, and that the mandatory quorums required under rule XXII be waived.

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

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of the legislation before us to extend unemployment insurance benefits for millions of out-of-work Americans. Families across this Nation are hurting, and 15.1 million Americans are currently unemployed. It is imperative that legislation to provide relief to those hardest hit by the economic downturn is passed without further delay.

The Unemployment Compensation Extension Act of 2009 would: Extend unemployment insurance benefits by 14 weeks; and, provide an additional 6-week extension for those living in States with unemployment rates of 8.5 percent or higher, such as California.

This adds up to a 20-week extension of unemployment benefits for those in the toughest job markets. The legislation is fully-offset, and would not increase the deficit or national debt.

Congress last acted to temporarily extend unemployment insurance benefits in November 2008. Additionally, the economic stimulus bill enacted in February increased benefits by $100 a month, providing much-needed help to those struggling to make ends meet. But, the unemployment rate continues to rise. Jobless Americans need an extension of unemployment benefits, and they need it now.

As of September, the national unemployment rate stands at 9.8 percent—the highest in 26 years—263,000 jobs were lost last month, and 7.6 million have been lost since the recession began in December 2007.

My home State of California has been hit particularly hard. The unemployment rate has risen to 12.2 percent, significantly higher than the National average. The number of people unemployed in California as of September was 2,247,000.

There are 12 States with a smaller population than the number of unemployed Californians: Alaska, Delaware, Hawaii, Idaho, Maine, Montana, North Dakota, Rhode Island, South Dakota, Vermont, and Wyoming. Mr. President, 71,000 out-of-work Californians have already exhausted their unemployment benefits this month. According to the

California Employment Development Department—EDD, an estimated 170,000 Californians will exhaust their benefits by the end of 2009 if Congress does not act.

Not only are more workers losing their jobs, but it continues to be more difficult for the unemployed to find work again. The number of Americans who have been jobless for 6 months or longer has reached a record 5.4 million.

America has faced tough economic times before, including four periods of recession since 1980. During all of these recessions we see a disturbing pattern: laid-off workers exhausting their unemployment benefits. By the year's end, 1.3 million people across the nation will lose their unemployment insurance benefits, and 7,000 Americans are running out of benefits on a daily basis.

These are more than just statistics or numbers on a page. Every percentage, or data point, tells the story of another family impacted by downsizing, a factory shutting down, or a local small business forced to close its doors.

The numbers don't tell the full story of the pain, anxiety, and challenges out-of-work Americans are facing. Here are some personal examples from Californians who have written to my office.

A former Chemist from Solana Beach, California wrote:

I have a Masters in Chemistry in drug discovery and have worked for 15 years in this manner. And though I apply almost every day to any and all jobs I might be a candidate or hired (including entry level positions in and out of my field, waiter, grocery store, fast food, hardware store, etc) I have only had two interviews in the last 3 months and worked 2 weeks as a temp. No one wants to hire a Masters in Science for an $8 per hour job even less in my traditional career. Please vote yes to extend unemployment insurance.

A single mother from Rio Dell, California wrote:

Please, PLEASE do what you can to help with the Federal extension for unemployment benefits. I will receive my final check in a matter of days. I am a single mother who is barely surviving and fear losing my place to live. I have already received one eviction notice from my landlord due to paying my rent late. I fear I will lose parental custody if I can't keep a roof over our heads. I have carefully documented my work search, but the hope of finding employment is dwindling along with my hope of providing the most basic necessities such as water, heat, and shelter as winter approaches. I live in Rio Dell where the base rate for water and sewer was just raised to $90 per month. I'm now a month behind. I don't have a spouse or family to help me. I don't even have a car anymore. I know I'm not the only one in this position, but it is of little consolation. So please help. The farther a person gets down, the harder the climb back up. We are in a devastating situation that needs immediate attention and reparation. I sincerely appreciate your time and consideration.''

A former Postal Service employee from Grass Valley, California wrote:

Dear Ms. Feinstein, I am writing regarding the unemployment extension. I am a single mother struggling to keep my daughter clean, fed and in school. I was laid-off from the US Postal Service and have been desperately looking for work with no luck. Please urge your colleagues to pass this legislation as soon as possible and then work on possible inequities between the states. Thank you very much for your time.

These are only a handful of the nearly 2,000 letters my office has received. It breaks my heart to read such stories, and I am sure that many of my colleagues are hearing from constituents facing the same tough circumstances.

The situation for those in high unemployment states, such as California, is urgent, and, it is not just about preserving a social safety net or helping those who have paid into the system while they were employed. The unemployment crisis feeds the foreclosure crisis which leads to continued instability in the housing market which was the catalyst for the economic downturn in the first place. Put another way, the longer this legislation is delayed, the longer our economic recovery is delayed.

This extension is a targeted action that will quickly put money into the hands of those who need it most, and are most likely to spend it immediately on everyday necessities. According to Mark Zandi, chief economist of Moody's Economy.com, every dollar spent on unemployment benefits generates a return of $1.64. Given the gravity of the unemployment situation, we have an obligation to take responsible action. There is no time for further delay, or political gamesmanship.

Some will argue that we do not need to extend benefits again, but with the increasing unemployment rate, more job losses, and the jobless staying unemployed for longer periods, American families need a break. We must address the underlying causes of the economic instability facing our Nation. More incentives are needed to ease the flow of credit to businesses and consumers. Special attention must be given to the small businesses that in many communities are the primary engine for job creation and economic development. But, the choice before us today with this legislation is clear.

We should pass this legislation now.

I urge my colleagues to support this bill to provide immediate assistance to out-of-work Americans and aid our Nation's economic recovery.

MORNING BUSINESS

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

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

40TH ANNIVERSARY OF THE INTERNET

Mrs. BOXER. Mr. President, I rise today to celebrate the 40th anniversary of an event that is referred to as the ''birthday'' of the Internet.

On October 29, 1969, Dr. Leonard Kleinrock of the University of California, Los Angeles, and his team successfully transmitted the first message to their counterparts at Stanford University, led by Dr. Douglas Engelbart, via a network system that was the predecessor of today's Internet.

I wonder if Drs. Kleinrock and Engelbart ever imagined the full impact and transformative nature of their experiment, not only on California and the United States, but also the world?

From those original tubes between UCLA and Stanford, the Internet has grown into a global network, facilitating important communication, commerce and services around the world. The Internet allows scientists to share research and findings. Consumers can shop almost anywhere in the world via the Internet and have their purchases delivered to their doorstep. Government services, from emergency information to registration of motor vehicles, can be accessed through the Internet.

The Internet has also been an important economic engine for our country, and I am proud that my state of California has been home to many innovators, such as Google and eBay, who transformed ideas into successful multinational businesses.

This anniversary also serves to remind us of the importance of collaborative research efforts between our government and universities, like the UCLA and Stanford. The first network system used by Drs. Kleinrock and Engelbart, called ARPANET, was developed through funding and collaboration between the universities and the Department of Defense.

Today, we must remember that universities and their researchers remain a vital resource in facing and solving the challenges of the future.

I want to close by congratulating the UCLA, Stanford University, and Drs. Kleinrock and Engelbart, for their hard work and contributions to the development of the Internet over the years. Forty years after that first successful message, the Internet continues to transform our lives and the world.

REMEMBERING SENATOR CLIFFORD HANSEN

Mr. HATCH. Mr. President, I rise today to speak about the passing of Clifford P. Hansen, a former Republican colleague of mine in the U.S. Senate and a devoted public servant whose contributions to this august body and to his home State of Wyoming will not soon be forgotten.

Clifford Hansen, who was the Nation's oldest living former Senator until his passing this week at age 97, loomed as large on the Wyoming political landscape as his beloved Grand Tetons do on the natural one. This one-time Governor of Wyoming and two-term U.S. Senator leaves an impressive legacy of legislative achievement.

Clifford was born in Zenith, a town so small that it no longer appears on

State road maps. But growing up in Jackson, Clifford demonstrated the abilities and qualities needed to be successful in a wide variety of pursuits and political endeavors. After earning a degree in agriculture from the University of Wyoming, he rose quickly through the ranks, serving as a trustee of his alma mater, a Teton County commissioner, and later, in the mid-1960s, as Governor of Wyoming.

As Governor, Clifford Hansen brought an end to laws banning miscegenation, boosted the minimum wage, and secured higher retirement pay for State workers, among many other things. He also increased fair employment practices and secured more financial assistance for public schools and higher education. He then served two terms in the U.S. Senate and compiled an equally impressive list of accomplishments there.

I had the privilege of meeting Clifford Hansen in 1977, when I came to Washington as a wide-eyed freshman Senator. I will never forget the warmth and kindness Senator Clifford showed me, helping me get acclimated to my new surroundings and responsibilities. He was a conservative's conservative—a public servant of rock-solid integrity and unwavering devotion who believed in the time-honored principles of fiscal responsibility and less government. He was just as devoted to his beloved wife of more than 75 years, Martha, and their two children, Mary and Peter.

One of Senator Hansen's many gifts was his human touch. He always treated everyone the same, no matter what their station in life—with a warm smile, a hearty handshake, and unfeigned respect. No wonder he was so beloved by so many, everyone from Senate colleagues and staff to custodial and cafeteria workers.

More than three decades after coming to Washington, I am still privileged to serve in the Senate. And even though Clifford Hansen retired from the Senate in 1978, the years have not dimmed my memories of him and the high esteem with which I hold him. I cherish his memory and honor his service. And my thoughts and prayers at this difficult time are with his beloved Martha and other family members and devoted friends.

He will be missed.

NATIONAL NUCLEAR PROGRAM WORKERS DAY

Mr. BUNNING. Mr. President, today I rise to honor nuclear weapons program workers and uranium miners, millers and haulers. Tomorrow, October 30, 2009, has been designated by Congress as a national day of remembrance for these workers and their families.

During the Cold War, these men and women served the United States by working in the Department of Energy's nuclear plants, exposing themselves to hazardous materials. As a result of this exposure, many developed illnesses and sacrificed their well-being for the sake of our Cold War victory.

This day of remembrance is particularly important to Kentuckians, because of men and women who have worked—and still work—for the Paducah Gaseous Diffusion Plant in Paducah, KY, since 1952. During the Cold War, this plant enriched the uranium for the weapons that kept America safe. Back then, this plant provided jobs to a small town and helped Paducah grow. What these workers did not necessarily know then was that they were not just going to work for a paycheck, but they were sacrificing themselves to protect our national security. Now, during a time of high unemployment, the plant continues to provide jobs by cleaning up the nuclear waste of the Cold War era.

Our Nation's nuclear workers have bravely served our country at a time when we needed them most and they deserve to be honored. Today, I, alongside the Nation, recognize these fine men and women for the sacrifices they have made.

AUTISM

Mr. KIRK. Mr. President, I ask unanimous consent that the following op-ed article written by Doug Flutie and printed in the Boston Globe on October 17, 2009, be printed in the RECORD.

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

Massachusetts may have the best health care in the country, but it doesn't cover the treatment for the fastest-growing health threat to children—autism. Autism affects brain function and impairs communication, social interaction, and sensory modulation skills. The most recent statistics show that 1 in 91 children has autism, with the incidence four times as high in boys. More than 500 babies born this year in Massachusetts will soon be diagnosed with autism. What their parents will learn first—what my wife, Laurie, and I have learned from our son Dougie—is that while the hopes and dreams for their child may change, they will also intensify. Parents will learn that, with early intervention, children with autism can make significant strides—a fact backed up by extensive studies. They'll find that their pediatricians and neurologists will prescribe intense one-on-one speech, occupational, physical, and behavioral therapies. And then they'll be dismayed to discover that, though they've always paid their health care premiums, their health plans will not cover these services.

Why don't health plans cover treatments for the fastest-growing health threat to children? There is a contradiction between the role of schools versus that of medicine and health plans. Federal law stipulates that schools provide services necessary to allow all children to ''access the curriculum.'' While critical to helping children with autism excel in the classroom, this in no way replaces their need for therapy to improve long-term brain functioning—not only to get through an average day, but to lay the foundation for the rest of their lives. School superintendents are powerful in asking health plans to step up to ensure that children with autism, like all others, are sent to school ready to learn. They expect health plans to provide glasses to students with poor eyesight, or even chemotherapy to children with cancer, so they have every right to expect that children with autism will receive out-of-school autism therapy. Foundations like The Doug Flutie Jr. Foundation for Autism and Advocates for Autism of Massachusetts work hard to fill the gaps in services and opportunities for children with autism. We also work to make up for the absence of the lead player in supporting the treatment of any medical condition: health plans.

In the health plans' absence, parents are left to pay privately or see their children go without autism therapies.

Those of us who can afford it (comfortably or through extreme means) see the incredible difference these services make in our children's ability to communicate, learn, function as part of the family and the community, and simply stay safe.

Those who can't afford it face the pain of being unable to give their child services proven to radically improve their developmental outlook.

Autism coverage isn't just the right thing; it's the financially smart thing. This coverage will cost just $2.28 per member per month. Alternatively, the average lifetime cost for an adult with autism is estimated at $3.2 million. Research shows that with effective early intensive intervention up to 47 percent of individuals can lead independent lives without state-funded supports. Additionally, they will each make an estimated $1.7 million contribution as taxpayers, bringing the actual savings of autism coverage per person to $4.9 million. While not all individuals will achieve this outcome, even moderate gains result in significant savings to taxpayers.

The Legislature is considering a bill that requires health plans to treat autism as a medical condition and pay for its treatments. Fifteen states have already passed similar legislation. This state needs to join them in ending insurance discrimination against people with autism.

ADDITIONAL STATEMENTS

MICDS CELEBRATION

• Mr. BOND. Mr. President, on November 3, 2009, three former Senate colleagues will be honored in a special ceremony at Mary Institute and Saint Louis Country Day School, MICDS, in St. Louis, MO. Former Senators Jack Danforth, Tom Eagleton, and Pete Wilson will be celebrated in a bronze bas relief by artist Harry Weber.

When the three distinguished U.S. Senators served together from 1983 to 1987, it marked the first time in history that three Members of the Senate serving simultaneously were graduates of the same secondary school, at that time Saint Louis Country Day School. They are being honored as part of the School's Sesquicentennial Celebration. Please join me in congratulating my three Senate colleagues and MICDS on 150 years of shaping generations of leaders and preparing their students for lives of purpose and service.•

TRIBUTE TO ANN HIGDON

• Mr. BROWN. Mr. President, today I wish to congratulate Ms. Ann Higdon of Dayton, OH, who was recently awarded The Purpose Prize, sponsored by Civic Ventures, The Atlantic Philanthropies, and the John Templeton Foundation.

The Purpose Prize recognizes socially engaged leaders over 60 who have demonstrated that social innovation is not just a pursuit for the young.

Ann received this important award for her work with Improved Solutions for Urban Systems, an organization that helps Dayton-area dropouts earn diplomas while training for jobs in health care, construction, computer operations, and manufacturing.

Like too many young Ohioans today, Ann Higdon had to cope with the feeling of helplessness while growing up. Homeless as a child, she had no love and little desire to learn.

She finished school, however, with the encouragement and kind words of just one teacher. Over the years, Ann has dedicated herself to making sure that young Ohioans receive the same inspiration she did.

I applaud Ann's vision and leadership as she helps bring hope to disadvantaged youth in Ohio.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal 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 1:52 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees 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. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

ENROLLED BILLS SIGNED

At 2:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 832. An act to amend title 36, United States Code, to grant a Federal charter to the Military Officer Association of America, and for other purposes.

S. 1694. An act to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES DISCHARGED

The following bill was discharged from the Committee on Environment and Public Works, and referred as indicated:

S. 1938. A bill to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1963. A bill to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.

H.R. 3617. An act to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

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–3492. A communication from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Scales; Accurate Weights, Repairs, Adjustments or Replacements After Inspection'' (RIN0580–AB09) received in the Office of the President of the Senate on October 22, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3493. A communication from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''United States Standards for Rough Rice, Brown Rice for Processing, and Milled Rice'' (RIN0580–AA94) received in the Office of the President of the Senate on October 22, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3494. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred between fiscal years 2001 and 2008 relative to the District of Columbia Courts account; to the Committee on Appropriations.

EC–3495. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report entitled, ''Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account''; to the Committee on Armed Services.

EC–3496. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department of the Navy converting to contract aircraft maintenance functions currently being performed by (109) military personnel at various locations; to the Committee on Armed Services.

EC–3497. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Administrative Offset Under Reciprocal Agreements with States'' (RIN1510–AB23) received in the Office of the President of the Senate on October 28, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–3498. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Test Procedures for Fluorescent Lamp Ballasts (Standby Mode)'' (RIN1904–AB77) received in the Office of the President of the Senate on October 28, 2009; to the Committee on Energy and Natural Resources.

EC–3499. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report on Residual Radioactive and Beryllium Contamination at Atomic Weapons Employer Facilities and Beryllium Vendor Facilities''; to the Committee on Energy and Natural Resources.

EC–3500. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the status of the Government of Cuba's compliance with the United States-Cuba September 1994 ''Joint Communique'' and on the treatment of persons returned to Cuba in accordance with the United States-Cuba May 1995 ''Joint Statement''; to the Committee on Foreign Relations.

EC–3501. 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 civil aircraft equipped with the Biz Jet Matador Installation Kit (A–Kit); to the Committee on Foreign Relations.

EC–3502. 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 civil aircraft equipped with the JETEYE Counter–MANSPADS Installation Kit (A–Kit); to the Committee on Foreign Relations.

EC–3503. 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 civil aircraft equipped with the Guardian System Aircraft Provisioning Kit (APK); to the Committee on Foreign Relations.

EC–3504. 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 Proton launch of the Telstar 14R 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–3505. 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 control section units and associated electronics modules for AIM–120 Medium Range Air-to-Air Missile for end—use by the United States of American in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC – 3506. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Plastic Surgery Devices; Classification of Wound Dressing with Poly (Diallyl Dimethyl Ammonium Chloride) Additive'' (Docket No. FDA–2009–N–0333) received in the Office of the President of the Senate on October 28, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–3507. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single—Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Part 4022) received in the Office of the President of the Senate on October 23, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–3508. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a proposed rule entitled ''Uniformed Services Accounts; Death Benefits; Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts; Thrift Savings Plan'' (5 CFR Parts 1604, 1641, 1653, and 1690) received in the Office of the President of the Senate on October 22, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–3509. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled ''Statistical Programs of the United States Government: Fiscal Year 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–3510. A communication from the Management Analyst, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Application of Immigration Regulations to the Commonwealth of the Northern Mariana Islands'' (RIN1125–AA67) received in the Office of the President of the Senate on October 28, 2009; to the Committee on the Judiciary.

EC–3511. A communication from the Management Analyst, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Commonwealth of the Northern Mariana Islands Transitional Worker Classification'' (RIN1615–AB76) received in the Office of the President of the Senate on October 28, 2009; to the Committee on the Judiciary.

EC–3512. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XS34) received in the Office of the President of the Senate on October 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3513. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Services Surveys: BE–140, Benchmark Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons'' (RIN0691–AA69) received in the Office of the President of the Senate on October 27, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3514. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Services Surveys: BE–150, Quarterly Survey of Cross-Border Credit, Debit, and Charge Card Transactions'' (RIN0691–AA67) received in the Office of the President of the Senate on October 27, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3515. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Television Broadcasting Services; Jackson and Laurel, Mississippi'' (MB Docket No. 09–156) received in the Office of the President of the Senate on October 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3516. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Television Broadcasting Services; Traverse City, Michigan'' (MB Docket No. 09–160) received in the Office of the President of the Senate on October 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3517. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Television Broadcasting Services; St. Petersburg, Florida'' (MB Docket No. 09–159) received in the Office of the President of the Senate on October 22, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 797. A bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes (Rept. No. 111–93).

By Mr. INOUYE, from the Committee on Appropriations:

Special Report entitled ''Further revised allocation to subcommittees of budget totals from the concurrent resolution, fiscal year 2010.'' (Rept. No. 111–94).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Barbara Milano Keenan, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

Carmen Milagros Ortiz, of Massachusetts, to be United States Attorney for the District of Massachusetts for the term of four years.

Edward J. Tarver, of Georgia, to be United States Attorney for the Southern District of Georgia for the term of four years.

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

*David C. Gompert, of Virginia, to be Principal Deputy Director of National Intelligence.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(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. MENENDEZ:

S. 2014. A bill to suspend temporarily the duty on horizontal machining center; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2015. A bill to suspend temporarily the duty on Albrite DMHP; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2016. A bill to suspend temporarily the duty on Bicorr 288; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2017. A bill to suspend temporarily the duty on Coflake; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2018. A bill to extend the temporary suspension of duty on certain organic pigments and dyes; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2019. A bill to amend and extend the temporary duty suspension on certain capers in immediate containers holding 3.4 kilograms or less; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2020. A bill to extend the temporary duty suspension on certain capers in immediate containers each holding more than 3.4 kilograms; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2021. A bill to extend the temporary duty suspension on certain pepperoncini prepared or preserved otherwise than by vinegar; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2022. A bill to extend the temporary duty reduction on certain pepperoncini prepared or preserved by vinegar; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2023. A bill to modify and extend the temporary duty suspension on certain giardiniera prepared or preserved otherwise than by vinegar; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2024. A bill to suspend temporarily the duty on 1,2 Pentanediol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2025. A bill to extend the temporary suspension of duty on 5-Methyl-2-(methylethyl)cyclohexyl-2-hydroxypropanoate; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2026. A bill to extend the temporary suspension of duty on 2-Phenylbenzimidazole-5-sulfonic acid; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2027. A bill to suspend temporarily the duty on Frescolat MGA; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2028. A bill to extend the temporary suspension of duty on Thymol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2029. A bill to extend the temporary suspension of duty on Menthyl anthranilate; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2030. A bill to extend the temporary suspension of duty on Methyl cinnamate; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2031. A bill to extend the temporary suspension of duty on o-tert-Butylcyclohexanol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2032. A bill to extend the temporary suspension of duty on p-Methylacetophenone; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2033. A bill to extend the temporary suspension of duty on Anisic Aldehyde; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2034. A bill to extend the temporary suspension of duty on Methyl Salicylate; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2035. A bill to extend the temporary suspension of duty on Trimethyl cyclo hexanol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2036. A bill to extend the temporary suspension of duty on 4-Hexylresorcinol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2037. A bill to extend the temporary suspension of duty on certain sensitizing dyes; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2038. A bill to extend the duty suspension on Allyl isosulfocynate; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2039. A bill to extend the temporary suspension of duty on 2,2-Dimethyl-3-(3-methylphenyl)proponal; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2040. A bill to suspend temporarily the duty on 1,2 Hexanediol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2041. A bill to suspend temporarily the duty on mixture of 1,2 Octanediol and 1,2 Hexanediol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2042. A bill to suspend temporarily the duty on certain reconstituted tobacco; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2043. A bill to suspend temporarily the duty on 3-amino-1,2-propanediol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2044. A bill to provide for the reliquidation of certain entries relating to orange juice from Brazil; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2045. A bill to suspend temporarily the duty on Cetalox; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2046. A bill to provide for the reliquidation of certain entries of industrial nitrocellulose from the United Kingdom; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2047. A bill to suspend temporarily the duty on horizontal machining center; to the Committee on Finance.

By Mr. COCHRAN:

S. 2048. A bill to suspend temporarily the duty on Flumetralin Technical-2-chloro-N-[2 ,6-dinitro-4-(tri-fluoromethyl)phenyl]-N-ethyl-6-fluorobenzenemethanamine; to the Committee on Finance.

By Mr. COCHRAN:

S. 2049. A bill to suspend temporarily the duty on 2-Chloro-6-Fluorobenzyl Chloride: Benzene, 2,4-dichloro-1,3-dinitro-5-(trifluoromethyl)-; to the Committee on Finance.

By Mr. COCHRAN:

S. 2050. A bill to suspend temporarily the duty on 4-Chloro-3 .5-Dinitrobenzotrifluoride: Benzene, 2-chloro-1,3-dinitro-5-(trifluoromethyl)-; to the Committee on Finance.

By Mr. VITTER (for himself and Mr. COCHRAN):

S. 2051. A bill to amend the Internal Revenue Code of 1986 to allow refunds of Federal motor fuel excise taxes on fuels used in mobile mammography vehicles; to the Committee on Finance.

By Mr. UDALL of Colorado (for himself, Mr. BINGAMAN, and Ms. MURKOWSKI):

S. 2052. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CARPER:

S. 2053. A bill to suspend temporarily the duty on women's sports bras of stretch fabric with textile or polymer-based electrodes knit into or attached to the fabric and that incorporate connectors designed to secure an electronic transmitter that transmits physiological information from the electrodes to a compatible monitor; to the Committee on Finance.

By Mr. CARPER:

S. 2054. A bill to suspend temporarily the duty on knit tank tops of stretch fabric with textile or polymer-based electrodes knit into or attached to the fabric and that incorporate connectors designed to secure an electronic transmitter that transmits physiological information from the electrodes to a compatible monitor; to the Committee on Finance.

By Mr. CARPER:

S. 2055. A bill to suspend temporarily the duty on thiamethoxam technical; to the Committee on Finance.

By Mr. CARPER:

S. 2056. A bill to suspend temporarily the duty on trifloxysulfuron-sodium technical; to the Committee on Finance.

By Mr. CARPER:

S. 2057. A bill to suspend temporarily the duty on certain lamps used in liquid chromatography or spectrophotometry; to the Committee on Finance .

By Mr. CARPER:

S. 2058. A bill to suspend temporarily the duty on knit garments of stretch fabric with textile or polymer-based electrodes knit into or attached to the fabric and that incorporate connectors designed to secure an electronic transmitter that transmits physiological information from the electrodes to a compatible monitor; to the Committee on Finance.

By Mr. CARPER:

S. 2059. A bill to suspend temporarily the duty on triasulfuron technical; to the Committee on Finance.

By Mr. CARPER:

S. 2060. A bill to suspend temporarily the duty on pyraflufen ethyl; to the Committee on Finance.

By Mr. CARPER:

S. 2061. A bill to extend the temporary duty suspension on certain rayon staple fibers; to the Committee on Finance.

By Mr. CARPER:

S. 2062. A bill to extend the suspension of duty on phosphoric acid, tris (2-ethylhexyl) ester; to the Committee on Finance.

By Mr. CARPER:

S. 2063. A bill to suspend temporarily the duty on mixtures of 2-[4-[(2-hydroxy-3-dodecyloxypropl)oxy]-2-hydroxphenyl]-4,6-bis(2 ,4-dimethylphenyl)-1,3,5-triazine and 2-[4-[(2-hydroxy-3-tridecyloxypropyl)oxy]-2-hydroxyphenyl]-4,6-bis(2,4-demethylphenyl)-1,3,5-triazine in propylene glycol monomethyl ether; to the Committee on Finance.

By Mr. CARPER:

S. 2064. A bill to extend the temporary suspension of duty on mixtures of poly[[6-[(1,1,3,3-tetramethylbutyl)amino]-1,3,5-triazine-2 ,4-diyl] [2,2,6,6-tetramethyl-4-piperidinyl)inimo]-1,6-hexanediyl[(2,2,6 ,6-tetramethyl-4-piperidinyl)imino]]) and bis(2,2,6 ,6-tetramethyl-4-piperidyl) sebacate; to the Committee on Finance.

By Mr. CARPER:

S. 2065. A bill to extend the temporary suspension of duty on diisopropyl succinate; to the Committee on Finance.

By Mr. CARPER:

S. 2066. A bill to extend the temporary suspension of duty on p-chloroaniline; to the Committee on Finance.

By Mr. CARPER:

S. 2067. A bill to suspend temporarily the duty on buprofizen; to the Committee on Finance.

By Mr. CARPER:

S. 2068. A bill to suspend temporarily the duty on fenpyroximate; to the Committee on Finance.

By Mr. CARPER:

S. 2069. A bill to extend the temporary suspension of duty on flutolanil; to the Committee on Finance.

By Mr. CARPER:

S. 2070. A bill to extend the temporary suspension of duty on phenyl (4,6-dimethoxypyrimidin-2-yl) carbamate; to the Committee on Finance.

By Mr. CARPER:

S. 2071. A bill to suspend temporarily the duty on certain imaging colorants; to the Committee on Finance.

By Mr. CARPER:

S. 2072. A bill to suspend temporarily the duty on certain imaging colorants; to the Committee on Finance.

By Mr. CARPER:

S. 2073. A bill to extend the temporary suspension of duty on 2-(isocyanatosulfonyl)benzoic acid, ethyl ester; to the Committee on Finance.

By Mr. CARPER:

S. 2074. A bill to suspend temporarily the duty on mixtures of 3-bromo-4′-chloro-1-(3-chloro-2-pyridyl)-2′methyl-6′-(methylcarbamoyl)pyrazole-5-carboxanilide; to the Committee on Finance.

By Mr. CARPER:

S. 2075. A bill to extend the temporary suspension of duty on (S)-cyano(3-phenoxyphenyl-methyl (S)-4-chloro-a-(1-Methylethyl) Benzeneacetate; to the Committee on Finance.

By Mr. CASEY:

S. 2076. A bill to suspend temporarily the duty on titanium dioxide; to the Committee on Finance.

By Mrs. BOXER:

S. 2077. A bill to suspend temporarily the duty on hand blown glass vases; to the Committee on Finance.

By Mrs. BOXER:

S. 2078. A bill to suspend temporarily the duty on hand blown glass vases; to the Committee on Finance.

By Mrs. BOXER:

S. 2079. A bill to reduce temporarily the duty on acai, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter; to the Committee on Finance.

By Mrs. BOXER:

S. 2080. A bill to suspend temporarily the duty on hand blown glass vases; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2081. A bill to amend the Internal Revenue Code of 1986 to accelerate locomotive fuel savings nationwide and provide incentives for owners of high polluting locomotives to replace such locomotives with newly-built or newly-remanufactured fuel efficient and less polluting locomotives; to the Committee on Finance.

By Mr. INHOFE:

S. 2082. A bill to suspend temporarily the duty on artificial flowers of manmade fibers assembled as floral sprays; to the Committee on Finance.

By Mr. INHOFE:

S. 2083. A bill to suspend temporarily the duty on artificial flowers of manmade fibers assembled as swags; to the Committee on Finance.

By Mr. INHOFE:

S. 2084. A bill to suspend temporarily the duty on artificial flowers of manmade fibers assembled as wreaths; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2085. A bill to extend temporarily the suspension of duty on THV; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2086. A bill to suspend temporarily the duty on certain mini component stereo systems; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2087. A bill to suspend temporarily the duty on certain power panels specifically designed for wind turbine generators to transfer electric power to and from a utility power grid at 2100 kW at 600 volts with a nominal full load of 2190 amps; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2088. A bill to suspend temporarily the duty on certain capacitor panels specifically designed for wind turbines; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2089. A bill to suspend temporarily the duty on certain mixtures of perfluorocarbons; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2090. A bill to suspend temporarily the duty on certain perfluorocarbon morpholines; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2091. A bill to suspend temporarily the duty on certain perfluorocarbon amines; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2092. A bill to suspend temporarily the duty on certain perfluorocarbon alkanes; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2093. A bill to suspend temporarily the duty on Perfluorobutane sulfonyl fluoride; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2094. A bill to extend and modify the suspension of duty on certain catalytic converter mats of ceramic fibers; to the Committee on Finance.

By Ms. MIKULSKI (for herself and Mr. CARDIN):

S. 2095. A bill to amend the National Great Black Americans Commemoration Act of 2004 to authorize appropriations through fiscal year 2015; to the Committee on the Judiciary.

By Mr. KERRY:

S. 2096. A bill to amend title 38, United States Code, to provide for the eligibility of parents of certain deceased veterans for interment in national cemeteries; to the Committee on Veterans' Affairs.

By Mr. THUNE (for himself, Mr. WEBB, and Mr. ROCKEFELLER):

S. 2097. A bill to authorize the rededication of the District of Columbia War Memorial as a National and District of Columbia World War I Memorial to honor the sacrifices made by American veterans of World War I; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 2098. A bill to reduce temporarily the duty on certain isotopic separation machinery and apparatus; to the Committee on Finance.

By Mr. LEVIN:

S. 2099. A bill to suspend temporarily the duty on certain heaters; to the Committee on Finance.

By Mr. LEVIN:

S. 2100. A bill to suspend temporarily the duty on certain sensors; to the Committee on Finance.

By Mr. LEVIN:

S. 2101. A bill to suspend temporarily the duty on certain drive motor battery transducers; to the Committee on Finance.

By Mr. LEVIN:

S. 2102. A bill to reduce temporarily the duty on certain electric motor controllers; to the Committee on Finance.

By Mr. LEVIN:

S. 2103. A bill to suspend temporarily the duty on certain static converters; to the Committee on Finance.

By Mr. LEVIN:

S. 2104. A bill to suspend temporarily the duty on certain chargers; to the Committee on Finance.

By Mr. LEVIN:

S. 2105. A bill to reduce temporarily the duty on certain lithium-ion battery cells; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. 2106. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOND:

S. 2107. A bill to suspend temporarily the duty on certain women's leather or composition leather upper footwear; to the Committee on Finance .

By Mr. BOND:

S. 2108. A bill to suspend temporarily the duty on certain women's textile upper footwear; to the Committee on Finance.

By Mr. BOND:

S. 2109. A bill to reduce temporarily the duty on mixtures of imidacloprid ((1-[(6-Chloro-3-pyridinyl)methly]-N-nitro-2-imidazolidinimine) with cyfluthrin ((R)-cyano-(4-fluoro-3-phenoxyl)phenyl)methyl (1R,3R)-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane-1-carboxylate) or its beta-cyfluthrin isomer; to the Committee on Finance.

By Mr. BOND:

S. 2110. A bill to reduce temporarily the duty on Fluopyram; to the Committee on Finance.

By Mr. BOND:

S. 2111. A bill to suspend temporarily the duty on Indaziflam; to the Committee on Finance.

By Mr. BOND:

S. 2112. A bill to suspend temporarily the duty on certain children's textile upper footwear; to the Committee on Finance.

By Mr. BOND:

S. 2113. A bill to suspend temporarily the duty on mixtures containing 2,4,6-Tripropyl-1,3,5,2,4,6-trioxatriphosphinane 2,4,6-trioxide and organic solvents; to the Committee on Finance.

By Mr. BOND:

S. 2114. A bill to extend the temporary suspension of duty on 3,6,9-Trioxaundecanedioic acid; to the Committee on Finance.

By Mr. BUNNING:

S. 2115. A bill to suspend temporarily the duty on Polycaprolactone Diol #1; to the Committee on Finance.

By Mr. BUNNING:

S. 2116. A bill to suspend temporarily the duty on Polycaprolactone Diol #2; to the Committee on Finance.

By Mr. BUNNING:

S. 2117. A bill to suspend temporarily the duty on Polycaprolactone Triol; to the Committee on Finance.

By Mr. BUNNING:

S. 2118. A bill to suspend temporarily the duty on nitroguanidine; to the Committee on Finance.

By Mr. BUNNING:

S. 2119. A bill to suspend temporarily the duty on guanidine nitrate; to the Committee on Finance.

By Mr. BUNNING:

S. 2120. A bill to suspend temporarily the duty on certain hydrogenated polymers of norbornene derivatives; to the Committee on Finance.

By Mr. KOHL:

S. 2121. A bill to suspend temporarily the duty on double-fan assisted, plug-in, scented oil dispensing, electrothermic appliances; to the Committee on Finance.

By Mr. KOHL:

S. 2122. A bill to suspend temporarily the duty on single-fan assisted, plug-in, scented oil dispensing, electrothermic appliances; to the Committee on Finance.

By Mr. KOHL:

S. 2123. A bill to suspend temporarily the duty on continuous action, self-contained, fan-motor driven, battery-operated, portable personal device for mosquito repellent; to the Committee on Finance.

By Ms. CANTWELL:

S. 2124. A bill to modify and extend the temporary suspension of duty on 9, 10-Anthracenedione; to the Committee on Finance.

By Mr. CARPER:

S. 2125. A bill to extend the temporary suspension of duty on (S)-cyano(3-phenoxyphenyl)methyl (S)-4-chloro-a-(1-methylethyl)benzeneatcetate; to the Committee on Finance .

By Mr. NELSON of Florida:

S. 2126. A bill to extend the temporary suspension of duty on electromechanical ice shavers; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 2127. A bill to extend the temporary suspension of duty on certain AC electric motors; to the Committee on Finance.

By Mr. LEMIEUX:

S. 2128. A bill to provide for the establishment of the Office of Deputy Secretary for Health Care Fraud Prevention; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. GRASSLEY, Ms. MIKULSKI, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. SNOWE, Ms. LANDRIEU, Mrs. LINCOLN, Mr. VOINOVICH, Ms. CANTWELL, Ms. STABENOW, Ms. MURKOWSKI, Mr. PRYOR, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Mrs. HAGAN, and Mrs. SHAHEEN):

S. 2129. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORKER (for himself and Mr. ALEXANDER):

S. 2130. A bill to extend the temporary suspension of duty on N,N-hexane-1,6-diylbis(3-(3,5-di-tert-butyl-4-hydroxy-phenylpropionamide)); to the Committee on Finance.

By Mr. CORKER (for himself and Mr. ALEXANDER):

S. 2131. A bill to extend the temporary suspension of duty on pentaerythritol tetrakis[3-(dodecylthio)propionate]; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2132. A bill to suspend temporarily the duty on 4-Chloro-1,8,-naphthalic anahydride; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2133. A bill to suspend temporarily the duty on ESTER GUM 10D 25KG BG CHINA; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2134. A bill to suspend temporarily the duty on Poly-Pale, 25 KG Bag, China; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2135. A bill to suspend temporarily the duty on Cellulose, sodium carboxymethyl; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2136. A bill to suspend temporarily the duty on HPHP; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2137. A bill to suspend temporarily the duty on Pentalyn C; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2138. A bill to suspend temporarily the duty on o-Toluidine; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2139. A bill to reduce temporarily the duty on Syloboc K-200; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2140. A bill to extend the duty suspension on o-Anisidine; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2141. A bill to extend the dudty suspension on 2,4-Xylidine; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2142. A bill to extend the duty suspension on 2-Methylhydroquinone; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2143. A bill to extend the duty suspension on Benzoic acid, 3, 4, 5-trihydroxy-, propyl ester; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2144. A bill to extend the duty suspension on Titanium Mononitride; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2145. A bill to extend the temporary suspension of duty on certain AC electric motors of an output exceeding 74.6 W but not exceeding 85 W; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2146. A bill to extend the temporary suspension of duty on certain AC electric motors of an output exceeding 74.6 W but not exceeding 105 W; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2147. A bill to extend the temporary suspension of duty on certain AC electric motors of an output exceeding 74.6 W but not exceeding 72 W; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2148. A bill to suspend temporarily the duty on Sodium brick; to the Committee on Finance.

By Mr. HARKIN:

S. 2149. A bill to suspend temporarily the duty on orthotoluidine; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2150. A bill to suspend temporarily the duty on blocked polyisocyanate hardner; 2-Butanone, oxime, polymer with 1,6-diisocyanatohexane and 2-ethyl-2-(hydroxymethyl)-1,3-propanediol; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2151. A bill to suspend temporarily the duty on grocery bags with an exterior surface of nonwoven fabric wholly of polypropylene; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2152. A bill to suspend temporarily the duty on grocery bags wholly of cotton canvas fabric; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2153. A bill to suspend temporarily the duty on grocery bags of nonwoven fabric wholly of polypropylene; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2154. A bill to suspend temporarily the duty on dodecyltrimethylammonium bromide; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2155. A bill to suspend temporarily the duty on carbazole violet/acrylic dispersion; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2156. A bill to suspend temporarily the duty on barium sulfate; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2157. A bill to suspend temporarily the duty on alkylated melamine formaldehyde resin; melamine, formaldehyde polymer, methylated, butylated; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2158. A bill to suspend temporarily the duty on alkylated amino resin solution, formaldehyde; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2159. A bill to extend the temporary suspension of duty on helium; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2160. A bill to suspend temporarily the duty on ion exchange resin, tertiary amine crosslinked polystyrene; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2161. A bill to suspend temporarily the duty on ion exchange resin, polystyrene crosslinked with divinylbenzene, quaternary amonium chloride; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2162. A bill to suspend temporarily the duty on ion exchange resin, polystyrene crosslinked with divinylbenzene, chloromethylated, trimethylammonium salt; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2163. A bill to suspend temporarily the duty on poly(styrene) sulfonic acid; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2164. A bill to suspend temporarily the duty on Triethylenediamine; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2165. A bill to extend the temporary suspension of duty on 2-Oxepanone polymer with 1,4-butanediol and 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethyl-cyclohexane, 2-ethyl-1-hexanol-blocked; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2166. A bill to extend the temporary suspension of duty on polyfunctional aziridine; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2167. A bill to extend the temporary suspension of duty on hexane, 1,6-diisocynato-,homopolymer, 3,5-dimethyl-1H-pyrazole-blocked solvents; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2168. A bill to extend the temporary suspension of duty on ortho/para-Toluenesulfonic acid, methyl ester (TSME); to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2169. A bill to extend the temporary suspension of duty on trimethylopropane tris(3-aziridinylpropanoate); to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2170. A bill to suspend temporarily the duty on ferroniobium; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2171. A bill to suspend temporarily the duty on ultra-high molecular weight polyethylene yarn measuring not less than 131 decitex but not more than 340 decitex; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2172. A bill to suspend temporarily the duty on ultra-high molecular weight polyethylene yarn measuring not less than 40 decitex but not more than 130 decitex; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2173. A bill to suspend temporarily the duty on ultra-high molecular weight polyethylene yarn measuring not less than 341 decitex but not more than 510 decitex; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2174. A bill to suspend temporarily the duty on polyoxethylene-/alkylether-phosphate; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2175. A bill to extend the suspension of duty on thionyl chloride; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2176. A bill to extend the temporary suspension of duty on certain plasticizers; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2177. A bill to extend the temporary suspension of duty on Lewatit; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2178. A bill to extend the suspension of duty on tetraethylammonium perfluoroctanesulfonate; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2179. A bill to extend the temporary suspension of duty on Phosphoric acid, tris (2-ethylhexyl)ester; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2180. A bill to renew the temporary suspension of duty on macroporous ion-exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, thiol functionalized; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2181. A bill to extend the temporary suspension of duty on 2-Propenoic acid, polymer with diethenylbenzene; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2182. A bill to suspend temporarily the duty on a certain ion exchange resin powder; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2183. A bill to extend the suspension of duty on Styrene, ar-ethyl-, polymer with divinylbenzene and styrene beads with low ash; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2184. A bill to extend the suspension of duty on 1,1,2,2,3,3,4,4 ,4-Nonafluorobutanesulfonic acid; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2185. A bill to extend the temporary suspension of duty on mixtures of tris(4-isocyanatophenyl)thiophosphate and ethyl acetate and monochlorobenzene as solvents; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2186. A bill to extend the temporary suspension of duty on copolymer of methyl ethyl ketoxime and toluenediisocyanate; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2187. A bill to extend the temporary suspension of duty on benzene, 1,3-diisocyanatomethyl-, polymer with 1,6-diisocyanatohexane dissolved in n-butyl acetate; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2188. A bill to extend the temporary suspension of duty on poly(toluene diisocyanate) dissolved in organic solvents; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2189. A bill to extend the temporary suspension of duty on 1,2,3-Propanetriol, polymer with 2,4-diisocyanato-1-methylbenzene, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, methyloxirane and oxirane; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2190. A bill to extend the temporary suspension of duty on polyisocyanate cross linking agent products containing triphenylmethane triisocyanate in solvents; to the Committee on Finance.

By Ms. COLLINS:

S. 2191. A bill to extend the temporary suspension of duty on certain rayon staple fibers; to the Committee on Finance.

By Mr. VITTER:

S. 2192. A bill to extend the reduction of duty on Azoxystrobin; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2193. A bill to extend the temporary suspension of duty on 10,10′-Oxybishpenoxarsine; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2194. A bill to extend the temporary suspension of duty on ion exchange resin powder; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2195. A bill to extend the temporary suspension of duty on absorbent resin; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2196. A bill to extend the temporary suspension of duty on powdered ion exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, suphonic acid, sodium form; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2197. A bill to extend the temporary suspension of duty on a certain ion exchange resin; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2198. A bill to suspend temporarily the duty on macroporus adsorpent polymer composed of crosslinked phenol-formaldehyde polycondesate resin in granular form having a mean particle size of 0.56 to 0.76 mm; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2199. A bill to suspend temporarily the duty on poly(4-(1-isobutoxy ethoxy)styrene-co-4-hydroxystyrene) dissolved in propylene glycol monomethyl ether acetate; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2200. A bill to suspend temporarily the duty on 2,6-Bis(2,4-dihydroxybenzyl)-p-cresol ester with 6-diazo-5,6-dihydro-5-oxo-1-naphthalnenesulfonic acid and methane sulfonic acid; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2201. A bill to suspend temporarily the duty on 4-(1-Ethoxyethoxy) styrene-4- (t-butylcarbonyloxy) styrene-4-hydroxystyrene copolymer; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2202. A bill to suspend temporarily the duty on bis(2,4-dihydroxy-3-methylphenyl)methane ester with 6-diazo-5,6-dihydro-5-oxo-1-naphthalnenesulfonic acid; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2203. A bill to renew the temporary suspension of duty on certain ion exchange resin; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2204. A bill to suspend temporarily the duty on 6-Diazo-5,6-dihydro-5-oxo-naphthalnene-1-sulfonic acid ester with 2,3,4-trihydroxybenzophenone; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2205. A bill to suspend temporarily the duty on 6-Diazo-5,6-dihydro-5-oxo-naphthalnene-1-sulfonic acid ester with 2-[Bis(4-hydroxy-2,3,5-trimethyphenyl)methyl]phenol; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2206. A bill to suspend temporarily the duty on benzoyl chloride; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2207. A bill to suspend temporarily the duty on chlorobenzene; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2208. A bill to suspend temporarily the duty on p-Dichlorobenzene; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2209. A bill to extend the temporary suspension of duty on ion-exchange resin powder comprised of a certain copolymer; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2210. A bill to extend the temporary suspension of duty on a certain ion exchange resin comprising a certain copolymer; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2211. A bill to suspend temporarily the duty on certain steam hair straighteners; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2212. A bill to suspend temporarily the duty on certain ice cream makers; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2213. A bill to suspend temporarily the duty on certain food choppers; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2214. A bill to suspend temporarily the duty on certain programmable dual function coffee makers; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2215. A bill to suspend temporarily the duty on certain electric coffee makers with built in bean storage hoppers; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2216. A bill to suspend temporarily the duty on certain food processors; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2217. A bill to provide for the liquidation or reliquidation of certain entries relating to top-of-the-stove stainless steel cooking ware from the Republic of Korea entered between January 1, 1999 and January 22, 2003; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2218. A bill to extend the temporary suspension of duty on Ipconazole; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2219. A bill to extend the temporary suspension of duty on waste of camel hair; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2220. A bill to extend the temporary suspension of duty on noils of camel hair; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2221. A bill to extend the temporary suspension of duty on camel hair, carded or combed; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2222. A bill to extend the temporary suspension of duty on yarn of carded camel hair; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2223. A bill to suspend temporarily the duty on yarn of carded hair of Kashmir (cashmere) goats of less than 19.35 metric yarn count, not put up for retail sale; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2224. A bill to extend the temporary suspension of duty on fine animal hair of Kashmir (cashmere) goats, processed beyond the degreased or carbonized condition; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2225. A bill to suspend temporarily the duty on 2-Cyclopropylaminonicotinic acid; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2226. A bill to extend the temporary suspension of duty on woven fabrics containing 85 percent or more by weight of vicuna hair; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2227. A bill to extend the temporary suspension of duty on camel hair, processed beyond the degreased or carbonized condition; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2228. A bill to extend the temporary suspension of duty on camel hair, not processed in any manner beyond the degreased or carbonized condition; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2229. A bill to extend the temporary suspension of duty on yarn of carded cashmere of 19.35 metric yarn count or higher; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2230. A bill to extend the temporary suspension of duty on yarn of combed cashmere or yarn of camel hair; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2231. A bill to suspend temporarily the duty on certain hydration systems; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2232. A bill to suspend temporarily the duty on certain hydration systems; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2233. A bill to suspend temporarily the duty on suspended particle device film; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2234. A bill to extend the temporary suspension of duty on metal halide lamps designed for use in video projectors; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2235. A bill to suspend temporarily the duty on certain educational toys or devices; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2236. A bill to extend the temporary suspension of duty on certain bags for toys; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2237. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the tariff rate for certain mechanics' work gloves; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2238. A bill to extend temporarily the duty on S-Abscisic Acid; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2239. A bill to suspend temporarily the duty on Metconazole; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2240. A bill to suspend temporarily the duty on certain parts and accessories of measuring or checking instruments; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2241. A bill to extend and modify the temporary reduction of duty on artichokes, prepared or preserved by vinegar or acetic acid; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2242. A bill to suspend temporarily the duty on certain sardines in oil, in airtight containers, neither skinned nor boned; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2243. A bill to suspend temporarily the duty on certain rechargeable ultracapacitor long life flashlights; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2244. A bill to extend the temporary reduction of duty on artichokes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2245. A bill to extend the temporary suspension of duty on certain children's products; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2246. A bill to extend the temporary suspension of duty on Clethodim; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2247. A bill to extend the temporary suspension of duty on Fenpropathrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2248. A bill to extend the temporary suspension of duty on Bioallethrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2249. A bill to extend the temporary suspension of duty on S-Bioallethrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2250. A bill to extend the temporary suspension of duty on Bispyribac-sodium; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2251. A bill to extend the temporary suspension of duty on Dinotefuran; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2252. A bill to extend the temporary suspension of duty on Clothianidin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2253. A bill to extend the temporary suspension of duty on Permethrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2254. A bill to extend the temporary suspension of duty on Etoxazole; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2255. A bill to extend the temporary suspension of duty on Pyripoxyfen; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2256. A bill to extend the temporary suspension of duty on Uniconazole; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2257. A bill to extend the temporary suspension of duty on Deltamethrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2258. A bill to extend the temporary suspension of duty on Tetramethrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2259. A bill to extend the temporary suspension of duty on flumiclorac pentyl ester; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2260. A bill to extend the temporary suspension of duty on Flumioxasin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2261. A bill to extend the temporary suspension of duty on Acephate; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2262. A bill to extend the temporary suspension of duty on Resmethrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2263. A bill to extend the temporary suspension of duty on Cypermethrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2264. A bill to suspend temporarily the duty on certain subassemblies for measuring equipment for telecommunication; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2265. A bill to suspend temporarily the duty on certain hydration systems; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2266. A bill to suspend temporarily the duty on certain hydration systems; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2267. A bill to suspend temporarily the duty on multi interconnection board; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2268. A bill to extend the temporary suspension of duty on certain DVD readers and writers; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2269. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the temporary suspension of duty for certain DVD readers and writers; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2270. A bill to modify and extend the temporary suspension of duty on certain cases or containers to be used for electronic drawing toys, electronic games, or educational toys; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2271. A bill to suspend temporarily the duty on certain infant products; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2272. A bill to suspend temporarily the duty on s-Methoprene; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2273. A bill to extend the temporary suspension of duty on oysters (other than smoked), prepared or preserved; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2274. A bill to suspend temporarily the duty on Liquid Crystal Device (LCD) panel assemblies for use in LCD direct view televisions; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2275. A bill to suspend temporarily the duty on certain hydration systems; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2276. A bill to extend temporarily the suspension of duty on BEPD70L; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2277. A bill to extend temporarily the suspension of duty on Allyl Pentaerythritol; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2278. A bill to extend temporarily the suspension of duty on Butyl Ethyl Propanediol; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2279. A bill to extend temporarily the suspension of duty on DiTMP; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2280. A bill to extend temporarily the suspension of duty on Polyol R6405; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2281. A bill to extend temporarily the suspension of duty on TMP Diallyl Ether; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2282. A bill to extend temporarily the suspension of duty on TMP Monoallyl Ether; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2283. A bill to extend temporarily the suspension of duty on Cyclic TMP Formal; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2284. A bill to extend temporarily the suspension of duty on 4 Chloro Aniline; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2285. A bill to extend temporarily the suspension of duty on 1,8 Naphthalimide; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2286. A bill to extend temporarily the suspension of duty on Acetoacet-p-Anisidine; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2287. A bill to extend temporarily the suspension of duty on Pigment Green 7 Crude; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2288. A bill to extend temporarily the suspension of duty on p-Amino Benzamide; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2289. A bill to extend temporarily the suspension of duty on Basic Red 1:1; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2290. A bill to extend temporarily the suspension of duty on p-Chloro-o-Nitro Aniline; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2291. A bill to extend temporarily the suspension of duty on certain sawing machines; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2292. A bill to suspend temporarily the duty on Capa 2505; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2293. A bill to extend temporarily the suspension of duty on Boltom H2003, H2004, H2100, H3100, H311; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2294. A bill to extend temporarily the suspension of duty on Boltom H20, H30, H40, H2085; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2295. A bill to suspend temporarily the duty on Caprolactone-Hexanediol Copolymers; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2296. A bill to suspend temporarily the duty on Caprolactone-Polybutylene Glycol Copolymers; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2297. A bill to suspend temporarily the duty on Caprolactone-Neopentyl Glycol Copolymers; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2298. A bill to suspend temporarily the duty on Caprolactone-Diethylene Glycol Copolymers; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2299. A bill to suspend temporarily the duty on Capa Homopolymers; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2300. A bill to suspend temporarily the duty on GPA-30, 2,4,6 Trisaminophenol; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2301. A bill to suspend temporarily the duty on Boltorn U3000; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2302. A bill to suspend temporarily the duty on Capa 4000-series; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2303. A bill to suspend temporarily the duty on Caprolactone-Trimethylolpropane Copolymers; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2304. A bill to suspend temporarily the duty on Caprolactone-Butanediol Copolymers; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2305. A bill to extend temporarily the suspension of duty on certain manufacturing equipment; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2306. A bill to extend temporarily the suspension of duty on certain manufacturing equipment used for working iron or steel; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2307. A bill to extend temporarily the suspension of duty on certain extruders used in the production of radial tires; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2308. A bill to extend temporarily the suspension of duty on certain manufacturing equipment for molding; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2309. A bill to extend temporarily the suspension of duty on certain sector mold press machines; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2310. A bill to extend temporarily the suspension of duty on p-Toluene Sulfonyl Chloride; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2311. A bill to extend temporarily the suspension of duty on Trimethylolpropane Oxetane; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2312. A bill to extend temporarily the suspension of duty on 3,3 Dichlorobenzidine Dihydrochloride; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2313. A bill to suspend temporarily the duty on 2,5-Dichloro-e, 6-Bis(9-Ethyl-3-Carbazolylamino)-1,4-Benzoquinone(Dianil); to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2314. A bill to extend the temporary suspension of duty on 4 ,4'-Oxydiphthalic anhydride; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2315. A bill to extend the temporary suspension of duty on 1,3-bis(4-Aminophenoxy)benzene; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2316. A bill to extend temporarily the suspension of duty on alpha Oxy Napthoic Acid; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2317. A bill to extend temporarily the suspension of duty on Acetoacet-o-Chloro Anilide; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2318. A bill to extend temporarily the suspension of duty on 3 Chloro 4 Methyl Aniline; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 2319. A bill to reduce temporarily the duty on parts of microwave ovens for the industrial preparation or manufacture of dried vegetable snack (small portions of food usually eaten other than at meal times) items; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 2320. A bill to reduce temporarily the duty on parts of machinery for the industrial preparation or manufacture of dried vegetable snack (small portions of food usually eaten other than at meal times) items; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, and Mr. GRAHAM):

S. 2321. A bill to extend the temporary suspension of duty on aqueous catalytic preparations based on iron (III) toluenesulfonate; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, and Mr. GRAHAM):

S. 2322. A bill to extend the temporary suspension of duty on 3,4-Ethylenedioxythiophene; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, and Mr. GRAHAM):

S. 2323. A bill to extend the temporary suspension of duty on aqueous dispersions of poly(3,4-ethylenedioxythiophene) poly(styrenesulfonate) (cationic), whether or not containing binder resin and organic solvent; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, and Mr. GRAHAM):

S. 2324. A bill to suspend temporarily the duty on 120 volt/60Hz electrical transformers; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, and Mr. GRAHAM):

S. 2325. A bill to suspend temporarily the duty on loudspeakers not mounted in their enclosures; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2326. A bill to extend the temporary suspension of duty on certain synthetic filament yarns; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2327. A bill to suspend temporarily the duty on Antarctic krill oil; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2328. A bill to extend the temporary suspension of duty on certain untwisted filament yarns; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2329. A bill to suspend temporarily the duty on certain plastic fittings composed of perfluoroalkoxy (PFA) resin; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2330. A bill to suspend temporarily the duty on certain woven mesh fabric; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2331. A bill to suspend temporarily the duty on cellular plastic membrane sheets of polytetrafluoroethylene resin; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2332. A bill to suspend temporarily the duty on porous hollow filaments of perfluoralkoxy (PFA) copolymer resin; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, Mr. BUNNING, and Mr. ENSIGN):

S. 2333. A bill to extend the temporary suspension of duty on volleyballs; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, Mr. BUNNING, and Mr. ENSIGN):

S. 2334. A bill to extend the temporary suspension of duty on leather basketballs; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, Mr. BUNNING, and Mr. ENSIGN):

S. 2335. A bill to extend the temporary reduction of duty on basketballs other than leather or rubber; to the Committee on Finance.

By Mr. SESSIONS (for himself, Mr. LIEBERMAN, and Mr. BOND):

S. 2336. A bill to safeguard intelligence collection and enact a fair and responsible reauthorization of the 3 expiring provisions of the USA PATRIOT Improvements and Reauthorization Act; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 2337. A bill to suspend temporarily the duty on Pyrethrum Extract; to the Committee on Finance.

By Mr. VITTER:

S. 2338. A bill to extend the suspension of duty on Chloroacetone; to the Committee on Finance.

By Mr. VITTER:

S. 2339. A bill to suspend temporarily the duty on 2-Nitrophenol; to the Committee on Finance.

By Mr. VITTER:

S. 2340. A bill to extend the temporary suspension of duty on 2-Acetylnicotinic acid; to the Committee on Finance.

By Mr. VITTER:

S. 2341. A bill to suspend temporarily the duty on cyclopentanone; to the Committee on Finance.

By Mr. VITTER:

S. 2342. A bill to suspend temporarily the duty on glyoxlyic acid; to the Committee on Finance.

By Mr. VITTER:

S. 2343. A bill to suspend temporarily the duty on certain men's footwear covering the ankle, the height of which from the bottom of the outer sole to the top of the upper exceeds 19 cm, with waterproof molded soles, valued at more than $30 per pair; to the Committee on Finance.

By Mr. VITTER:

S. 2344. A bill to suspend temporarily the duty on certain women's footwear covering the ankle, the height of which from the bottom of the outer sole to the top of the upper exceeds 19 cm, with waterproof molded soles, valued at more than $30 per pair; to the Committee on Finance.

By Mr. VITTER:

S. 2345. A bill to extend the temporary suspension of duty on methyoxyacetic acid; to the Committee on Finance.

By Mr. VITTER:

S. 2346. A bill to extend the temporary suspension of duty on Mesotrione; to the Committee on Finance.

By Mr. VITTER:

S. 2347. A bill to suspend temporarily the duty on s-Metolachlor; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2348. A bill to temporarily suspend the duty on reusable surgical drapes of textile materials; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2349. A bill to reduce temporarily the duty no frames and mountings for spectacles, goggles, or the like, the foregoing of plastics; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2350. A bill to extend temporarily the duty no Rhenogran TP-50; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2351. A bill to extend temporarily the suspension of duty on Rhenogran Geniplex-70; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2352. A bill to extend temporarily the suspension of duty on Rhenogran Diuron-80; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2353. A bill to extend the temporary suspension of duty on Rhenogran CLD–80; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2354. A bill to extend temporarily the suspension of duty on RC Retarder 1092; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2355. A bill to suspend temporarily the duty on 1,3-Propanediaminium, N-[3-[[[dimethyl[3-[(2-methyl-1-oxo-2-propenyl)amino]propyl]ammonio]acetyl]amino]propyl]-2-hydroxy-N,N,N',N',N'-pentamethyl-, trichloride, polymer with 2-propenamide; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2356. A bill to suspend temporarily the duty on a mixture of 1-(1 ,2,3,4,5,6,7,8-octahydro-2,3,8,8-tetramethyl-2-naphthalenyl)-ethan-1-one (and isomers); to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2357. A bill to suspend temporarily the duty on 2-cyclo-hexylidene-2-phenyl acetonitrile; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2358. A bill to suspend temporarily the duty on certain warp knit open-work fabric; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2359. A bill to renew temporarily the suspension of duty on 1-Octadecanaminium, N, N-dimethyl-N-octadecyl-, (SP-4-2)-129H, 31H-phthalocyanine 2-sulfonato(3)-.kappa.N29, .kappaN30, .kappa.N31, .kappa.N32Jcuprate(1); to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2360. A bill to suspend temporarily the duty on certain fire retardant materials used to make mattresses; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2361. A bill to reduce temporarily the duty on Butylated reaction product of p-cresol and DCPD (dicyclopentadiene); to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2362. A bill to extend temporarily the suspension of duty on Thermostabilizer KL3-2049; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2363. A bill to extend and modify temporarily the suspension of duty on Methylionone; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2364. A bill to suspend temporarily the duty on 50% Homopolymer, 3-(Dimethylamino) Propyl Amide, Di-Me Sulfate-Quarternized 50% Polyricinoleic Acid; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2365. A bill to suspend temporarily the duty on Polymer Acid Salt/Polymer Amide; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2366. A bill to suspend temporarily the duty on 50 Percent Amide Neutralized Phosphated Polyester Polymer, 50 Percent Solvesso 100; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2367. A bill to suspend temporarily the duty on 12-Hydroxyoctadecanoic acid, Reaction Product with N,N-Dimethyl, 1,3-Propanediamine, Dimethyl Sulfate, Quarternized; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2368. A bill to suspend temporarily the duty on 40% Polymer acid salt/polymer amide 60% Butyl acetate; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2369. A bill to suspend temporarily the duty on certain plastic laminate sheets; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2370. A bill to suspend temporarily the duty on artificial flowers of man-made fibers assembled as clips; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2371. A bill to suspend temporarily the duty on artificial flowers of man-made fibers assembled as picks; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2372. A bill to suspend temporarily the duty on artificial flowers of man-made fibers as candle rings; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2373. A bill to suspend temporarily the duty on certain pencil pouches; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2374. A bill to suspend temporarily the duty on certain microwave oven and range hood combinations; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2375. A bill to suspend temporarily the duty on certain laundry work surfaces; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2376. A bill to suspend temporarily the duty on certain dimming ballasts for fluorescent lighting; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2377. A bill to suspend the duty on certain book sleeves of man-made fabric; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2378. A bill to suspend temporarily the duty on certain three-ring binders with small, built in amplifiers; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2379. A bill to suspend temporarily the duty on certain three-ring binders wholly or

predominantly covered with polyester fabrics; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2380. A bill to suspend temporarily the duty on certain carry-all sleeves with small, built-in amplifiers; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2381. A bill to suspend temporarily the duty on certain desk accessory cases with small, built-in amplifiers; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2382. A bill to suspend temporarily the duty on parts of frames and mountings for spectacles, goggles, or the like; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2383. A bill to suspend temporarily the duty on reusable surgical wrappers of textile materials; to the Committee on Finance.

By Mrs. HAGAN:

S. 2384. A bill to extend temporarily the suspension of duty on mucochloric acid; to the Committee on Finance.

By Mrs. HAGAN:

S. 2385. A bill to extend the temporary suspension of duty on 2-Naphthalenesulfonic acid, 7-[(5-chloro-2,6-difluoro-4-pyrimidinyl)amino]-4-hydroxy-3-[(4-methoxy-2-sulfophenyl)azo]-, sodium salt; to the Committee on Finance.

By Mrs. HAGAN:

S. 2386. A bill to extend the temporary suspension of duty on 2,7-Naphtalenedisulfonic acid, 4-amino-5-hydroxy-6-[[2-methoxy-5-[[2-(sulfooxy)ethyl]sulfonyl]phenyl]azo]-3-[[4-[[2-(sulfooxy)ethyl]sulfonyl]phenyl]azo]-, tetrasodium salt; to the Committee on Finance.

By Mrs. HAGAN:

S. 2387. A bill to extend the temporary suspension of duty on 2,7-Naphtalenedisulfonic acid, 4-amino-5-hydroxy-3,6-bis[[4-[[2-(sulfooxy)ethyl]sulfonyl]phenyl]azo]-, tetrasodium salt; to the Committee on Finance.

By Mrs. HAGAN:

S. 2388. A bill to extend the temporary suspension of duty on 3-Pyridinecarbonitrile, 5-[(2-cyano-4-nitrophenyl)azo]-2-[[2-(2-hydroxyethyoxy)ethyl] amino]-4-methyl-6-(phenylamino)-; to the Committee on Finance.

By Mrs. HAGAN:

S. 2389. A bill to extend the temporary suspension of duty on Acetic acid, cyano[3-[(6-methoxy-2-benzothiazolyl)amino]-1H-isoindol-1-yl idene]-, pentyl ester; to the Committee on Finance.

By Mrs. HAGAN:

S. 2390. A bill to suspend temporarily the duty on Acid Blue 234; to the Committee on Finance.

By Mrs. HAGAN:

S. 2391. A bill to extend the temporary suspension of duty on Benzenesulfonic acid, [(9,10-dihydro-9,10-dioxo-1,4-anthracenediyl)bis[imino[3-(2-methylpropyl)-3, 1-propanediyl]]]bis-, disodium salt; to the Committee on Finance.

By Mrs. HAGAN:

S. 2392. A bill to extend the temporary suspension of duty on Acetic acid, [4-2,6-dihydro-2,6-dioxo-7-phenylbenzo[1,2-b:4,5-b′]difuan-3yl)phenoxy]-, 2-ethoxyethyl ester; to the Committee on Finance.

By Mrs. HAGAN:

S. 2393. A bill to extend the temporary suspension of duty on Benzo[1,2-b:4,5-b′]difuran-2,6-dione, 3-phenyl-7-(4-propoxyphenyl)-; to the Committee on Finance.

By Mrs. HAGAN:

S. 2394. A bill to modify and extend temporarily the duty reduction on PHBA; to the Committee on Finance.

By Mrs. HAGAN:

S. 2395. A bill to renew the temporary suspension of duty on 9,10-Anthracendione, 1-amino-4-hydroxy-2-phenoxy-; to the Committee on Finance.

By Mrs. HAGAN:

S. 2396. A bill to extend the temporary suspension of duty on 9,10-Anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenylamino)-; to the Committee on Finance.

By Mrs. HAGAN:

S. 2397. A bill to extend the temporary suspension of duty on Chromate(2-), [2,4-dihydro-4-[[2-(hydroxy-kO)-4-nitrophenyl]azo-kN1]-5-met hyl-3H-pyrazol-3-onato(2-)-kO3][3-[[4,5-dihydro-3-methyl-1-(4-methylphenyl)-5-(oxo-kO)-1H-pyrazol-4-yl]azo-kN1]-4-(hydroxy-kO)-5-nitro benzenesulfonato(3-)]-, disodium; to the Committee on Finance.

By Mrs. HAGAN:

S. 2398. A bill to extend the temporary suspension of duty on 9,10-Anthracenedione,1,8-bis(phenyltiho)-; to the Committee on Finance.

By Mrs. HAGAN:

S. 2399. A bill to extend the temporary suspension of duty on 2,7-Naphthalenedisulfonic acid, 4-amini-3,6-bis[[5-[[4-chloro-6-[methyl[2-methylamino)-2-oxoethyl]amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo-5-hydroxy-, lithium potassium sodium salt; to the Committee on Finance.

By Mrs. HAGAN:

S. 2400. A bill to extend the temporary suspension of duty on staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2401. A bill to extend the temporary suspension of duty on staple fibers of viscose rayon, carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2402. A bill to extend the temporary suspension of duty on staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2403. A bill to extend the temporary suspension of duty on filament tow of rayon; to the Committee on Finance.

By Mrs. HAGAN:

S. 2404. A bill to extend the temporary reduction of duty on acrylic or modacrylic filament tow; to the Committee on Finance.

By Mrs. HAGAN:

S. 2405. A bill to extend the temporary suspension of duty on acrylic or modacrylic staple fibers, carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2406. A bill to extend the temporary suspension of duty on acrylic or modacrylic staple fibers, not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2407. A bill to reduce temporarily the duty on lithium carbonates; to the Committee on Finance.

By Mrs. HAGAN:

S. 2408. A bill to extend the temporary suspension of duty on 1-Acetyl-4-(3-dodecyl-2,5-dioxo-1-pyrrolidinyl)-2,2,6,6tetramethylpiperidine; to the Committee on Finance.

By Mrs. HAGAN:

S. 2409. A bill to extend the temporary suspension of duty on sodium petroleum sulfonic acids, sodium salts; to the Committee on Finance.

By Mrs. HAGAN:

S. 2410. A bill to extend the temporary suspension of duty on 1,3-Benzenedicarboxamide, N, N′-bis-(2,2,6,6-tetramethyl-4-piperidinyl)-; to the Committee on Finance.

By Mrs. HAGAN:

S. 2411. A bill to extend the temporary suspension of duty on reaction products of phosphorous trichloride with 1,1′—biphenyl and 2 ,4—bis(1,1—dimethylethyl)phenol; to the Committee on Finance.

By Mrs. HAGAN:

S. 2412. A bill to extend the temporary suspension of duty on preparations based on ethanediamide, N–(2–ethoxyphenyl)–N′–(4–isodecylphenyl)–; to the Committee on Finance.

By Mrs. HAGAN:

S. 2413. A bill to extend the temporary suspension of duty on 3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolidinedione; to the Committee on Finance.

By Mrs. HAGAN:

S. 2414. A bill to suspend temporarily the duty on certain window shade material in rolls measuring between 300 and 500 square feet; to the Committee on Finance.

By Mrs. HAGAN:

S. 2415. A bill to suspend temporarily the duty on certain window shade material; to the Committee on Finance.

By Mrs. HAGAN:

S. 2416. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2417. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2418. A bill to suspend temporarily the duty on acrylic or modacrylic synthetic filament tow; to the Committee on Finance.

By Mrs. HAGAN:

S. 2419. A bill to suspend temporarily the duty on acrylic or modacrylic synthetic filament tow; to the Committee on Finance.

By Mrs. HAGAN:

S. 2420. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2421. A bill to extend the temporary suspension of duty on Chloroacetic acid, sodium salt; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2422. A bill to suspend temporarily the duty on certain leather upper sports footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2423. A bill to suspend temporarily the duty on certain non-women's leather footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2424. A bill to suspend temporarily the duty on certain sports footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2425. A bill to suspend temporarily the duty on certain women's footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2426. A bill to suspend temporarily the duty on certain children's footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2427. A bill to suspend temporarily the duty on certain women's non-work footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2428. A bill to suspend temporarily the duty on certain men's non-work footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2429. A bill to suspend temporarily the duty on certain children's sandals and similar footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2430. A bill to extend the temporary suspension of duty on certain children's footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2431. A bill to extend the temporary suspension of duty on certain men's footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2432. A bill to extend the temporary suspension of duty on certain children's footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2433. A bill to extend the temporary suspension of duty on certain footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2434. A bill to extend the temporary suspension of duty on certain footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2435. A bill to suspend temporarily the duty on microcrystalline anatase-type titanium dioxide; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2436. A bill to extend the temporary suspension of duty on polytetramethylene ether glycol (tetrahydro-3-methylfuran, polymer with tetrahydrofuran); to the Committee on Finance.

By Mr. BROWNBACK:

S. 2437. A bill to modify and extend the temporary suspension of duty on certain emergency illumination lights designed for use in aircraft; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2438. A bill to modify and extend the temporary suspension of duty on certain vacuum relief valves designed for use in aircraft; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2439. A bill to modify and extend the temporary suspension of duty on certain seals designed for use in aircraft; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2440. A bill to extend the temporary suspension of duty on marine sextants of metal designed for use in navigating by celestial bodies; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2441. A bill to suspend temporarily the duty on certain windsock type decoys; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2442. A bill to suspend temporarily the duty on certain yard ornaments depicting school mascots; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2443. A bill to suspend temporarily the duty on certain implements for cleaning hunted fowl; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2444. A bill to suspend temporarily the duty on certain children's textile upper footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2445. A bill to suspend temporarily the duty on certain leather upper footwear; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, Mr. BUNNING, and Mr. ENSIGN):

S. 2446. A bill to extend the temporary reduction of duty on rubber basketballs; to the Committee on Finance.

By Mr. CORNYN:

S. 2447. A bill to extend and modify the temporary reduction of duty on propiconazole technical; to the Committee on Finance.

By Mr. CORNYN:

S. 2448. A bill to extend and modify the temporary reduction of duty on paraquat technical; to the Committee on Finance.

By Mr. CORNYN:

S. 2449. A bill to extend and make technical corrections to the temporary suspension of duty on 4-chloro-N-[2-[3-methoxy-4-(2-propynyloxy)phenyl]ethyl]-2-(2-propynyloxy)benzeneacetamide; to the Committee on Finance.

By Mr. CORNYN:

S. 2450. A bill to extend the temporary suspension of duty on 1,3-benzenedicarbontrile; to the Committee on Finance.

By Mr. CORNYN:

S. 2451. A bill to suspend temporarily the duty on mixtures of Paclobutrazol 2SC; to the Committee on Finance.

By Mr. CORNYN:

S. 2452. A bill to renew and make technical corrections to the temporary suspension of duty on paclobutrazol technical; to the Committee on Finance.

By Mr. CORNYN:

S. 2453. A bill to extend the temporary suspension of duty on phosphoric acid, lanthanum salt, cerium terbium-doped; to the Committee on Finance.

By Mr. CORNYN:

S. 2454. A bill to extend the temporary suspension of duty on mixtures or coprecipitates of yttrium oxide and europium oxide; to the Committee on Finance.

By Mr. CORNYN:

S. 2455. A bill to extend and modify the temporary reduction of duty on pigment preparations based on cerium sulfide or mixtures of cerium sulfide and lanthanum sulfide; to the Committee on Finance.

By Mr. CORNYN:

S. 2456. A bill to extend the temporary reduction of duty on potassium sorbate; to the Committee on Finance.

By Mr. CORNYN:

S. 2457. A bill to extend the temporary reduction of duty on sorbic acid; to the Committee on Finance.

By Mr. CORNYN:

S. 2458. A bill to extend the temporary reduction of duty on certain liquid-filled glass bulbs; to the Committee on Finance.

By Mr. CORNYN:

S. 2459. A bill to suspend temporarily the duty on bis(4-t-butylcyclohexyl)peroxydicarbonate; to the Committee on Finance.

By Mr. CORNYN:

S. 2460. A bill to suspend temporarily the duty on dilauroyl peroxide; to the Committee on Finance.

By Mr. CORNYN:

S. 2461. A bill to suspend temporarily the duty on didecanoyl peroxide; to the Committee on Finance.

By Mr. CORNYN:

S. 2462. A bill to suspend temporarily the duty on electric pneumatic airsoft rifles; to the Committee on Finance.

By Mr. CORNYN:

S. 2463. A bill to suspend temporarily the duty on Normal Parrafin M; to the Committee on Finance.

By Mr. CORNYN:

S. 2464. A bill to suspend temporarily the duty on 2-hydroxyethy1-n-octyl sulfide; to the Committee on Finance.

By Mr. CORNYN:

S. 2465. A bill to reduce temporarily the duty on arrangements of artificial flowers of man-made fibers; to the Committee on Finance.

By Mr. CORNYN:

S. 2466. A bill to reduce temporarily the duty on artificial flowers of man-made fibers assembled as floral stems; to the Committee on Finance.

By Mr. CORNYN:

S. 2467. A bill to suspend temporarily the duty on photomask blanks; to the Committee on Finance.

By Mr. CORNYN:

S. 2468. A bill to suspend temporarily the duty on sound-isolating earphones; to the Committee on Finance.

By Mr. VITTER:

S. 2469. A bill to extend the suspension of duty on DEMBB; to the Committee on Finance.

By Mr. VITTER:

S. 2470. A bill to renew the suspension of duty on Prodiamine; to the Committee on Finance.

By Mr. GRAHAM:

S. 2471. A bill to provide for the liquidation or reliquidation of certain entries of manufacturing equipment entered on or after October 21, 1998, and before July 10, 1999; to the Committee on Finance.

By Mr. GRAHAM:

S. 2472. A bill to provide for the liquidation or reliquidation of certain entries of truck tires entered on or after March 21, 2006, and on or before June 20, 2006; to the Committee on Finance.

By Mr. GRAHAM:

S. 2473. A bill to provide for the liquidation or reliquidation of certain entries of truck tires entered on or after July 7, 2004, and on or before July 12, 2006; to the Committee on Finance.

By Mr. GRAHAM:

S. 2474. A bill to provide for the liquidation or reliquidation of certain entries of truck tires entered on or after September 7, 2005, and on or before August, 15, 2006; to the Committee on Finance.

By Mr. GRAHAM:

S. 2475. A bill to provide for the liquidation or reliquidation of certain entries of truck tires entered on or after November 3, 2004, and on or before September 14, 2005; to the Committee on Finance.

By Mr. GRAHAM:

S. 2476. A bill to provide for the liquidation or reliquidation of certain entries of truck tires entered on or after April 19, 2006, and on or before August 23, 2006; to the Committee on Finance.

By Mr. GRAHAM:

S. 2477. A bill to provide for the liquidation or reliquidation of certain entries of truck tires entered on or after April 13, 2004, and on or before December 28, 2004; to the Committee on Finance.

By Mr. GRAHAM:

S. 2478. A bill to provide for the liquidation or reliquidation of certain entries of truck tires entered on or after January 6, 2005, and on or before June 21, 2005; to the Committee on Finance.

By Mr. GRAHAM:

S. 2479. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mr. GRAHAM:

S. 2480. A bill to suspend temporarily the duty on certain hot feed extruding equipment used in the manufacture of extra-wide pneumatic truck and automobile tires, and parts and accessories thereof; to the Committee on Finance.

By Mr. GRAHAM:

S. 2481. A bill to suspend temporarily the duty on certain mold curing devices used in the manufacture of extra-wide pneumatic truck and automobile tires, and parts and accessories thereof; to the Committee on Finance.

By Mr. GRAHAM:

S. 2482. A bill to extend the temporary suspension of duty on sulfur black 1; to the Committee on Finance.

By Mr. GRAHAM:

S. 2483. A bill to extend the temporary suspension of duty on cyanuric chloride; to the Committee on Finance.

By Mr. GRAHAM:

S. 2484. A bill to extend the temporary suspension of duty on certain sawing machines; to the Committee on Finance.

By Mr. GRAHAM:

S. 2485. A bill to extend the temporary suspension of duty on certain machines for molding or forming pneumatic tires; to the Committee on Finance.

By Mr. GRAHAM:

S. 2486. A bill to extend the temporary suspension of duty on 2,6-Dichlorotoluene; to the Committee on Finance.

By Mr. GRAHAM:

S. 2487. A bill to extend the temporary suspension of duty on crotonic acid; to the Committee on Finance.

By Mr. GRAHAM:

S. 2488. A bill to suspend temporarily the duty on sodium hypophosphite; to the Committee on Finance.

By Mr. GRAHAM:

S. 2489. A bill to suspend temporarily the duty on 2-Chloro-6-(methylthio)toluene; to the Committee on Finance.

By Mr. GRAHAM:

S. 2490. A bill to extend and modify the temporary suspension of duty on certain machine tools for working wire of iron and steel; to the Committee on Finance.

By Mr. GRAHAM:

S. 2491. A bill to extend and modify the temporary suspension of duty on certain shearing machines; to the Committee on Finance.

By Mr. GRAHAM:

S. 2492. A bill to extend and modify the temporary suspension of duty on certain sector mold press machines; to the Committee on Finance.

By Mr. GRAHAM:

S. 2493. A bill to extend and modify the temporary suspension of duty on certain machinery for molding or otherwise forming rubber; to the Committee on Finance.

By Mr. GRAHAM:

S. 2494. A bill to renew the temporary suspension of duty on cobalt boron; to the Committee on Finance.

By Mr. GRAHAM:

S. 2495. A bill to renew and modify the temporary suspension of duty on ferroboron; to the Committee on Finance.

By Mr. GRAHAM:

S. 2496. A bill to suspend temporarily the duty on mixtures of tetrakis(hydroxymethyl)phosphonium chloride, polymer with urea, tetrakis(hydroxymethyl)phosphonium chloride, formaldehyde, and water/inters; to the Committee on Finance.

By Mr. GRAHAM:

S. 2497. A bill to provide for the liquidation or reliquidation of certain entries of manufacturing equipment entered on or after May 11, 1997, and before October 21, 1998; to the Committee on Finance.

By Mr. GRAHAM:

S. 2498. A bill to provide for the liquidation and reliquidation of certain entries of manufacturing equipment entered on or after May 11, 1997, and before October 21, 1998; to the Committee on Finance.

By Mr. GRAHAM:

S. 2499. A bill to provide for the liquidation or reliquidation of an entry of certain manufacturing equipment entered on February 9, 2002; to the Committee on Finance.

By Mr. GRAHAM:

S. 2500. A bill to suspend temporarily the duty on p-fluorobenzaldehyde; to the Committee on Finance.

By Mr. GRAHAM:

S. 2501. A bill to renew the temporary suspensions of duty on acetyl chloride; to the Committee on Finance.

By Mr. GRAHAM:

S. 2502. A bill to suspend temporarily the duty on Dianil; to the Committee on Finance.

By Mr. GRAHAM:

S. 2503. A bill to suspend temporarily the duty on nPBAL; to the Committee on Finance.

By Mr. GRAHAM:

S. 2504. A bill to suspend temporarily the duty on Primid XL–552; to the Committee on Finance.

By Mr. GRAHAM:

S. 2505. A bill to extend the temporary suspension of duty on 1,4-Benzenedicarboxylic acid, polymer with N,N′-bis(2-aminoethyl)-1,2-ethanediamine, cyclized, methosulfate; to the Committee on Finance.

By Mr. GRAHAM:

S. 2506. A bill to provide for the liquidation or reliquidation of certain entries of artificial foliage; to the Committee on Finance.

By Mr. GRAHAM:

S. 2507. A bill to suspend temporarily the duty on Primid QM–1260; to the Committee on Finance.

By Mr. GRAHAM:

S. 2508. A bill to reduce temporarily the duty on 4-ADPA; to the Committee on Finance.

By Mr. GRAHAM:

S. 2509. A bill to extend the temporary suspension of duty on Mixtures of N-phenyl-N-((trichloromethyl)thio)-benzenefulfonamide, calcium carbonate, and mineral oil; to the Committee on Finance.

By Mr. GRAHAM:

S. 2510. A bill to suspend temporarily the duty on Grilamid TR 90; to the Committee on Finance.

By Mr. GRAHAM:

S. 2511. A bill to suspend temporarily the duty on Grilbond IL 6–50%F; to the Committee on Finance.

By Mr. GRAHAM:

S. 2512. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Finance.

By Mr. GRAHAM:

S. 2513. A bill to suspend temporarily the duty on himic anhydride; to the Committee on Finance.

By Mr. GRAHAM:

S. 2514. A bill to suspend temporarily the duty on o-Dichlorobenzene; to the Committee on Finance.

By Mr. GRAHAM:

S. 2515. A bill to suspend temporarily the duty on silver sodium hydrogen zirconium phosphate; to the Committee on Finance.

By Mr. GRAHAM:

S. 2516. A bill to suspend temporarily the duty on nonwoven diffusion media; to the Committee on Finance.

By Mr. GRAHAM:

S. 2517. A bill to suspend temporarily the duty on 2 ,2'-Dithioibisbenzothiazole; to the Committee on Finance.

By Mr. GRAHAM:

S. 2518. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mr. GRAHAM:

S. 2519. A bill to suspend temporarily the duty on certain tirebuilding machines used in the manufacture of extra-wide pneumatic truck and automobile tires, and parts and accessories thereof; to the Committee on Finance.

By Mr. GRAHAM:

S. 2520. A bill to suspend the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself and Mr. LUGAR):

S. Res. 328. A resolution commemorating the 20th anniversary of the fall of the Berlin Wall, the end of the division of Europe, and the beginning of the peaceful and democratic reunification of Germany; to the Committee on Foreign Relations.

By Mr. DORGAN (for himself, Mr. BAUCUS, Ms. COLLINS, Mr. CONRAD, Mr. SCHUMER, Mr. AKAKA, Mr. LUGAR, Mr. FRANKEN, Ms. MIKULSKI, and Ms. MURKOWSKI):

S. Res. 329. A resolution recognizing the month of October 2009 as ''National Principals Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 118

At the request of Mr. KOHL, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 118, a bill to amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 324

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 324, a bill to provide for research on, and services for individuals with, postpartum depression and psychosis.

S. 456

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. SPECTER) 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. 819

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KIRK) was added as a cosponsor of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. 985

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 985, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Indiana (Mr. BAYH), the Senator from Michigan (Mr. LEVIN), the Senator from Oregon (Mr. WYDEN), the Senator from Indiana (Mr. LUGAR), the Senator from Texas (Mr. CORNYN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors 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. 1065

At the request of Mr. BROWNBACK, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1158

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 1234

At the request of Mr. LIEBERMAN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1234, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1389, a bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

S. 1481

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1481, a bill to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

S. 1521

At the request of Ms. KLOBUCHAR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1521, a bill to amend titles XVIII and XIX of the Social Security Act to require provider payments under Medicare and Medicaid to be made through direct deposit or electronic funds transfer (EFT) at insured depository institutions.

S. 1524

At the request of Mr. KERRY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1524, a bill to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes.

S. 1538

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1538, a bill to establish a black carbon and other aerosols research program in the National Oceanic and Atmospheric Administration that supports observations, monitoring, modeling, and for other purposes.

S. 1624

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1624, a bill to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, and for other purposes.

S. 1628

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1628, a bill to amend title VII of the Public Health Service Act to increase the number of physicians who practice in underserved rural communities.

S. 1652

At the request of Mr. HARKIN, the name of the Senator from Maryland (Mr. CARDIN) 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. 1653

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1653, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 1703

At the request of Mr. DORGAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1703, 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.

S. 1713

At the request of Mr. REID, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1713, a bill to establish loan guarantee programs to develop biochar technology using excess plant biomass, to establish biochar demonstration projects on public land, and for other purposes.

S. 1792

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1792, a bill to amend the Internal Revenue Code of 1986 to modify the requirements for windows, doors, and skylights to be eligible for the credit for nonbusiness energy property.

S. 1832

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1832, a bill to increase loan limits for small business concerns, provide for low interest refinancing for small business concerns, and for other purposes.

S. 1833

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1833, a bill to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes.

S. 1834

At the request of Mr. AKAKA, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1834, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 1862

At the request of Mr. LIEBERMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1862, a bill to provide that certain Secret Service employees may elect to transition to coverage under the District of Columbia Police and Fire Fighter Retirement and Disability System.

S. 1938

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1938, a bill to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. RES. 210

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

S. RES. 268

At the request of Mr. MENENDEZ, the name of the Senator from Texas (Mrs.

HUTCHISON) was added as a cosponsor of S. Res. 268, a resolution recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and their immense contributions to the Nation.

S. RES. 316

At the request of Mr. MENENDEZ, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 316, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL of Colorado (for himself, Mr. BINGAMAN, and Ms. MURKOWSKI):

S. 2052. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, I rise to speak about the role nuclear energy can play in moving our country toward a more secure energy future. For some, news that a Udall is speaking favorably about nuclear power will come as a stark and perhaps unpleasant surprise. But I also believe public and expert opinion on the risks and benefits of nuclear power has changed.

The environmental and energy security challenges that we faced in the 1970s, when that decade closed in the shadow of Three Mile Island, have changed significantly. When my father Mo Udall campaigned for President in the New Hampshire primary in 1976—and the Presiding Officer remembers that era—and when he was asked about the controversial Seabrook nuclear facility, no one had climate change on their list of environmental concerns.

Today, more than 30 years on, we have a less parochial and more global view about the challenges of energy security, climate change, and the problems associated with carbon-based energy production.

Given the economic, national security, and environmental threats our current energy system creates, we need a comprehensive and cleaner national energy policy. In this regard, clearly, nuclear energy has emerged as an important player in our search for a stable and domestic energy source that has less greenhouse gas emissions.

A cleaner energy economy will spur innovation in and accelerate the shift to clean and domestic energy sources. It will create a new industrial sector, employing millions of Americans in the research, development, manufacturing, sale, installation and servicing of new energy technologies. And it will help reduce our dependence on foreign oil from unstable regions of the world.

Moreover, like it or not, we must address the climate challenge we face. My State of Colorado is already seeing the indirect impacts of carbon pollution in the form of a devastating bark beetle infestation that is killing our forests.

Looking beyond environmental concerns and as we face perhaps our greatest economic crisis since the Great Depression, we also need an ''all of the above'' solution to jump-start our economy. That means continuing our development of renewable energy sources such as wind, solar, and biomass, as well as traditional energy resources like coal and oil, and cleaner fuels like natural gas.

That also means we should continue to invest in energy efficiency and conservation technology. And that means that nuclear energy and new nuclear power plants must be a part of the mix.

As I said earlier, a growing number of skeptics and even opponents of nuclear power are taking a second look at this industry. I count myself among them, and these are some of the reasons why:

First, in the last few decades, the performance and safety record of nuclear plant operations in the United States has greatly improved. Safety is and always must be the No. 1 priority at nuclear facilities. There is always more we can do on safety, but the industry has built a good record and we should recognize that fact.

Then there are the environmental benefits to nuclear power. Unlike fossil fuel plants, nuclear plants do not emit appreciable amounts of sulfur dioxide, nitrogen oxides, mercury or particulate matter. That means they cause less acid rain, as well as fewer asthma complications and other health ailments.

Further, nuclear plants release minimal amounts of carbon pollution. In fact, nuclear power plants are one of the few low-carbon, large-scale sources of baseload power that we know how to build today.

Let me note that carbon-capture and storage technologies at coal and natural gas plants could also potentially provide low-carbon baseload power at large scales too. And it is very important that we build these first commercial CCS plants and do all we can to develop economically viable carbon-capture and sequestration technologies.

I have long been a supporter of renewable energy and energy efficiency, and I will continue to be. But the scale of the energy changes we must make dictates that we be open to the widest variety of energy options, particularly those with domestic potential and those with cleaner emissions. In other words, there is no silver bullet that will solve all of our energy challenges; we are going to need, in the parlance of the West, silver buckshot. Examining all the pros and cons, I have come to the view that nuclear energy is a part of that silver buckshot.

I know there are many who remain skeptical of nuclear power, including good friends of mine. Nuclear power is not trouble-free. No energy source is. I hope we can all agree, however, on our clean energy goals: more jobs, greater energy security, and a cleaner environment for our children.

Supporters and opponents of nuclear power share another concern in common. Neither knows for sure how much new nuclear plants are going to cost. We have a new licensing process that has never been tested. We have not ordered a new nuclear plant in three decades. Many nuclear technology components, for at least the first wave of nuclear plants, will likely be manufactured in other countries, and the future cost of construction materials is unknown. These uncertainties, along with others, led the National Academy of Sciences to estimate that electricity from new nuclear plants would likely cost in the range of 8 to 13 cents per kilowatt hour, which is a considerable span. Given the large potential of nuclear energy, however, we need to build new nuclear plants over the next decade.

This first wave of new plants will go a long way toward telling us whether new plants can be built on budget and on schedule in the United States. I hope the answers are yes and yes, and that the final cost of electricity is at the lower end of the uncertainty range. I say this because if nuclear energy is to survive as a viable option, it will need to compete against other low-carbon technologies in the long run.

Some may object to the building of new nuclear plants before we have a long-term solution to the question of what to do with nuclear waste. It is true we do not have a permanent solution right now. It is also true that the answers about the viability, both environmental and political, of Yucca Mountain as a permanent waste facility continue to elude us. I fully acknowledge that as a Member of the House of Representatives, I shared these concerns and voted accordingly. But uncertainty about a long-term and permanent solution to waste storage is not a reason to halt nuclear power. I am confident that we have the technical capabilities and knowledge to safely and responsibly store nuclear waste for the required time periods. This is not a technology problem. It is a challenge to find a fair and safe path forward, and I support the President's intention to appoint a blue ribbon commission to make such a recommendation.

In the meantime, dry cask storage provides a safe, proven option for at least 100 years. We have time to get this right, so let us not rush into anything out of a false sense of emergency.

Let me turn to another subject tied to nuclear power production, and that

is reprocessing. It has been suggested that we should build commercial scale facilities in the United States to reprocess our spent fuel as France and Japan do. I do not believe that makes sense. Why? First, the French system of reprocessing is not a comprehensive waste management strategy, and so far the benefits from that approach have been fairly marginal. In other words, they have not solved their waste challenge with reprocessing. Secondly, we do not need to recycle spent nuclear fuel to enable the expansion of nuclear power in the United States and elsewhere. Uranium supplies are sufficient to support a worldwide expansion of nuclear power during this next century. Third, the international proliferation risk associated with reprocessing is a concern. The process used in France creates separated plutonium which could be diverted for weapons production. I do not want to see separated plutonium in any country but especially in those that are unfriendly to us. And we are in a weaker position to try and dissuade those countries from reprocessing if we are doing it ourselves.

My conclusion is that a near-term decision to deploy reprocessing facilities would be unwise and unnecessary. I do support research into advanced proliferation-resistant technologies, though none of those will be ready for deployment anytime in the near future. In general, our goal should be to keep nuclear power as low-cost and proliferation-resistant as possible.

To that end, today I am introducing a bipartisan bill, the Nuclear Energy Research Initiative Improvement Act of 2009. This bill, which is cosponsored by Chairman BINGAMAN and Ranking Member MURKOWSKI, authorizes the U.S. Department of Energy to conduct research into modular and small-scale reactors, enhanced proliferation controls, and cost-efficient manufacturing.

We are going to be debating clean energy later this Congress. I know several of my colleagues on both sides of the aisle would like to see a strong nuclear title. I hope we can come to a reasonable compromise that advances nuclear power and allows us to finally put a price on carbon pollution. That will give the energy sector the certainty it needs to begin planning and building our clean energy future and to begin creating clean energy jobs.

Nuclear plants to date provide jobs for thousands of Americans, and new plants would provide thousands more. New plants would also generate millions in tax revenues for State, local, and Federal governments struggling with large deficits from the economic downturn. Nuclear power's energy security and environmental benefits have earned this industry an important place at the table. It is my hope we can build some nuclear plants over the next decade to create jobs and build a cleaner, more secure tomorrow.

I invite all of my colleagues, from both sides of the aisle, to join Senator BINGAMAN, Senator MURKOWSKI, and me in cosponsoring the Nuclear Energy Research Initiative Improvement Act of 2009.

One of my energy fellows, Matt Bowen, is leaving my office to join the Department of Energy. I thank Matt for his work in my office, including on the bill I am introducing today, and I wish him well at the Department of Energy. We have been well served as a country by Matt Bowen's patriotism and work ethic.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2081. A bill to amend the Internal Revenue Code of 1986 to accelerate locomotive fuel savings nationwide and provide incentives for owners of high polluting locomotives to replace such locomotives with newly-built or newly-remanufactured fuel efficient and less polluting locomotives; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to describe legislation I have introduced that will help businesses, sustain and create jobs, spur economic development for a struggling industry and benefit the environment.

The locomotive industry in the U.S. directly employs over 125,000 people and supports a wide-range of secondary industries which contribute to the locomotive manufacturing process through operations located around the country. This vital industry has experienced a significant decline in business over the past several years, which has regrettably resulted in furloughs and layoffs. It is my understanding, though, that these circumstances are not due to a lack of demand for new locomotives, but rather, yet another symptom of our Nation's weak economy and insufficient capital among potential customers.

Accordingly, I along with my colleague Senator BOB CASEY, have introduced the Locomotive Fleet Investment and Tax Credit Act of 2009. This legislation will provide a tax credit for the acquisition of new and newly remanufactured locomotives, including freight, long-haul, passenger, and switch locomotives. The tax credit we have proposed is substantial but time-limited, so as to have the maximum impact in short order. The bill provides a tax credit of 30 percent of the purchase cost of a new or newly manufactured locomotive, but stipulates that the new locomotives must be placed in service before December 31, 2013, to qualify for the credit.

In addition to the economic impact, the Locomotive Fleet Investment and Tax Credit Act will also benefit the environment, as new and newly manufactured locomotives are typically more fuel efficient and emit fewer harmful pollutants. Moreover, new locomotive models are often more reliable and have better safety records. In short, it is in the best interest of operators, manufacturers and the general public to remove from the rails as many old, outdated rail cars as possible and replace them with new locomotives.

Our economy has suffered through a crisis of historic proportions, and though there are early signs of recovery, conditions are still grim. On October 2, 2009, the Department of Labor reported that national unemployment had risen to 9.8 percent, with the loss of 260,000 jobs in September and the total loss of 7.2 million jobs since the recession began. The rail industry and America's manufacturing base has been hard hit by the economic downturn and the Federal Government ought to help foster an environment in which these businesses can rebound and thrive once again. I am confident that our economy will indeed improve, and when it does, it is important that our country still has a robust capacity to manufacture locomotives domestically.

The Locomotive Fleet Investment and Tax Credit Act of 2009 will provide a much-needed boost to locomotive manufacturers, sustain and create jobs and help establish a safer, environmentally friendlier and more reliable rail industry.

By Ms. MIKULSKI (for herself and Mr. CARDIN):

S. 2095. A bill to amend the National Great Black Americans Commemoration Act of 2004 to authorize appropriations through fiscal year 2015; to the Committee on the Judiciary.

Ms. MIKULSKI. Mr. President, I rise today to reintroduce the National Great Black Americans Commemoration Act. I am proud to sponsor this legislation along with Senator CARDIN. African Americans have a rich history that must be cherished and remembered. This bill will honor African American leaders from across the country by helping to preserve their names, faces, and stories for generations to come.

This legislation will provide continued Federal assistance to expand exhibits and educational programs at the National Great Blacks in Wax Museum and Justice Learning Center in Baltimore, MD. Some of the memorialized figures are household names, like: Frederick Douglass, Dr. Martin Luther King, Jr., and President Barack Obama. Yet many more are unfamiliar, like the 22 African Americans who served in Congress in the 1800s. It is time we give these pioneers the recognition they deserve.

Maryland is proud to be home to so many important figures in African American history. From the dark days of slavery through the civil rights movement, Marylanders have led the way. The brilliant Frederick Douglass was the voice of the voiceless in the struggle against slavery. The courageous Harriet Tubman delivered 300 slaves to freedom on the Underground Railroad. The great Thurgood Marshall, a man who was no stranger to the restriction of educational opportunity, successfully argued the Brown

v. Board of Education case before the Supreme Court, and later became a Supreme Court Justice himself. These three amazing individuals were Marylanders.

It is fitting that the national Great Blacks in Wax Museum and Justice Learning Center also calls Baltimore home. The museum and learning center is a popular and respected African American history museum. Approximately 300,000 people a year from around the country and the world visit the museum. Many are school children, who can see historical figures come to life in the museum's exhibits. Expansion will allow the museum to teach even more visitors about the important contributions of African Americans.

Private donors have contributed too. Now it is time for the Federal Government to reaffirm its commitment.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. GRASSLEY, Ms. MIKULSKI, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. SNOWE, Ms. LANDRIEU, Mrs. LINCOLN, Mr. VOINOVICH, Ms. CANTWELL, Ms. STABENOW, Ms. MURKOWSKI, Mr. PRYOR, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Mrs. HAGAN, and Mrs. SHAHEEN):

S. 2129. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President. I rise to introduce the National Women's History Museum Act of 2009, a bill that would clear the way to locate a long-overdue historical and educational resource in our nation's capital city.

In each of the last three Congresses, the Senate has approved earlier versions of this bill by unanimous consent. I appreciate that past support, and I appreciate the cosponsorship today from 19 of my colleagues, Senators LIEBERMAN, GRASSLEY, MIKULSKI, BOXER, FEINSTEIN, MURRAY, SNOWE, LANDRIEU LINCOLN, VOINOVICH, CANTWELL, STABENOW, MURKOWSKI, PRYOR, MCCASKILL, KLOBUCHAR, GILLIBRAND, HAGAN, and SHEEHAN.

American women have made invaluable contributions to our country in government, business, medicine, law, literature, sports, entertainment, the arts, and the military. The need for a museum recognizing the contributions of American women is of long standing.

A Presidential commission on commemorating women in American history concluded that, ''Efforts to implement an appropriate celebration of women's history in the next millennium should include the designation of a focal point for women's history in our Nation's capital.''

That report was issued in 1999. A decade later, although Congress has commendably made provisions for the National Museum for African American History and Culture, the National Law Enforcement Museum, and the National Museum of the American Indian, there is still no institution in the capital region dedicated to women's role in our country's history.

The proposed legislation calls for no new federal program and no new claims on the budget. It would simply direct the General Services Administration to negotiate and enter into an occupancy agreement with the National Women's History Museum, Inc. to establish a museum on a tract of land near the Smithsonian Museums located at 12th Street, SW, and Independence Avenue, SW.

The National Women's History Museum is a nonprofit, non-partisan, educational institution based in the District of Columbia. Its mission is to research and present the historic contributions that women have made to all aspects of human endeavor, and to present the contributions that women have made to the nation in their various roles in family, the economy, and society.

This museum would help ensure that future generations understand what we owe to the many generations of American women who have helped build, sustain, and advance our society. They deserve a building to present the stories of pioneering women like abolitionist Harriet Tubman, founder of the Girl Scouts Juliette Gordon Low, Supreme Court Justice Sandra Day O'Connor, and astronaut Sally Ride.

That women's roll of honor would also include a distinguished predecessor in my Senate seat, the late Senator Margaret Chase Smith, the first woman nominated for President of the United States by a major political party, and the first woman elected to both houses of Congress. Senator Smith began representing Maine in the U.S. House of Representatives in 1940, won election to the Senate in 1948, and enjoyed bipartisan respect over her long career for her independence, integrity, wisdom, and decency. She remains my role model and, through the example of her public service, an exemplar of the virtues that would be honored in the National Women's History Museum.

Again, I thank my colleagues for their past support of this effort, and urge them to renew that support for this bill.

By Mr. HARKIN:

S. 2149. A bill to suspend temporarily the duty on orthotoluidine.

Mr. HARKIN. Mr. President, the legislation I am introducing would suspend temporarily, through the end of 2011, the import duty on orthotoluidine, a chemical compound used by several U.S. companies in manufacturing an important agricultural herbicide used for crops including corn, soybeans, peanuts, and cotton. One of the manufacturing plants is a facility in Muscatine, IA, that employs 500 workers. Other U.S. companies use the compound in manufacturing dyestuffs, pigments, optical brighteners, and pharmaceuticals. This legislation is drafted and intended for inclusion in the miscellaneous tariff bill being assembled by the Committee on Finance.

Currently, there is only one U.S. manufacturer of orthotoluidine, and that company has already announced plans to end production of the compound by the end of this year. Manufacturers in the U.S. will soon have no choice but to import this ingredient and to pay a duty of 6.5 percent unless it is suspended. Suspending this duty will help to control U.S. production costs, keep jobs at home, and enhance the competitiveness of U.S. businesses, workers, farmers, and the communities in which they are located.

I encourage my colleagues to support this legislation.

By Mr. SESSIONS (for himself, Mr. LIEBERMAN, and Mr. BOND):

S. 2336. A bill to safeguard intelligence collection and enact a fair and responsible reauthorization of the 3 expiring provisions of the USA PATRIOT Improvements and Reauthorization Act; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, I sent to the desk earlier legislation that is cosponsored by myself and Senator JOE LIEBERMAN and Senator KIT BOND. In essence, it reauthorizes certain provisions of the PATRIOT Act which expire, if we do not act, on December 31 of this year. It is an important matter and I am proud to be working with the distinguished chairman of the committee that has oversight over homeland security, and Senator BOND, who is the ranking Republican on the Intelligence Committee and has worked on these issues for quite a long time.

I wish to be notified after 10 minutes, if you would, please.

In recent years, Federal agents have exposed a series of potentially devastating terrorist plots across our country. If successful, these planned attacks would have caused unthinkable harm and claimed the lives of countless Americans. In the years following 9/11, there have been constant attempts to strike again on American soil. There could have been a dozen 9/11's, perhaps, were it not for the skill and courage of those who labor in defense of our country and our countrymen, and were it not for the measures passed by this Congress that have finally given them the support and the legal and financial resources they need to combat the terrorist threat.

But unless Congress acts, these very measures will soon expire. Unless Congress acts, our agents will be stripped of some of the legal tools they have used to foil attack after attack on our homeland and to avert catastrophe time and again.

Three of the most critical national security provisions passed by this body must be renewed by December 31 of

this year. Those provisions are found in the USA PATRIOT Act, which has played an essential part keeping our families and communities safe for these last 9 years. It at last gave the intelligence community the capabilities it needed to detect and deter terrorism inside our borders.

These capabilities have long been used in routine law enforcement, but could not be used in national security matters. Why would we not pursue terrorists with the same tools we can use to pursue drug dealers and mobsters?

Anyone who has followed the news in recent weeks knows just how vital these tools are. Four major terrorist plots have been foiled in the last 6 weeks—four in the last 6 weeks.

Just yesterday, we learned that two Chicago men were charged with plotting to attack the facilities and employees of a Danish newspaper that printed cartoons depicting the Islamic prophet Muhammad. The planned attack included weapons and explosives. According to reports, one of the men admitted working with a Pakistani group which has been designated by our government as a foreign terrorist organization.

The government recently charged Najibullah Zazi with conspiring to use one or more weapons of mass destruction—specifically, explosive devices—against persons or property within the United States. The New York Times described the government's case against Mr. Zazi as ''a set of damning accusations'' that begin ''with explosives training in Pakistan followed by purchases of bomb-making materials in Colorado, experiments in a hotel room, and a cross-country trip to New York, which the authorities feared might have been the target of his attack.''

According to reports, Mr. Zazi was in contact with senior al-Qaida operatives, including the leader of al-Qaida in Afghanistan. Attorney General Holder has described Zazi's plot as one of the worst since 9/11.

In another case, Hosam Maher Husein Smadi stands accused of conspiring to set off an explosive attached to a vehicle at the base of the 60-story Fountain Place office tower in Dallas, TX. In yet another case, Tarek Mehanna was charged with material support of terrorism related to a plot to kill U.S. troops in Iraq, assassinate top politicians, and gun down shoppers in U.S. malls.

But these attacks never occurred. They never occurred because we had the tools in place to prevent them and because of the untiring agents who carry out their noble, often thankless mission day after day. But out of an abundance of caution, Congress created a time limit on some of these investigative procedures and tools, and in 2006 those authorities were renewed because it was clear they were working and were needed.

It is worth noting that even though these authorities had not been abused by our hard-working terrorism officials, numerous revisions to them were made in 2006. Then, we reauthorized the provisions, while also strengthening civil liberties protections. That 2006 legislation was passed with overwhelming bipartisan support. It passed with 89 votes, among them our current President, who was a Member of the Senate; the Vice President, who was then a Member of the Senate; and the Secretary of State, who was then a Member of the Senate.

The PATRIOT Act is again up for renewal with three critical authorities set to expire. While we in the Judiciary Committee have been debating whether these expiring PATRIOT Act authorities should be approved for another 4 years, our agents are actively working hard to protect this country and its people from the constant threat of terrorism. Is there anyone in this Chamber who thinks that we should make it harder for our national security investigators to catch terrorists? Is there anyone here who believes the American people want us to make it harder for our investigators to catch terrorists?

I know Chairman LEAHY has worked hard, as we all did, to try to come up with a PATRIOT Act reauthorization bill in the Judiciary Committee that could attract strong bipartisan support. I commend him for that effort. He really worked at that. We worked together at that. However, the bill that eventually emerged from the Judiciary Committee does not meet the key test for any national security legislation: first, do no harm. The bill reported by the committee would make the jobs of our national security officials more difficult. The Obama administration has raised serious misgivings about the legislation that passed out of the committee.

So, I think we need to make a fresh start. Let's go back and take the bill we voted so strongly for before, add the minor things that need to be added to it to make it better—to deal with recent court of appeals rulings—and then let's move that forward to make sure we get that done before the legislation expires on December 31.

The bill we introduced today represents the best parts of the legislation that emerged from the Judiciary Committee, the parts almost everyone agreed upon. I will go into some of these details later but would just say that I am honored to be able to participate in the filing of this legislation with two fine cosponsors, Senators LIEBERMAN and KIT BOND.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I am very proud to rise today to join with Senator SESSIONS, my friend from Alabama, in introducing this legislation to reauthorize provisions of the PATRIOT Act that will expire at the end of the year if we do not act. These are critically important provisions.

I was about to say something that may sound odd to say, which is that the PATRIOT Act got a bad name, which it did not deserve. It is hard to imagine that anything with the name ''patriot'' in it could have gotten a bad name. There may have been a lot of reasons for it—misunderstandings, maybe, frankly, suspicions of the previous administration. But on the merits, this legislation was critically necessary in the time after September 11. And as Senator SESSIONS has made clear, because of what seems to be an escalating series of threats to our homeland security from Islamist extremists using terrorism to attack us, these provisions are actually probably more critically necessary today than they have been in years past. But they have been critically important.

I say the PATRIOT Act got a bad name because of the three provisions that our legislation—Senators SESSIONS, BOND and I—will continue to authorize, including the roving wiretap, business records provisions, and the so-called lone wolf provision.

When Senator SESSIONS goes into these in some detail in a few moments, I think anybody coming to the discussion with an open mind will see that these are very commonsense provisions. In fact, they are provisions that law enforcers in our country have today with regard to traditional crimes. And we are taking them and applying them to these kinds of investigations regarding terrorist threats against the United States of America.

The Judiciary Committee labored with very good intentions, brought a bill out that was a compromise and did get some bipartisan support, I gather, which I was pleased about. But it does, as Senator SESSIONS says, make some changes and it puts some pressure on the enforcement of these critical provisions of the PATRIOT Act that will weaken them, will undermine their effectiveness. And I think we should go for everything we can get here which has worked so well for the past years.

The fact is, we have seen a series—I want to come to this. I want to go back because there was mention—I said the PATRIOT Act got a bad name. There was a particular focus and concern in the library community and advocates for libraries—we all love libraries, and I myself have such memories of the role the public library in my hometown of Stamford, CT, played in my education—that somehow the government could break into libraries through the PATRIOT Act and check on what books people were taking out and compromise peoples' freedom of, I guess, intellectual pursuit, freedom of interests, if you will.

There was a lot of concern, a lot of debate back and forth. Finally, after some period of time in which the Attorney General refused to answer questions about how often that provision of the PATRIOT Act had been utilized, the Attorney General actually came forth—I forgot the circumstances—and said it had never been utilized, and it was cleaned up, and that is not in effect anymore.

Now a new administration—President Obama, Attorney General Holder—changed, different parties, in some sense different perspectives, but yet the President and the Attorney General took a sensible and I would say unbiased look at the challenge they faced from terrorism in this country and then looked at the provisions of the PATRIOT Act and said: We need it. It is fair. It is constitutional. It does not deprive people of rights. And more to the point, it will be critically useful in stopping the extremists and the terrorists from depriving people not only of their rights here in America but of their lives.

The PATRIOT Act provisions in question here have been a critical part of, I would say, a remarkable, impressive improvement in the capacity of the U.S. Government to stop terrorism, this unconventional enemy we face which aims to attack and kill Americans and, indeed, to undermine if not to defeat our fundamental way of life, our freedom, our values, our diversity, our tolerance.

We have seen, since 9/11, I am proud to say facilitated or encouraged by some legislation we passed, the Department of Homeland Security created, the 9/11 Commission Report, reforming the intelligence community, the Department of National Intelligence.

Probably one of the great unsung national assets we have, something called the National Counterterrorism Center, exists outside of Washington. It is a facility in which all of the relevant agencies of the Federal Government are there side by side 24/7, 365 days a year sharing information, connecting the dots. What did we all say after 9/11 and after the Commission Report? We had a lot of information in different places in the Federal Government; that if it had been brought together in one place, I personally think we would have stopped 9/11, the murder of 3,000 people on American soil. We did not have it together. But now those places exist—NCTC, the National Counterterrorism Center; the tremendous work by our intelligence community, by our military community, by our law enforcement community, working together cooperatively and cooperating with foreign intelligence, law enforcement and military communities.

The FBI has created and beefed up a counterterrorism division that I think has become the best in the world. And it is what makes the arrests that have occurred, a series of events, the ones Senator SESSIONS mentioned, the Zazi case—Najibullah Zazi, Afghan from birth, came here, permanent legal resident—this is the nightmare case—becomes radicalized, commits himself to Islamist extremism, goes over to Pakistan and connects with the highest levels, allegedly, of al-Qaida, receives training. One presumes—we do not know—he was directed or encouraged to do the things he came back here to do and started to work to put together, to acquire, according to the indictment, the material to explode several bombs in New York City, which would have done devastating damage.

The slightest bit of evidence—I am not compromising anything, but you might say metaphorically, Zazi appeared on one screen, a shred of evidence about him, and it alarmed some of our law enforcement people, and all of the resources of our government—foreign intelligence, American intelligence, CIA, DNI, FBI, Department of Homeland Security, local law enforcement—came together with that little piece to build a picture that helped us to follow him and find him and stop him before he was able to do terrible damage in New York City. Do you know what else helped with that? The PATRIOT Act. It has helped in so many of these cases we stopped. There has been a ring of them this year.

Earlier, about a month ago in our Homeland Security Committee, Senator COLLINS and I convened a hearing on the state of homegrown terrorism and our efforts to stop it. We had the Secretary of Homeland Security, the head of the National Counterterrorism Center, and the head of the FBI. As my last question, I kind of said it wide open to each of them: Tell me the one thing Congress could do to help you do the extraordinary, critically important, life-and-death work you are doing to prevent terrorist attacks against the United States. You might say I was giving them a blank check. Frankly, I thought they would say: We need more money for this program or that program.

When we came to Bob Mueller, the Director of the FBI, he gave a simple answer to the question: What is the one thing Congress could do to help you continue to do the extraordinary work you and the rest of our American team are doing to stop terrorist attacks. Director Mueller said: Reauthorize the PATRIOT Act. Without it, without those three simple provisions—lone wolf, roving wiretaps, and the business record provisions—we will not be able to do the job you want us to do.

This is so critical to our security that we should settle for nothing less than exactly the best. The Department of Justice recently submitted a letter urging renewal of the expiring PATRIOT Act provisions and emphasized the importance of us not doing anything ''to undermine the effectiveness of these important authorities.'' Despite the clear admonition—you might say plea—from the Obama administration and the Department of Justice, those who use these tools to keep us safe, I am concerned that proposals to impose some new requirements and restrictions on the FBI's ability to use these tested, existing PATRIOT Act authorities and national security letters will diminish the ability of the law enforcement community to protect us from these terrorist attacks.

As an individual Senator from Connecticut, as a Senator privileged to serve as chairman of the Homeland Security Committee, I am proud to join with Senators SESSIONS and BOND in introducing this clean, total reauthorization of the expiring PATRIOT Act provisions and urge my colleagues to support swift passage of this simple, proven, and vitally important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, our intelligence community should never be forced to question whether our priority is protecting America's safety or protecting the privacy of terrorists. This bill makes clear to intelligence professionals that keeping our Nation safe is their highest responsibility and assures they have the tools needed to get the job done. That is why I am so pleased to join with my colleagues, Senators LIEBERMAN and SESSIONS, in reauthorizing three FISA provisions—lone wolf, wiretap, and section 215—which would otherwise expire.

This legislation we have introduced today, without change, reauthorizes these three national vital security tools for 4 more years. While I believe each of these tools should be made permanent and Congress plays a dangerous game with national security every time we impose arbitrary sunsets, it is essential that the community's ability to collect lifesaving foreign intelligence should continue unimpeded.

Our bill also makes conforming changes to the disclosure requirements for national security letters in light of the Second Circuit's decision last year. These issues are so critical and so urgent to our well-being and security as a nation, nothing else will matter, even the current health care debate, if we fail in national security.

I have spoken before on this floor about the need for President Obama to make a decision about Afghanistan. I will not repeat those points today. But as our military, intelligence, and law enforcement professionals defend the United States and its allies in Washington, there is an effort afoot to make this fight much harder than it needs to be.

The U.S. PATRIOT Act and the Intelligence Reform and Terrorism Prevention Act were passed overwhelmingly in the aftermath of the September 11 terror attacks. For years, terrorism was treated as a law enforcement matter.

Our Nation responded to terrorist attack after terrorist attack, to the deaths of our servicemembers and embassy personnel, with indictments and arrest warrants. As Congress failed to give our intelligence operators the tools they needed to act quickly, our terrorist enemies became even more emboldened and determined to strike our homeland. September 11 was a wake-up call.

Our driving mission appropriately, after that, became prevention and disruption of terrorist attacks at home against our troops overseas and against

our allies. That is why the legislation we passed provided the necessary tools. In 2005, the PATRIOT Act was reauthorized with minor changes, but three FISA provisions remained subject to sunset. Here is an opportunity for us to reauthorize these three vital provisions. There is little disagreement among people who know that these provisions should and must be reauthorized.

FBI Director Mueller testified before the Judiciary Committee that each is important to the FBI's work in national security and criminal investigation. But because of the enhanced information sharing rules and procedures, other community entities, such as the Counterterrorism Center, are often dependent upon information collected under these authorities. Their loss would adversely impact their ability to analyze and share important national intelligence information. As an example, if the FBI obtains a court order under FISA for a roving wiretap targeting a terrorist subject in New York, foreign intelligence information obtained there may be shared with the CIA, enabling them in turn to target associates overseas.

Events over the past few months underscore the importance of giving the FBI and other agencies all the tools and authorities they need to stay ahead. From the disrupted terror plots in New York and Colorado to those in Illinois, Texas, and North Carolina, we have seen firsthand why the FBI must have the flexibility to get the information they need as quickly as possible to prevent these attacks.

The benefit of our intelligence collection authorities, however, does not just benefit our own citizens. Just as overseas terror threats may impact our safety, threats posed by some within our country do not always end here. We learned two men in Chicago were conspiring with associates to commit terrorist attacks in Denmark. This case is a good example of how FISA authorities can save lives in allied countries. There is a belief among some that as long as the intelligence community eventually gets the information it needs, time is not of the essence. That is not true. Timing was everything, whether it was introducing an undercover agent to a target at the right moment or conducting surveillance at the right time. No intelligence collector is going to say that getting the same information 3 weeks later is good enough.

I cannot comment on specific tools that were used in foiling all of these plots. We know both from public and classified testimony and information that the tools provided that we are authorizing today have been invaluable to our efforts to stay ahead of the terrorists. As I mentioned earlier, the FBI's ability to obtain a roving wiretap under FISA will end this year unless Congress acts.

According to Director Mueller, the FBI has used the authority 140 times in the past 5 years. The ability to track terrorists even when they repeatedly use and dump their cell phones to avoid interception is, as Director Mueller testified, ''tremendously important.'' He also noted with all the new technology, it is nothing for a target to buy four or five cell phones and use them in quick succession. I couldn't agree more.

Our enemies know our laws better than some of us do. They understand the hoops and hurdles government must clear to catch up or stay ahead. Roving wiretap authority sends a clear message that the time-honored trick of frequently changing a cell phone will not work like it used to.

Obtaining a roving wiretap requires, first and foremost, that the FBI establish probable cause that the target is an agent of a foreign power. Some critics of this provision claim it allows the FBI to avoid meeting this standard as surveillance moves from phone to phone. That is not true. Each wiretap application is approved by a FISA Court judge. If a target changes his cell phone and the FBI moves to surveil the new phone, the court is notified. All of the protections for U.S. person information that apply to any other FISA wiretap also apply to roving wiretaps.

In short, while the authority is a tremendous asset for the FBI, it poses no additional civil liberties concerns. It should be renewed.

On business records, over the past 5 years, a rallying cry against these measures has centered on section 215, allowing the FBI to obtain business records such as hotel information or travel records upon a showing of the requisite burden of proof to a FISA Court judge. We have heard time and again the FBI is using this authority to spy on people's reading habits at the local library. This is simply highly charged rhetoric not supported by facts. While the FBI has used section 215 more than 250 times in the past 5 years, no library records have been obtained. But we do know that terrorists and their associates have used library Internet access to communicate with each other and, in the appropriate case, the FBI must have the ability to obtain any relevant records relating to that usage.

Congress should not pass any legislation that would allow terrorists to use libraries or any other public facility as a safe haven for their illegal activities. If we did that, guess where all the terrorists would congregate. Do you want them all in your libraries? I don't think so.

The inspector general of the Department of Justice conducted several audits of the FBI's use of section 215 and found no abuse of authority. These audits also considered the time it takes for the FBI to obtain a 215 order. The Director has testified that business records sought by terrorism investigations by the FBI are ''absolutely essential to identifying other persons who may be involved in terrorist activities.'' The records obtained under this authority are no different from what the FBI could obtain in a criminal investigation using grand jury subpoena authority. There is rarely any delay in obtaining a grand jury subpoena. DOJ should strive to ensure that section 215 court orders are obtained in a timely and expedient manner.

Given the vital information that can be obtained, I have asked the DOJ to take steps necessary to minimize future delays. As with roving wiretap authority, I believe section 215 has adequate measures already built in to ensure that the private interests of U.S. persons are protected. I have not heard any reasonable critique of this authority, and I believe it should be authorized without changes, without delay.

The sole expiring provision that has not been used by the FBI is the lone wolf definition of an agent of a foreign power, prompting some critics to demand its repeal. Under this definition, the FBI can obtain a FISA Act search or electronic surveillance against a non-U.S. person who is not readily identifiable with a particular foreign power.

We all should be familiar with the story of Zacarias Moussaoui, the 9/11 coconspirator who was identified prior to the 9/11 attacks. But the FBI could not connect him with a particular terrorist organization and, therefore, did not submit a formal request for a FISA search order. We know Moussaoui was ultimately convicted in the Eastern District of Virginia and is now serving a life sentence for his part in the 9/11 conspiracy.

If FISA had included a lone wolf provision, the FBI could have searched his belongings and possibly gained advanced intelligence about the 9/11 plot. Once again, Director Mueller has emphasized in his recent testimony that the FBI must retain the ability to target an individual who cannot be specifically tied to a particular foreign power. The Director specifically cited the Moussaoui case as a prime example. We should never again take the risk that another Moussaoui will be identified by the FBI but escape scrutiny to prevent an attack because he could not be tied to a specific terrorist organization.

I see the ''lone wolf'' provision as a necessary tool that will only need to be used in limited circumstances. It is kind of like those ''in case of emergency, break glass'' boxes that cover certain fire alarms and equipment. We need to keep these tools available for the rare situations where they would be needed.

As I mentioned earlier, the Senate Judiciary Committee reported a PATRIOT Act reauthorization bill that makes a number of changes to section 215 authorities and other national security tools. I believe the Judiciary bill is deeply flawed, and I hope my colleagues will listen carefully and support our bill instead. There will be ample time down the road to lay out in

detail all my objections to the Judiciary bill, but let me just make a few key points.

I disagree strongly that there should be a first time ever sunset for national security letters. It is irresponsible to risk letting the law revert back to pre-9/11 status, where NSLs were largely underutilized because the burden of proof and approval levels were too high for an investigative tool.

The so-called abuses that are so often cited were actually related to something called exigent letters. Exigent letters are essentially a request to third parties, usually phone companies or Internet service providers, for immediate access to records, contingent upon a promise to provide a grand jury subpoena or a national security letter promptly.

It is important to understand that these exigent letters are not national security letters or grand jury subpoenas. While there is statutory authority for carriers to voluntarily provide the FBI with the contents of the communication if the carrier has a good-faith belief that an emergency involving death or serious physical injury requires disclosure of the communication without delay, the DOJ IG found that these exigent letter requests were issued on a routine, rather than an exigent, basis.

Interestingly, the people relying on the now corrected exigent letter problem to justify their proposed restrictions on NSLs are not calling for similar restrictions to be placed on grand jury subpoenas. They know better than to try that because there would be immediate and overwhelming objections from the Department of Justice and nearly every U.S. attorney in the country. We cannot go back to pre-9/11 days, when national security investigative techniques were significantly more difficult to use than ordinary criminal investigative techniques.

Setting aside the problems with the exigent letters, I have said, time and time again, that the errors identified by the DOJ IG were almost exclusively administrative. The FBI has acted quickly to correct these errors, and we should not respond by hamstringing their investigations.

I also disagree with requiring minimization procedures for both pen registers/trap-and-trace devices and NSLs. The FBI has been clear about the operational harm that will likely result if minimization procedures are required for the type of preliminary data, such as telephone toll records, obtained by these tools.

Aside from the basic problem of how the FBI would even go about minimizing this type of information, I do not see why it is necessary. We certainly would never impose these types of restrictions on grand jury subpoenas or other types of administrative subpoenas.

Supporters claim we need minimization procedures to protect U.S. persons, but they conveniently overlook the fact that the records we are talking about here are in the hands of third parties and are not entitled to the same type of protections that other information is subject to.

The constitutional protections were discussed in Smith v. Maryland, and the Supreme Court held we simply do not have a reasonable expectation of privacy with respect to these sorts of third-party records.

Ironically, because the FBI cannot tell from the type of information obtained by these tools if someone is a U.S. person, they would actually have to do more investigation and be more intrusive before figuring out whether the information should be minimized.

Finally, I have significant concerns about the change the Judiciary Committee bill makes to the notification period for sneak-and-peak search warrants—down from 30 to 7 days. These warrants, which are approved by a court upon a finding of probable cause, are an important tool in drug and certain terrorism cases. We know from the FBI—and I am sure if we asked the DEA, they would agree—that 7 days is not enough time before giving a target notice that a search was carried out. In a terrorism investigation, likely involving many overseas associates and evidence, it is unreasonable to have to disclose the investigation within a week, when other activities connected to that may be just beginning to be collected.

Depending on the type of information recovered from a search, testing and analysis may not even be done within 7 days. Are we going to risk blowing these investigations because of a random conclusion that 30 days is too long? I understand the government can ask for more time after the 7 days, but we do not have unlimited resources. We should not make our law enforcement agencies jump through more hoops when a court has already found that a search is proper in the first place.

I have other concerns about this bill, including the wisdom of a separate standard for library records, which I view as an even greater invitation for terrorists to use libraries to communicate with each other, and new reporting and auditing requirements. I have to wonder what additional administrative burdens these requirements will put on the FBI at the same time they are trying to focus on preventing and disrupting further attacks on our Nation.

Because of the significant operational concerns raised by the Judiciary Committee's bill, I believe that it should not be considered by the full Senate until the Intelligence Committee—as a whole—has had the opportunity to consider its implications for our national security, after hearing from Director Mueller about the impact of this entire bill on FBI operations.

There are many issues about the Judiciary bill—both classified and unclassified—that need to be addressed. The best venue in which to do that is the Intelligence Committee. Don't forget that three of the five crossover members from the Intelligence Committee voted against the Judiciary Committee bill. I would hardly call that a ringing endorsement. I believe full consideration by the Intelligence Committee would greatly improve the measures we will be acting on, on the floor.

Unfortunately, my efforts to give the Intelligence Committee the opportunity to weigh in on the Judiciary bill have thus far been unsuccessful. But at the same time, we cannot risk letting these crucial authorities lapse. For that reason, I have decided to cosponsor the legislation we are introducing today because, under this bill, I can categorically state it will have no provision that will have an adverse impact on intelligence community activities or operations.

It is not insignificant, in my opinion, that the bill we are introducing today is cosponsored by the chairman of the Homeland Security Committee, the ranking member of the Judiciary Committee, and by me, as vice chairman of the Intelligence Committee.

Each of these committees has a role to play in safeguarding our domestic security. Chairman LIEBERMAN, Ranking Member SESSIONS, and I all understand the stakes in failing to reauthorize these expiring provisions are high. The stakes in adding new and flawed provisions or creating unreasonable burdens are just as high. It serves no legitimate purpose to give the FBI or any other law enforcement or intelligence agency tools that are rendered ineffective because Congress imposes arbitrary conditions without fully appreciating their ramifications.

The sponsorship of this legislation is also noteworthy because it sends a clear and loud message that giving our law enforcement intelligence professionals the authorities and tools they need to keep the country safe is not and should not be a partisan issue.

In the last Congress, we saw firsthand the negative impact of partisanship and pandering to extreme special interests. The FISA Amendments Act was supported by a strong bipartisan margin out of the Senate Intelligence Committee. Unfortunately, as the bill wound its way through the Senate and eventually the House, it became a political football. As a result, we came too close for comfort to losing the intelligence collection authorities we had worked hard to preserve.

I am hopeful we can avoid similar partisanship and political interests to take over what should be a straightforward legislative process. The surest way of doing that is to pass the bill we introduce today.

For years, we have hammered away at the notion that there should be walls between criminal and national security investigations. We have embraced the idea that the same tools that are used to capture drug dealers and child molesters should be available

to track terrorists and spies. While the idea has been generally accepted, the execution has been lacking. Our laws still impose unnecessary divisions between administrative and grand jury subpoena authority and national security letters. Those divisions are exacerbated by the Judiciary Committee bill, which imposes new unheard of requirements on national security letters and the FISA pen register/trap-and-trace information.

Over the past 8 years, Congress has placed heavy demands on the FBI to be a full participant in the intelligence community. While the transportation has not been without some hiccups, they have come a long way since the days leading up to 9/11, when the word ''FISA'' was foreign to much of the rank and file FBI.

Now is not the time to saddle them with additional administrative burdens or to impose conditions on the use of certain tools so drastic they become useless. There are so many current and clear-cut examples of domestic terror threats before us. I have to wonder why anyone thinks this would be a good time to experiment with the vital authorities used to keep us safe.

The legislation we are introducing today will ensure our intelligence and law enforcement professionals can continue doing what they do best, without any additional restrictions. Our Nation has been fortunate not to have suffered a sequel to the 9/11 attacks. Some may call it luck, but much of the credit goes to the dedicated work of our intelligence and law enforcement professionals and the availability of these tools that we are reauthorizing in this bill.

We owe our thanks to the personnel who use them. We also owe them the recognition that their jobs are as difficult as they are, and we should not be taking any steps that will make their profound responsibility to protect this country any more difficult. That is why I urge my colleagues to support this measure.

I thank my cosponsor and our lead sponsor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator BOND for his thorough analysis of the legislation that came out of the Judiciary Committee, and for bringing to bear on these great issues his vast experience as vice chair of the Intelligence Committee and his commitment to national security and protecting this country.

He and Senator LIEBERMAN represent the best of this body. They have the ability to cut through ''flapdoodle'' and to get to the heart of matters, and I appreciate so much their leadership.

Senator LIEBERMAN, the Chairman of the Homeland Security Committee, has been so involved in all of these matters. From the beginning, he tried to identify, as the 9/11 Commission did, the deficiencies in our system and tried to work toward a new way of doing business—all consistent with our great heritages of liberty and civil rights.

I do think it is important to recognize that when Senator LIEBERMAN asked the Director of the FBI: Is there one thing that we can do to help you do your job, the Director's answer was: Reauthorize the PATRIOT Act.

The bill we are introducing today represents the best parts of the legislation that emerged from the Judiciary Committee—the parts almost everyone agreed upon. Our bill renews the three expiring PATRIOT Act authorities: the rolling wiretaps authority, the business records provision, and the ''lone wolf'' section of the Intelligence Reform and Terrorism Prevention Act of 2004. Our bill also fixes a deficiency in the procedure for challenging the nondisclosure requirements of a key national security tool, the national security letter.

Section 206, the roving wiretap provision, is a commonsense tool that is absolutely necessary in this day and age. It gives our agents the ability to monitor a terrorist's phone call, even when he switches phones. Director Mueller told the Judiciary Committee this authority was extremely important, considering how easy it is for terrorists to switch cell phones.

Without this authority, a terrorist would be able to switch phones and defeat any order an investigator might have to wiretap a certain telephone. As agents run back and forth to court to get repeated permissions to monitor telephone numbers, the suspect is able to avoid surveillance.

Let me note that, in 1986, Congress approved a roving wiretap statute for domestic law enforcement. As Senator BOND and Senator LIEBERMAN said, so many of the provisions in the PATRIOT Act had already existed in the law for regular federal criminal investigations.

But it did help to create a system where national security matters could be handled expeditiously before the FISA Court, a Federal court that is experienced in these types of cases. The FISA Court maintains confidentiality without the possibility of leaks, and is readily advised on all the relevant case law involving terrorism matters.

So that is how the system works, and I think it is not at all unusual what we are proposing to do here in this bill.

Section 215—which my colleagues have referred to as the business records provision—allows agents and other Federal investigators to ask the FISA Court for permission to get certain business records. Generally, these records would be in the possession of third parties, not the individual himself or herself. Examples would include records in the possession of a phone company, hotel records, bank records, or car rental information. How important is that in a terrorism investigation? It can be absolutely critical because, for instance, terrorists often use cell phones and rental cars.

This is the type of information for which people have a diminished expectation of privacy. These are not their records, they are the rental car company's records. These are not their telephone toll records, they are the phone company's records. Everybody at the phone company or the car rental agency has access to these records. These records are not secret in the same way as something in your desk, in your home, or in your car, which would require the use of a search warrant to be obtained by law enforcement. That is why subpoenas have been issued for these types of records for years. The Drug Enforcement Administration can issue administrative subpoenas right now to obtain many of these types of records, including bank records and telephone toll records. These can be obtained by the Drug Enforcement Administration without any court approval at all.

So I want my colleagues to know that the allegation that the PATRIOT Act represents an unprecedented transfer of power to the national security investigators who are trying to protect us from terrorist attacks is not correct. The way things work in reality is that private banks, telephone companies, and motels would be perfectly willing to give records to investigators, and indeed they used to do that in days past without any subpoena because these records belong to them. But lawyers have gotten into it, and these entities have gotten worried. So very frequently today hotel chains and other companies expect a subpoena before they can turn over records pertaining to their customers. That is what section 215 is designed to deal with.

When investigating terrorism, time can be critical. Section 215 allows a court to order a company to turn over records in it possession. This key information is usually not in the possession of person under investigation, but in a third party's possession. Section 215 merely allows a court to order a business to do what is legally permitted to do anyway: help our officials pursue and catch terrorists. This is very similar—almost identical—to grand jury subpoena authority, which has been used by Federal prosecutors, State prosecutors, State attorneys general, county attorneys, and Federal investigators routinely for decades. This is not some sort of collapse of American freedoms and liberties.

The ''lone wolf'' section of the Intelligence Reform and Terrorism Prevention Act of 2004 is a commonsense provision we need to continue the fight against terrorists in the 21st century. Even though it has not been used yet, it is there to defend against a very real possibility, like the Moussaoui matter Senator BOND made reference to. It deals with the rogue terrorist who is not linked to a larger terrorist group, or at least where there is no proof of that link at a given time. In the past, the law required that national security agencies show a connection between

the terrorist and a terrorist group or foreign power in order to monitor him. This could cause a problem if a terrorist or a foreign agent left a terror group, perhaps because of a dispute. Let's say you have a lawful, court-approved wiretap and the individual being monitored says on it: You are not aggressive enough. You are too timid. I want to blow up this building in Washington, DC; you don't. Count me out. I am no longer a part of your group.

Well, since this suspect would be disconnected from a terrorist organization, under previous law he would not subject to key national security surveillance techniques. So, you can have a ''lone wolf'' under certain circumstances. In the Moussaoui case, investigators were not able to get a search warrant for his computer because it was felt that there was not sufficient proof that he was connected to a specific terrorist organization. This was even though Moussaoui's own activities created so much danger that an FBI lawyer went to great lengths to try to get approval to get that search warrant, but ultimately failed to do so. Had that search warrant been approved and that computer examined, many think 9/11 may not have occurred.

This ''lone wolf'' provision has had bipartisan support in the past. It was originally authored by Senator SCHUMER, our Democratic colleague from New York. It is a commonsense way to deal with this very real issue and should be reauthorized without delay.

Finally, our bill fixes the problem found by the U.S. Court of Appeals for the Second Circuit in the case of Doe v. Mukasey. That case addressed the legal standard courts use to review nondisclosure requirements: for example, where a motel would be required not to tell a terrorist staying there that it has given records to the FBI. The Second Circuit held that the legal standard at issue was too deferential to the government. Our bill would fix this problem in the same manner, almost word for word, as the legislation that emerged from the Judiciary Committee in the past few weeks. In other words, we have given more protection to civil liberties, as the court suggested.

So as the recent slew of terrorism arrests makes so painfully clear, the threat of violent Islamic extremism is severe and ongoing. We cannot afford to let our guard down for a single moment. The threat is too great and too real and the stakes too high.

Our agents risk their lives every day to investigate terrorist plots and prevent another attack against the United States. Congress must move with the same urgency to reauthorize these lifesaving provisions before they expire. I believe this bipartisan bill is basically the same bill as we approved before and provides a commonsense and noncontroversial path to a timely reauthorization, and I hope my colleagues will support it. We simply need to get busy and get this work done.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2336

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''USA PATRIOT Reauthorization Act of 2009''.

SEC. 2. USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT SUNSET PROVISIONS.

(a) IN GENERAL.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking ''2009'' and inserting ''2013''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 601(a)(1)(D) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)(D)) is amended by striking ''section 501;'' and inserting ''section 502 or under section 501 pursuant to section 102(b)(2) the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1861 note);''.

(2) APPLICATION UNDER SECTION 404 OF THE FISA AMENDMENTS ACT OF 2008.—Section 404(b)(4)(A) of the FISA Amendments Act of 2008 (Public Law 110–261; 122 Stat. 2477) is amended by striking the period at the end and inserting '', except that paragraph (1)(D) of such section 601(a) shall be applied as if it read as follows:

'(D) access to records under section 502 or under section 501 pursuant to section 102(b)(2) the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1861 note);'.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on December 31, 2013.

SEC. 3. EXTENSION OF SUNSET RELATING TO INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS.

(a) IN GENERAL.—Section 6001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 50 U.S.C. 1801 note) is amended to read as follows:

''(b) SUNSET.—

''(1) REPEAL.—Subparagraph (C) of section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)), as added by subsection (a), is repealed effective December 31, 2013.

''(2) TRANSITION PROVISION.—Notwithstanding paragraph (1), subparagraph (C) of section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)) shall continue to apply after December 31, 2013 with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before December 31, 2013.''.

(b) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Section 601(a)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(2)) is amended by striking the semicolon at the end and inserting ''pursuant to subsection (b)(2) of section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 50 U.S.C. 1801 note);''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on December 31, 2013.

SEC. 4. JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.

Section 3511(b) of title 18, United States Code, is amended to read as follows:

''(b) NONDISCLOSURE.—

''(1) IN GENERAL.—

''(A) NOTICE.—If a recipient of a request or order for a report, records, or other information under section 2709 of this title, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802 of the National Security Act of 1947 (50 U.S.C. 436), wishes to have a court review a nondisclosure requirement imposed in connection with the request or order, the recipient shall notify the Government.

''(B) APPLICATION.—Not later than 30 days after the date of receipt of a notification under subparagraph (A), the Government shall apply for an order prohibiting the disclosure of the existence or contents of the relevant request or order. An application under this subparagraph may be filed in the district court of the United States for any district within which the authorized investigation that is the basis for the request or order is being conducted. The applicable nondisclosure requirement shall remain in effect during the pendency of proceedings relating to the requirement.

''(C) CONSIDERATION.—A district court of the United States that receives an application under subparagraph (B) should rule expeditiously, and shall, subject to paragraph (3), issue a nondisclosure order that includes conditions appropriate to the circumstances.

''(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof under this subsection shall include a certification from the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of the department, agency, or instrumentality, containing a statement of specific facts indicating that, absent a prohibition of disclosure under this subsection, there may result—

''(A) a danger to the national security of the United States;

''(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(C) interference with diplomatic relations; or

''(D) danger to the life or physical safety of any person.

''(3) STANDARD.—A district court of the United States shall issue a nondisclosure requirement order or extension thereof under this subsection if the court determines, giving substantial weight to the certification under paragraph (2) that there is reason to believe that disclosure of the information subject to the nondisclosure requirement during the applicable time period will result in—

''(A) a danger to the national security of the United States;

''(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(C) interference with diplomatic relations; or

''(D) danger to the life or physical safety of any person.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 328—COMMEMORATING THE 20TH ANNIVERSARY OF THE FALL OF THE BERLIN WALL, THE END OF THE DIVISION OF EUROPE, AND THE BEGINNING OF THE PEACEFUL AND DEMOCRATIC REUNIFICATION OF GERMANY.

Mr. KERRY (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 328

Whereas, between 1945 and 1961, more than 2,500,000 people, or 15 percent of the total population of the German Democratic Republic (referred to in this preamble as ''East Germany''), left the country to pursue economic opportunity and enjoy the benefits of liberty and political freedom in the Federal Republic of Germany (referred to in this preamble as ''West Germany'') and other countries;

Whereas, at midnight on August 13, 1961, East Germany sealed its border with West Berlin and began construction of a 100-mile barrier that would later include bunkers, watchtowers, searchlights, minefields, barbed wire, concrete walls, and armed guards, to prevent the emigration of the people of East Germany to seek freedom and opportunity elsewhere;

Whereas, during the 28 years the Berlin Wall existed, approximately 5,000 people successfully fled East Germany for West Germany and West Berlin, more than 75,000 people were imprisoned for attempting to leave East Germany, and an estimated 1,200 people were killed trying to escape;

Whereas Presidents John F. Kennedy and Ronald Reagan declared their vision of Berlin as a free city, in the heart of a free Germany;

Whereas Chancellor Willi Brandt of West Germany and others demonstrated great foresight in their pursuit of ''Ostpolitik'', a policy of engagement that lowered tensions and ultimately helped undermine the authoritarian rule of the wall-builders;

Whereas more than 22,000,000 Americans served in the Cold War, supporting the efforts to bring military, economic, and diplomatic pressure to bear in the defense of Germany and the West, and ultimately helping more than 400,000,000 people gain their freedom from the bondage of communism in the Soviet Bloc;

Whereas the Solidarity Movement in Poland demonstrated that the will of a people united could not be silenced by winning a surprise landslide victory in elections to the Contract Sejm in June 1989;

Whereas, on August 23, 1989, Hungary officially opened the border between Hungary and Austria, resulting in 13,000 refugees from East Germany fleeing into West Germany through Hungary;

Whereas, on September 4, 1989, after prayers for peace in the Nikolai Church, crowds that would eventually number in the hundreds of thousands gathered in Leipzig, East Germany, to repeatedly and peacefully protest the authoritarian regime of East Germany and to demand basic freedoms;

Whereas, in September 1989, thousands of people in East Germany took refuge in the embassy of West Germany in Prague, Czechoslovakia, in order to emigrate to West Germany and the West;

Whereas, on October 18, 1989, faced with widespread civil unrest and a deteriorating political situation, East German leader Erich Honecker, who had predicted that the Wall ''will stand in fifty or a hundred years,'' resigned;

Whereas, on November 4, 1989, more than 1,000,000 people gathered in Alexanderplatz in East Berlin and 40 other cities and towns in East Germany to demand free elections and basic civil rights, such as freedoms of opinion, movement, press, and assembly;

Whereas, on November 9, 1989, East German politbureau member Günter Schabowki announced that the government would allow ''every citizen of the German Democratic Republic to leave the GDR through any of the border crossings,'' and East German leader Egon Krenz promised ''free, general, democratic and secret elections'';

Whereas thousands of people in East Berlin immediately flooded the border checkpoints at the Berlin Wall and demanded entry into West Berlin, causing the overwhelmed border guards of East Germany to open the checkpoints to allow people to cross into West Berlin;

Whereas, in the days following the fall of the Berlin Wall, hundreds of thousands of people from East Germany freely crossed the border into West Berlin and West Germany for the first time in more than 28 years;

Whereas the Chancellor of West Germany Helmut Kohl and Foreign Minister Hans Dietrich Genscher managed the political situation and foreign diplomacy with great tact and in close cooperation with Western allies, leading to the peaceful reunification of Germany as a sovereign, democratic state on October 3, 1990;

Whereas, on November 9, 2009, the people of Germany will celebrate on both sides of the Brandenburg Gate the 20th anniversary of the fall of the Berlin Wall with the ''Festival of Freedom'';

Whereas the fall of the Berlin Wall was one of the milestones of the 20th century, brought about by the actions of many ordinary and some extraordinary people; and

Whereas the fall of the Berlin Wall embodied the end of the division of Europe, the opening of the Iron Curtain, and the triumph of democracy over communism: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 20th anniversary of the fall of the Berlin Wall;

(2) celebrates 20 years of an undivided Europe, free from the oppression of authoritarianism, with the people of the former communist countries and Western Europe;

(3) honors the service and sacrifice of the people of Germany, the United States, and other countries who served in the Cold War to bring freedom to Central and Eastern Europe;

(4) expresses its appreciation to the people of Germany for their commitment to preserving the dignity and freedom of others in their leadership on international assistance, peacekeeping, and security efforts, including in Afghanistan, Bosnia and Herzegovina, Georgia, Kosovo, Lebanon, Sudan, and off the coast of the Horn of Africa; and

(5) reaffirms the friendship between the Government and people of the United States and the Government and people of Germany.

SENATE RESOLUTION 329—RECOGNIZING THE MONTH OF OCTOBER 2009 AS ''NATIONAL PRINCIPALS MONTH''

Mr. DORGAN (for himself, Mr. BAUCUS, Ms. COLLINS, Mr. CONRAD, Mr. SCHUMER, Mr. AKAKA, Mr. LUGAR, Mr. FRANKEN, Ms. MIKULSKI, and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 329

Whereas the National Association of Elementary School Principals and the National Association of Secondary School Principals have declared the month of October 2009 as ''National Principals Month'';

Whereas school leaders are expected to be educational visionaries, instructional leaders, assessment experts, disciplinarians, community builders, public relations experts, budget analysts, facility managers, special programs administrators, and guardians of various legal, contractual, and policy mandates and initiatives, as well as being entrusted with our young people, our most valuable resource;

Whereas principals set the academic tone for their schools and work collaboratively with teachers to develop and maintain high curriculum standards, develop mission statements, and set performance goals and objectives;

Whereas the vision, dedication, and determination of a principal provides the mobilizing force behind any school reform effort; and

Whereas the celebration of ''National Principals Month'' would honor elementary, middle level, and high school principals and recognize the importance of school leadership in ensuring that every child has access to a high-quality education: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the month of October 2009 as ''National Principals Month''; and

(2) honors the contribution of school principals in the elementary and secondary schools of our Nation by supporting the goals and ideals of ''National Principals Month''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2710. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table.

SA 2711. Mr. BENNETT (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 3548, supra; which was ordered to lie on the table.

SA 2712. Mr. REID (for Mr. BAUCUS (for himself, Mr. REID, and Ms. SNOWE)) proposed an amendment to the bill H.R. 3548, supra.

SA 2713. Mr. REID proposed an amendment to amendment SA 2712 proposed by Mr. REID (for Mr. BAUCUS (for himself, Mr. REID, and Ms. SNOWE)) to the bill H.R. 3548, supra.

SA 2714. Mr. REID proposed an amendment to amendment SA 2713 proposed by Mr. REID to the amendment SA 2712 proposed by Mr. REID (for Mr. BAUCUS (for himself, Mr. REID, and Ms. SNOWE)) to the bill H.R. 3548, supra.

SA 2715. Mr. REID proposed an amendment to the bill H.R. 3548, supra.

SA 2716. Mr. REID proposed an amendment to amendment SA 2715 proposed by Mr. REID to the bill H.R. 3548, supra.

SA 2717. Mr. REID proposed an amendment to the bill H.R. 3548, supra.

SA 2718. Mr. REID submitted an amendment intended to be proposed to amendment SA 2717 proposed by Mr. REID to the bill H.R. 3548, supra.

SA 2719. Mr. REID proposed an amendment to amendment SA 2718 submitted by Mr. REID to the amendment SA 2717 proposed by Mr. REID to the bill H.R. 3548, supra.

SA 2720. Mr. REID (for Mr. SCHUMER (for himself and Mr. BENNETT)) proposed an amendment to the bill H.R. 1299, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

TEXT OF AMENDMENTS

SA 2710. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. REQUIREMENT FOR RECIPIENTS OF UNEMPLOYMENT COMPENSATION BENEFITS TO PARTICIPATE IN THE E-VERIFY PROGRAM.

(a) IN GENERAL.—No individual may receive unemployment compensation benefits under any State or Federal law until after the date that the individual's identity and employment eligibility are verified through the E-Verify Program under title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note).

(b) EFFECTIVE DATE.—The requirements of subsection (a) shall take effect on the date that is 180 days after the date of enactment of this Act.

SA 2711. Mr. BENNETT (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF TARP EXTENSION AUTHORITY.

Section 120 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5230) is amended—

(1) by striking ''(a) **TERMINATION**.—''; and

(2) by striking subsection (b).

SA 2712. Mr. REID (for Mr. BAUCUS (for himself, Mr. REID, and Ms. SNOWE)) proposed an amendment to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Worker, Homeownership, and Business Assistance Act of 2009''.

SEC. 2. REVISIONS TO SECOND-TIER BENEFITS.

(a) IN GENERAL.—Section 4002(c) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''If'' and all that follows through ''paragraph (2))'' and inserting ''At the time that the amount established in an individual's account under subsection (b)(1) is exhausted'';

(B) in subparagraph (A), by striking ''50 percent'' and inserting ''54 percent''; and

(C) in subparagraph (B), by striking ''13'' and inserting ''14'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 3. THIRD-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following new subsection:

''(d) THIRD-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—

''(1) IN GENERAL.—If, at the time that the amount added to an individual's account under subsection (c)(1) (hereinafter 'second-tier emergency unemployment compensation') is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (hereinafter 'third-tier emergency unemployment compensation') equal to the lesser of—

''(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

''(B) 13 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

''(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

''(A) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

''(i) were applied by substituting '4' for '5' each place it appears; and

''(ii) did not include the requirement under paragraph (1)(A) thereof; or

''(B) such a period would then be in effect for such State under such Act if—

''(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

''(ii) such section 203(f)—

''(I) were applied by substituting '6.0' for '6.5' in paragraph (1)(A)(i) thereof; and

''(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

''(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.''.

(b) CONFORMING AMENDMENT TO NON-AUGMENTATION RULE.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) by striking ''then section 4002(c)'' and inserting ''then subsections (c) and (d) of section 4002''; and

(2) by striking ''paragraph (2) of such section)'' and inserting ''paragraph (2) of such subsection (c) or (d) (as the case may be))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 4. FOURTH-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 3(a), is amended by adding at the end the following new subsection:

''(e) FOURTH-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—

''(1) IN GENERAL.—If, at the time that the amount added to an individual's account under subsection (d)(1) (third-tier emergency unemployment compensation) is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (hereinafter 'fourth-tier emergency unemployment compensation') equal to the lesser of—

''(A) 24 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

''(B) 6 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

''(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

''(A) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

''(i) were applied by substituting '6' for '5' each place it appears; and

''(ii) did not include the requirement under paragraph (1)(A) thereof; or

''(B) such a period would then be in effect for such State under such Act if—

''(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

''(ii) such section 203(f)—

''(I) were applied by substituting '8.5' for '6.5' in paragraph (1)(A)(i) thereof; and

''(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

''(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.''.

(b) CONFORMING AMENDMENT TO NON-AUGMENTATION RULE.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 3(b), is amended—

(1) by striking ''and (d)'' and inserting '', (d), and (e) of section 4002''; and

(2) by striking ''or (d)'' and inserting '', (d), or (e) (as the case may be))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 5. COORDINATION.

Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 4, is amended by adding at the end the following new subsection:

''(f) COORDINATION RULES.—

''(1) COORDINATION WITH EXTENDED COMPENSATION.—Notwithstanding an election under section 4001(e) by a State to provide for the payment of emergency unemployment compensation prior to extended compensation, such State may pay extended compensation to an otherwise eligible individual prior to any emergency unemployment compensation under subsection (c), (d), or (e) (by reason of the amendments made by sections 2, 3, and 4 of the Worker, Homeownership, and Business Assistance Act of 2009),

if such individual claimed extended compensation for at least 1 week of unemployment after the exhaustion of emergency unemployment compensation under subsection (b) (as such subsection was in effect on the day before the date of the enactment of this subsection).

''(2) COORDINATION WITH TIERS II, III, AND IV.—If a State determines that implementation of the increased entitlement to second-tier emergency unemployment compensation by reason of the amendments made by section 2 of the Worker, Homeownership, and Business Assistance Act of 2009 would unduly delay the prompt payment of emergency unemployment compensation under this title by reason of the amendments made by such Act, such State may elect to pay third-tier emergency unemployment compensation prior to the payment of such increased second-tier emergency unemployment compensation until such time as such State determines that such increased second-tier emergency unemployment compensation may be paid without such undue delay. If a State makes the election under the preceding sentence, then, for purposes of determining whether an account may be augmented for fourth-tier emergency unemployment compensation under subsection (e), such State shall treat the date of exhaustion of such increased second-tier emergency unemployment compensation as the date of exhaustion of third-tier emergency unemployment compensation, if such date is later than the date of exhaustion of the third-tier emergency unemployment compensation.''.

SEC. 6. TRANSFER OF FUNDS.

Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by striking ''Act;'' and inserting ''Act and sections 2, 3, and 4 of the Worker, Homeownership, and Business Assistance Act of 2009;''.

SEC. 7. EXPANSION OF MODERNIZATION GRANTS FOR UNEMPLOYMENT RESULTING FROM COMPELLING FAMILY REASON.

(a) IN GENERAL.—Clause (i) of section 903(f)(3)(B) of the Social Security Act (42 U.S.C. 1103(f)(3)(B)) is amended to read as follows:

''(i) One or both of the following offenses as selected by the State, but in making such selection, the resulting change in the State law shall not supercede any other provision of law relating to unemployment insurance to the extent that such other provision provides broader access to unemployment benefits for victims of such selected offense or offenses:

''(I) Domestic violence, verified by such reasonable and confidential documentation as the State law may require, which causes the individual reasonably to believe that such individual's continued employment would jeopardize the safety of the individual or of any member of the individual's immediate family (as defined by the Secretary of Labor); and

''(II) Sexual assault, verified by such reasonable and confidential documentation as the State law may require, which causes the individual reasonably to believe that such individual's continued employment would jeopardize the safety of the individual or of any member of the individual's immediate family (as defined by the Secretary of Labor).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to State applications submitted on and after January 1, 2010.

SEC. 8. TREATMENT OF ADDITIONAL REGULAR COMPENSATION.

The monthly equivalent of any additional compensation paid by reason of section 2002 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438) shall be disregarded after the date of the enactment of this Act in considering the amount of income and assets of an individual for purposes of determining such individual's eligibility for, or amount of, benefits under the Supplemental Nutrition Assistance Program (SNAP).

SEC. 9. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) BENEFITS.—Section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), is amended—

(1) in clause (iii)—

(A) by striking ''June 30, 2009'' and inserting ''June 30, 2010''; and

(B) by striking ''December 31, 2009'' and inserting ''December 31, 2010''; and

(2) by adding at the end of clause (iv) the following: ''In addition to the amount appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated $175,000,000 to cover the cost of additional extended unemployment benefits provided under this subparagraph, to remain available until expended.''.

(b) ADMINISTRATIVE EXPENSES.—Section 2006 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 445) is amended by adding at the end of subsection (b) the following: ''In addition to funds appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board $807,000 to cover the administrative expenses associated with the payment of additional extended unemployment benefits under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, to remain available until expended.''.

SEC. 10. 0.2 PERCENT FUTA SURTAX.

(a) IN GENERAL.—Section 3301 of the Internal Revenue Code of 1986 (relating to rate of tax) is amended—

(1) by striking ''through 2009'' in paragraph (1) and inserting ''through 2010 and the first 6 months of calendar year 2011'',

(2) by striking ''calendar year 2010'' in paragraph (2) and inserting ''the remainder of calendar year 2011'', and

(3) by inserting ''(or portion of the calendar year)'' after ''during the calendar year''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2009.

SEC. 11. EXTENSION AND MODIFICATION OF FIRST-TIME HOMEBUYER TAX CREDIT.

(a) EXTENSION OF APPLICATION PERIOD.—

(1) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended—

(A) by striking ''December 1, 2009'' and inserting ''May 1, 2010'',

(B) by striking ''SECTION.—This section'' and inserting ''SECTION.—

''(1) IN GENERAL.—This section'', and

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

''(2) EXCEPTION IN CASE OF BINDING CONTRACT.—In the case of any taxpayer who enters into a written binding contract before May 1, 2010, to close on the purchase of a principal residence before July 1, 2010, paragraph (1) shall be applied by substituting 'July 1, 2010' for 'May 1, 2010'.''.

(2) WAIVER OF RECAPTURE.—

(A) IN GENERAL.—Subparagraph (D) of section 36(f)(4) of such Code is amended by striking '', and before December 1, 2009''.

(B) CONFORMING AMENDMENT.—The heading of such subparagraph (D) is amended by inserting ''AND 2010'' after ''2009''.

(3) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 of such Code is amended to read as follows:

''(g) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—In the case of a purchase of a principal residence after December 31, 2008, a taxpayer may elect to treat such purchase as made on December 31 of the calendar year preceding such purchase for purposes of this section (other than subsections (c), (f)(4)(D), and (h)).''.

(b) SPECIAL RULE FOR LONG-TIME RESIDENTS OF SAME PRINCIPAL RESIDENCE.—Subsection (c) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) EXCEPTION FOR LONG-TIME RESIDENTS OF SAME PRINCIPAL RESIDENCE.—In the case of an individual (and, if married, such individual's spouse) who has owned and used the same residence as such individual's principal residence for any 5-consecutive-year period during the 8-year period ending on the date of the purchase of a subsequent principal residence, such individual shall be treated as a first-time homebuyer for purposes of this section with respect to the purchase of such subsequent residence.''.

(c) MODIFICATION OF DOLLAR AND INCOME LIMITATIONS.—

(1) DOLLAR LIMITATION.—Subsection (b)(1) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR LONG-TIME RESIDENTS OF SAME PRINCIPAL RESIDENCE.—In the case of a taxpayer to whom a credit under subsection (a) is allowed by reason of subsection (c)(6), subparagraphs (A), (B), and (C) shall be applied by substituting '$6,500' for '$8,000' and '$3,250' for '$4,000'.''.

(2) INCOME LIMITATION.—Subsection (b)(2)(A)(i)(II) of section 36 of such Code is amended by striking ''$75,000 ($150,000'' and inserting ''$125,000 ($225,000''.

(d) LIMITATION ON PURCHASE PRICE OF RESIDENCE.—Subsection (b) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) LIMITATION BASED ON PURCHASE PRICE.—No credit shall be allowed under subsection (a) for the purchase of any residence if the purchase price of such residence exceeds $800,000.''.

(e) WAIVER OF RECAPTURE OF FIRST-TIME HOMEBUYER CREDIT FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY.—Paragraph (4) of section 36(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(E) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES, ETC.—

''(i) IN GENERAL.—In the case of the disposition of a principal residence by an individual (or a cessation referred to in paragraph (2)) after December 31, 2008, in connection with Government orders received by such individual, or such individual's spouse, for qualified official extended duty service—

''(I) paragraph (2) and subsection (d)(2) shall not apply to such disposition (or cessation), and

''(II) if such residence was acquired before January 1, 2009, paragraph (1) shall not apply to the taxable year in which such disposition (or cessation) occurs or any subsequent taxable year.

''(ii) QUALIFIED OFFICIAL EXTENDED DUTY SERVICE.—For purposes of this section, the term 'qualified official extended duty service' means service on qualified official extended duty as—

''(I) a member of the uniformed services,

''(II) a member of the Foreign Service of the United States, or

''(III) an employee of the intelligence community.

''(iii) DEFINITIONS.—Any term used in this subparagraph which is also used in paragraph (9) of section 121(d) shall have the same meaning as when used in such paragraph.''.

(f) EXTENSION OF FIRST-TIME HOMEBUYER CREDIT FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by adding at the end the following:

''(3) SPECIAL RULE FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY OUTSIDE THE UNITED STATES.—In the case of any individual who serves on qualified official extended duty service (as defined in section 121(d)(9)(C)(i)) outside the United States for at least 90 days during the period beginning after December 31, 2008, and ending before May 1, 2010, and, if married, such individual's spouse—

''(A) paragraphs (1) and (2) shall each be applied by substituting 'May 1, 2011' for 'May 1, 2010', and

''(B) paragraph (2) shall be applied by substituting 'July 1, 2011' for 'July 1, 2010'.''.

(g) DEPENDENTS INELIGIBLE FOR CREDIT.—Subsection (d) of section 36 of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', or'', and by adding at the end the following new paragraph:

''(3) a deduction under section 151 with respect to such taxpayer is allowable to another taxpayer for such taxable year.''.

(h) IRS MATHEMATICAL ERROR AUTHORITY.—Paragraph (2) of section 6213(g) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of subparagraph (M),

(2) by striking the period at the end of subparagraph (N) and inserting '', and'', and

(3) by inserting after subparagraph (N) the following new subparagraph:

''(O) an omission of any increase required under section 36(f) with respect to the recapture of a credit allowed under section 36.''.

(i) COORDINATION WITH FIRST-TIME HOMEBUYER CREDIT FOR DISTRICT OF COLUMBIA.—Paragraph (4) of section 1400C(e) of the Internal Revenue Code of 1986 is amended by striking ''and before December 1, 2009,''.

(j) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (b), (c), (d), and (g) shall apply to residences purchased after the date of the enactment of this Act.

(2) EXTENSIONS.—The amendments made by subsections (a), (f), and (i) shall apply to residences purchased after November 30, 2009.

(3) WAIVER OF RECAPTURE.—The amendment made by subsection (e) shall apply to dispositions and cessations after December 31, 2008.

(4) MATHEMATICAL ERROR AUTHORITY.—The amendments made by subsection (h) shall apply to returns for taxable years ending on or after April 9, 2008.

SEC. 12. PROVISIONS TO ENHANCE THE ADMINISTRATION OF THE FIRST-TIME HOMEBUYER TAX CREDIT.

(a) AGE LIMITATION.—

(1) IN GENERAL.—Subsection (b) of section 36 of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new paragraph:

''(4) AGE LIMITATION.—No credit shall be allowed under subsection (a) with respect to the purchase of any residence unless the taxpayer has attained age 18 as of the date of such purchase. In the case of any taxpayer who is married (within the meaning of section 7703), the taxpayer shall be treated as meeting the age requirement of the preceding sentence if the taxpayer or the taxpayer's spouse meets such age requirement.''.

(2) CONFORMING AMENDMENT.—Subsection (g) of section 36 of such Code, as amended by this Act, is amended by inserting ''(b)(4),'' before ''(c)''.

(b) DOCUMENTATION REQUIREMENT.—Subsection (d) of section 36 of the Internal Revenue Code of 1986, as amended by this Act, is amended by striking ''or'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', or'', and by adding at the end the following new paragraph:

''(4) the taxpayer fails to attach to the return of tax for such taxable year a properly executed copy of the settlement statement used to complete such purchase.''.

(c) RESTRICTION ON MARRIED INDIVIDUAL ACQUIRING RESIDENCE FROM FAMILY OF SPOUSE.—Clause (i) of section 36(c)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting ''(or, if married, such individual's spouse)'' after ''person acquiring such property''.

(d) CERTAIN ERRORS WITH RESPECT TO THE FIRST-TIME HOMEBUYER TAX CREDIT TREATED AS MATHEMATICAL OR CLERICAL ERRORS.—Paragraph (2) of section 6213(g) the Internal Revenue Code of 1986, as amended by this Act, is amended by striking ''and'' at the end of subparagraph (N), by striking the period at the end of subparagraph (O) and inserting '', and'', and by inserting after subparagraph (O) the following new subparagraph:

''(P) an entry on a return claiming the credit under section 36 if—

''(i) the Secretary obtains information from the person issuing the TIN of the taxpayer that indicates that the taxpayer does not meet the age requirement of section 36(b)(4),

''(ii) information provided to the Secretary by the taxpayer on an income tax return for at least one of the 2 preceding taxable years is inconsistent with eligibility for such credit, or

''(iii) the taxpayer fails to attach to the return the form described in section 36(d)(4).''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to purchases after the date of the enactment of this Act.

(2) DOCUMENTATION REQUIREMENT.—The amendments made by subsection (b) shall apply to returns for taxable years ending after the date of the enactment of this Act.

(3) TREATMENT AS MATHEMATICAL AND CLERICAL ERRORS.—The amendments made by subsection (d) shall apply to returns for taxable years ending on or after April 9, 2008.

SEC. 13. 5-YEAR CARRYBACK OF OPERATING LOSSES.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

''(H) CARRYBACK FOR 2008 OR 2009 NET OPERATING LOSSES.—

''(i) IN GENERAL.—In the case of an applicable net operating loss with respect to which the taxpayer has elected the application of this subparagraph—

''(I) subparagraph (A)(i) shall be applied by substituting any whole number elected by the taxpayer which is more than 2 and less than 6 for '2',

''(II) subparagraph (E)(ii) shall be applied by substituting the whole number which is one less than the whole number substituted under subclause (I) for '2', and

''(III) subparagraph (F) shall not apply.

''(ii) APPLICABLE NET OPERATING LOSS.—For purposes of this subparagraph, the term 'applicable net operating loss' means the taxpayer's net operating loss for a taxable year ending after December 31, 2007, and beginning before January 1, 2010.

''(iii) ELECTION.—

''(I) IN GENERAL.—Any election under this subparagraph may be made only with respect to 1 taxable year.

''(II) PROCEDURE.—Any election under this subparagraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the return for the taxpayer's last taxable year beginning in 2009. Any such election, once made, shall be irrevocable.

''(iv) LIMITATION ON AMOUNT OF LOSS CARRYBACK TO 5TH PRECEDING TAXABLE YEAR.—

''(I) IN GENERAL.—The amount of any net operating loss which may be carried back to the 5th taxable year preceding the taxable year of such loss under clause (i) shall not exceed 50 percent of the taxpayer's taxable income (computed without regard to the net operating loss for the loss year or any taxable year thereafter) for such preceding taxable year.

''(II) CARRYBACKS AND CARRYOVERS TO OTHER TAXABLE YEARS.—Appropriate adjustments in the application of the second sentence of paragraph (2) shall be made to take into account the limitation of subclause (I).

''(III) EXCEPTION FOR 2008 ELECTIONS BY SMALL BUSINESSES.—Subclause (I) shall not apply to any loss of an eligible small business with respect to any election made under this subparagraph as in effect on the day before the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009.

''(v) SPECIAL RULES FOR SMALL BUSINESS.—

''(I) IN GENERAL.—In the case of an eligible small business which made or makes an election under this subparagraph as in effect on the day before the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009, clause (iii)(I) shall be applied by substituting '2 taxable years' for '1 taxable year'.

''(II) ELIGIBLE SMALL BUSINESS.—For purposes of this subparagraph, the term 'eligible small business' has the meaning given such term by subparagraph (F)(iii), except that in applying such subparagraph, section 448(c) shall be applied by substituting '$15,000,000' for '$5,000,000' each place it appears.''.

(b) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—Subclause (I) of section 56(d)(1)(A)(ii) of the Internal Revenue Code of 1986 is amended to read as follows:

''(I) the amount of such deduction attributable to an applicable net operating loss with respect to which an election is made under section 172(b)(1)(H), or''.

(c) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—Subsection (b) of section 810 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) CARRYBACK FOR 2008 OR 2009 LOSSES.—

''(A) IN GENERAL.—In the case of an applicable loss from operations with respect to which the taxpayer has elected the application of this paragraph, paragraph (1)(A) shall be applied by substituting any whole number elected by the taxpayer which is more than 3 and less than 6 for '3'.

''(B) APPLICABLE LOSS FROM OPERATIONS.—For purposes of this paragraph, the term 'applicable loss from operations' means the taxpayer's loss from operations for a taxable year ending after December 31, 2007, and beginning before January 1, 2010.

''(C) ELECTION.—

''(i) IN GENERAL.—Any election under this paragraph may be made only with respect to 1 taxable year.

''(ii) PROCEDURE.—Any election under this paragraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the return for the taxpayer's last taxable year beginning in 2009. Any such election, once made, shall be irrevocable.

''(D) LIMITATION ON AMOUNT OF LOSS CARRYBACK TO 5TH PRECEDING TAXABLE YEAR.—

''(i) IN GENERAL.—The amount of any loss from operations which may be carried back to the 5th taxable year preceding the taxable year of such loss under subparagraph (A) shall not exceed 50 percent of the taxpayer's taxable income (computed without regard to the loss from operations for the loss year or any taxable year thereafter) for such preceding taxable year.

''(ii) CARRYBACKS AND CARRYOVERS TO OTHER TAXABLE YEARS.—Appropriate adjustments in the application of the second sentence of paragraph (2) shall be made to take into account the limitation of clause (i).''.

(d) ANTI-ABUSE RULES.—The Secretary of Treasury or the Secretary's designee shall prescribe such rules as are necessary to prevent the abuse of the purposes of the amendments made by this section, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to net operating losses arising in taxable years ending after December 31, 2007.

(2) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—The amendment made by subsection (b) shall apply to taxable years ending after December 31, 2002.

(3) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—The amendment made by subsection (d) shall apply to losses from operations arising in taxable years ending after December 31, 2007.

(4) TRANSITIONAL RULE.—In the case of any net operating loss (or, in the case of a life insurance company, any loss from operations) for a taxable year ending before the date of the enactment of this Act—

(A) any election made under section 172(b)(3) or 810(b)(3) of the Internal Revenue Code of 1986 with respect to such loss may (notwithstanding such section) be revoked before the due date (including extension of time) for filing the return for the taxpayer's last taxable year beginning in 2009, and

(B) any application under section 6411(a) of such Code with respect to such loss shall be treated as timely filed if filed before such due date.

(f) EXCEPTION FOR TARP RECIPIENTS.—The amendments made by this section shall not apply to—

(1) any taxpayer if—

(A) the Federal Government acquired before the date of the enactment of this Act an equity interest in the taxpayer pursuant to the Emergency Economic Stabilization Act of 2008,

(B) the Federal Government acquired before such date of enactment any warrant (or other right) to acquire any equity interest with respect to the taxpayer pursuant to the Emergency Economic Stabilization Act of 2008, or

(C) such taxpayer receives after such date of enactment funds from the Federal Government in exchange for an interest described in subparagraph (A) or (B) pursuant to a program established under title I of division A of the Emergency Economic Stabilization Act of 2008 (unless such taxpayer is a financial institution (as defined in section 3 of such Act) and the funds are received pursuant to a program established by the Secretary of the Treasury for the stated purpose of increasing the availability of credit to small businesses using funding made available under such Act), or

(2) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, and

(3) any taxpayer which at any time in 2008 or 2009 was or is a member of the same affiliated group (as defined in section 1504 of the Internal Revenue Code of 1986, determined without regard to subsection (b) thereof) as a taxpayer described in paragraph (1) or (2).

SEC. 14. EXCLUSION FROM GROSS INCOME OF QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.

(a) IN GENERAL.—Subsection (n) of section 132 of the Internal Revenue Code of 1986 is amended—

(1) in subparagraph (1) by striking ''this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure'' and inserting ''the American Recovery and Reinvestment Tax Act of 2009)'', and

(2) in subparagraph (2) by striking ''clause (1) of''.

(b) EFFECTIVE DATE.—The amendments made by this act shall apply to payments made after February 17, 2009.

SEC. 15. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) of the Internal Revenue Code of 1986 are each amended by striking ''December 31, 2010'' and inserting ''December 31, 2017''.

(b) CONFORMING AMENDMENT.—Section 864(f) of the Internal Revenue Code of 1986 is amended by striking paragraph (7).

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 16. INCREASE IN PENALTY FOR FAILURE TO FILE A PARTNERSHIP OR S CORPORATION RETURN.

(a) IN GENERAL.—Sections 6698(b)(1) and 6699(b)(1) of the Internal Revenue Code of 1986 are each amended by striking ''$89'' and inserting ''$195''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns for taxable years beginning after December 31, 2009.

SEC. 17. CERTAIN TAX RETURN PREPARERS REQUIRED TO FILE RETURNS ELECTRONICALLY.

(a) IN GENERAL.—Subsection (e) of section 6011 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR TAX RETURN PREPARERS.—

''(A) IN GENERAL.—The Secretary shall require than any individual income tax return prepared by a tax return preparer be filed on magnetic media if—

''(i) such return is filed by such tax return preparer, and

''(ii) such tax return preparer is a specified tax return preparer for the calendar year during which such return is filed.

''(B) SPECIFIED TAX RETURN PREPARER.—For purposes of this paragraph, the term 'specified tax return preparer' means, with respect to any calendar year, any tax return preparer unless such preparer reasonably expects to file 10 or fewer individual income tax returns during such calendar year.

''(C) INDIVIDUAL INCOME TAX RETURN.—For purposes of this paragraph, the term 'individual income tax return' means any return of the tax imposed by subtitle A on individuals, estates, or trusts.''.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 6011(e) of the Internal Revenue Code of 1986 is amended by striking ''The Secretary may not'' and inserting ''Except as provided in paragraph (3), the Secretary may not''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns filed after December 31, 2010.

SEC. 18. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (1) of section 202(b) of the Corporate Estimated Tax Shift Act of 2009 in effect on the date of the enactment of this Act is increased by 33.0 percentage points.

SA 2713. Mr. REID proposed an amendment to amendment SA 2712 proposed by Mr. REID) (for Mr. BAUCUS) for himself, Mr. REID, AND MS. SNOWE)) to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; as follows:

At the end of the amendment, add the following:

This section shall become effective 7 days after enactment.

SA 2714. Mr. REID proposed an amendment to amendment SA 2713 proposed by Mr. REID to the amendment SA 2712 proposed by Mr. REID (for Mr. BAUCUS (for himself, Mr. REID, and Ms. SNOWE)) to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; as follows:

In the amendment, strike ''7'' and insert ''6''.

SA 2715. Mr. REID proposed an amendment to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; as follows:

At the end of the language proposed to be stricken, insert the following:

This section shall become effective 5 days after enactment.

SA 2716. Mr. REID proposed an amendment to amendment SA 2715 proposed by Mr. REID to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; as follows:

In the amendment, strike ''5'' and insert ''4''.

SA 2717. Mr. REID proposed an amendment to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; as follows:

At the end insert the following: This section shall become effective 3 days after enactment of the bill.

SA 2718. Mr. REID submitted an amendment intended to be proposed to amendment SA 2717 proposed by Mr.

REID to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; as follows:

In the amendment, strike ''3'' and insert ''2''.

SA 2719. Mr. REID proposed an amendment to amendment SA 2718 submitted by Mr. REID to the amendment SA 2717 proposed by Mr. REID to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; as follows:

In the amendment, strike 2 and insert 1.

SA 2720. Mr. REID (for Mr. SCHUMER (for himself and Mr. BENNETT)) proposed an amendment to the bill H.R. 1299, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Capitol Police Administrative Technical Corrections Act of 2009''.

SEC. 2. ADMINISTRATIVE AUTHORITIES OF THE CHIEF OF THE CAPITOL POLICE.

(a) CLARIFICATION OF CERTAIN HIRING AUTHORITIES.—

(1) CHIEF ADMINISTRATIVE OFFICER.—Section 108(a) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903(a)) is amended to read as follows:

''(a) CHIEF ADMINISTRATIVE OFFICER.—

''(1) ESTABLISHMENT.—There shall be within the United States Capitol Police an Office of Administration, to be headed by the Chief Administrative Officer, who shall report to and serve at the pleasure of the Chief of the Capitol Police.

''(2) APPOINTMENT.—The Chief Administrative Officer shall be appointed by the Chief of the United States Capitol Police, after consultation with the Capitol Police Board, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

''(3) COMPENSATION.—The annual rate of pay for the Chief Administrative Officer shall be the amount equal to $1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.''.

(2) ADMINISTRATIVE PROVISIONS.—Section 108 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903) is amended by striking subsection (c).

(3) CERTIFYING OFFICERS.—Section 107 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1904) is amended—

(A) in subsection (a), by striking ''the Capitol Police Board'' and inserting ''the Chief of the Capitol Police''; and

(B) in subsection (b)(1), by striking ''the Capitol Police Board'' and inserting ''the Chief of the Capitol Police''.

(4) PERSONNEL ACTIONS OF THE CHIEF OF THE CAPITOL POLICE.—

(A) IN GENERAL.—Section 1018(e) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(e)) is amended by striking paragraph (1) and inserting the following:

''(1) AUTHORITY.—

''(A) IN GENERAL.—The Chief of the Capitol Police, in carrying out the duties of office, is authorized to appoint, hire, suspend with or without pay, discipline, discharge, and set the terms, conditions, and privileges of employment of employees of the Capitol Police, subject to and in accordance with applicable laws and regulations.

''(B) SPECIAL RULE FOR TERMINATIONS.—The Chief may terminate an officer, member, or employee only after the Chief has provided notice of the termination to the Capitol Police Board (in such manner as the Board may from time to time require) and the Board has approved the termination, except that if the Board has not disapproved the termination prior to the expiration of the 30-day period which begins on the date the Board receives the notice, the Board shall be deemed to have approved the termination.

''(C) NOTICE OR APPROVAL.—The Chief of the Capitol Police shall provide notice or receive approval, as required by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, as each Committee determines appropriate for—

''(i) the exercise of any authority under subparagraph (A); or

''(ii) the establishment of any new position for officers, members, or employees of the Capitol Police, for reclassification of existing positions, for reorganization plans, or for hiring, termination, or promotion for officers, members, or employees of the Capitol Police.''.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) SUSPENSION AUTHORITY.—Section 1823 of the Revised Statutes of the United States (2 U.S.C. 1928) is repealed.

(ii) PAY OF MEMBERS UNDER SUSPENSION.—The proviso in the Act of Mar. 3, 1875 (ch. 129; 18 Stat. 345), popularly known as the ''Legislature, Executive, and Judicial Appropriation Act, fiscal year 1876'', which is codified at section 1929 of title 2, United States Code (2000 Editions, Supp. V), is repealed.

(5) CONFORMING APPLICATION OF CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(A) IN GENERAL.—Section 101(9)(D) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(9)(D)) is amended by striking ''the Capitol Police Board,'' and inserting ''the United States Capitol Police,''.

(B) NO EFFECT ON CURRENT PROCEEDINGS.—Nothing in the amendment made by subparagraph (A) may be construed to affect any procedure initiated under title IV of the Congressional Accountability Act of 1995 prior to the date of the enactment of this Act.

(6) NO EFFECT ON CURRENT PERSONNEL.—Nothing in the amendments made by this subsection may be construed to affect the status of any individual serving as an officer or employee of the United States Capitol Police as of the date of the enactment of this Act.

(b) DEPOSIT OF REIMBURSEMENTS FOR LAW ENFORCEMENT ASSISTANCE.—

(1) IN GENERAL.—Section 2802 of the Supplemental Appropriations Act, 2001 (2 U.S.C. 1905) is amended—

(A) in subsection (a)(1), by striking ''Capitol Police Board'' each place it appears and inserting ''United States Capitol Police''; and

(B) in subsection (a)(2), by striking ''Capitol Police Board'' and inserting ''Chief of the United States Capitol Police''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of the Supplemental Appropriations Act, 2001.

(c) PRIOR NOTICE TO AUTHORIZING COMMITTEES OF DEPLOYMENT OUTSIDE JURISDICTION.—Section 1007(a)(1) of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 1978(a)(1)) is amended by striking ''prior notification to'' and inserting the following: ''prior notification to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and''.

(d) ADVANCE PAYMENTS FOR SUBSCRIPTION SERVICES.—

(1) IN GENERAL.—Section 1002 of the Legislative Branch Appropriations Act, 2008 (Public Law 110–161; 2 U.S.C. 1981) is amended by inserting ''the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate'' after ''the Senate,''.

(2) EFFECTIVE DATE AND APPLICATION.—The amendment made by this subsection shall take effect 30 days after the date of enactment of this Act and apply to payments made on or after that effective date.

SEC. 3. GENERAL COUNSEL TO THE CHIEF OF POLICE AND THE UNITED STATES CAPITOL POLICE.

(a) APPOINTMENT AND SERVICE.—

(1) IN GENERAL.—There shall be within the United States Capitol Police the General Counsel to the Chief of Police and the United States Capitol Police (in this subsection referred to as the ''General Counsel''), who shall report to and serve at the pleasure of the Chief of the United States Capitol Police.

(2) APPOINTMENT.—The General Counsel shall be appointed by the Chief of the Capitol Police in accordance with section 1018(e)(1) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(e)(1)) (as amended by section 2(a)(4)), after consultation with the Capitol Police Board, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

(3) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the annual rate of pay for the General Counsel shall be fixed by the Chief of the Capitol Police.

(B) LIMITATION.—The annual rate of pay for the General Counsel may not exceed an annual rate equal to $1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.

(4) TECHNICAL AND CONFORMING AMENDMENT.—House Resolution 661, Ninety-fifth Congress, agreed to July 29, 1977, as enacted into permanent law by section 111 of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 1901 note) is repealed.

(5) NO EFFECT ON CURRENT GENERAL COUNSEL.—Nothing in this subsection or the amendments made by this subsection may be construed to affect the status of the individual serving as the General Counsel to the Chief of Police and the United States Capitol Police as of the date of the enactment of this Act.

(b) LEGAL REPRESENTATION AUTHORITY.—

(1) IN GENERAL.—Section 1002(a)(2)(A) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1908(a)(2)(A)) is amended by striking ''the General Counsel for the United States Capitol Police Board and the Chief of the Capitol Police'' and inserting ''the General Counsel to the Chief of Police and the United States Capitol Police''.

(2) NO EFFECT ON CURRENT PROCEEDINGS.—Nothing in the amendment made by paragraph (1) may be construed to affect the authority of any individual to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof which is initiated prior to the date of the enactment of this Act.

SEC. 4. EMPLOYMENT COUNSEL TO THE CHIEF OF POLICE AND THE UNITED STATES CAPITOL POLICE.

(a) LEGAL REPRESENTATION AUTHORITY.—

(1) IN GENERAL.—Section 1002(a)(2)(B) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1908(a)(2)(B)) is amended by striking

''the Employment Counsel for the United States Capitol Police Board and the United States Capitol Police'' and inserting ''the Employment Counsel to the Chief of Police and the United States Capitol Police''.

(2) NO EFFECT ON CURRENT PROCEEDINGS.—Nothing in the amendment made by paragraph (1) may be construed to affect the authority of any individual to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof which is initiated prior to the date of the enactment of this Act.

(b) NO EFFECT ON CURRENT EMPLOYMENT COUNSEL.—Nothing in this section or the amendments made by this section may be construed to affect the status of the individual serving as the Employment Counsel to the Chief of Police and the United States Capitol Police as of the date of the enactment of this Act.

SEC. 5. CLARIFICATION OF AUTHORITIES REGARDING CERTAIN PERSONNEL BENEFITS.

(a) NO LUMP-SUM PAYMENT PERMITTED FOR UNUSED COMPENSATORY TIME.—

(1) IN GENERAL.—No officer or employee of the United States Capitol Police whose service with the United States Capitol Police is terminated may receive any lump-sum payment with respect to accrued compensatory time off, except to the extent permitted under section 203(c)(4) of the Congressional Accountability Act of 1995 (2 U.S.C. 1313(c)(4)).

(2) REPEAL OF RELATED OBSOLETE PROVISIONS.—

(A) OVERTIME PAY DISBURSED BY HOUSE.—Section 3 of House Resolution 449, Ninety-second Congress, agreed to June 2, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (85 Stat. 636) (2 U.S.C. 1924), together with any other provision of law which relates to compensatory time for the Capitol Police which is codified at section 1924 of title 2, United States Code (2000 Editions, Supp. V), is repealed.

(B) OVERTIME PAY DISBURSED BY SENATE.—The last full paragraph under the heading ''Administrative Provisions'' in the appropriation for the Senate in the Legislative Branch Appropriations Act, 1972 (85 Stat. 130) (2 U.S.C. 1925) is repealed.

(b) OVERTIME COMPENSATION FOR OFFICERS AND EMPLOYEES EXEMPT FROM FAIR LABOR STANDARDS ACT OF 1938.—

(1) CRITERIA UNDER WHICH COMPENSATION PERMITTED.—The Chief of the Capitol Police may provide for the compensation of overtime work of exempt individuals which is performed on or after the date of the enactment of this Act, in the form of additional pay or compensatory time off, only if—

(A) the overtime work is carried out in connection with special circumstances, as determined by the Chief;

(B) the Chief has established a monetary value for the overtime work performed by such individual; and

(C) the sum of the total amount of the compensation paid to the individual for the overtime work (as determined on the basis of the monetary value established under subparagraph (B)) and the total regular compensation paid to the individual with respect to the pay period involved may not exceed an amount equal to the cap on the aggregate amount of annual compensation that may be paid to the individual under applicable law during the year in which the pay period occurs, as allocated on a per pay period basis consistent with premium pay regulations of the Capitol Police Board.

(2) EXEMPT INDIVIDUALS DEFINED.—In this subsection, an ''exempt individual'' is an officer or employee of the United States Capitol Police—

(A) who is classified under regulations issued pursuant to section 203 of the Congressional Accountability Act of 1995 (2 U.S.C. 1313) as exempt from the application of the rights and protections established by subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (a)(1) and (d), 207, 212(c)); or

(B) whose annual rate of pay is not established specifically under any law.

(3) CONFORMING AMENDMENT.—

(A) IN GENERAL.—Section 1009 of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7; 117 Stat. 359) is repealed.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003, except that the amendment shall not apply with respect to any overtime work performed prior to the date of the enactment of this Act.

SEC. 6. OTHER MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) REPEAL OF OBSOLETE PROCEDURES FOR INITIAL APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER.—Section 108 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903) is amended by striking subsections (d) through (g).

(b) REPEAL OF REQUIREMENT THAT OFFICERS PURCHASE OWN UNIFORMS.—Section 1825 of the Revised Statutes of the United States (2 U.S.C. 1943) is repealed.

(c) REPEAL OF REFERENCES TO OFFICERS AND PRIVATES IN AUTHORITIES RELATING TO HOUSE AND SENATE OFFICE BUILDINGS.—

(1) HOUSE OFFICE BUILDINGS.—The item relating to ''House of Representatives Office Building'' in the Act entitled ''An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eight, and for other purposes'', approved March 4, 1907 (34 Stat. 1365; 2 U.S.C. 2001), is amended by striking ''other than officers and privates of the Capitol police'' each place it appears and inserting ''other than the United States Capitol Police''.

(2) SENATE OFFICE BUILDINGS.—The item relating to ''Senate Office Building'' in the Legislative Branch Appropriation Act, 1943 (56 Stat. 343; 2 U.S.C. 2023) is amended by striking ''other than for officers and privates of the Capitol Police'' each place it appears and inserting ''other than for the United States Capitol Police''.

(d) CLARIFICATION OF APPLICABILITY OF U.S. CAPITOL POLICE AND LIBRARY OF CONGRESS POLICE MERGER IMPLEMENTATION ACT OF 2007.—

(1) REPEAL OF DUPLICATE PROVISIONS.—Effective as if included in the enactment of the Legislative Branch Appropriations Act, 2008 (Public Law 110–161), section 1004 of such Act is repealed, and any provision of law amended or repealed by such section is restored or revived to read as if such section had not been enacted into law.

(2) NO EFFECT ON OTHER ACT.—Nothing in paragraph (1) may be construed to prevent the enactment or implementation of any provision of the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007 (Public Law 110–178), including any provision of such Act that amends or repeals a provision of law which is restored or revived pursuant to paragraph (1).

(e) AUTHORITY OF CHIEF OF POLICE.—

(1) REPEAL OF CERTAIN PROVISIONS CODIFIED IN TITLE 2, UNITED STATES CODE.—The provisions appearing in the first paragraph under the heading ''Capitol Police'' in the Act of April 28, 1902 (ch. 594; 32 Stat. 124), and the provisions appearing in the first paragraph under the heading ''Capitol Police'' in title I of the Legislative and Judiciary Appropriation Act, 1944 (ch. 173; 57 Stat. 230), insofar as all of those provisions are related to the sentence ''The captain and lieutenants shall be selected jointly by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives; and one-half of the privates shall be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives.'', which appears in 2 U.S.C. 1901 (2000 Edition, Supp. V), are repealed.

(2) RESTORATION OF REPEALED PROVISION.—Section 1018(h)(1) of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7, div. H, title I, 117 Stat. 368) is repealed, and the sentence ''The Capitol Police shall be headed by a Chief who shall be appointed by the Capitol Police Board and shall serve at the pleasure of the Board.'', which was repealed by such section, is restored to appear at the end of section 1821 of the Revised Statutes of the United States (2 U.S.C. 1901).

(3) CONFORMING AMENDMENT.—The first sentence of section 1821 of the Revised Statutes of the United States (2 U.S.C. 1901) is amended by striking '', the members of which shall be appointed by the Sergeants-at-Arms of the two Houses and the Architect of the Capitol Extension''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003.

SEC. 7. TREATMENT OF CAPITOL POLICE EMPLOYEES AS CONGRESSIONAL EMPLOYEES.

(a) DEFINITION OF CONGRESSIONAL EMPLOYEE.—Section 2107(4) of title 5, United States Code, is amended by inserting ''or employee'' after ''member''.

(b) DUAL PAY AND DUAL EMPLOYMENT.—

(1) DEFINITION OF AGENCY IN THE LEGISLATIVE BRANCH.—Section 5531(4) of title 5, United States Code, is amended by striking ''and the Congressional Budget Office'' and inserting ''the Congressional Budget Office, and the United States Capitol Police''.

(2) DUAL PAY.—Section 5533 of title 5, United States Code, is amended—

(A) in subsection (c)—

(i) in paragraph (1), by striking ''or the Chief Administrative Officer of the House of Representatives'' and inserting '', the Chief Administrative Officer of the House of Representatives, or the Chief of the Capitol Police''; and

(ii) in paragraph (2), by inserting ''or the Chief of the Capitol Police'' after ''House of Representatives''; and

(B) in subsection (d)(5)(A), by striking ''or the Chief Administrative Officer of the House of Representatives'' and inserting '', the Chief Administrative Officer of the House of Representatives, or the Chief of the Capitol Police''.

(c) FEES FOR JURY AND WITNESS SERVICE.—

(1) CREDITING AMOUNTS RECEIVED.—Section 5515 of title 5, United States Code, is amended by striking ''or the Chief Administrative Officer of the House of Representatives'' and inserting '', the Chief Administrative Officer of the House of Representatives, or the Chief of the Capitol Police''.

(2) FEES FOR SERVICE.—Section 5537(a) of title 5, United States Code, is amended by striking ''or the Chief Administrative Officer of the House of Representatives'' and inserting '', the Chief Administrative Officer of the House of Representatives, or the Chief of the Capitol Police''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as though enacted as part of section 1018 of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907).

SEC. 8. LAW ENFORCEMENT AUTHORITY OF SERGEANT-AT-ARMS AND DOORKEEPER OF THE SENATE.

(a) IN GENERAL.—The Sergeant-at-Arms and Doorkeeper of the Senate shall have the same law enforcement authority, including the authority to carry firearms, as a member of the Capitol Police. The law enforcement authority under the preceding sentence shall be subject to the requirement that the Sergeant-at-Arms and Doorkeeper of the Senate have the qualifications specified in subsection (b).

(b) QUALIFICATIONS.—The qualifications referred to in subsection (a) are the following:

(1) A minimum of 5 years of experience as a law enforcement officer before beginning service as the Sergeant-at-Arms and Doorkeeper of the Senate.

(2) Current certification in the use of firearms by the appropriate Federal law enforcement entity or an equivalent non-Federal entity.

(3) Any other firearms qualification required for members of the Capitol Police.

(c) REGULATIONS.—The Committee on Rules and Administration of the Senate shall have authority to prescribe regulations to carry out this section.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, November 4, 2009, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on Fixing the Federal Acknowledgment Process.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 29, 2009, at 10:30 a.m., to conduct a hearing entitled ''Modernizing Affordable Housing for Seniors and People with Disabilities.''

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 29, 2009, at 2:30 p.m.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on October 29, 2009, at 9:30 a.m. in room 406 of the Dirksen Senate Office Building.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Pensions in Peril: Helping Workers Preserve Retirement Security Through a Recession'' on October 29, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on October 29, 2009, at 10 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.

AVIATION OPERATIONS, SAFETY, AND SECURITY SUBCOMMITTEE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Aviation Operations, Safety, and Security Subcommittee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on October 29, 2009, at 10 a.m. in room 253 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 29, 2009, at 2:30 p.m.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on October 29, 2009, at 2:30 p.m. to conduct a hearing entitled, ''More Security, Less Waste: What Makes Sense for our Federal Cyber Defense.''

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on October 29, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff of the Finance Committee and my personal office be allowed floor privileges during consideration of the unemployment insurance bill: Mary Baker, Blaise Cote, Margaret Franklin, Maryum Janjua, Bridget Mallon, and Audrey Schultz.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 477, the nomination of Regina Benjamin to be Surgeon General of the United States; that the nomination be confirmed, the motion to reconsider be laid upon the table; that no further motions be in order; that any statements relating to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

IN THE PUBLIC HEALTH SERVICE

Regina M. Benjamin, of Alabama, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service for a term of four years.

Mr. REID. Mr. President, I am happy we are going to have a Surgeon General. We have waited far too long. This is a good woman. She deserved this a long time ago. I appreciate whoever was holding her up allowing us to go forward. It is important for the country. We have a flu pandemic that has been declared. It is an emergency. We have so many other problems. We need this doctor who has devoted her life to taking care of the ill to take care of the entire country.

Mr. ENZI. Mr. President, I rise today in support of the nomination of Dr. Regina Benjamin to be Surgeon General. The vetting process for executive nominees is thorough, and Dr. Benjamin has successfully completed that process. Her nomination was approved unanimously by the HELP Committee on October 7 by a voice vote.

The mission of the Surgeon General is to be America's ''top doctor,'' and to act as the chief medical educator and communicator on public health and safety issues. Dr. Benjamin has a distinguished career in providing health care to low-income individuals. We also share an understanding of the unique challenges facing people in rural and underserved areas. I am confident that Dr. Benjamin will be able to articulately inform Americans on matters of health safety.

Dr. Benjamin will become Surgeon General at a key time during the H1N1 pandemic influenza epidemic and subsequent supply shortage of the H1N1 vaccine. I am pleased she

will soon be able to assist with these efforts and play a role in updating the American people on the status of the epidemic.

I was pleased to vote for Dr. Benjamin's nomination in the HELP Committee and look forward to her swift confirmation today.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

CREDIT CARD TECHNICAL CORRECTIONS ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 3606.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3606) to amend the Truth in Lending Act to make a technical correction to an amendment made by the Credit CARD Act of 2009.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3606) was ordered to a third reading, was read the third time, and passed.

EXTENSION OF SMALL BUSINESS PROGRAMS

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to S. 1929.

The Presiding Officer laid before the Senate a message from the House, as follows:

S. 1929

Resolved, That the bill from the Senate (S. 1929) entitled ''An Act 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.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled ''An Act to extend temporarily certain authorities of the Small Business Administration'', approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111–66, is amended by striking ''October 31, 2009'' each place it appears and inserting ''January 31, 2010''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 30, 2009.

Mr. REID. Mr. President, I ask unanimous consent that the Senate concur in the amendment from the House; that the motion to reconsider be laid upon the table, there be no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

UNITED STATES CAPITOL POLICE ADMINISTRATIVE TECHNICAL CORRECTIONS ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H.R. 1299, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1299) to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, Senators SCHUMER and BENNETT of Utah have an amendment at the desk, and I ask unanimous consent that the amendment be considered and agreed to, the motion to reconsider be laid upon the table; that the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements related to this matter be printed in the RECORD.

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

The amendment (No. 2720) was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1299), as amended, was read the third time and passed.

NATIONAL PRINCIPALS MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 329 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 329) recognizing the month of October 2009 as ''National Principals Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 329) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 329

Whereas the National Association of Elementary School Principals and the National Association of Secondary School Principals have declared the month of October 2009 as ''National Principals Month'';

Whereas school leaders are expected to be educational visionaries, instructional leaders, assessment experts, disciplinarians, community builders, public relations experts, budget analysts, facility managers, special programs administrators, and guardians of various legal, contractual, and policy mandates and initiatives, as well as being entrusted with our young people, our most valuable resource;

Whereas principals set the academic tone for their schools and work collaboratively with teachers to develop and maintain high curriculum standards, develop mission statements, and set performance goals and objectives;

Whereas the vision, dedication, and determination of a principal provides the mobilizing force behind any school reform effort; and

Whereas the celebration of ''National Principals Month'' would honor elementary, middle level, and high school principals and recognize the importance of school leadership in ensuring that every child has access to a high-quality education: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the month of October 2009 as ''National Principals Month''; and

(2) honors the contribution of school principals in the elementary and secondary schools of our Nation by supporting the goals and ideals of ''National Principals Month''.

DISCHARGE AND REFERRAL—S. 1938

Mr. REID. Mr. President, I ask unanimous consent the bill, S. 1938, be discharged from the Committee on Environment and Public Works and that it be referred to the Committee on Commerce, Science and Transportation.

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

ORDERS FOR FRIDAY, OCTOBER 30, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow morning, Friday, October 30, at 10 a.m.; following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

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

PROGRAM

Mr. REID. There will be no rollcall votes during tomorrow's session. The

next rollcall vote will be on Monday, November 2, at 5 p.m. It will be on cloture on the substitute amendment to H.R. 3548, the Unemployment Compensation Extension Act.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:56 p.m., adjourned until Friday, October 30, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

FRANK KENDALL III, OF VIRGINIA, TO BE PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS. (NEW POSITION)

THE JUDICIARY

WILLIAM M. CONLEY, OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN, VICE BARBARA B. CRABB, RETIRING.

BRIAN ANTHONY JACKSON, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF LOUISIANA, VICE FRANK J. POLOZOLA, RETIRED.

DEPARTMENT OF JUSTICE

JAMES P. LYNCH, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE BUREAU OF JUSTICE STATISTICS, VICE JEFFREY L. SEDGWICK, RESIGNED.

DEPARTMENT OF COMMERCE

SURESH KUMAR, OF NEW JERSEY, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE, VICE ISRAEL HERNANDEZ, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GUY C. SWAN III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

BRIG. GEN. WILLIAM N. PHILLIPS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. BERNARD J. MCCULLOUGH III

CONFIRMATION

Executive nomination confirmed by the Senate Thursday, October 29, 2009:

PUBLIC HEALTH SERVICE

REGINA M. BENJAMIN, OF ALABAMA, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE FOR A TERM OF FOUR YEARS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on October 29, 2009 withdrawing from further Senate consideration the following nomination:

FRANK KENDALL III, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY, VICE JAMES I. FINLEY, RESIGNED, WHICH WAS SENT TO THE SENATE ON AUGUST 5, 2009.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. GERLACH. Madam Speaker, unfortunately, on Monday, October 26, 2009, I missed two recorded votes on the House floor. Had I been present, I would have voted ''yea'' on rollcall 814 and ''yea'' on rollcall 815.

Additionally, I missed three recorded votes on Tuesday, October 27, 2009. Had I been present, I would have voted ''yea'' on rollcall 816, ''yea'' on rollcall 817, and ''yea'' on rollcall 818.

HONORING THE LATE ANGELA R. COPPOLA

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the late Angela R. Coppola, housewife and mother, and lifelong resident of Buffalo, New York. Mrs. Coppola was a homemaker who raised 10 children and was active in many community organizations. Angela Coppola passed into the arms of the Lord on July 18, 2009 at the age of 83.

Born Angela Sapienza on August 21, 1925 on Busti Avenue, on Buffalo's west side, she was the daughter of an immigrant from Sicily, Leonard Sapienza. Her father was born in the town of Ventimiglia di Sicilia, near Palermo Sicily, in 1894—and immigrated to Buffalo with his parents in 1900 at the age of 6. Mrs. Coppola graduated from Nardin Academy in 1942. She then earned an associate's degree from St. Mary's Business School in 1944. She married Joseph R. Coppola, also from Buffalo, in 1947 at Holy Angels Church. They had 13 children in 10 years—8 sons and two daughters: Michael, Leonard, Joey, Jack, the late Mary, Peter, Paul, Robert, Richard, and Donna.

Angela Coppola's life revolved around her children, grandchildren, and great-grandchildren. They are her lasting legacy. At the time of her death, Angela had 31 grandchildren, and 7 great-grandchildren, with another on the way. The names of her grandchildren are as follows: Jennifer, Jill, Michelle, the late Joseph, Jeffery, Jamel, Christopher, Jacqui, Juliangela, Tommy, Katherine, Natalie, Eric, Bryan, Lindsey, Maria, Christine, Peter, Jr., Mark, Michael, Joseph, Laura, Robin, Kaitlin, Anthony, Janine, Nicholas, Elizabeth, Robbie, Christopher, Sarah, and Rebecca Angela. The names of her great-grandchildren so far are as follows: Serena, Arabella, Ryan, Miranda, Zachary, Hailee, and Nina Marie—with one due January 1, 2010.

Over the years, Angela Coppola was active in the Altar and Rosary Society of Christ the King Catholic Church in Snyder, the Seton Guild, the Women's Committee of the Buffalo Philharmonic Orchestra Society and the Canisius College President's Council, among other organizations. She was one of the first in the Buffalo area to lecture for Weight Watchers. She also demonstrated T–Fal cookware in local department stores.

In November, 2008, Mrs. Coppola was honored to receive the Ernestine Nardin Distinguished Service Award at the President's Reception, Nardin Academy in Buffalo, NY. Mrs. Coppola was a frequent spectator at her children and grandchildren's sporting events over the years. In 2000, Christ the King School in Snyder presented her a trophy as Fan of the Millennium-Year.

Mrs. Coppola's husband, Joseph R. Coppola, Ph.D, died in 2003 after 56 years of marriage. Angela is survived by 3 younger brothers: Joseph, Nicholas and Leonard Sapienza, all residents of Buffalo, N.Y.

Madam Speaker, I thank you and our colleagues for providing this opportunity for me to honor the legacy of a dedicated Western New Yorker, and I know that you and all of our colleagues join with me in paying tribute to Mrs. Coppola's service and to her memory.

EARMARK DECLARATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. CASTLE. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding funding for Delaware included as part of the final conference report for the FY 2010 Department of the Interior, Environment, and Related Agencies Appropriations Act, H.R. 2996:

Name of Project: Johnson's Corner Sanitary Sewer District Project, Sussex County, DE

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 2996

Account: EPA–STAG

Legal Name of Requesting Entity: Sussex County Council

Address of Requesting Entity: 2 The Circle, Georgetown, DE 19947

Description of Request: $300,000 to construct wastewater collection and transmission facilities to serve the Johnson's Corner Sanitary Sewer District, located near the Assawoman Bay in Sussex County, DE, which is one of Delaware's inland bays. The purpose of the project is to eliminate failing septic systems and extend wastewater service to over 400 residences, and reduce harmful nutrients from entering the Bay.

Name of Project: Turkey Run Interceptor Improvements, New Castle County, DE

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 2996

Account: EPA–STAG

Legal Name of Requesting Entity: New Castle County

Address of Requesting Entity: 87 Reads Way, New Castle, DE 19720

Description of Request: $300,000 to make capital improvements to theTurkey Run Interceptor sewer project. Funding will assist in accelerating the schedule of this critical project so as to provide protection for public health and the environment from problems caused by this failing sanitary sewer interceptor.

Name of Project: Prime Hook National Wildlife Refuge

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 2996

Account: USFWS—Land Acquisition

Legal Name of Requesting Entity: Prime Hook National Wildlife Refuge

Address of Requesting Entity: 11978 Turkle Pond Road, Milton, DE 19968

Description of Request: $1,000,000 to support the President's FY2010 Budget request of $1,000,000 from the U.S. Fish and Wildlife Service's Land Acquisition, to acquire a 108–acre tract adjacent to the Prime Hook National Wildlife Refuge in Milton, Delaware. This project would protect a mix of wetlands and upland habitats and provide excellent endangered Delmarva fox squirrel habitat. The tract also provides important access for the Refuge for both recreation and management uses into an area of the Refuge that currently lacks access.

HONORING THE 60TH ANNIVERSARY OF THE SIERRA BOOSTER

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. MCCLINTOCK. Madam Speaker, I rise today to honor The Sierra Booster, published in Sierra County, California. The newspaper was first published in October 1949 by Hal Wright and his wife Allene. For over 50 years, Mr. Wright served his community through the continued publication of the Sierra Booster. Following her father's passing in July of 2000, Hal's daughter, Jan, took over the newspaper. For the past decade, Jan has continued her family's legacy as well as The Sierra Booster's commitment to serve the eastern Sierras.

Madam Speaker, The Sierra Booster exemplifies the ideal of a free press, one of this nation's greatest freedoms. Today, I ask my colleagues to join me in recognizing the Sierra Booster for its 60 years of continued service and wishing the newspaper continued success in the future.

HONORING THE SANDY GROUND HISTORICAL SOCIETY FOR THEIR CULTURAL CONTRIBUTIONS TO STATEN ISLAND, NEW YORK

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. McMAHON. Madam Speaker, I would like to honor the Sandy Ground community in Staten Island, New York. It is the oldest community established by free slaves in North America, and still thrives today.

After slavery was abolished in the State of New York in 1827, freedmen from all over the state, as well as far away as Maryland and Virginia, settled in the area known since colonial times as Sandy Ground, which was located in the area around what is now the intersection of Bloomingdale and Woodrow Roads in Rossville.

These early settlers were also skilled in the oyster trade, and brought this knowledge with them to Staten Island. Oyster harvesting was a major business on Staten Island during the 19th Century and was conducted mainly on the island's south shore. Sandy Ground also served as an important stop on the Underground Railroad, and is the oldest continuously settled free black community in the United States.

The Sandy Ground Historical Society, which preserves the history and physical surroundings of the Sandy Ground community and maintains a museum and library, was organized on February 28, 1980. The Museum and library contain letters, photographs, film, art, rare books, quilts and other archaeological artifacts. The Museum also possesses a rare surviving can of Tettersalve, a beauty product manufactured by Harlem businesswoman Madame C. J. Walker, and a letter from W.E.B. DuBois.

The museum also sponsors arts-and-crafts sessions, a musical heritage series, a lecture series presented in Staten Island schools and churches, and a traveling lecture series to institutions around the country. The African-American quilt-making tradition is also continued through quilting workshops.

The Sandy Ground Historical Society has graciously lent us a quilt that we have hung proudly above the entryway to my personal office in Washington. The quilt depicts the history of strawberry farming on the land, which starts with two brothers named Moses and Silas Harris. They bought property circa 1850 in what is now Sandy Ground, with the intention of farming on it. Upon inspection of the land, they noted that the soil was sandy, but they found a plant that grew well in sandy soil: strawberries. They became so successful at growing strawberries that the town was first called "Harrisville," which later became Sandy Ground. Today there is a street in the Sandy Ground community called Harris Lane, named after the Harris Brothers. Wild strawberries still grow on the few open plots of land that are left in the area.

Sandy Ground is an important historical landmark, an asset to Staten Island, and an asset to the United States of America.

IN MEMORY OF MR. DAVID W. TROUTMAN

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. RYAN of Ohio. Madam Speaker, it is with deep sadness that I inform the House of the death of Mr. David W. Troutman of Akron, Ohio.

David (Dave) William Troutman, 67, passed away on October 26, 2009.

Dave was born on February 16, 1942 in Wooster, Ohio to George and Ruth Troutman. Most important to Dave was his beloved family.

He is survived by his lovely wife of 40 years, Janet L. Troutman. He was a loving and devoted father to Michael (Danielle) Troutman and DeAnna (Thomas) Donaldson; a doting grandfather to his precious grandchildren, Luke Donaldson and MacIntyre Troutman. He is also survived by his sisters, Hannah Onderack and Florence (James) Castner through whom his family legacy extends through his nieces and nephews, Alicia, Nicholas, Jennifer, Daniel, Katie, Chelsea, Aleem, and Sufia.

Dave's life was dedicated to serving his community, state and country. His accomplished career in law enforcement spanned over 40 years. He served as a soldier in the U.S. Army Reserve, Summit County Sheriff Deputy for 10 years, Barberton Chief Probation Officer for seven years, Summit County Sheriff for 14 years and finally served as U.S. Marshall for nine years at the request of then President Bill Clinton. From his early years attending high school in Barberton, Ohio and college at Miami (Ohio) University, Dave was committed to serving his community and helping others. Throughout his lifetime, he served in numerous appointed and elected public offices to include Coventry Township Trustee, Coventry Country Parks and Recreation Board Member, Summit County Sheriff, OPOTA Council Member, Ohio Organized Crime Commission Member, Ohio Athletic Commission Member and Kiwanis to name but a few. His leadership role in so many offices was not for public recognition as is typical of so many, but for his belief that he could serve others from such a position and lead others to public service. Because of his generosity and outstanding servitude, an exhaustive list of recognition and awards were bestowed upon him including the Cliff Skeen Award and Sheriff of the Year.

To have known Dave was to know a man of integrity, honesty and service. His love for people and community was shown daily as he always helped others when often no one else would. To say Dave personally touched the lives of thousands would be an understatement. His legacy of service and love for others and his lifelong example of honesty and integrity is priceless and inspiring to so many. How would Dave have us honor such a lifetime of example? By following that example and becoming great through helping others. Dave will be missed, loved and never forgotten. Ohio has truly lost one of its most beloved sons. We love and miss you Dave!

EARMARK DECLARATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. ADERHOLT. 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. 2996, the Department of Interior, EPA Appropriations Bill:

Requesting Member: ADERHOLT

Bill Number: H.R. 2996

Account: STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: Fayette County Commission

Address of Requesting Entity: Fayette County Commission, 103 1st NW, Fayette, AL 35555

Description of Request: "Fayette County Reservoir $6,000,000" The funding would be used for the construction of a water reservoir located in Fayette County that will serve as a water source for an area where residents are suffering from poor water quality. This project will provide a dependable supply of water to the 120,422 residents of Fayette and surrounding counties. Taxpayer Justification: This project will provide a dependable supply of water to the 120,422 residents in Fayette County, Marion County, and Walker County.

IN RECOGNITION OF THE DEDICATION AND SUPPORT OF OUR MILITARY FAMILIES

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. MILLER of Florida. Madam Speaker, it is with great honor that I rise today to recognize the dedication and support of our military families, servicemembers, and the veterans who went before them.

When a servicemember joins the military, it is not a just a job; it is a family commitment to our country. As our country continues to deploy overseas, we see the impact it has on family members at home. The month of November is designated as Military Family Month. This observance provides an excellent opportunity to show support for our servicemembers and families as we pause and reflect on the contributions, support and patriotism they exhibit each day.

Military families continuously undergo tremendous challenges and it only begins when they find their loved ones deployed for long periods of time. During frequent moves, they effortlessly relocate their belongings, find new schools for their children, navigate the complex options for medical care, and solve myriad other challenges. They are truly resilient and strong.

It is an honor for me to convey my heartfelt appreciation for the service and support of some particular events in Northwest Florida in the coming weeks that will honor our veterans and educate our children about their heroism and sacrifice. On November 4, Blue Angels Elementary School will partner with the History Channel's Take a Veteran to School Day to

honor our veterans. The following week, both Blue Angels Elementary School and Navy Point Elementary School in Pensacola will hold their annual Armed Forces Foundation national education initiative, ''Operation Caring Classroom''. During this event, the schools will be engaged in classroom activity the week of Veterans Day to learn about this holiday and reach out to military children nationwide. This year, 50 civilian elementary schools and 50 military elementary schools will participate in various activities during the week of Veterans Day to raise awareness and appreciation for our military families. The outpouring of support for these special events makes me proud to call Northwest Florida home.

Some of the events will help raise money to continue supporting our World WarII Veterans. Both schools are raising money to sponsor multiple ''Honor Flights''. We just completed our fifth ''Honor Flight'' from the Emerald Coast on 21 October. We greeted 103 of our WWII Veterans as they stepped off the plane and watched many of them see their WWII Memorial for the first time. The charity pays for them to fly to Washington, DC and it's wonderful to see support for future trips.

Our veterans, servicemembers, and their families have sacrificed so much for our nation and deserve the highest level of respect. This nation owes you a debt of gratitude. Here on Capitol Hill, many of us felt it was time to organize a caucus with a focus on Military Families. On November 4, the Congressional Military Family Caucus will feature its inaugural event. The caucus will foster the interest of family members of the uniformed services by educating Congressional Members and staff on resources the military provides as well as discuss the barriers that a military family faces. The goal of the caucus is to address issues such as education, childcare, healthcare, spouse employment, and the effects of multiple deployments.

We all play an important part in recognizing military families, servicemembers, and veterans. I am humbled by the remarkable role each and every one of them play in the future of this Nation. The events held at Blue Angels Elementary School and Navy Point Elementary School in Pensacola serve as a model for the entire country. In the 1st Congressional District of Florida, a district that has more veterans than any other in the nation, the events also serve as a reminder of our gratitude and respect.

A PROCLAMATION HONORING THE LATE DORIS POWELL

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. SPACE. Madam Speaker,

Whereas, Doris Powell served honorably in the United States Armed Services; and

Whereas, Doris Powell bravely served on active duty during World War II; and

Whereas, she was a lifelong member of the Veterans of Foreign War (VFW) Post #4713; and

Whereas, she served on the Morgan County School Board for 22 years; be it

Resolved that along with friends, family, and the residents of the 18th Congressional District, I congratulate the late Doris Powell on her induction to the Ohio Veterans Hall of Fame.

HONORING SECRETARY JOHN McHUGH

SPEECH OF

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. EDWARDS of Texas. Mr. Speaker, I rise today to honor our friend and colleague, John McHugh.

After a distinguished 16 year career in Congress, John now embarks on a new phase of his public service as Secretary of the United States Army. For many years, it has been my privilege to work with John as Co-Chair of the House Army Caucus. Together, we have worked to champion the needs of the United States Army in a time of great challenge for our country.

John McHugh's commitment to our service men and women and their families is second to none, and I have great confidence that he will serve them and our nation well as Army Secretary.

John has always earned the respect of his colleagues because he treated others with respect. He set a standard of public service that all of us would do well to follow. While this House is losing a valuable member, the country is gaining a principled advocate for those who wear the uniform.

I wish him all the best in the years ahead.

NATIONAL FIREFIGHTERS MEMORIAL DAY

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in strong support of House Resolution 729, which expresses the sense of Congress that a day be designated to honor America's firefighters who have made enormous sacrifices through loss of life and limb in their service to protect our communities.

There are over 1 million firefighters in the U.S., and each time they respond to an emergency, they risk their own personal safety to help others. Each year, roughly 100 firefighters die in the line of duty.

The City of Houston has one of the largest fire departments in the country with almost 4,000 firefighters and about 100 fire stations. Since the modern-day Houston Fire Department was formed, over 60 firefighters have lost their lives in the line of duty. Two of these died this year alone.

It is therefore imperative that we take this moment to show our appreciation for the services they provide and the sacrifices that so many have made.

As a cosponsor of this resolution, I urge my colleagues to support House Resolution 729, which calls for the President to formally commemorate these brave men and women by designating a National Firefighters Memorial Day.

EARMARK DECLARATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mrs. EMERSON. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information in regards to H.R. 2996, the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations Bill.

Project Name: City of East Prairie, Missouri Stormwater and Sewer Infrastructure

Bill Number: H.R. 2996

Account: STAG Water and Wastewater Infrastructure Project

Requesting Entity: City of East Prairie, Missouri

Address of Requesting Entity: 219 N. Washington St., East Prairie, Missouri 63845–1141

Description of Request: Provide an earmark in the amount of $200,000 to rebuild East Prairie, Missouri's wastewater and storm water infrastructure. The existing 84-year-old water infrastructure is crumbling under the streets due to sinkholes which have plagued the community. The sinkholes are destroying box culverts, which is posing a threat to streets and houses in East Prairie. The money procured will pay for the construction of new stormwater sewers. A minimum of 45 percent of the total project cost will come directly from the City of East Prairie, Missouri.

HONORING CENTRE AVENUE ELEMENTARY SCHOOL

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mrs. McCARTHY of New York. Madam Speaker, I rise today to recognize the students, faculty and staff of the Centre Avenue Elementary School and congratulate them for having received the prestigious Blue Ribbon School Award. The Blue Ribbon Schools Program recognizes schools that make significant progress in closing the achievement gap or whose students achieve at very high levels.

Centre Avenue Elementary School has been successful in meeting the highest standards of the New York State assessments, with test results consistently meeting the state's expectations by having a high number of students performing at maximum levels. Centre Avenue succeeds in providing an atmosphere where students foster a desire for lifelong learning and are motivated to reach their highest potential academically, creatively, socially, physically and emotionally.

Centre Avenue is committed to providing an educational environment where safety permeates. Students are encouraged to expand their social and emotional development with involvement in groups and participation in any of the numerous clubs offered. A supplemental aspect of their curriculum is to teach the students social responsibility. A school-wide Jump-A-Thon supported the American Heart Association, money was collected to assist Island Harvest in their quest to end hunger on Long Island, the Toys for Tots program helped disadvantaged families have a happier holiday, and the Food Drive helped restock the supplies at the Ronald McDonald House.

The future of this country depends on the hopes and dreams of its children. Our community and our nation, are enhanced by the contributions of high achieving students like those at Centre Avenue Elementary School. Additionally, I would like to recognize the work of the teachers and administrators who dedicate their lives to their students. The staff is the back-bone of the student's success and I thank them for all that they do on a daily basis.

Madam Speaker, it is with pride and admiration I offer my thanks and recognition to the Centre Avenue Elementary School.

EARMARK DECLARATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. SIMPSON. Madam Speaker, in accordance with the policies and standards put forth by the House Appropriations Committee and the GOP Leadership, I would like to submit a listing of the congressionally-directed projects I requested in my home state of Idaho that are contained in the Conference Report accompanying H.R. 2996, the FY2010 Interior, Environment, and Related Agencies Appropriations Bill.

Project Name: City of American Falls Wastewater System Improvements

Amount Requested: $300,000

Account: EPA/STAG

Recipient: City of American Falls

Recipient's Address: 550 N. Oregon Trail, American Falls, ID 83211–1800

Description: The city's recently completed wastewater facilities planning study evaluated numerous options to address the city's wastewater infrastructure deficiencies and meet U.S. EPA and IDEQ regulations. Based on input from the city, IDEQ, citizens of American Falls, and the consulting engineers performing the study, it was determined that a new wastewater treatment facility incorporating membrane technologies was the best solution to meet the needs of the city. Such a treatment facility utilizes state-of-the-art treatment technology that would be able to meet current and anticipated future State and Federal requirements. In addition, it would provide future flexibility to the city for pursuing other treated wastewater disposal methods. Total project cost is over $10 million. The people of American Falls will be absorbing the majority of costs for this project.

Project Name: City of Buhl Wastewater System Improvements

Amount: $750,000

Account: EPA/STAG

Recipient: City of Buhl

Recipient's Address: 203 North Broadway, Buhl, ID 83316

Description: The city is periodically exceeding the NPDES limitations under the Clean Water Act and was recently fined by EPA for non-compliance of their pH, Total Suspended Solids (TSS), and Biochemical Oxygen Demand (BOD) IDEQ and EPA have mandated that the city build a new wastewater treatment center. Buhl, a town of less than 5,000 residents, recently passed a bond election for $15 million to help pay for the required improvements to their water system. The loan funds will be a burden to the residents—many of whom are elderly (19% of the community) and the majority of whom are low to moderate income—and will increase monthly water bills by over $100, but even this will be unsustainable without additional assistance. Funding for this project will enable the City build a new wastewater treatment center that would meet the Federal and State mandates imposed on the community.

Project Name: Historic Old Pen Site Stabilization Project

Amount: $150,000 8 604

Account: National Park Service/Save America's Treasures

Recipient: Idaho State Historical Society

Recipient's Address: 2205 Old Penitentiary Road, Boise, ID 83712

Description: This project will provide stabilization to the Old Idaho State Penitentiary historic site, which is operated by the Idaho State Historical Society. The Old Pen is one of the West's most significant prison sites and one of the most visited cultural facilities in Idaho. It thus plays a key role in the economic vitality of Boise and the Treasure Valley. Funding would be used for work needed immediately to stabilize the site. In addition, funding would be used for an historic structures report to help better anticipate future maintenance and repair needs before they become emergency situations.

Project Name: Idaho Sage-Grouse Management Plan

Amount: $1,000,000

Account: Fish and Wildlife Service/ESA Resource Management

Recipient: Idaho Governor's Office of Species Conservation

Recipient's Address: 300 N. 6th Street, Boise, ID 83702

Description: Sage-grouse are on the verge of being listed under the Endangered Species Act, with a decision on listing expected this spring. Idaho is taking proactive steps to recover this species before a listing is required. The management plan, which is a partnership with private landowners, is an attempt to be wise stewards of the nation's wildlife without being compelled to do so by law.

Project Name: Piva Parcel Land Acquisition

Amount: $400,000

Account: USFS/Land Acquisition

Recipient: U.S. Forest Service, Sawtooth National Recreation Area

Recipient's Address: 5 North Fork Canyon Road, Ketchum, ID 83340

Description: Funds will be used to enable the Forest Service to acquire the 160–acre Piva parcel from a willing seller so that it can be used for public recreation and access to the Redfish Lake recreation area from the town of Stanley. The Forest Service currently has a conservation easement on the property, but acquiring the land is necessary to carry out planned improvements.

Project Name: SNRA Trail Maintenance and Improvements

Amount: $1,200,000

Account: Capital Improvements and Maintenance (Trail Construction)

Recipient: U.S. Forest Service, Sawtooth National Recreation Area

Recipient's Address: 5 North Fork Canyon Road, Ketchum, ID 83340

Description: Funds will be used for trail construction, maintenance, and improvement in the Sawtooth National Recreation Area. Of the funds appropriated for trail maintenance and improvement in the Sawtooth National Recreation Area, $500,000 is for trail improvements; $500,000 is for maintenance of existing motorized trails and areas; and $200,000 is for the improvement of two existing trails to provide primitive wheelchair access at Murdock Creek and Phyllis Lake.

I appreciate the opportunity to provide a list of congressionally-directed projects in my district that have received funding in the Conference Report accompanying the Interior, Environment, and Related Agencies Appropriations Act for FY2010 and provide an explanation of my support for them.

IN HONOR OF THE COWELL LIME WORKS HISTORIC DISTRICT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. FARR. Madam Speaker, I rise today to honor the University of California at Santa Cruz's historic lime-producing district and the unveiling of the permanent National Register of Historic Places plaque. The installation of this plaque, which has been the result of many years of hard work by local historians and the campus, marks its permanent inhabitation on a base of Cowell Ranch limestone on the college campus. On behalf of the House of Representatives, I am honored to extend to the UCSC campus the gratitude of Congress and the American people for this historic event.

UC Santa Cruz is now the only higher education institution in California that has a historic district listed on the National Register of Historic Places. The school has taken an important step in preserving the history and significance of the largest center of lime-production in Northern California during the late 19th and early 20th centuries. These historic buildings and features have a special historic value because they represent the diverse set of facilities stemming from lime-processing, operations, and worker-support. Furthermore, the district was instrumental in the economic and physical development of the Monterey Bay region during the late 19th century and the development of California cities after the Gold Rush during the early 20th century.

These lands were once part of Henry Cowell's Ranch, where industrialists produced mortar, plaster, whitewash and other much needed materials for a number of other industries in the region. In addition to owning the lime-production sites that can be found scattered around the UC Santa Cruz campus, Cowell also owned dairies and cattle ranches that extended throughout Northern California. He was involved in banking, real estate, shipping, and warehousing.

Madam Speaker, in closing, I want to uphold this historic district as a model of maintaining our state's historical integrity. Historical spaces like these are an example of what makes our community a national leader in the preservation of lands which continue to shape our society. I know I speak for the House of Representatives in saluting the UCSC community on this momentous occasion.

HEALTH CARE AND OUR NATION'S SENIORS

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. SMITH of Nebraska. Madam Speaker, as we consider health care reform, we have a responsibility to protect the best interests of our nation's seniors and ensure we do not harm the health care they already receive.

Included in the current government takeover of health care are massive cuts to Medicare Advantage which will result in a loss of health care for millions of seniors.

For seniors living on fixed incomes, the prospect of being forced to pay more for health care is truly frightening.

But the Congressional Budget Office has reported the Democrat plan will increase seniors' Medicare prescription drug premiums by 20 percent over the next decade.

Medicare finances are rapidly deteriorating and we should be working on real solutions which ensure the long-term financial stability of Medicare.

Madam Speaker, a government-run health care system is not the answer to our health care problems, and it certainly is not the answer when it is paid for on the backs of our nation's seniors.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 2996, "Making appropriations for the Department of Interior, environment and related agencies for the fiscal year ending September 30, 2010, and for other purposes."

Requesting Member: Congressman JOHN DUNCAN

Account: Save America's Treasures

Project Amount: $250,000

Legal Name of Requesting Entity: Blount Mansion Association, 200 W. Hill Avenue, Knoxville, TN 37902

Description of Request: The funding would be used to upgrade and improve the National Historic Landmark.

HONORING BOB BEVERLY

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Ms. HARMAN. Madam Speaker, every community across America has its local icons—women and men whose dedication and commitment to service improve our quality of life and strengthen the bonds between us—regardless of party affiliation. Bob Beverly, who recently passed away, was such a man. He was also a friend and a veteran legislator in the South Bay, the region of Los Angeles which I represent.

Before Bob made his way to Los Angeles, he served in the Marine Corps during World War II. Following the war, Bob moved to Manhattan Beach where he became Mayor and served for three terms. But more than half of Bob's time in public service—in fact almost a quarter of his life—was spent representing the South Bay as its longest-serving state legislator.

Many people know Bob Beverly for his service as Minority Leader in the State Senate during Ronald Reagan's tenure as Governor. In that role, he left a profound and permanent impact on countless lives throughout the South Bay.

Bob was an enormously popular, responsive and effective leader. His career overlapped with legendary Los Angeles Congressman Alphonzo Bell, who pursued a similar style of bipartisan leadership. Such comity—and a willingness to reach across the aisle—has become all too rare in Washington. But I continue to believe it is a critical element when confronting our toughest problems.

I am proud to have worked early in my Congressional career with Bob on issues of importance to the South Bay. His humility and quiet commitment to issues affecting his constituents will be missed—and not forgotten.

A TRIBUTE TO ELMER WINTER

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Ms. MOORE of Wisconsin. Madam Speaker, I rise in honor of Elmer Winter, a noted Milwaukee philanthropist, entrepreneur, artist, and author. In 1948, Mr. Winter cofounded Manpower, Inc., based in Milwaukee, WI and today the largest temporary employer in the world.

Elmer Winter was born in Milwaukee, Wisconsin, on March 6, 1912. His father was a clothing merchant and belonged to a small, liberal Jewish community in Milwaukee in the 1920s. He was educated in Milwaukee Public Schools, graduated from the University of Wisconsin with a degree in economics as well as a law degree. He practiced law in partnership with his brother-in-law, Aaron Scheinfeld.

Manpower began with the illness of their secretary: Winter and Scheinfeld were frantic to find a typist in order to finish a legal brief for the state Supreme Court. The deadline was met only because a former secretary worked until dawn. The partners knew that other businesses must face these types of challenges and launched the temporary help agency with an investment of $7000. Manpower is now a multibillion-dollar company with 30,000 employees in 4,100 offices throughout 82 countries.

Mr. Winter had many community-building interests such as improving the central city of Milwaukee, including its schools. "I am very much concerned about the movement of corporate executives away from public schools to charter and voucher schools," he said in 2000. "Corporations have forgotten about the fact that we have 100,000 young people in the public school system that need help". Mr. Winter considered jobs as the bedrock for any social reform because a job meant a better place to live, streets that are safe, and kids who are out of mischief. In his spare time, he created art and wrote 13 published books. As a painter and sculptor his work was displayed throughout the United States and Israel.

His efforts included everything from the Youthpower Jobs Program to getting business-donated computers refurbished at the state women's prison at Taycheedah for MPS classrooms. Mr. Winter founded the Milwaukee Center for Independence, which serves people with disabilities and is one of Milwaukee's largest nonprofit agencies. He served as a national president of the American Jewish Committee and worked on behalf of the Jewish community on both the national and international level. Mr. Winter formed and led the Committee for the Economic Growth of Israel, a nonprofit dedicated to expanding trade relationships between Israel and the United States.

Mr. Winter was married to Nannette Rosenberg for 54 years and together they raised three daughters, eight grandchildren and six great-grandchildren. Nannette passed away in 1990. In 1992 he married Hope Melamed. Mr. Winter retired as president of Manpower in 1976. He drove daily to the office he maintained at Manpower's headquarters in Milwaukee until shortly before his death on October 22, 2009, at the age of 97. Madam Speaker, Milwaukee has experienced a profound loss of a valued native son with the passing of Mr. Winter. Today, I thank him and his family for their immeasurable achievements. I mourn his loss and salute his legacy to our community and the world.

HONORING DUDLEY OF SONOMA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today along with my colleague, Congresswoman LYNN WOOLSEY, to honor the woman known to hundreds of Sonoma County veterans as simply "Dudley." Dudley recently retired as a county Veterans Service Officer after more than 37 years and is taking with her the respect and admiration of a grateful nation.

Dudley is herself a veteran, joining the Army directly out of high school in 1962. She describes this period of her life as "the best thing that ever happened to her." It was during this time that she developed her lifelong appreciation for and dedication to the men and women who serve our country in uniform.

A six-and-a-half year stint as a flight attendant for several airlines that declared bankruptcy left her stranded and unemployed in Sonoma County. To the good fortune of every veteran in the area, she soon found work as a clerk typist in the Veterans Service Office in 1972. Four short years later, she was promoted to a Veterans Claim Worker and from that point forward, became the champion of every veteran with whom she worked.

She was one of the first to recognize that Post Traumatic Stress Disorder was severely affecting the ability of many of our veterans to fully function after returning from combat. She

worked relentlessly with the Department of Veterans Affairs and within the county veteran's service organizations to have PTSD recognized as a disability and was eventually successful.

Throughout her 37-year career, she has given specialized training presentations at the state and national level on procedures for filing claims with the VA for specific disabilities. She has been honored and recognized for her work by the Vietnam Veterans of America, receiving the organization's highest honor, the Commendation Medal, in 1999. The California State Council of Vietnam Veterans of America presented her with its Member of the Year award in 2000.

Dudley also served the veterans community by organizing the United Veterans Parade Committee to participate with floats and veterans groups in Santa Rosa's largest civic parade and by organizing the United Veterans Council POW/MIA ceremony to honor former prisoners of war and those missing in action from Sonoma County.

Madam Speaker, Dudley is a living example that one person can make a difference. There is no greater champion of veterans in our two Congressional Districts and it is therefore appropriate that we honor and express our gratitude to her today and wish her well in her retirement.

EARMARK DECLARATION

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. WAMP. Madam Speaker, as a leader on earmark reform, I am committed to protecting taxpayers' money and providing greater transparency and a fully accountable process. The Conference Report on H.R. 2996, the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations Act contains the following funding:

Requesting Member: Rep. ZACH WAMP

Account: National Park Service—Construction

Legal Name Entity Receiving Funding: Moccasin Bend National Archeological District

Address: Moccasin Bend Road, Chattanooga, Tennessee 37405

Description of Request: Moccasin Bend National Archeological District, a unit of the Chickamauga and Chattanooga National Military Park, has a rich and varied cultural history with evidence of occupation dating back to the earliest human cultures in North America. Moccasin Bend was designated as a unit of the National Park Service to preserve the area's rich heritage for future generations. There are no facilities for public enjoyment of these nationally significant resources. Moccasin Bend National Archeological District received $500,000 for design and construction of an Interpretive Center and educational exhibits to promote awareness of the archeological district.

Distribution of funding:

Design development and construction—100%

Requesting Member: Rep. ZACH WAMP

Account: Environmental Protection Agency—State and Tribal Assistance Grant

Legal Name Requesting Entity: City of Harrogate, Tennessee

Address: 138 Harrogate Crossing, Harrogate, Tennessee 37752

Description of Request: The Mayor and City Council of Harrogate requested funding to extend a wastewater collection system to the Tri-State Health and Rehabilitation Center, residences and businesses. Upgraded sewer capabilities are critical to support the increasing residential and commercial development in Harrogate. The proposed expansion will allow residents in the area to have safe, adequate wastewater service. The City of Harrogate received $500,000 for the wastewater improvements.

Distribution of funding:

Construction—83%

Survey/Fees—1%

Engineering—6%

Inspection—3%

Project Contingency—4%

Environment Review—1%

Administration—2%

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Ms. WOOLSEY. Madam Speaker, on October 28, 2009, I was unavoidably detained and was unable to record my vote for rollcall No. 820. Had I been present I would have voted: rollcall No. 820: "yes"—Welcoming to the United States and to Washington, DC, His All Holiness Bartholomew, Archbishop of Constantinople, New Rome, Ecumenical Patriarch on his upcoming trip on October 20, 2009, through November 6, 2009.

HONORING AMERICAN VETERANS

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. WESTMORELAND. Madam Speaker, as Veterans Day approaches, I rise today to pay tribute to the millions of brave troops who have worn our nation's uniform and particularly to the 700,000 who now live in Georgia.

Today's American veterans are part of a proud legacy that dates back to the founding of our nation, independence won with the blood and sacrifice of underfed, undertrained, underequipped colonists hungry for the taste of freedom. That bank of Patriots gave birth to the greatest nation in history.

Our 19th century veterans pushed our nation's boundaries across the continent, from sea to shining sea, and they patched our nation back together after it was ripped apart by a civil war that left more than 500,000 dead.

At the dawn of the 20th century, our veterans again led the way as the United States met its destiny as the greatest of world powers. We did not deploy our mighty forces to pillage the world's riches. Instead we put American lives and treasure on the line in the service of mankind, fighting the scourges of military dictatorships, fascism, communism and terrorism. Never before has the world's greatest power acted so selflessly and so compassionately on behalf of those in need from all points on the globe.

Our soldiers fought, bled and died from Pearl Harbor to Paris, from the Balkans to Baghdad, from Seoul to Saigon. They fought in defense of freedom; they fought on behalf of human dignity; they fought against genocide; they fought to right wrongs. Most important, they fought to protect the American people and their way of life.

On Veterans Day, we salute those who fought for this nation, from our senior veterans who delivered victory in WWII to our brave men and women coming home today from Iraq and Afghanistan. When the call of duty sounded, they answered. They put liberty over life, and they put their countrymen above themselves.

We know our veterans bear the scars of war, the pains of wounds physical, mental and emotional. We know they faced down horror, loss and sacrifice beyond compare.

And we know they did it for us. The American people cannot repay the debt we owe to those who served. We honor them on this Veterans Day 2009, and may we reflect on their greatness every time we raise the Stars and Stripes, every time we sing the National Anthem, every time we place our hands on our hearts to say the Pledge of Allegiance, and every time we thank God for the birthright of liberty we inherited as Americans.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. PUTNAM. Madam Speaker, on Monday, October 26, 2009, I was not present for 2 recorded votes. Had I been present, I would have voted the following way:

Roll No. 814—"yea";

Roll No. 815—"yea."

A PROCLAMATION HONORING LEWIS BAKER

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. SPACE. Madam Speaker,

Whereas, Lewis Baker served honorably in the United States Armed Services; and

Whereas, Lewis Baker used his 20-month capture by German forces in World War II as motivation to help his fellow veterans at home; and

Whereas, Lewis Baker is an advocate for countless POWs and widows and has helped numerous veterans receive their benefits; and

Whereas, at 89-years old he still performs his Honor Guard duty; be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Lewis Baker on his induction to the Ohio Veterans Hall of Fame.

LINCOLN'S DEBT LETTER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. POE of Texas. Madam Speaker, history has a tendency to repeat itself, and those clever enough to comprehend that fact learn from mistakes the first time they occur and avoid them there after. In 1848, Abraham Lincoln received a request from his step-brother, John D. Johnston, for $80. What seems to be a relatively small amount of money in current times proved to be an immense amount in the 1800s, roughly equating to $1800 in current U.S. dollars. Having been fooled into giving Johnston money before Lincoln refused to play the role of a charity because his step-brother proved to be a lazy and idle man. Rather than spend the money he once received from Lincoln wisely on his family farm, he wasted it frivolously. Bailing his own family out was not a practice Lincoln took part in because those who asked for money were not deserving of it. Lincoln suggested that his idle step-brother spend his time working for his pay, which would alleviate all his debt and his labor would produce a reward. His step-brother refused to work for his money and wanted it to be handed to him, which seems very familiar in today's society.

History does indeed repeat itself and it appears that the requests of people like John D. Johnston are becoming more frequent, and rather than asking one's own family, they feel that the government is obligated to pay. It is evident that Lincoln did not favor a welfare system or bail-out plan, where the government handed over money to people and made it appear like it was their job to do so. It would be wise for today's politicians to learn from history and take a page out of Lincoln's book because handing money to people who do not work for it is only promoting an endless cycle of indolence, like that of John D. Johnston.

HONORING MAEVEEN MARIE BEHAN

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. GRIJALVA. Madam Speaker, I rise today to honor an incredible public servant and community leader who has made an indelible mark on the Sonoran Desert region and on the community of Tucson, Arizona. Maeveen Marie Behan has changed the face of Pima County and will leave a legacy of successful community-based conservation planning and endangered species protection throughout the country by the work she has accomplished in Southern Arizona.

Maeveen Marie Behan, JD, PhD, was born July 13, 1961 in Milwaukee, Wisconsin. Maeveen lived in numerous states as a child and graduated from the University of Georgia with a BA in English. While in high school, Maeveen was the first woman in Georgia to break the six-minute mile. She continued her athletic prowess on the tennis court and has always loved to run races in any city where she vacationed. She is a rabid lifelong Alabama football and Chapel Hill basketball fan.

Maeveen met the love of her life, Harry Goldwasser, while they were students together at the University of Georgia. Harry and Maeveen married in 1986. Maeveen is devoted to her bloodhounds, ''Sweet Peas'' Charlie and Hermione, and has written a series of children's stories based on her dogs.

After Maeveen received her Juris Doctorate from the University of Alabama School of Law, and her husband Harry completed his residency at UNC Chapel Hill, they moved to Arizona, where they lived in Chinle while Maeveen worked for the Navajo Nation. They moved to Tucson in 1992 and Maeveen went to work for Pima County, where her career has encompassed numerous projects. In December 2006, Maeveen received her doctorate in Arid Lands Research Sciences researching the role of folklore in conservation; the title of her dissertation is Science and Lore in Animal Law. Reading up to four books a day, her interests are extremely diverse. She relishes mysteries, cartoons, myths, fables, and folklore throughout history.

Her extraordinary intelligence, integrity and high standards are reflected in everything she sets her hand to. Maeveen has accomplished the culmination of her life's work over the last decade as the principal author and guiding light of Pima County's national award winning Sonoran Desert Conservation Plan and as the first Director of the County's Office of Conservation Science and Environmental Policy. Maeveen is a prolific author, writing dozens of reports for the plan and directing over 200 others covering a wide variety of topics. Maeveen has been the leader in developing the County's efforts to preserve the key biological resources of the Sonoran Desert through a precedent setting Multi-species Habitat Conservation Plan. Maeveen has provided leadership for the community response to the listing of the cactus ferruginous pygmy-owl as a federally endangered species. The result has been hailed as a national model by local, regional and national media, planning and government agencies, and non-profit organizations for how to respond to the dilemma posed by urban growth and living with the environment. She recommended that the County broaden the scope of discussions to other important and vulnerable species as well as infrastructure, taxation, history, archeology, open space, housing, water, recreation and ranching. Instead of limiting the response to the boundaries of unincorporated Pima County, Maeveen suggested that the Board of Supervisors open the process to all affected entities, including ranchers, developers, environmental groups, tribal entities, interested citizens, and elected leaders of the incorporated entities.

Maeveen Behan's efforts have catalyzed support for open space acquisition, funding for repairing wildlife corridors, improved cooperation among jurisdictions, strengthening of Federal land commitments, and revisions of County policies and procedures.

Maeveen personally attended over 600 meetings with citizens and elected officials about the Sonoran Desert Conservation Plan and made herself available night and day for over 3 years. She also inspired the science community to participate in developing the Sonoran Desert Conservation Plan in a way that honored their integrity as scientists without intrusion of jurisdictional concerns or political pressure from interest groups. Maeveen also created the Sonoran Desert Kids program to educate and inspire generations of young citizens about the importance of the desert ecosystem.

In 2001 the Board adopted the Conservation Lands System as the long-term, locally adopted vision for balancing economic integrity and protecting natural resources and cultural heritage in Pima County. Pima County is completing the final draft of its Multi-Species Habitat Conservation Plan for submittal to the U.S. Fish and Wildlife Service.

Her commitment to transparency in government and to an open public process involving scientists, conservationists, business interests, multiple jurisdictions, government agencies and other stakeholders has been a model for the nation. Her keen insight, sense of duty, and humor inspires us all. Maeveen's professional and life mantra has always been, ''Just do the right thing''.

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. ROGERS of Alabama. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Conference report accompanying H.R. 2996—Interior, Environment, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 2996

Account: NPS, Acquisitions, $1,500,000

Legal Name of Requesting Entity: Conservation Fund

Address of Requesting Entity: 4500 Hugh Howell Rd., Suite 470, Atlanta, GA 30084

Description of Request: ''Little River Canyon'' Taxpayer justification—It is my understanding that the funding would be used to allow the National Park Service (NPS) to acquire key parcels, only through willing sellers, within the new acquisition boundary of the Little River Canyon National Preserve.

HONORING THE 50TH ANNIVERSARY OF WALLY'S HOUSE OF EMBERS

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Ms. BALDWIN. Madam Speaker, I rise today to honor the 50th anniversary of Wally's House of Embers. Located in Wisconsin Dells, House of Embers has been attracting local residents and hungry travelers since 1959. Offering much more than just legendary hickory smoked barbeque ribs, House of Embers has been an institution in Wisconsin's most popular tourist destination for decades.

When Wally and Barbara Obois purchased Ray's Barbeque from Ray Grieves in 1959 and renamed it House of Embers, the restaurant was little more than four walls and a dirt floor. But year after year, Mr. and Mrs. Obois and their five children worked tirelessly

to bring family tradition and a fine dining experience to their customers. Whether in the original building or the current one built in 1976, they continuously emphasized the importance of serving quality food with the highest level of customer service. And with a unique collection of specialty dining rooms, each having a personality all its own, House of Embers quickly became a staple in the community and continues to attract people from all over Wisconsin and beyond.

After Wally and Barbara finally hung up their aprons in 1998 and set sail for retirement, three of their children purchased the restaurant with the intention of carrying on the Obois family tradition of fine dining. Mark and Mike Obois, graduates of the Culinary Institute of America, and their sister Deb Christensen, proved to be a successful trio as House of Embers ushered in the new millennium. In 2004, the late Dennis Getto, a restaurant critic for the Milwaukee Journal Sentinel, best characterized the famous Obois family ribs when he wrote, ''My first bite told me that this was real barbecue—the hickory smoke had permeated the rib meat and enriched its flavor.''

For exceptional longevity and superb originality, I congratulate Wally's House of Embers on a half century of providing a uniquely Wisconsin dining experience. The Obois tradition of fine dining is a symbol of the family's dedication to serving our community not only great food, but also laughter, joy, and a friendly smile. I wish the Oboises and everyone involved the very best and I look forward to many more years of success.

HONORING ELKHART GENERAL HOSPITAL ON ITS 100 YEARS OF SERVICE TO OUR COMMUNITY

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. DONNELLY of Indiana. Madam Speaker, today I rise to honor Elkhart General Hospital, celebrating its 100th anniversary of serving the good people of Elkhart, Indiana and the surrounding communities.

For 100 years, Elkhart General Hospital has been providing comprehensive medical care to residents of Elkhart, Indiana and the surrounding communities. Its dedicated administrators, medical professionals, and community partners focus on the hospital's vision of ''creating a healthier community.'' Through their recognition that good health requires a holistic approach, the devoted members of the Elkhart General family work diligently to provide healthcare that embraces body, mind, and spirit.

On March 29, 1909, Elkhart General Hospital was officially incorporated. Funds were raised, and a brand new hospital was built and opened to serve the community that same year. In 1953, the hospital had 100 beds and 3,170 operations were performed—twice the national average for a facility that size.

Over the years, Elkhart General has grown with the community it serves. In 1965, it completed a four-story addition, increasing its capacity to 310 beds. In 1980, Computerized Tomography (CT) scan equipment was installed, and the move to increase the hospital's cancer care services was underway.

Today, Elkhart General is an independent, not-for-profit, community-owned healthcare system in the City of Elkhart. The 325 bed hospital serves more than 19,000 patients each month. Its professional medical staff is comprised of 330 physicians representing 30 medical specialties, and over 2,000 dedicated nurses, technical, administrative, and support staff. Together, this team provides a wealth of expert medical care and counseling to residents of this diverse community.

So today, on behalf of the citizens of the Second District, I would like to congratulate the fine medical staff, dedicated administrative personnel, essential support employees, and community volunteers who make Elkhart General Hospital an outstanding resource for complete medical care.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed recorded votes on the House floor on Thursday, October 22, 2009 and Friday, October 23, 2009.

On Thursday, October 22, 2009, had I been present, I would have voted ''no'' on rollcall vote No. 798 (On ordering the previous question), ''no'' on rollcall vote No. 799 (on agreeing to H. Res. 846, which provides for consideration of H.R. 3585), ''aye'' on rollcall vote No. 800 (on motion to suspend the rules and agree to H. Res. 797), ''aye'' on rollcall vote No. 801 (on Agreeing to the Broun (GA) Amendment to H.R. 3585), ''aye'' on rollcall vote No. 802 (on Agreeing to the Kaptur Amendment to H.R. 3585), ''aye'' on rollcall vote No. 803 (on Agreeing to the Klein (FL) Amendment to H.R. 3585), ''aye'' on rollcall vote No. 804 (on Agreeing to the Titus Amendment to H.R. 3585), ''aye'' on rollcall vote No. 805 (on Agreeing to the Heinrich Amendment to H.R. 3585), ''aye'' on rollcall vote No. 806 (on Agreeing to the Himes Amendment to H.R. 3585), ''no'' on rollcall vote No. 807 (on passage of H.R. 3585), ''aye'' on rollcall vote No. 808 (on motion to suspend the rules and agree to H. Res. 175), ''no'' on rollcall vote No. 809 (On ordering the previous question on H. Res. 853), ''no'' on rollcall vote No. 810 (on agreeing to H. Res. 853, which provides for consideration of H.R. 3619), ''aye'' on rollcall vote No. 811 (on motion to suspend the rules and agree to H. Res. 836)

On Friday, October 23, 2009, had I been present, I would have voted ''aye'' on rollcall vote No. 812 (on agreeing to the Kratovil amendment to H.R. 3619), ''aye'' on rollcall vote No. 813 (on passage of H.R. 3619).

HONORING PASTOR WILLARD L. SAUNDERS, JR. AND FIRST LADY DELICIA W. SAUNDERS

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Pastor Willard L. Saunders, Jr. and Delicia W. Saunders for their 15 years of outstanding, dedicated service to the Created For So Much More Worship Center.

Born and raised in Baltimore, Maryland, Pastor Saunders earned his Bachelor of Arts degree from Frostburg State College and a Masters of Business Administration Degree from Loyola College in Education Administration. He went on to serve as a Vice Principal in the Baltimore City school system.

In 1994, after the passing of his father, the late Willard L. Saunders, Sr., Saunders was appointed Pastor of Created For So Much More Worship Center. Pastor Saunders immediately began to implement the vision he so clearly saw for the Created For So Much More Worship Center. This included expanding the center to allow for over 2,000 congregates, a chapel, and several conference rooms. Expanding the center allowed Pastor and First Lady Saunders to establish several community programs such as General Education Degree and computer training classes, which are offered free of charge to the community. Internationally, Pastor Saunders fathers numerous churches in Uganda and Kenya.

First Lady Saunders works steadfastly with Women of Destiny, a moving force throughout the Created For So Much More Worship Center that encourages women to engage in community activism. Her leadership and devotion to this program is a remarkable example for other women. First Lady Saunders is currently working towards a Bachelor of Arts degree and she is scheduled to graduate in May 2010.

Madam Speaker, I ask that you join with me today to honor Pastor Willard L. Saunders, Jr. and First Lady Delicia W. Saunders for their unwavering commitment to improving the lives of people in their community. Pastor and First Lady Saunders have set a standard of excellence and deserve the utmost gratitude for their hard work and achievements.

HONORING GIFFORD'S ICE CREAM OF MAINE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. MICHAUD. Madam Speaker, I rise today to recognize the accomplishments of Gifford's Ice Cream of Skowhegan, Maine.

Gifford's Ice Cream recently won the ''World's Best Chocolate Ice Cream'' award at the World Dairy Expo. This Maine product earned a perfect score and was the only product that did. A few days after winning the Dairy Expo Award, Gifford's was named as a ''Best Place to Work'' by the Griffin Report on Food Marketing.

Gifford's Ice Cream stands have been Maine landmarks for almost 30 years. In 1980, Gifford's opened its first location in Skowhegan, Maine and has now expanded their business to five locations across the state. Even though they have grown, Gifford's of Maine has never forgotten to give back. Gifford's remains the family owned, community oriented business that it always has been. They have sponsored Maine youth soccer and supported local charities like the Lions Club. Gifford's also donates 10 percent of their profits, company wide, to various organizations

that support healthy and active children's activities.

Gifford's Ice Cream shops also play a key role in supporting other local businesses. Gifford's buys all of its milk and cream from Maine dairy farmers who pledge not to use artificial growth hormones. They also use locally grown products, like Maine wild blueberries and Maine made maple syrup, in many of their great flavors.

Madam Speaker, please join me in congratulating Gifford's Ice Cream of Maine on their recent awards and nearly 30 years of successful business.

CELEBRATING THE LAUNCHING CEREMONY OF THE NEW NATIONAL STREET BASKETBALL ASSOCIATION PROFESSIONAL LEAGUE AND THE INDUCTION OF FIFTEEN LEGENDS OF STREET BALL TO THE NATIONAL STREET BASKETBALL ASSOCIATION HALL OF FAME

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. RANGEL. Madam Speaker, I rise today to celebrate the launching of the new National Street Basketball Professional League and to also honor my friends and our nation's legend's of Street Ball. National Street Basketball Association is a non-profit sports league organization headquartered in New York City. The corporation was established to promote amateur and professional street basketball and provide the highest competition platform of specialized league teams globally.

National Street Basketball Association offers professional basketball athletes (21 & older) who meet NSBA criteria with try-out opportunities to represent one of the statewide professional league member team divisions and compete on a national platform. In addition, the company provides amateur basketball services for youth, such as camps, clinics, tournaments and Life-Skill workshops. The company also devises custom training post and pre-season workouts to prepare athletes for their next level whether professional, college, varsity or AAU basketball.

National Street Basketball Association coordinates with elected officials, district leaders, local community and outreach organizations that support youth in sports. The company also sanctions local, regional and national "Street-ball" tournament organizations worldwide. Beginning the summer of 2009, the NSBA will host "Pro-Ball Classic", an unlimited men's basketball tournament nationwide through which they will select, try-out and establish the first six (6) member teams to represent their city and compete in their professional league. Each tournament city is divided in three (3) divisions, East Coast, West Coast and the Midwest with plans of adding a Men's International Division by 2010 when the league tips off.

Madam Speaker, at this time, I want to salute the 2009 Hall of Fame Inductees to the National Street Basketball Association, our Playground Legends of Street Ball: Nate "Tiny" Archibald, Ernie Brown, Freddy Crawford, Miles Dorch, Howie Evans, Artie Georges, Leroy Hendricks, Bobby Hunter, Zack Husser, John Isaacs, Floyd Lane, Johnny Matthis, Bob McCullough, Tony Rosa, and Reggie Threat Sr. Congratulations to my all of my friends and role models that grace the courts of our playgrounds and basketball Courts throughout Harlem, New York City, the Nation, the world and in the National Basketball Association (NBA).

For two consecutive weekends in October 2009, the National Street Basketball Association will launch its first nationwide annual fundraiser initiative, "Hoops For Hope." This unique instructional basketball skills clinic will provide for young male and female athletes with the basic fundamentals of basketball, refine those skills already learned, Life-Skill workshops on Drug Prevention, Peer Pressure, Conflict & Resolution and allow for drills and play situations. This initiative will not only educate but rally the support of these youth athletes and further assist the American Cancer Society's efforts to help those suffering from this disease, become fearless and overcome it.

This spectacular event plans to feature guest speakers from the medical field, professional athletes from the NSBA, and district and community leaders in support of raising awareness of Cancer, encourage screening for early detection and promote basketball as an alternative to destructive leisure time activities and way to stay physically fit for life. In addition, the American Cancer Society Teen Challenge will conduct Health Workshops on Tobacco Control and Teen Smoking.

Let me congratulate and recognize Kim Champion, President and Chief Executive Officer of the National Street Basketball Association. Kim is a former veteran Sports Executive, President of Creating Athletes For America Inc. with over 20 years of sports marketing and management expertise. She is also the founder of Women of Excellence Awards, Playground Hall of Fame, and the "Pro-Ball" National Basketball Classic tournaments.

Finally, let me also congratulate and recognize Jose Morales, Executive Vice President of the National Street Basketball Association. Jose, a legendary basketball executive in his years of basketball has headed up some of the biggest Street ball leagues on the East Coast, such as Triple Threat/Ron Artest Youth League and the FLAMES and Queensbridge Unlimited Pro-Leagues. He also helped promote and showcase some of NBA's top athletes in the league today including: Ron Artest, Rafer Alston, Lamar Odum, Eric Barkley and other all stars of the hardwood.

INTRODUCING THE CONGRESS 2014 COMMISSION ACT OF 2009

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise to introduce the Congress 2014 Commission Act of 2009. This bill establishes a commission to study and make recommendations on the size of the House of Representatives, the method by which representatives are chosen, and opportunities for greater citizen participation in our democratic process.

The fact of the matter is that the United States is the second least representative democracy in the world. The House of Representatives has not changed size in 99 years. During those 99 years the United States has added four additional states. During those 99 years the population of the United States has tripled. And yet, during those 99 years, the House has only rarely even considered increasing its size.

The United States prides itself on the success of our democratic experiment, and as the world's first democratic Nation we claim the title of "Leader of the Free World." Unfortunately, when it comes to democratic representation, we are not the leader. Indeed, we are second to last amongst the major democracies. Only India, with a population of almost 1.2 billion people, has a less representative government. Britain, France, Germany, Canada, South Africa, Japan, Australia, Nigeria, Brazil—all these countries have more representative legislatures than the United States.

I am proud to represent almost 700,000 residents of Florida's 23rd Congressional District. I am pleased to devote my time and efforts working here in Washington on their behalf, and I do enjoy the opportunities that I have to connect directly with my constituents back home. But my counterparts in the countries I just mentioned represent far less people than I do, ensuring that their constituents not only have easier access to their representatives but also the ability to develop stronger personal relationships.

Madam Speaker, 99 years is too long to go without making necessary improvements to our democratic process. Enlarging the House of Representatives is an essential step in that direction. An increase in the size of the House will have a profound impact on our political system. The benefits include greater access and personal interaction for our constituents, reduced campaign spending, smaller Congressional districts, and, most importantly, better representation for the American people.

I urge my colleagues to support this important legislation.

A TRIBUTE TO JEAN RUNYON

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Ms. MATSUI. Madam Speaker, I rise today in remembrance of Jean Runyon, someone who helped shape the Sacramento community for more than 50 years. Jean was a dear friend and tremendous advocate of Sacramento. I know that countless people join me as I say goodbye to a truly wonderful person. I ask that my colleagues join with me in remembering a remarkable woman.

Jean was born March 6, 1927, in Concordia Kansas. She was the only child of Rowena Thornberg Hamilton, an actress, and Brutus Kerr Hamilton, a 1920 U.S. decathlon champion and Olympic silver medalist. Her father moved the family to California where he worked for the University of California Berkeley for 32 years as both a track and field coach and athletic director. Her father gave her the limitless energy she was always known for and was the one closest to her heart.

Jean studied drama at the UC Berkeley and wanted to be an actress, but instead of pursuing a career in acting she married S. Mercer

Runyon Jr., her college sweetheart, and moved to Sacramento in 1947. They would have two wonderful children, Stephen Runyon and Elizabeth Mulligan. Jean's first attempt at public relations came when Sacramento newspaper executive Eleanor McClatchy asked her to help the Music Circus Theater get publicity. Jean was acting in the Music Circus performances at the time and blended her knowledge of acting and natural skill at publicity with great success.

She was a woman who knew many firsts. After starting her own PR firm in 1960 she was named Man of the Year by the Sacramento Public Relations Round Table in 1962. In 1978 she was the first woman appointed to the Sutter Community Hospitals board of trustees. Jean also became Sacramento's first female Rotarian. In 1988 she was named Sacramentan of the Year by the Sacramento Metropolitan Chamber of Commerce.

Jean raised millions of dollars over the years for many worthy causes such as the American Heart Association, Make-a-Wish, the Cerebral Palsy Association, the American Lung Association, the Special Olympics and the arts community that she so dearly loved. She was one of the kindest people Sacramento ever knew, but at the same time was driven in her pursuit whether for donations to charity or a client's success. While she had a personality that won business clients over, she also never lost her whimsical side. She was famous for her zany rooftop performances as a witch on Halloween—she rained candy on kids from above—Jean Runyon was affectionately called the ''Good Witch of River City''.

Her first husband, Mercer Runyon, died in 1970. That same year, her father passed away and she also underwent major surgery for breast cancer. She persevered through her tragedies with the can-do spirit that we all loved. In 1980 she married Philip Tow, a prominent air-pollution control engineer who unfortunately died in 1986. Jean later married again to Eugene Graham, who passed away in 1991. Her last husband, Jack Murphy, a retired insurance executive passed away in 2003. For all the challenges that Jean was presented with, it was clear that personal tragedies could not keep her down. She moved forward, never waivered and persevered with a positive outlook on life.

The successful Sacramento PR firm that Jean began in 1960 was joined by Estelle Saltzman and Jane Einhorn and was called Runyon, Saltzman and Einhorn. Their presence in Sacramento was enormous. Some of their major clients included The Sacramento Bee, California Department of Health Services, California Department of Consumer Affairs/Bureau of Automotive Repair, Sacramento Cable and the Sacramento Kings. One of Jean's favorite PR campaigns was for the Sacramento County Measles inoculation campaign when the vaccine first became available. She felt some of her best work was for campaigns on teen pregnancy, AIDS, anti-smoking and prenatal care.

Jean is survived by her two children, son Stephen Runyon of Courtland and daughter Elizabeth Mulligan of Hood, four grandchildren and one great granddaughter. We will all miss Jean Runyon terribly and in so many ways, but we do have countless memories of her to cherish.

PARTNERSHIP BETWEEN THE CITY OF FLOWER MOUND AND THE FLOWER MOUND CHAMBER OF COMMERCE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. BURGESS. Madam Speaker, I rise today to commend the partnership between the City of Flower Mound and the Flower Mound Chamber of Commerce, and to honor the businesses that reside there.

I am proud and grateful to be given the opportunity to represent the strong communities and businesses of north Texas. This pride, however, comes from the energy, creativity and commitment by the individuals within these neighborhoods and institutions that contribute to the growth and opportunity we are blessed to receive in calling this area home.

It's because of cities like Flower Mound and businesses like the ones present tonight that north Texas is able to claim the rare title of being one of the few areas that has retained its economic health in this rough economic climate. The forward-thinking partnership between the city of Flower Mound and the Chamber of Commerce has produced an ideal environment for business prosperity that has remained strong, that sustains the community. That is certainly something to be proud of.

Flower Mound has created, in essence, a haven for new businesses and an environment where small and large businesses alike can take root, grow, and thrive. You are a bright spot in north Texas, and a true example of excellence for the rest of the nation.

I. is with great pride that I stand here tonight to join in celebrating the prosperity of Flower Mound. I wish you—the local leadership, the businesses, and the residents—all the best, and let me say that it is my very distinct honor to represent you in the U.S. House of Representatives.

HONORING ELLIE RILLA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Ms. WOOLSEY. Madam Speaker, I rise today to honor Ellie Rilla, a woman who has helped lead the way to a new model of sustainable agriculture in Marin County.

Ellie is now taking a much needed sabbatical after 21 years as a University of California Extension Farm Advisor. In those 2 decades, Ellie was one of a handful that brought together the old-time farmers of the region with a new generation and created a unique fabric that has held the farm community together during difficult times for agriculture, and has in fact, helped many not just survive, but grow.

I am proud to say that the quality agricultural products of Marin County are today unmatched for nutritional value, taste, and sustainable production—and much of this is due to the passionate commitment, hard-headed economic realism and collaborative spirit of Ellie Rilla.

Ellie grew up in Mill Valley where it was a short jaunt to the forests and rangelands of West Marin. She began her career as an environmental educator at Circuit Riders, a Sonoma County non-profit that was a leader in environmental restoration, and whose ranks have produced several of the North Bay's most prominent restoration specialists. Ellie still lives in Sonoma County in Sebastopol, a city well-known for its progressive politics and its fine food and wine.

In 1988 she became the UC Cooperative Extension Director in Marin and was immediately welcomed by two of West Marin's farm elders, Boyd Stewart and George Grossi. Coming in the midst of the organic revolution and the creation of California cuisine, Ellie saw the promise of local farmers on the edge of the metropolitan Bay Area producing high quality agricultural products. She became, according to Albert Strauss, the owner of Strauss Creamery, ''. . . an awesome advocate of sustainable agriculture and organic and local dairy farms.'' While big and bland agribusiness and real estate development continued to gobble up small farms elsewhere, Ellie saw that survival lay in producing quality products, and developing in consumer's minds a pride in local, sustainable agriculture.

As organic agriculture entered the mainstream, first with California certification, then with USDA certification, Ellie advised farmers on how to meet the new standards, write business plans and market their products. She also helped farmers and ranchers tackle tough new water quality, through the development of best practices and conservation projects, which continue to evolve today.

It was apparent to Ellie that West Marin's small farms and ranches needed to diversify to survive. While dairies were preeminent, though faltering, 2 decades ago, West Marin agriculture now produces an array of products including olives and olive oil, strawberries, row crops, grapes, free range poultry and grass fed beef. Besides high quality milk, local dairies also produce a variety of cheeses, and even organic ice cream.

Ellie realized that the bucolic beauty of West Marin and farmer's adjacency to the Point Reyes National Seashore were important assets. She became an advocate for ''agritourism,'' an industry in which farms and ranches are opened to visiting guests. ''These stays give their guests a flavor of what it is like to live on a farm, to see how food is produced and gain an appreciation for natural ecosystem,'' wrote Rilla. ''At the same time it provides farmers and ranchers with additional operating income to save their farms from development.'' A tireless promoter of agritourism, Rilla both wrote a book about it and helped develop a UC Cooperative Extension Agritourism Project and website.

On June 30 she will begin a very busy sabbatical with three writing projects. She will be writing an analysis of a state-wide survey into agriculture diversification and agritourism, completing a second edition of her book, Agriculture and Nature Tourism, and updating her decade-old case study of three woman-led farm families. Ellie is then expected to return to the University of California Cooperative Extension program in a year to develop statewide resources for marketing and leadership development.

It's been my pleasure to work with Ellie and to observe the seeds that she has planted in West Marin to sprout, grow and spread, ensuring a bounty for future generations. Thank

you, Ellie for all you have done and all that is still to be accomplished.

AMERICAN SAMOA TSUNAMI

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. FALEOMAVAEGA. Madam Speaker, one month ago, the U.S. Territory of American Samoa was struck by the world's most powerful earthquake of 2009, which set off a tsumani that left untold damage and loss. Once more, I want to thank the Obama Administration, the U.S. Congress, and our friends in the House and Senate, including the Hawaii Delegation and the Territorial Delegates who have stood by us every step of the way.

I especially thank Senator DANIEL K. INOUYE, HI, Senator DANIEL K. AKAKA, HI, Congressman NEIL ABERCROMBIE, HI, Congresswoman MAZIE HIRONO, HI, Congresswoman MADELEINE BORDALLO, GU, Congressman GREGORIO KILILI CAMACHO SABLAN, MP, Congresswoman DONNA CHRISTENSEN, VI, and Congressman PEDRO PIERLUISI, PR for their unwavering support.

I also thank the many foreign nations and non-government organizations who have been so generous in helping us rebuild.

I also want to recognize Cathy Barnhardt of the Combined Airline Ticket Office, CATO, and those at the United Airlines government desk including Debbie Smith and Darlene Sacha, and also Debbie Trance-Mordecai of United Global Services at the JFK airport in New York for the outstanding service they provide at all times.

Above all, I pay tribute to the people of American Samoa for the strength, courage and faith they have shown in the face of adversity. My heart also continues to go out to the families of those who have lost loved ones, and I ask for your continued support and prayers on their behalf.

Again, I express my sincere gratitude for everyone, named and unnamed, for lending us a hand when we need it most. I appreciate your kindness and assure you that the people of American Samoa are grateful for your service.

HONORING DANIEL L. WALTER, M.D.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. KILDEE. Madam Speaker, I rise today to take this opportunity to congratulate Dr. Daniel L. Walter as he retires after 45 years as a Family Practice physician in Davison Michigan. Dr. Walter will be honored at a celebration on November 4.

After graduating from the University of Michigan Medical School in 1959, Dr. Walter completed an internship in Family Practice at Madigan Army Medical School and Madigan General Hospital. He was then commissioned as a Captain in the U.S. Army and served from 1960 to 1963 as a Battle Group Surgeon attached to the 82nd Airborne Division at Fort Bragg. During this time he was the recipient of the Army Commendation Medal, Senior Parachutist Badge and a U.S. Navy Commendation.

Dr. Walter established a Family Practice in Davison in 1963 once his military service was concluded. Over the years Dr. Walter has participated in numerous community and medical associations. Acknowledged and appreciated by his peers, he served in leadership positions with several organizations. Dr. Walter also committed extensive time to educating the area coaches and high school staffs about recognizing and treating sports injuries. He was the first Diplomat of the American Board of Family Practice in the Flint area. Dr. Walter and his wife, Peggy, have six children.

Madam Speaker, I ask the House of Representatives to join his family, friends and colleagues in congratulating Dr. Daniel L. Walter on an excellent medical career. I wish him the best for many, many years ahead.

RED RIBBON WEEK

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Ms. ROS-LEHTINEN. Madam Speaker, I support Red Ribbon Week and our unified efforts against illegal drug use.

Red Ribbon Week represents the largest united effort of the American people to promote drug prevention. We must all continue to support this effort.

This dreadful problem plagues communities throughout our Nation and especially my home district in South Florida. Miami is one of the leading areas in cocaine related deaths. And an estimated 20,000 people a year die from illegal drug use throughout the United States each year.

Thankfully, over 80 million people participate in Red Ribbon week by pledging to lead a drug free life. With our encouragement we can have many more youths take this pledge.

As a former educator I know that Red Ribbon Week offers the perfect opportunity to raise awareness and help educate students at a young age on the dangers of drug use. The terrifying fact is that over 60 percent of teens reported that drugs were sold, used, or present at their schools. We must teach students about the dangers of drugs and discourage them of ever becoming involved with drugs in the first place. Only by actively engaging our children can we impress on them the importance of being drug-free.

It has been proven that when teenagers' parents talk to them regularly about the dangers of drug use, they are 42 percent less likely to use drugs. Families, adults, and children joining together for this cause have a profound impact on not only those participating, but also the communities as a whole.

We must continue to strive to increase awareness and participation in Red Ribbon Week to help stop this devastating problem of drug abuse and drug-related violence.

In this effort we must also remember those who seek to safeguard our children in the fight against drugs. Just this Monday, three Drug Enforcement Administration agents died tragically while conducting overseas operations. The agents were returning from a counter-narcotics operation when the military helicopter they were riding in crashed. Seven U.S. military servicemembers were also killed in the crash.

Of these heroes, Special Agent Chad Michael was from my Congressional district and I would like to take this moment to honor his memory and sacrifice. Before being reassigned in August to a DEA operation in Afghanistan, Special Agent Michael was a member of South Florida's DEA team for six years. The DEA agents were assigned to the agency's operation against Afghanistan's opium trade, which frequently funds insurgent activity. Efforts in Afghanistan began in 2005 and in the past year have been reinforced to fully attack international drug trade and the activities it funds. Since illegal drugs have a large dependence on international sources, it is critical that we support those who help to fight this part of the drug war.

My prayers go out to Special Agent Michael's family, and to the families of all the heroes who risk their lives each day to make our country and this world safer and drug-free.

As a mother and grandmother, and for the sake of all our children, I urge all Americans to take the Red Ribbon Week pledge this and every October.

CONGRATULATING JOYCE ANN BROWN ON CELEBRATING 20 YEARS OF FREEDOM AND FIGHTING FOR JUSTICE

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. DAVIS of Illinois. Madam speaker, I rise to express my best wishes to celebrate the life and achievements of Joyce Ann Brown. I had the pleasure of having Ms. Brown serve on a reentry panel during the 39th Congressional Black Caucus Foundation's Annual Legislative Conference. Ms. Brown was unjustly convicted of a crime she did not commit and served nine years, five months and 24 days in prison before this injustice was realized and the guilty verdict was reversed. Upon release, Joyce started the not for profit organization, Mothers (Fathers) for the Advancement of Social Systems Inc. (MASS Inc.) in Dallas, TX. This organization focuses on assisting released ex-offenders reintegrating into society.

The reentry of ex-offenders is an issue of very high priority and importance to me and I am personally invested in the success of organizations like MASS, Inc. With the passage of the Second Chance Act in 2008, organizations such as MASS will benefit from additional federal grant funding to strengthen programs that aid ex-offenders in becoming productive contributing members of society.

Throughout my career, I have fought for the underserved and underrepresented and on my journey have come to admire Joyce Ann Brown for all her work and achievements in the area of social justice. Ms. Brown spent three years writing letters to appeal the atrocious injustice she faced and continued to fight upon release. Therefore, I am delighted to be included in commending Joyce Ann Brown and would like to thank her for her assistance with our work here on the hill. The organization she has created has helped many

ex-offenders as well as their families, and has provided the support needed for a healthy society.

Providing support to ex-offenders is paramount to becoming productive citizens, taxpayers, mothers and fathers. Research has shown that successful employment interventions among ex-offenders benefits not only the ex-offender, but also his or her family, social networks, communities and society at large. The benefits reaped by society through the MASS organization and the work of Joyce Ann Brown are vital to the preservation of a healthy society and should rightfully be congratulated and recognized.

OUR SYMPATHIES TO THE PEOPLE OF PAKISTAN

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. WILSON of South Carolina. Madam Speaker, on October 28, 2009, terrorists killed nearly 100 people—including dozens of women and children—when they attacked a women's market in Peshawar, Pakistan, with a car bomb. These type of heinous acts are a sad reminder of the gruesome tactics used by those who want to undermine stability in Pakistan and the region as well as threaten American families and our allies. I wish to express my deepest sympathies to the people of Pakistan—an ally of the United States in the global war on terrorism.

In the wake of these most recent attacks, Secretary of State Hillary Clinton—who was on the ground in Pakistan at the time—correctly stated that those terrorists who perpetrate these types of murderous acts are "on the losing side of history." This is why we must continue to fight to defeat the terrorists overseas to protect American families here at home. We must stand with the people of Pakistan and the people of Afghanistan to protect and defend democracy and freedom.

I know firsthand of the sacrifices of the Pakistani people. I was honored to have breakfast with former Prime Minister Benazir Bhutto at her home in Islamabad four weeks and a day before she was murdered. The brave people of Pakistan responded to this brutal attack with resolve to continue building a civil society.

PREVENTING EXTORTION

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. DEFAZIO. Madam Speaker, the following essay was presented to me at a health care townhall. I believe this historical analogy is very sound.

PREVENTING EXTORTION

(By Jack Churchill)

The debate about a public health insurance option mirrors the debate about public power in the 1920's and 30's. The arguments then were very similar to the arguments we hear today.

The principal issue then was whether the federal government should enter the public power business by investing taxpayers' money to build the Tennessee Valley Authority and to harness the Columbia and other rivers for electrical energy or the sites should be transferred to the private sector. A second issue was who should build transmission lines and set wholesale prices when the Federal government built dams.

The answer to the second question was first enunciated on the Senate floor In the fight over the Wilson Dam in 1920 by Senator John Sharp Williams of Tennessee. He said "The government should have somewhere a producer of these things that should furnish a productive element to stop and check private profiteering." Thus was born the yardstick federal policy which later found its way into TVA legislation through the efforts of Nebraska's Senator George Norris. In a 1932 campaign speech in Portland, Oregon, Franklin Roosevelt referred to his TVA and other regional proposals as "yardsticks to prevent extortion against the public."

Roosevelt's statement enunciated America's public power agenda, which through the years has saved the federal government and electrical consumers hundreds of billions of today's dollars. This public investment provided the electrical energy to build the bombers and the atomic bomb and was a critical factor in winning World War II.

At the time of the Yardstick Public Power legislation of the 1930's, most of the farms and homes in rural America were without electrical power. Only in the cities could private power companies make a profit selling electrical energy. With the launching of the New Deal yardstick pricing, together with publicly owned electrical cooperatives and public utility districts, rural America was electrified and private utilities ended up serving a large majority of rural consumers.

Because we adopted yardstick pricing back in the 30's, today America possesses a healthy and balanced mix of private, public, and cooperative electrical systems.

The public power analogy might be a useful device in combating the brutal campaign against a federal public health insurance option. History is repeating itself. We see the same epithets of socialism, unfair competition, and government interference with private enterprise.

Both America's constitutional system of government and our free enterprise economic system are built upon the fundamental notion of balancing power between institutions. It is only when there is an imbalance of power within one of the two systems or the share of power between them that we fail. Recent disasters created by imbalance, including Enron and California energy manipulation and the collapse of the American banking system, wiping out our citizens' retirement accounts, are painful examples.

Most importantly and perhaps most painful for great numbers of our citizens today, America trails all developed countries by many years in fashioning an effective national health services delivery system.

There is no industry that has a more shared and complex mix of nonprofit, government, and private for-profit delivery systems. Yet we have a system that is neither cost-effective nor meets the needs of our citizens whether insured or not. It is a system that is out of balance. It desperately needs an effective yardstick

The imbalance in our system began in 1975 when the Supreme Court gave the green light to commercialization of medicine by removing medicine from protection of the antitrust laws. The imbalance was greatly exacerbated in 1980 when the American Medical Association changed its ethical guidelines to declare that medicine was no longer a professional service but both a business and a profession. The other factor of great influence that has led to imbalance is the dominance of investor-owned private insurance companies born from the establishment of employer-based health insurance systems.

Thus began the corporatizing and domination of Wall Street in organizing and pricing for-profit medical services. Rather than a system organized to deliver cost-effective medical services to patients, today we have a system designed for profit.

Despite the roles of federal Medicare, state Medicaid, members of Congress health care programs, federal delivery systems such as the Veterans Administration, and nonprofit group health cooperative associations, the balance of power in our national health care delivery system is now largely in the hands of Wall Street-driven for-profit enterprises. Every medical procedure from putting on surgical gloves to sending bills to the insurance company has become a profit center. And the pricing for all the services are set largely in an oligarchical framework of administered pricing. There is absolutely no competitive pricing. Have you or anyone you know ever negotiated the price of medical service?

So history repeats itself. The Democratic party is charged with formulating another national yardstick policy that will have enormous consequences for the health and welfare of our citizens in generations to come. Like Franklin Roosevelt, President Obama is simply leading the nation to create sufficient power in the public sector to balance against the private sector and the Wall Street pricing effect. Or in President Roosevelt's words, "a yardstick to prevent extortion against the public."And as President Obama stated the issue "to keep insurance companies honest."

The failure of Congress to build in an effective market yardstick for pricing medical services would cost future generations trillions and fail to deliver cost-effective medical care to all our citizens. No amount of regulation will suffice. Only the market mechanism will provide effective cost reduction to pay for universal coverage.

OCTOBER BREAST CANCER AWARENESS MONTH

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. MORAN of Kansas. Madam Speaker, October is Breast Cancer Awareness Month. Besides skin cancers, breast cancer is the most common cancer occurring among American women. In 2009, it is estimated that around 179,000 new cases of invasive breast cancer will be diagnosed in the United States. And, an estimated 1 million new breast cancer cases will be identified in the coming year. For approximately 500,000 patients this year, this disease will be fatal. The time to address this problem is now.

I encourage all women to get a mammogram because early detection is the key to beating this disease. A time commitment of only one hour can save your life.

I am a proud sponsor of H.R. 1691, the Breast Cancer Patient Protection Act of 2009. This bill would prohibit a health care provider from limiting hospital stays for mastectomy or breast-conserving surgery to less than 48 hours. However, this measure protects and defers to the physician-patient relationship by not mandating a certain hospital stay if both

the patient and her doctor agree that such stay is unnecessary. Many breast cancer patients undergo some type of surgical treatment, which may involve lumpectomy or mastectomy. Breast cancer surgery is not easy, physically or emotionally. When women find themselves forced by their insurance companies to leave the hospital before they are ready—sometimes just hours after surgery—it can lead to serious complications.

I am also a sponsor of H.R. 1740, the Breast Cancer Education and Awareness Requires Learning Young Act (the EARLY Act), which would direct the Department of Health and Human Services to develop and implement a national educational campaign to increase awareness of the threats posed by breast cancer in young women of all ethnic and cultural backgrounds. Regarding research funding, I sponsored legislation that raises money for breast cancer research by giving Americans the option of purchasing a special postage stamp for 14 cents above the normal price. This small amount of money adds up and makes a difference. Since 1997, the program has raised more than $53 million for breast cancer research.

Last year, I met two breast cancer survivors from the Kansas City area who were visiting Washington, D.C. for a reception honoring their advocacy efforts. Kim Carlos and Jennifer Johnson coauthored Nordie's at Noon, a book detailing their personal stories and those of others who have battled breast cancer. Their powerful message highlights the importance of spreading breast cancer education and early detection awareness to help save lives.

The University of Kansas Cancer Center houses the Breast Cancer Survivorship Center, and focuses a comprehensive attack on the disease—from education and early detection to treatment, post-operative care, and emotion support. Battling breast cancer and other forms of cancer is a lifetime fight and just because a patient's treatment concludes does not mean that the care is finished. The Center's mission is very straightforward—eliminate the burden of cancer through world-class research, drug development and delivery, prevention and survivorship, and patient care. When it comes to fighting cancer, the University of Kansas says "Game On!"

ALLOWING FUNDING FOR THE INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT PROGRAM

SPEECH OF

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mrs. CAPPS. Mr. Speaker, I rise today in strong support of S. 1694, the Public Safety Interoperable Communications Grant Program Extension Act of 2009.

This grant program, due to expire at the end of this year, is a vital component of a nationwide fully interoperable communications network for our first responders. It provides grants to States so they may purchase expensive, yet essential, interoperable communications equipment.

This simple, straightforward extension would assist States in establishing their portion of a nationwide interoperable network. We cannot afford to let this program expire.

There are two primary reasons to support this bill.

First, interoperability is essential for the safety of Americans. We all know the devastating consequences that occur when our first responders and public safety entities cannot communicate in the face of incredible disaster. Tragedies such as 9/11 and Hurricane Katrina instantly come to mind.

Interoperability was a key recommendation of the 9/11 Commission and one of the foremost reasons Congress passed legislation to "free-up" spectrum by transitioning to digital television.

First responders need to be able to communicate effortlessly—lives depend on it.

Second, we want to ensure the communications networks established by States are thorough, effective, and efficient.

The Department of Homeland Security has set deadlines for all States to develop Statewide Communications Interoperability Plans and Congress established the grant program to help States purchase the equipment to implement these plans.

Unfortunately, the deadline for the program has not afforded States sufficient time to comply with the program requirements.

By extending the deadline for applications for this grant program, we are enabling public safety entities to do the right thing—to carefully and thoroughly design their interoperable plans before they spend millions of taxpayer dollars on equipment.

Of course, the sooner interoperable communications networks come online, the better. But we do not want to unwisely rush their implementation or effectively punish those entities that do their due diligence in the planning stages. We must extend this vital grant program.

Mr. Speaker, I am grateful to my colleague Rep. HARMAN who had the foresight to introduce this legislation. I urge my colleagues to support S. 1694, the Public Safety Interoperable Communications Grant Program Extension Act of 2009.

NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. RAHALL. Madam Speaker, I rise today to show my support for National Disability Employment Awareness Month.

As President Obama stated in his proclamation naming October as the National Disability Employment Awareness Month, fair access to employment is a fundamental right of every American, including the 54 million people in this country living with disabilities.

Through the Ability One Program, a federal initiative, that enables people who are blind or have other significant disabilities to work and provide products and services to federal and commercial customers, thousands of working Americans are contributing to West Virginia and national economies.

The more people know about the capabilities of people with disabilities to work and lead independent lives, the more we can shatter stereotypes and misperceptions. We need to celebrate empowering one another by highlighting the ingenuity and perseverance of people with disabilities. As a Nation, we should take this month as an opportunity to showcase the contributions of those with disabilities who have found success in the workplace.

However, there is more that needs to be done to spread the awareness that hiring people with disabilities is good for businesses in West Virginia. For example, seven out of ten working age Americans who are blind are not employed.

The month of October honors these men and women who live with disabilities and are working or want to work within their communities. I would like to take this time to shine a spotlight and raise awareness of programs in West Virginia and around the Nation that work with individuals with disabilities.

Both the American Foundation for the Blind, AFB, and the National Federation for the Blind, NFB, have chapters in Huntington and around the state where they work with individuals with disabilities to improve their lives through advocacy, education and career programs. These organizations work to educate the public on the ability of those with disabilities to succeed and thrive within employment settings They promote independent and healthy living for people with vision loss by providing them and their families with relevant and timely resources.

Another organization working in West Virginia to educate employers about employing workers with disabilities is Goodwill Industries. They provide education, training and career services for people with physical, mental and emotional disabilities. They work to train and employ contract workers to fill outsourced needs for document management, assembly, mailing, custodial work, grounds keeping and more. In 2008, local Goodwill organizations collectively provided employment and training services to more than 1.525 million individuals.

Federal initiatives such as AbilityOne Program, also help people who are blind or have other severe disabilities find employment by working for nonprofit agencies, NPAs, that sell product or services to the U.S. government. They are the largest source of employment for people who are blind or have other severe disabilities in the United States with 12 participating non-profit agencies in West Virginia.

I know employers can make a difference. Two years ago, my chief of staff became disabled after a fall in his home injured his spinal cord. He's now back at work and continues on the road to recovery with the help of accommodations I'm pleased to say the House of Representatives made for him at my request. From the Speaker and her staff, to both the Sergeant-At-Arms and the CAO's staff and to the Capitol Police and the House Staff Fitness Center—all of these offices have responded enthusiastically. From help getting his transportation past security checkpoints to getting his wheelchair into the office, from designing his workstation to accommodating his workout routine, the House answered my requests affirmatively. This month he was recognized by his state vocational rehabilitation program for his accomplishment of returning to work.

All of us face battles—many of us face more than our fair share. This month serves as a reminder of that truth. It is a truth we as a society must respect and must work to make right.

We have some strong allies in that battle as evidenced above. There is more than abundant evidence here that despite all odds against it, the human spirit is a difficult, if not impossible, flame to snuff out. Hope is but a small thing on show this day when compared to the many triumphs and remarkable victories we celebrate. The courage shown every day by those with disabilities is contagious and their successes empower all of us to be better individuals, better community members, and better Americans.

Please join with me in celebrating all of the organizations who work to raise awareness about the dedicated and hard-working Americans who are blind or have other significant disabilities who provide quality products and services at fair market prices to the Federal government every day.

INTRODUCTION OF THE NATIONAL TRANSPORTATION SAFETY BOARD INTERIM SAFETY RECOMMENDATIONS ACT OF 2009

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Ms. NORTON. Madam Speaker, today I rise to introduce the National Transportation Safety Board Interim Safety Recommendations Act of 2009, joined by regional Members, including House Majority Leader STENY HOYER, D–MD, FRANK WOLF, R–VA, JIM MORAN, D–VA, CHRIS VAN HOLLEN, D–MD, DONNA EDWARDS, D–MD, and GERALD CONNOLLY, D–VA, as original cosponsors. Our bill will clarify that the National Transportation Safety Board, NTSB, may, and should, offer interim safety recommendations to state and local transportation authorities.

On June 22, 2009, two Washington Metropolitan Area Transit Authority, WMATA, trains collided near the Fort Totten station here in the Nation's capital. This collision was devastating for this region and for the Nation's transit systems, as nine regional residents died, seven from the Nation's capital. On Metro everyday, in the national capital region, Members of Congress and their staff and millions of other Federal employees of every rank form the majority of Metro's week day riders. Millions of tourists, people who work in every sector and school children are regular riders. The collision has had nation-wide consequences. On September 22, even before its Metro study was complete, the NTSB issued nine nation-wide safety recommendations to address concerns about the safety of train control systems that use audio frequency track circuits, like those that may have contributed to the June 22 train collision here. We believe that, in turn, low-cost, recommendations were in order that might save lives.

The NTSB has been particularly vigilant in quickly reporting defects and operational problems, to encourage remediation even before its final reports. Long before the June 22 collision, in 1996, NTSB had recommended to WMATA that it replace or retrofit its older 1970's 1000 series train cars after a train overran a station platform, striking a standing, unoccupied train, and killing the driver of the striking train. The NTSB renewed this recommendation to replace or refurbish the older cars following the roll back accident of a train car in the Woodley Park Metro station in 2004, as it should have. The NTSB is not prohibited by statute from making interim recommendations for corrective actions, but low cost recommendations of the kind made thereafter were not made after any of the Metro accidents. This bill clarifies that the NTSB does have such authority.

While the reason for the June 22 crash has not yet been determined, it was evident that the striking car, which was an older 1000 series train car, was significantly more damaged than the struck car, which was a newer 6000 series car. In fact, all of the fatalities were from the 1000 series car. Following the collision, the Amalgamated Transit Union Local 689 suggested that WMATA put the 1000 series cars between the newer, more crashworthy 6000 series cars.

Unfortunately, without the regulatory authority established by this bill we have introduced, there have been no tests of crash worthiness either of the newer 6000 series cars or of the older 1000 series. However, the evidence from the crash suggests that 40 year old cars may be more dangerous as lead and rear cars. The NTSB did not disagree with this interim step at a Congressional hearing in July, but it never recommended this, or any other action, except action that is so costly that it will not occur.

It is a well known and frustrating fact that, for years, Metro has tried to convince Congress and the local jurisdictions to fund replacements for the old 1000 series cars and only this year, after the tragic collision, has Congress appropriated the first $150 million of the $1.5 billion authorized first time in 2007. The 1000 series cars were only 300 of Metro's 1,100-car fleet, but replacing those cars will cost $600 million and take at least five years of combined federal and local area payments. Moreover, the cost of gas at the pump has so driven up Metro ridership, that it cannot simply cut its fleet by 300 cars. Congress and members of our regional delegation had been working long before the collision to get from Congress the $1.5 billion that has now been authorized for WMATA's urgent capital and preventive maintenance needs, including new cars. While we have finally been successful in getting the first $150 million, it will take years to fund these replacements, not to mention other problems such as the circuit signals that NTSB has already found may be implicated. Recommendations short of multimillion dollar upgrades and replacements can save lives. This bill requires the NTSB to specifically consider recommending interim recommendations where appropriate, especially when a transit agency has not secured funds to meet the costly permanent recommendations.

Madam Speaker, I ask that the House pass this bill.

HONORING BENJAMIN P. LATHROP UPON HIS RETIREMENT AS THE MAYOR OF NORWICH, CT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. COURTNEY. Madam Speaker, I rise today to honor Mayor Benjamin P. Lathrop who is retiring after years of service to the City of Norwich, Connecticut. I rise to recognize him on his retirement after 4 years of service as Mayor, and over a decade of service to the community as a whole.

Ben has dedicated his life to public service, and is a veteran of the Air Force who served our nation during the Vietnam War. He has served as Mayor of Norwich since 2005 and previously on the Norwich City Council from 1997, the final two terms as President Pro-Tem. A perpetually enthusiastic booster for the city, Ben's good cheer, kindness, and dedication have helped him unite the people of Norwich and set the stage for further progress in the years to come.

Ben founded both the Mayor's Cup Challenge and the Norwich Ambassador Program. He has volunteered in community groups such as the American Cancer Society and the March of Dimes, and as a mentor at the Norwich Public Schools and the Greeneville School. Ben has served on many of Norwich's boards and commissions, notably as a member of both the Greater Norwich Area and Eastern Connecticut Chambers of Commerce.

We will honor his service on November 19 with a dinner, the proceeds of which will benefit Hospice of Southeastern Connecticut and Thames Valley Council for Community Action Inc.

Ben's dedication as a citizen of Norwich, and his passion as the city's Mayor will be remembered for years to come. He truly believes in the importance of community, and wears his love for his city on his sleeve. I ask all of my colleagues to join with me and my constituents in thanking Mayor Lathrop for his service and wishing him the best in his new endeavors.

SIGNING OF THE TURKEY/ARMENIA PROTOCOLS ON OCTOBER 10, 2009

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. McMAHON. Madam Speaker, I rise with optimism about the latest progress towards normalization of relations between the Republics of Turkey and Armenia.

On October 10, Foreign Ministers Ahmet Davutoglu of Turkey and Edward Nalbandian of Armenia signed a notable agreement, taking both countries a step closer to establishing full diplomatic relations, opening borders and greatly enhancing economic, political and cultural cooperation.

These historic protocols are a critical measure that will bring about regional stability. There have been confidential talks for approximately a decade between the two nations, and this agreement is a testament to the willingness of Armenia and Turkey to look forward towards the common goal of open borders and normalization of relations. As a Member of NATO, and a frontline country bordering Iraq, Turkey is a critical ally of the United States. As we re-deploy our forces in Iraq, Turkey plays a key role. Turkey has been a major support of the new Iraqi government and plays a positive role of investment in Iraq and developing a civil society in Iraq. Closer relations between Turkey and Armenia will hopefully move Armenia into a more westward

direction as this agreement will encourage Armenia to build trade and economic ties with its largest western neighbor.

The interest of the international community was evident with the presence of the representatives from France, Russia, Switzerland, the European Union and the United States in Zurich at the signing ceremony. I am particularly proud of Secretary Clinton's tireless efforts to encourage both parties to reach agreement on the accords. The signing of the protocols has been a priority for President Obama, and Secretary Clinton's work on October 10th underscores the value of stability in the Caucasus region for the United States and the entire international community.

The protocols must still be brought back to the respective parliaments and ratified, but we should acknowledge this significant progress and continue to encourage both Armenia and Turkey to work together to develop a long lasting diplomatic relationship and stability in the region.

HONORING THE LIFE AND LEGACY OF FREDERICK K. BIEBEL

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Ms. DELAURO. Madam Speaker, it is with a heavy heart that I rise today to pay tribute to Frederick K. Biebel of Stratford, Connecticut who passed away this week at the age of 83. Fred was a remarkable member of the community and a local political legend. His passing marks the end of an era in the Stratford community and in Connecticut's Republican Party.

Fred began his career in the 1950s as a member of Stratford's Town Council as well as the Chairman of the Stratford Republican Town Committee. During his tenure, he organized countless campaigns and served as a role model and mentor for other candidates. Fred went on to serve as Chairman of the Republican State Central Committee in Connecticut and during President Reagan's Administration he presided as Co-Chairman of the Republican National Committee. He also represented Connecticut as a delegate in fourteen national GOP conventions—the last just this past year. Fred served in every capacity—from volunteer to candidate to national party co-chair. He was committed to his ideals, but understood the value of debate. Through his activism he earned a distinguished reputation and was respected by colleagues of every political persuasion.

As involved in politics as he was, Fred was just as committed to his family and community. He and his wife of 58 years, Violet, raised three children and he was a proud grandfather and great-grandfather. Fred was also a dedicated member of the Lordship Community Church where he served as deacon. In fact, he helped to literally build the Church itself, dismantling, transporting, and reassembling an unused Colonial white church from Vermont in the late 1940s. Fred was proud of the life he built—a fact that was reflected in his recently published autobiography, "Path of a Patriot: The Political Journey of Mr. B."

Though we may have come from different political viewpoints, Fred and I shared a common cause—public service. Whether through his political career or his work in the community, Fred dedicated a lifetime to service. He understood better than most that a community is only as strong as those members who dedicate themselves to its improvement. He knew that meaningful change came from active involvement—a lesson that he passed on to several generations. I consider myself fortunate to have known him.

Today, as family and friends reflect on the life of Frederick K. Biebel, I extend my deepest sympathies to his wife, Violet, his children, Karen, Kyle, and Kevin, as well as his nine grandchildren, and seven great-grandchildren. Fred was an extraordinary man who touched the lives of many. His is a legacy that will continue to inspire generations to come.

BOEING BRINGS JOBS TO SOUTH CAROLINA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. WILSON of South Carolina. Madam Speaker, yesterday, Boeing announced that they had chosen their North Charleston, South Carolina, facility as the site for a second 787 Dreamliner final assembly line. This is tremendous news not just for the people of Charleston but for all the families of South Carolina. As we have seen with the success of Michelin across the state, including Lexington, recruited from France by Governor Jim Edwards and BMW at Greer secured from Germany by the late Governor Carroll Campbell bringing new jobs, Boeing's decision will have a broader impact on our state's economy. As noted in today's edition of The State, "S.C. officials expect a network of companies will spring up across the state to support Boeing's operations, just as businesses sprang up around BMW's Upstate plant, opened in the 1990s."

This decision by Boeing is a testament to the strong workforce in South Carolina. I am grateful for the hard work and dedication of so many members of our communities who continue to fight to bring more jobs to South Carolina. In particular, South Carolina Secretary of Commerce Joe Taylor has shown excellent leadership. I've been grateful to work with Secretary Taylor and other leaders as we keep our commitment to those we serve to promote South Carolina as a leader for industry and innovation in the positive environment of a Right to Work State.

HONORING BROOKSIDE ELEMENTARY SCHOOL

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize the students, faculty and staff of the Brookside Elementary School and congratulate them for having received the prestigious Blue Ribbon School Award. The Blue Ribbon Schools Program recognizes schools that make significant progress in closing the achievement gap or whose students achieve at very high levels.

The teachers and staff at Brookside School aim to provide a rigorous yet nurturing environment where on-going academic, social and emotional support is provided so all students can realize their potential. Brookside School has the advantage of small class sizes which creates an atmosphere where each child is recognized for his or her individual gifts and talents.

Character education is woven throughout the curriculum at Brookside Elementary School. Each month, the school hosts "BBOTB", Brookside Brings out the Best, Assembly, where students are recognized for excellent citizenship, character, effort, respect, neatness and organization. As a member of the Committee for Education and Labor, I have the privilege of learning about school both locally and nationally. The future of this country depends on the hopes and dreams of its children. Our community, and our nation, is enhanced by the contributions of high achieving students like those at Brookside Elementary School. Additionally, I would like to recognize the work of the teachers and administrators who dedicate their lives to their students. The staff is the back-bone of the student's success and I thank them for all that they do on a daily basis.

Madam Speaker, it is with pride and admiration I offer my thanks and recognition to the Brookside Elementary School.

RECOGNIZING HISPANIC HERITAGE MONTH

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in strong support of House Resolution 783, which recognizes Hispanic Heritage Month and celebrates the vast contributions of Hispanic-Americans to the strength and culture of the United States.

In 1968, President Lyndon Johnson introduced Hispanic Heritage Week, which was later expanded to Hispanic Heritage Month in 1988 by President Ronald Reagan. This year, Americans commemorated the history of Hispanic-Americans and their numerous contributions to our country from September 15, 2009, to October 15, 2009.

The estimated Hispanic population of the United States as of July 1, 2008, was 46.9 million. Hispanic-Americans constitute 15 percent of the Nation's total population, comprise 62.2 percent of my district in Houston, Texas, and are the fastest-growing minority group in the United States. Their contributions to our society are evident in many areas including the arts, architecture, literature, military, and our government.

In congratulate all Hispanic-Americans on their rich history and culture, and recognize Hispanic Heritage Month as an important time to commemorate the great achievements and contributions of Hispanic-Americans to the United States.

As a cosponsor of this important resolution, I urge my colleagues to support its passage.

HONORING SECRETARY JOHN McHUGH

SPEECH OF

HON. PARKER GRIFFITH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. GRIFFITH. Mr. Speaker, I rise today to recognize the accomplishments of former Congressman and the 21st Secretary of the Army John McHugh.

In more than 8 terms in Congress, Secretary McHugh has served as a steadfast and reliable advocate for our men and women in uniform. His drive and determination for our soldiers have played a major role in the way we repay our troops.

Throughout his career, Secretary McHugh has always sought new ways to serve his country, and America is better for it. Over the last eight years, he has made fourteen official visits to Iraq, Afghanistan, and multiple other deployed locations to visit United States forces.

In his own words, Secretary McHugh has inspired many. Earlier this year, he summed up perfectly what it means to be an American—in uniform or civilian—when he asked, ''What else can I do to serve?''

The United States Army has been placed in the capable hands of Secretary John McHugh, and I wish him the best of luck in his new position.

CONGRATULATING JOHN ''HUT'' HUTSON, WILLIAM C. JENKINS, DAVID F. LUCIER, PETER MARTINEZ, PAT CHORPENNING AND CARL G. SCHNEIDER—INDUCTEES TO THE ARIZONA VETERANS HALL OF FAME

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. MITCHELL. Madam Speaker, I rise today to congratulate John ''Hut'' Hutson, William C. Jenkins, David F. Lucier, Peter Martinez, Pat Chorpenning and Carl G. Schneider, the Class of 2009 inductees to the Arizona Veterans Hall of Fame. These citizens are recognized for their exemplary service for our country.

For both bravely serving our country and inspiring those outside their military service, 19 Arizona residents were selected to be part of the Arizona Veterans Hall of Fame. In a state boasting more than 600,000 veterans, I am truly honored to represent five of this year's recipients.

The Arizona Veterans Hall of Fame Society annually rewards and honors veterans for their continued service to the community. Each recipient of the prestigious award is personally selected by the Office of Governor Jan Brewer in partnership with the Arizona Department of Veterans' Services.

These veterans represent the courage and patriotism that is so revered by many Americans. It is people like this that I am continuously thinking of and am proud to serve. As members of the Hall of Fame Society, I am sure these veterans will carry on inspiring and serving our community.

Madam Speaker, please join me in recognition of John ''Hut'' Hutson, William C. Jenkins, David F. Lucier, Peter Martinez, Pat Chorpenning and Carl G. Schneider's exceptional service.

H.R. 3763, TO AMEND THE FAIR AND ACCURATE CREDIT REPORTING ACT

HON. DANIEL B. MAFFEI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. MAFFEI. Madam Speaker, I come before you today in unison with my colleagues from both sides of the aisle in support of H.R. 3763, to amend the Fair and Accurate Credit Reporting Act to provide an exclusion from Red Flag Guidelines for certain businesses. I'm proud that the lawmakers and the FTC are actively combating the serious problem of identity theft. The Red Flag Guidelines outlined in the Fair and Accurate Credit Reporting Act directs businesses to establish, by August 1, 2009, a plan for protecting their customers from identity theft. We must remember, however, that regulations like the Red Flags Rule have serious consequences for our nation's small businesses. Small businesses are leaders in their communities and work hard to establish personal relationships with their customers. We cannot simply adopt a one-size-fits-all system that applies the same regulatory standards to a large corporation as it does to a small community health care provider or a small law firm.

I commend my colleague from New Jersey for recognizing the undue burden these regulations will have on small businesses and for introducing legislation that provides a more viable solution to identity theft prevention. I am proud to have worked with him in drafting this bill. H.R. 3763 returns to the original intent of the FTC regulations. This bill recognizes that law firms, health care providers, accountants, and other businesses which provide repeated face-to-face service and/or have fewer than 20 employees are not vulnerable to identity theft in the same way as other businesses. These types of businesses were not intended to fall under such FTC regulations and should not be included in Red Flag Guidelines. H.R. 3763 would provide an exemption for such businesses, saving the small business community tremendous undue financial and administrative burden.

WHEN COURAGE COMES TO CREST: PFC BRENDAN MARROCCO, UNITED STATES ARMY

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. McMAHON. Madam Speaker, I rise today to commemorate the heroism of a real American hero, one of New York's and Staten Island's finest sons. Today, the Armed Forces and their families must come back home from war and rebuild their lives in many instances where nonlies left. As each, and on their own, they all will teach us about faith and courage and selfless sacrifice. PFC Brendan Marrocco is such a man who was gravely wounded in Iraq. During an EFP explosion, Rocco lost all four of his limbs. While clinging to life, most people may have given up but Rocco refuses! For he has a life to live, and a world to inspire. With the help of his brother Michael, who quit his job to be with him and help him as he moves onward. Rock on Rocco!

WHEN COURAGE COMES TO CREST

All in our darkest days of night!
When, all hope seems so lost . . . our plight . . .
While, against all odds . . ., somehow we so fight! When, Courage Comes To Crest!
With only its shining light, will we but so see our very best . . . our light!
All in hearts of gold which will so bless, to lead that most valiant fight!
Upon, battlefields of honor yes, all in hearts of courage so burning bright . . .
Throughout all of those darkest days of war, those many nights . . . as we so see their light!
Amidst, all those battle cries . . . of the darkest of death and gore as so comprised . . .
As all of those most magnificent hearts, as so ignite . . .
All in those faces of heroes, as when their courage so comes to life!
Who, but for this our nation bore . . . and would give up, oh so much more . . .
Holding Brothers In Arms, with but tears in their eyes . . .
Until, their fine hearts beat no more . . . who so died!
And all of those loved ones at home, who so worry for them as their hearts so moan!
As When, Courage Comes To Crest . . . as when so comes forth, so much more from these who bless!
As when, a new battle must begin! As from a coma you so awoke so then . . .
All in your loss, how such courage then . . . that even your fine heart, may not except!
As you look down all at the cost, wondering if you would be but better off . . .
Be but better off, dead . . . all in that moment of truth, as what your brilliant heart so said!
Showing us the proof . . . As so when, you must decide . . . Should I live? Or should I die?
When, but the very will to live . . . all in your fine heart, so lies . . . 'ah Rocco so lives!
While so very, so very . . . so very . . . very . . . very . . . very . . . deep down inside!
When, Courage Comes To Crest . . . as the tears roll down your fine eyes . . .
As you lie there all in your pain, moments away from dying . . . all in your most amazing grace comprised!
As your courage so begins to rise! As Comes To Crest!
As why, one day to Heaven . . . Rocco . . . you're my fine soul shall so rise!
As you so wipe away, all those swollen tears . . . as from your most brilliant eyes . . .
And you so say to yourself, I choose to live . . . and so Not So To Die!
As your most Heroic of All Hearts, so begins to cry!
From somewhere, so very . . . very . . . very . . . deep down inside . . .
As you so decide, with all your might! To Live On! To Somehow Fight!
To Bring Your Light, and not ask why!
All in what you have so left, so left . . . so very deep down inside!

As on this fine day, your beautiful heart so begins to rise . . .
For arms and legs we all need, but we can live without. . . .
But, it's only with our hearts . . . that we can so not so live no doubt!
As this Roc, will not so be stopped!
For Rocco, you have mountains to so climb . . . but to the very top!
Rock On Rocco . . . On How You So Roc!
As you have Souls To Heal, and To Inspire . . . as you reach for the top!
As your fine heart of a comet, can not so be stopped!
For from that Gotham City, comes your most Gotham Heart . . .
As you grew up in the shadow of liberty, as Rocco . . . as you have her heart!
Setting, all others . . . so very far apart . . .
For you will win! And you will rise, but to the top! For there are Angel's put upon this earth . . .
All in our Lord's eyes, who so come first . . . so Roc . . .
To Reach Us, To Beseech Us . . . To Teach Us . . . all in their fine worth!
For all of Staten Island, is so smiling on this very day . . .
To have such a fine Son as you, all in what you so gave!
So tried and true, and in your most heroic hue! You make us all so very proud!
Such men, and women such, as you . . . who in the towers once ran up to the top!
Yet, knowing this might be their last hours . . . as still, they would not be stopped!
There are Angels up in Heaven now Rocco . . . watching over you!
And if I ever have a son, I but hope and pray . . . that he could be but just like you the fine one!
The kind who's gold lies within his soul . . . as shone, to everyone . . . all in your most heroic hue!
For in the game of life, there is but only one way to win that battle! Win, That fight so true!
Of good versus evil, no less . . . to win that day, that night . . .
When, Courage Comes To Crest!

RECOGNIZING BRANDEN STACKENWAT

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Ms. HERSETH SANDLIN. Madam Speaker, on October 30, 2009, I will be proud to host two of my constituents, Branden Stackenwalt and his father, Dave Stackenwalt, for a visit to the U.S. Capitol.

Branden is proud to be a combat engineer with the U.S. Army, serving with the 569th Mobility Augmentation Company, 4th Engineer Battalion. On September 21, 2009, the vehicle Branden was traveling in ran over a roadside bomb in southern Afghanistan. One member of the vehicle's four-man crew was killed and the other three, including Branden, were critically injured. In the blast, Branden suffered severe fractures to vertebrae in his back, both legs, elbow and heels.

Thanks to his enduring spirit and courageous determination—as well as the excellent medical care he received from our Nation's Army doctors—Branden is vastly improved today and on the road to recovery. He was first flown to Germany, and then to the Walter Reed Army Medical Center where he has received care since September 27.

Since the incident, Branden has undergone multiple surgeries to repair his legs. Although he still faces an arduous road to full recovery, he has made significant progress, all the while maintaining a positive attitude. I am quite certain that Branden's personal strength of spirit, along with the loving care of his family, has been instrumental in the progress he has made.

During his recovery, I have had the privilege to get to know both Branden and his family. His parents, Dave and Kim, are wonderful people who love their son very much. Branden also has a younger sister, Savannah, in South Dakota who I know is eager to see him again soon.

Branden is now able to get around well in a wheelchair, and I have learned that he will soon be transferred to the Minneapolis VA facility to continue his recovery. I am pleased that he was able to visit us at the Capitol.

Madam Speaker, it is with great pride and respect for one of South Dakota's brave young soldiers that I rise today in recognition of Branden Stackenwalt and his service to our country. I am so very proud to represent him, his family, and all South Dakotans who serve in our Nation's Armed Forces. I thank Branden and all those who serve for their courage and fortitude in the face of danger.

CHINESE HUMAN RIGHTS ATTORNEYS TESTIFY BEFORE THE TOM LANTOS HUMAN RIGHTS COMMISSION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. WOLF. Madam Speaker, I would like to draw the attention of my colleagues to the following testimonies of two Chinese human rights lawyers who appeared at a hearing today of the Tom Lantos Human Rights Commission.

WRITTEN TESTIMONY SUBMITTED TO THE TOM LANTOS HUMAN RIGHTS COMMISSION ON THE RULE OF LAW IN CHINA BY MR. JIANG TIANYONG

Dear members of U.S. Congress, ladies and gentlemen:

How are you? My name is Jiang Tianyong and I come from mainland China. I am an attorney and most of the cases I take on involve religious belief, and are usually referred to as ''sensitive cases.'' I am also a Christian and as such a person, I need to worship God in gatherings with my brothers and sisters in Christ. I am going to discuss three things, and I hope I can give you an idea of the actual status of the rule of law and religious belief in China.

The first one is an event I would like to share: On the afternoon of Mother's Day of May 13, 2007, I was praying and singing hymns of God with my brothers and sisters in Christ gathering. It was in a private large room in Beijing. Suddenly, several dozen people broke into the room. Only about a dozen of them were wearing uniforms and the rest were in plain clothes. One of them forced us to stop our activities and to remain still where we were. We were not allowed to leave the place. The intruders claimed that they were law enforcement officers from the Beijing Municipal Bureau of Religious Administration. They said that our gathering was an illegal one and abolished it immediately! They sealed our donation box and took videos and photos of many of us. They also recorded the identification information of every one of us. After that, they conducted a long interrogation. It was after 1 AM that I left the site. Between that day and July 2009, I had no place where I could meet with my fellow Christians in a gathering. This is my experience in China as a Christian.

The second event occurred on April 16, 2009. Attorney Li Fangping and I became the defense counsels for the living Buddha from Burongna Convent in Tibet that day. The living Buddha is the abbot of Burongna Convent and Ya-tseg Convent in the Tibetan Autonomous Prefecture in Ganzi of Sichuan province. He was charged with weapons possession and functionary embezzlement. However, after a detailed investigation, we found the living Buddha was actually charged for some other reasons. After the March 14 Incident in 2008, people in the Tibetan prefecture were organized by the government to engage in a ''Campaign of Education in Patriotism.'' Monks and nuns were forced to study in the convents and were kept there for a long time. What, then, was the content of their education? They were commanded to criticize the Dalai Lama and to call him a jackal and to break away from him. Every one of them was commanded to trample on the portrait of Dalai Lama and spit on the portrait before he or she was allowed to pass the test. Given such a situation, over 200 nuns from Burongna and Ya-tseg Convents could no longer endure this, and they finally broke out of the convents on May 14, 2008 and went to protest in the streets, demanding religious freedom. As the living Buddha was the leader of these two convents, he was arrested. His case was tried on April 21, 2009 and both of the attorneys and the living Buddha denied the charges. There is still no result from the case, but we worry about the fate of the living Buddha.

The third piece of evidence I would like to share is that starting from 2008, I began to defend Falun Gong practitioners in nearly 20 Falun Gong cases. I have found that the crackdown on Falun Gong is indeed a serious human rights disaster. My clients were arrested simply because of the practice. They were tried simply because they gave practice books to others. Some of them were sentenced to imprisonment just because they distributed materials that expose the facts of persecution. They often face torture and there are special funds, special locations, special people and special tools in torturing Falun Gong practitioners. When Huang Cheng from Jinzhou, Liaoning province was tried in court, everybody could see the scars on his body; Chen Xinye from Shenyang, Liaoning province suffered a bone fracture in the beatings; they poured mustard water into the nostril of Li Zhigang from Harbin, Heilongjiang province; Zhou Huimin from Chengdu, Sichuan province was beaten to death.

When it comes to Falun Gong cases, the law is often trampled and it is hard to safeguard the defendant's right to defense. Sun Feng from Tangshan, Hebei province was deprived of his right to meet with his attorney; Ge Hefei from Handan of Hebei province was sentenced while his attorney was forbidden to intervene. In Falun Gong cases, attorneys are forbidden to defend their clients on the proper application of law or the nature of the incident. They are forbidden talk about the Constitution or human rights. They are only allowed to say whether the defendants did something or did not do something.

I and other human rights attorneys in China are suffering an increasing level of harassment, suppression, and persecution [by the government], because we serve as defense

counsels in cases of safeguarding the freedom of religious belief.

Respectively in 2006 and 2008, the Beijing Municipal Bureau of Justice intentionally fabricated complications in the annual inspection and registration of my attorney's license. On July 9, 2009, the Beijing Municipal Bureau of Justice announced that my attorney's license was revoked. We [human rights legal defenders] are often stalked, harassed and threatened by the secret police from Domestic Defense Protection Squad. On special occasions or when foreign leaders visit China, we are often forbidden to leave our residences. For example, when President Obama visits China next month, I will be forced to stay at home. My family members are also often harassed and people from the Bureau of Justice often come to talk with us and forbid me to get involved in some cases. Because our landlords can't endure the pressure from the secret police, they refuse to renew our leases, and therefore we often are forced to move out.

Because we handle cases involving religious belief, Li Heping, Li Xiongbing, Wang Yajun, Tang Jitian, Liu Wei, Wen Haibo, Xie Yiming, Wei Liangyue, Zhang Xingshui, other attorneys and I have still not passed the so-called ''annual inspection.'' Therefore, there is no way we can continue to work as attorneys at this time.

However, legal professionals, including attorneys, members of house churches and other religious believers, have not abandoned their rights in face of the crackdown. The civil society in China is growing and will become more mature. I think all of you present here today should keep your confidence in this. We also need the attention and support from all of you present here today, and the U.S. government.

I propose the following:

1. We recommend that you pay more attention and give more support to the non-governmental forces in China, such as the US State Department's International Visitor Leadership Program, so that more human rights attorneys can participate in the program;

2. We recommend President Obama and other government officials meet with human rights defenders and attend gatherings of house churches during their visit to China;

3. We recommend President Obama can talk with President Hu Jintao and Premier Wen Jiabao and restore the freedom of Liu Xiaobo, Chen Guangcheng, Hu Jia, Guo Feixiong and Guo Quan. We also hope that with President Obama's visit, we will be able to know the whereabouts of Attorney Gao Zhisheng;

4. We recommend officials in the U.S. Embassy in China make contact with human rights defenders and dissidents more often and more widely, and invite them to attend some activities held at the embassy.

Thank you!

A Testimony on the Current Status of China's Law on Religious Freedom

(By Mr. Zhang Kai)

As a human rights attorney in China, I am hereby making this statement concerning the current status of its law on religious freedom as well as some suggestions based on cases related to house churches affairs and their human rights advocacy in recent years.

Over the past few years, a large number of Chinese people have been seeking faith and have become Christians. However, they are often unable to enact their everyday religious spiritual life under the law. Christian churches in China consist not only of the officially recognized TSPM churches, but also house churches organized by the believers themselves. The development of house churches was a result of the Christian belief that Christ, rather than the government, should be the leader of the church. Because of the theological differences between the TSPM and the house churches, many Christians prefer to have religious gatherings with their relatives and families at their own homes.

However, members of these house churches are often interrupted, harassed and pressured by the government during religious services while meeting in their homes, with some believers administratively detained, reeducated through labor, and even criminally punished.

I. Illegal Intervention in Christian Belief Mainly Includes the Following Aspects

1. Banning house churches on grounds of being ''cults.''

In 2000, the Ministry of Public Security issued The Ministry of Public Security Circular Concerning a Few Questions About Identifying and Banning Cult Organizations. In this regulation, the following are confirmed: there are seven types of cult organizations clearly defined in the documents by the General Office of the CPC Central Committee and the General Office of the State Council, and there are seven types of cult organizations identified and confirmed by the Ministry of Public Security, totaling fourteen types of cults. However, of these fourteen cults, eleven are related to Christianity—including the Shouters, the Disciple Union, and the Total Scope Church. Since this regulation runs directly counter to the basic principle of the modern rule of law concerning the separation of the government and religion, it has further led to the direct crackdown on a large number of house churches composed of bona fide Christians, tried or labeled as cults, in the course of law enforcement.

In accordance with Item 1 of Article 27 of the Security Administration Punishment Act currently in effect, anyone would be subject to administrative detention or fines (I) for organizing, abetting, intimidating, seducing and defrauding, or instigating other people into practicing cults or superstitious activities or for using cults or superstitious activities to disrupt security and order, and to harm the health of other people; (II) for conducting activities under the pretext of religion or Qigong, to disrupt security and order or harm the health of other people. This article has led to the confiscation and damages of the large amounts of church assets as well as the detention or reeducation through labor of believers.

2. Punishment on grounds of conducting cross-regional preaching.

In some local regulations, believers are prohibited from cross-regional preaching. However, one of the characteristics of Christianity, as a religion, is that Christians preach wherever they go and spread the Gospel to every corner of the world. In the Provisional Regulations on the Management of Religious Activities in Xinjiang Uyghur Autonomous Region, it is clearly set forth: ''Professional religious people shall not conduct cross-region, prefecture, city or county preaching without approval from the religious affairs bureaus of the government.'' In one place in Xinjiang, a believer, who went to another church, had barely read one sentence from the Bible when he/she was removed from the position in the church by the Religious Affairs Bureau. In some places, violators of this law are directly given administrative detention and even reeducation through labor.

3. Banning on grounds that they are not registered.

At present, the regulations on religious affairs require that the establishment, change, or cancellation of religious organizations be registered in accordance with Regulations on Management of Registration of Social Organizations. However, house churches are unable to register independently. As a result, they are banned by local governments or the Public Security as illegal congregations or on grounds that they were not registered.

4. Intervening at will in the religious activities of believers.

According to the surveys conducted in some cities in southern Xinjiang this year, the government religious affairs departments (i.e., Ethnic and Religious Affairs Commissions) of Wensu, Baicheng, and the Aksu area, appointed or removed at will clergymen at the house churches and restricted the normal religious activities such as ''breaking of bread'' and baptism, without going through democratic elections by believers. Even the programs celebrating Christmas by believers must all be reviewed and approved by the religious affairs departments. Some religious venues were illegally shut down without following any legal procedures.

5. Suspected intention of insulting Christians.

In 2008, the People's Government of Wensu Town even issued a plaque of ''Peaceful Mosque'' to the Christian Church in Wensu. This action, by blurring the Christian and Muslim faiths, caused a widespread revulsion toward Christians, and may provoke the conflict among peoples of different religions in the future.

6. Large numbers of facts show that administrative penalty rulings are not issued and that fines were imposed without legal and official tickets.

For example, Li Enfu, a citizen in the Wushi area who has believed in Christianity ever since he was a child, had been appraised as an ''Excellent Self-employed Individual'' several times, even though he is handicapped. Yet, just because he had participated in religious activities, Li Enfu was fined repeatedly. In 2002, this citizen was fined 4,000 yuan and actually paid 2,000 yuan, just because he took a Christian calendar from the Wensu church and this calendar was an official publication of the government. In 2006, he was fined 8,500 yuan for attending a Christian gathering held at his own home. And in March 2009, Huang Ming and Li Enfu were fined a total of 3,000 yuan for holding the gathering and leading the prayers.

7. Punishing Uyghur ethnic minorities in Xinjiang for believing in Christianity.

In the Xinjiang region, it is especially difficult for the Uyghur people who believe in Christianity. They basically operate underground. In southern Xinjiang, there are about one hundred Uyghur Christians. They can only hold completely secret gatherings in groups of two or three people. Last year, their leader, Wusiman, was reeducated through labor, and co-leader Alimujiang was criminally punished.

II. Comments on the Ineffectiveness of Legal Relief Concerning Christian Belief

When lawyers involved in these kinds of cases provide legal services for believers, they often experience tremendous obstruction. For example, the courts refuse to take the cases; when they do take cases, they don't hold hearings; and when they hold hearings, they do not give rulings.

It is extremely difficult to file relevant cases with the courts, which do not go through any standard legal proceedings. According to Chinese law, if a case cannot be established, there should be a ruling that the case is not established. And based on that ruling, the party concerned has the right to appeal. However, very often, these courts neither process the filing of these cases, nor give any rulings. This year, in the Hanzhong

region in Shanxi, we instituted the relevant administrative proceedings, and the court just refused to take the case. Such phenomena are quite widespread. Although some cases were filed and the litigation fees were paid, the courts kept postponing the hearings. Four years ago, when I started administrative proceedings in the Hanyin area in Shaanxi, I was told by the local political and judicial commission that there wouldn't be any court hearings. Even now there still hasn't been any court hearing.

III. BASED ON THE ABOVE FACTS, WE ARE MAKING THE FOLLOWING SUGGESTIONS

As the aforementioned facts mainly include the harm directly brought upon house churches by the judiciary or law enforcement, we hope that the international community can give more attention so as to increase surveillance and reduce such harm. We hope that the U.S. government will carry out more specific implementations in the following areas:

1. Urge and help the Chinese government to draw up the Religious Freedom Law, which should be consistent with universal values.

2. Have more American officials or those at the U.S. embassy in China attend worship services in house churches in China.

3. Have American government officials or staff at the U.S. Embassy in China periodically communicate with human rights lawyers to learn about their situations.

H.R. 3585, THE SOLAR TECHNOLOGY ROADMAP ACT

HON. DANIEL B. MAFFEI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. MAFFEI. Madam Speaker, thank you for the opportunity to speak on H.R. 3585, the Solar Technology Roadmap Act. By establishing a road mapping process for solar research, development, and demonstration, the bill provides essential aid for the solar industry. I offer my enthusiastic support.

Solar technology presents one of our most promising renewable energy sources. In fact, in my own district, the SUNY College of Environmental Science and Forestry (ESF), is conducting innovative research pertaining to solar energy and putting it to use. Several of the buildings on campus have solar panels that provide electricity for the school. The 40-kilowatt photovoltaic array on the roof of Walters Hall, made possible by state incentives, has the ability to generate electricity even on overcast days.

Thin film PV technology and molecular PV technology are of particular importance as they are the future of photovoltaic technology. By using this second generation of solar technology, we will be able to significantly lower costs while increasing conversion efficiencies.

I also specifically encourage demonstration projects in the 1 to 2 megawatt range. Increasing the energy productivity on these technologies, I believe, will have the greatest impact on the solar industry.

I congratulate Representative Giffords on her innovative legislation and look forward to seeing its effect on our renewable energy future.

HONORING THE LIFE OF BILLY HINDS SMITH

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Ms. GRANGER. Madam Speaker, Bill's family asked me to say a few words about my memories of him as I first knew him and as so many of you knew him as you worked with him.

If I were talking about someone else, I would say something like "those of you who knew him in his professional position" or something like that, but that would be such a wrong idea of what Bill Smith was and why we all have such wonderful memories of him.

He was Bill Smith–Principal, Superintendent, friend, cohort, buddy.

I've often wondered if when people are experiencing the "best of times" if they knew it was the best of times.

I didn't know those early years at Richland High School would be some of the best years of my life, the best years of many of our lives, but I knew it was great fun and great excitement and Bill Smith made it so.

His own creativity brought out the creativity of the rest of us.

Whether you were on the ball field
On the stage
In the science club
Or the yearbook staff

He made it important to be a winner and enjoy the role you played.

His own sense of what was important and what was trivial infected us all and has stayed with me for years.

The trivial was treated by him as amusing. He just got a kick out of people and events.

He was a great storyteller and did some very good impersonations, but he didn't have a mean or petty bone in his body.

He loved what he did and he loved that school. The newness of a school can be exciting in and of itself, but the establishment of traditions, the development of an identity, those stay with a faculty, graduates, and a community forever.

He just had so much joy in it all. He was unabashedly proud and loyal to the school—and encouraging of all of us who were a part of it.

The whole community was in such a period of growth, and Bill was such a part of that so that the school and the community couldn't be separated.

It was as if the future were all in front of us, and he had found himself leading the band.

Paula Good said it so well after we talked and shared some memories. She said, "You know, I often felt he was a little bit surprised to find himself in his position."

I agree. And that added so much to the energy and enthusiasm he had.

He was never about his position or title.

And that is what helped him look at it so as to enjoy and soak up every day.

He approached life with such humor and such humanness.

He was funny and fun–loving and wouldn't take himself too seriously or let any of us around him.

He was so positive about everything. The smile never left his face, and the humor was always right on the surface.

I made so many mistakes in those years as a young teacher.

I finally decided to ask permission and seek some advice, but in the beginning, I just came up with an idea and did it!

And when it didn't work out exactly as I had planned, he would walk down to my room, he would put his hands behind his back, sort of lean back, grin and say, "Well, Ms. Granger, what have we been up to now?"

The time that remains vivid in my mind was a day when the school was closed but the yearbook staff was trying to meet a deadline.

They all trooped to the school to meet me but we had never checked to see if the school was unlocked, just assumed it would be.

It wasn't, but one of the kids said, "No problem, Ms. Granger, I can let us in."

He did and we were hard at work, when in walked Mr. Smith, the principal!

Same stance, same words, except he was accompanied by some of the city's finest—in blue uniforms.

A neighbor had reported a break in of the school. They had called Bill and all came to see who had come into the school from the roof.

Ooooh. Not good . . .

From Bill . . .

Same grin. Same question, and some advice he gave to me more than once: "Try it once. If it doesn't work, don't do it again."

That was the way he managed.

He never doused the enthusiasm. Never stopped the flow of energy. Always encouraging and believing anything was possible

With his teachers
With the students
With the community.

There are so many memories of that time and all are good ones.

And every picture in my mind has him smiling and finishing with his chuckle, and he is probably still thinking: "Ms. Granger, what are you up to now?"

TRIBUTE TO RALPH KLAASEN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. CALVERT. Madam Speaker, San Clemente, California has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. I rise today to recognize and honor one of those individuals: Mr. Ralph Klaasen. On Friday, October 16, 2009, Ralph passed away. He will be deeply missed.

Ralph, a San Clemente resident since 1946, was a strong advocate for the south Orange County senior community for decades, serving as president of South County Senior Services and helping raise funds to build two San Clemente senior centers.

Ralph Klaasen, along with Rex Tyner, co-chaired a successful campaign to build the current senior center at 242 Avenida Del Mar in 1982 and then another campaign to build its larger successor, the Dorothy Visser Senior Center, now under construction at 121 Avenida Victoria.

Ralph also helped rally support to build Casa de Seniors, an affordable senior-housing complex. Through his work with South County Senior Services, he helped establish and administer other senior centers and programs from Dana Point to Laguna Hills.

Born in San Diego and raised in Whittier, Ralph attended Whittier College before enlisting in the Navy during World War II. He served in the Pacific Theater from Guadalcanal to Okinawa. ''There were 13 major battles and I was in 12 of them,'' he once recalled. ''It was a long ordeal.''

When the war ended in 1945, Ralph Klaasen returned to his parents' house in Dana Point. He went to work in San Clemente and worked for the city for a short period in the 1940's but spent most of his career working in banking for Bank of America, Laguna Federal Savings and Great American while raising a family in town.

As Laguna Federal's longtime branch manager, Ralph was involved in community events and local charities. In 1975, the San Clemente Chamber of Commerce saluted him as the city's Citizen of the Year.

He retired in 1985 but continued to contribute to his community. In 2001, the city honored him on San Clemente's Wall of Recognition.

Ralph's dedication to his community is a testament to a life lived well and a legacy that will continue. I extend my condolences to Ralph's family and friends; although Ralph may be gone, the light and goodness he brought to the world remain and will never be forgotten.

MILITARY HONORS FOR OUR NATION'S HEROES

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. FILNER. Madam Speaker, please join me in supporting a bill which I have introduced, ''Providing Military Honors For Our Nation's Heroes Act,'' H.R. 3886, to reimburse expenses of volunteers who provide military funeral honors at veterans' funerals.

Because thousands of service members are deployed in Iraq and Afghanistan while thousands of World War II and Korean War veterans die each day, there is simply not enough military available to provide a proper honors detail for these funerals. Some families of veterans have had to ''make do'' with a CD playing taps. I am saddened by this outrageous situation and determined to provide proper military funeral honors for all families who request them.

This bill will allow reimbursement to volunteers from members of veterans' service organizations, VSOs, and other organizations approved by the Secretary of the Department of Veterans' Affairs, VA. Transportation costs and other expenses, such as cleaning uniforms, incurred in providing funeral honors details will be reimbursed. A second change will allow reimbursement to details that are requested by funeral homes and the VA, as well as the Department of Defense.

Currently, members of VSOs and other volunteers can assist the military by providing a color guard, pallbearers, a bugler or firing party, but the law does not address ceremonies in which VSOs render honors without military representation. My bill will allow volunteers to be reimbursed even when no military person is a part of the honor guard. This change will increase the number of honors details available to families.

EARMARK DECLARATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 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. 2996—Interior, Environment and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEVIN BRADY, Texas 8th Congressional District

Bill Number: H.R. 2996—Interior, Environment and Related Agencies Appropriations Act, 2010

Project: Big Thicket National Preserve

Account: National Park Service, Land Acquisition

Requesting Entity: The Conservation Fund, Texas Office

Address of Requesting Entity: 101 W 6th Street, Suite 601, Austin, TX

The Big Thicket National Preserve is one of America's ecological treasures. It is an unusually shaped preserve whose boundaries include land once owned by major timber companies. This funding represents the final year in a seven year land acquisition program. This request enables the National Park Service to acquire critical land within the congressionally authorized boundary of the Big Thicket National Preserve to diversify the economic potential of southeast Texas through increased tourism opportunities. This project works only with voluntary, ''willing-seller'' landowners.

The $5,000,000 for this project included in this final conference report combined with previous funding will allow the National Park Service to purchase over 2500 acres of land on 23 tracts acquired from willing sellers or by voluntary donation.

H.R. 3619, COAST GUARD AUTHORIZATION ACT

HON. DANIEL B. MAFFEI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. MAFFEI. Madam Speaker, I would like to express my support for H.R. 3619, the Coast Guard Authorization Act. This is an important bill with many essential provisions, and I would like to thank the Chairman and Ranking Member for all of their hard work. This legislation authorizes $10 billion in Fiscal Year 2010 funding for the Coast Guard, while also including several important provisions such as cruise vessel safety and port security. Congress has instructed the Coast Guard to do more and more in recent years, yet has not provided them the funding necessary to accomplish these objectives. This legislation provides the Coast Guard with the resources to meet Congressional directives. Unfortunately, I was unable to vote on this legislation, as I was on official business back in my district with HUD Secretary Donovan. I assure you that, if I was able to be here in Washington, I would have voted for this important legislation.

H.R. 3619 does a great deal to improve national security. The legislation improves on port security, and directs the Secretary of Homeland Security to submit a report on the threat of a terrorist attack on gas or chemical cargo shipments. Additionally, the Coast Guard Authorization Act combats alien smuggling by authorizing punishment for anyone who is bringing in people who are considered to be in the United States illegally. Provisions such as these are important for protecting our country from the threat of terrorism and ensuring our citizens are safe.

Once again, I would like to commend Transportation and Infrastructure Committee Chairman OBERSTAR and Ranking Member MICA on this strong legislation, and voice my support for H.R. 3619, the Coast Guard Authorization Act.

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report to accompany H.R. 2996, Department of the Interior, Environment, and Related Agencies Appropriations Act.

House agreed to the conference report to accompany H.R. 2996, Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

Senate

Chamber Action

Routine Proceedings, pages S10869–S10944

Measures Introduced: Five hundred and seven bills and two resolutions were introduced, as follows: S. 2014–2520, and S. Res. 328–329. **Pages S10914–24**

Measures Reported:

Special Report entitled ''Further revised allocation to subcommittees of budget totals from the concurrent resolution, fiscal year 2010.''. (S. Rept. No. 111–94)

S. 797, to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, with an amendment in the nature of a substitute. (S. Rept. No. 111–93) **Page S10914**

Measures Passed:

Credit CARD Technical Corrections Act: Senate passed H.R. 3606, to amend the Truth in Lending Act to make a technical correction to an amendment made by the Credit CARD Act of 2009, clearing the measure for the President. **Page S10943**

Capitol Police Administrative Technical Corrections Act: Committee on Rules and Administration was discharged from further consideration of H.R. 1299, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S10943**

Reid (for Schumer/Bennett) Amendment No. 2720, in the nature of a substitute. **Page S10943**

National Principals Month: Senate agreed to S. Res. 329, recognizing the month of October 2009 as ''National Principals Month''. **Page S10943**

Measures Considered:

Unemployment Compensation Extension Act: Senate began consideration of H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, after agreeing to the motion to proceed, and taking action on the following amendments proposed thereto: **Pages S10909–11**

Pending:

Reid (for Baucus/Reid) Amendment No. 2712, in the nature of a substitute. **Pages S10909–11**

Reid Amendment No. 2713 (to Amendment No. 2712), to change the enactment date. **Page S10910**

Reid Amendment No. 2714 (to Amendment No. 2713), of a perfecting nature. **Page S10910**

Reid Amendment No. 2715 (to the language proposed to be stricken by Amendment No. 2712), to change the enactment date. **Page S10910**

Reid Amendment No. 2716 (to Amendment No. 2715), of a perfecting nature. **Page S10910**

Reid Motion to commit the bill to the Committee on Finance, with instructions to report back forthwith, with Reid Amendment No. 2717, to change the enactment date. **Page S10910**

Reid Amendment No. 2718 (to the instructions (Amendment No. 2717) of the motion to commit), of a perfecting nature. **Page S10910**

Reid Amendment No. 2719 (to Amendment No. 2718), of a perfecting nature. **Page S10910**

A motion was entered to close further debate on Reid (for Baucus/Reid) Amendment No. 2712 (listed above), and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, October 29, 2009, a vote on cloture will occur at 5 p.m., on Monday, November 2, 2009.

Pages S10109–10

A motion was entered to close further debate on the bill, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Monday, November 2, 2009. **Page S10910**

A unanimous-consent-time agreement was reached providing that at 4 p.m., on Monday, November 2, Senate resume consideration of the bill, and the time until 5 p.m., be equally divided and controlled between the two Leaders, or their designees; and that at 5 p.m., Senate vote on the motion to invoke cloture on Reid (for Baucus/Reid) Amendment No. 2712 (listed above). **Page S10910**

Conference Reports:

Department of the Interior, Environment, and Related Agencies Appropriations Act Conference Report: By 72 yeas to 28 nays (Vote No. 331), Senate agreed to conference report to accompany H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010.

Pages S10893–S10908

During consideration of this measure today, Senate also took the following action:

By 60 yeas to 40 nays (Vote No. 330), Senate agreed to the motion to waive certain provisions of rule XXVIII of the Standing Rules of the Senate for consideration of the conference report. **Page S10907**

House Messages:

Small Business Act and the Small Business Investment Act: Senate concurred in the amendment of the House of Representatives to S. 1929, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958. **Page S10943**

Cellphone Texting Injuries and Death Referral—Agreement: A unanimous-consent agreement was reached providing that the Committee on Environment and Public Works be discharged from further consideration of S. 1938, to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving, and the bill then be referred to the Committee on Commerce, Science, and Transportation. **Page S10943**

Nomination Confirmed: Senate confirmed the following nomination:

Regina M. Benjamin, of Alabama, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service for a term of four years.

Pages S10942–43, S10944

Nominations Received: Senate received the following nominations:

Frank Kendall III, of Virginia, to be Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.

William M. Conley, of Wisconsin, to be United States District Judge for the Western District of Wisconsin.

Brian Anthony Jackson, of Louisiana, to be United States District Judge for the Middle District of Louisiana.

James P. Lynch, of the District of Columbia, to be Director of the Bureau of Justice Statistics.

Suresh Kumar, of New Jersey, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

2 Army nominations in the rank of general.

1 Navy nomination in the rank of admiral.

Page S10944

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Frank Kendall III, of Virginia, to be Deputy Under Secretary of Defense for Acquisition and Technology, which was sent to the Senate on August 5, 2009. **Page S10944**

Messages from the House: **Page S10913**

Measures Placed on the Calendar: **Page S10913**

Executive Communications: **Pages S10913–14**

Executive Reports of Committees: **Page S10914**

Additional Cosponsors: **Pages S10924–26**

Statements on Introduced Bills/Resolutions: **Pages S10926–35**

Additional Statements: **Pages S10912–13**

Amendments Submitted: **Pages S10935–42**

Notices of Hearings/Meetings: **Page S10942**

Authorities for Committees to Meet: **Page S10942**

Privileges of the Floor: **Page S10942**

Record Votes: Two record votes were taken today. (Total—331) **Page S10907**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:56 p.m., until 10 a.m. on Friday, October 30, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S10943–44.)

Committee Meetings

(Committees not listed did not meet)

HOUSING FOR SENIORS AND PEOPLE WITH DISABILITIES

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing, Transportation and Community Development concluded a hearing to examine modernizing affordable housing for seniors and people with disabilities, after receiving testimony from Representative Christopher Murphy; Ann O'Hara, Technical Assistance Collaborative, Boston, Massachusetts, on behalf of the Consortium for Citizens with Disabilities; Michelle Norris, American Association of Homes and Services for the Aging, Columbus, Ohio; Toby Halliday, National Housing Trust, and Sheila Crowley, National Low Income Housing Coalition, both of Washington, D.C.; and J. Michael Jones, Brick, New Jersey.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported an original bill entitled ''Comprehensive Iran Sanctions, Accountability and Divestment Act of 2009''.

Also, committee announced the following subcommittee assignments:

Subcommittee on Financial Institutions: Senators Johnson (Chair), Reed, Schumer, Bayh, Menendez, Akaka, Tester, Kohl, Merkley, Bennet, Crapo, Bennett, Johanns, Hutchison, Bunning DeMint, and Gregg.

Subcommittee on Housing, Transportation, and Community Development: Senators Menendez (Chair), Johnson, Reed, Schumer, Akaka, Brown, Tester, Kohl, Warner, Merkley, Vitter, Hutchison, Crapo, Corker, DeMint, Johanns, and Gregg.

Subcommittee on Securities, Insurance, and Investment: Senators Reed (Chair), Johnson, Schumer, Bayh, Menendez, Akaka, Brown, Warner, Bennet, Dodd, Bunning, Gregg, Bennett, Crapo, Corker, Vitter, and Johanns.

Subcommittee on Economic Policy: Senators Brown (Chair), Tester, Merkley, Dodd, and DeMint.

Subcommittee on Security and International Trade and Finance: Senators Bayh (Chair), Kohl, Warner, Bennet, Dodd, Corker, and Bennett.

PERFORMANCE-INFORMED BUDGETING

Committee on the Budget: Committee concluded a hearing to examine performance-informed budgeting, focusing on opportunities to reduce cost and improve service, after receiving testimony from Jeffery D. Zients, Chief Performance Officer and Deputy Director for Management, Office of Management and Budget; Michael Barber, McKinsey and Company, London, United Kingdom; and Paul L. Posner, George Mason University, Arlington, Virginia.

NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation Operations, Safety, and Security concluded a hearing to examine reauthorization of the National Transportation Safety Board, focusing on implementing leading management practices and addressing human capital and training center issues, after receiving testimony from Deborah A.P. Hersman, Chairman, National Transportation Safety Board; and Gerald L. Dillingham, Director, Physical Infrastructure Issues, Government Accountability Office.

LAND BILLS

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded a hearing to examine S. 555, to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, S. 607, to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, S. 721, to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, S. 1122, to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services, S. 1328 and H.R. 689, bills to provide for the exchange of administrative jurisdiction over certain Federal land between the Forest Service and the Bureau of Land Management, S. 1442, to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service-learning opportunities on public lands, establish a grant program for Indian Youth Service Corps, help restore the Nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service, and H.R. 129, to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California, after receiving testimony from Robert G. Stanton, Deputy Assistant Secretary

of the Interior for Policy and Program Management; Joel Holtrop, Deputy Chief, National Forest System, Forest Service, Department of Agriculture; Bill Crapser, Wyoming State Forestry Division, Cheyenne; Rusty Gregory, Mammoth Mountain Ski Resort, Mammoth Lakes, California, on behalf of the National Ski Areas Association; Ryan Bidwell, Colorado Wild, Durango; and Cassandra Moseley, University of Oregon Institute for a Sustainable Environment, Eugene.

CLEAN ENERGY JOBS AND AMERICAN POWER ACT

Committee on Environment and Public Works: Committee concluded a hearing to examine S. 1733, to create clean energy jobs, promote energy independence, reduce global warming pollution, and transition to a clean energy economy, after receiving testimony from Linda Adams, California Environmental Protection Agency Secretary, and Mike McKeever, Sacramento Area Council of Governments, both of Sacramento, California; Preston Chiaro, Rio Tinto, London, United Kingdom; John W. Rowe, Exelon Corporation, Chicago, Illinois; Willett Kempton, University of Delaware Center for Carbon-free Power Integration, Newark; Robert Winger, International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, East Helena, Montana; Fred Krupp, Environmental Defense Fund, New York, New York; Mike Carey, Ohio Coal Association, Columbus, Ohio; Bob Stallman, American Farm Bureau Federation, Sherry Boehlert, Bipartisan Policy Center, William Millar, American Public Transportation Association, John D. Podesta, Center for American Progress Action Fund, Ned Helme, Center for Clean Air Policy, Jonathan Lash, World Resources Institute, Iain Murray, Competitive Enterprise Institute, Dave Johnson, Laborers' International Union of North America, David G. Hawkins, Natural Resources Defense Council, and Paul N. Cicio, Industrial Energy Consumers of America, all from Washington, D.C.; Barbara Windsor, Hahn Transportation, New Market, Maryland, on behalf of the American Trucking Associations, Inc.; Stephan Dolezalek, VantagePoint Venture Partners, San Bruno, California; Eugene M. Trisko, United Mine Workers of America, AFL–CIO, Berkeley Springs, West Virginia; and Matt Smorch, CountryMark, Indianapolis, Indiana.

FEDERAL CYBER DEFENSE

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine Federal cyber defense, focusing on the concerted effort needed to improve Federal performance measures, after receiving testimony from former Representative Tom Davis; Vivek Kundra, Federal Chief Information Officer, Administrator for Electronic Government and Information Technology, Office of Management and Budget; Gregory C. Wilshusen, Director, Information Security Issues, Government Accountability Office; and John Streufert, Chief Information Security Officer, Deputy Chief Information Officer for Information Security, Bureau of Information Resource Management, Department of State.

RETIREMENT SECURITY

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine helping workers preserve retirement security through a recession, focusing on the Pension Benefit Guaranty Corporation's process for determining the amount of benefits to be paid, and PBGC's recoupment process when the estimated benefit provided is too high and a retiree receives an overpayment that must be repaid, after receiving testimony from Barbara D. Bovbjerg, Director, Education, Workforce, and Income Security, Government Accountability Office; Bruce Gump, Delphi Salaried Retiree Association, Warren, Ohio; David R. Jury, United Steelworkers International Union, Pittsburgh, Pennsylvania; Richard Jones, Hewitt Associates, LLC, Lincolnshire, Illinois; Ronald Peterson, Johns Hopkins Health System and Johns Hopkins Medicine, Baltimore, Maryland; Ron Gebhardtsbauer, Pennsylvania State University, University Park; and Randy G. DeFrehn, National Coordinating Committee for Multiemployer Plans, and Karen D. Friedman, Pension Rights Center, both of Washington, D.C.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nominations of Barbara Milano Keenan, of Virginia, to be United States Circuit Judge for the Fourth Circuit, and Carmen Milagros Ortiz, to be United States Attorney for the District of Massachusetts, and Edward J. Tarver, to be United States Attorney for the Southern District of Georgia, 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.

BUSINESS MEETING

Select Committee on Intelligence: Committee ordered favorably reported the nomination of David C. Gompert, of Virginia, to be Principal Deputy Director of National Intelligence.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 17 public bills, H.R. 3961–3977; and 6 resolutions, H. Res. 877–882, were introduced. **Pages H12140–41**

Additional Cosponsors: **Pages H12141–42**

Report Filed: A report was filed today as follows: In the Matter of Representative Sam Graves (H. Rept. 111–320). **Page H12140**

Speaker: Read a letter from the Speaker wherein she appointed Representative Edwards (MD) to act as Speaker Pro Tempore for today. **Page H12047**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Tuesday, October 27th:

Encouraging the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families: S. Con. Res. 45, to encourage the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible, by a ⅔ yea-and-nay vote of 423 yeas with none voting "nay", Roll No. 825. **Page H12057**

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010—Conference Report: The House agreed to the conference report to accompany H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, by a yea-and-nay vote of 247 yeas to 178 nays, Roll No. 826. **Pages H12057–68**

H. Res. 876, the rule providing for consideration of the conference report, was agreed to by a yea-and-nay vote of 232 yeas to 184 nays, Roll No. 824, after the previous question was ordered by a yea-and-nay vote of 236 yeas to 183 nays, Roll No. 823. **Pages H12050–57**

Moment of Silence: The House observed a moment of silence in honor of David Treen, former Member of Congress. **Pages H12068–69**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measures which were debated on Wednesday, October 28th:

Recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of the United States: H. Res. 783, amended, to recognize Hispanic Heritage Month and to celebrate the vast contributions of Hispanic Americans to the strength and culture of the United States, by a ⅔ yea-and-nay vote of 423 yeas with none voting "nay", Roll No. 827 and **Page H12069**

Expressing support for designation of a "National Firefighters Memorial Day" to honor and celebrate the firefighters of the United States: H. Res. 729, amended, to express support for designation of a "National Firefighters Memorial Day" to honor and celebrate the firefighters of the United States, by a ⅔ yea-and-nay vote of 390 yeas with none voting "nay", Roll No. 831. **Pages H12117–18**

Small Business Financing and Investment Act of 2009: The House passed H.R. 3854, to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, by a yea-and-nay vote of 389 yeas to 32 nays, Roll No. 830. **Pages H12074–H12117**

Agreed to the Cantor motion to recommit the bill to the Committee on Small Business with instructions to report the same back to the House forthwith with an amendment by a recorded vote of 272 ayes to 149 noes, Roll No. 829. Subsequently, Representative Velázquez reported the bill back to the House with the amendment and the amendment was agreed to. **Pages H12114–16**

Pursuant to the rule, the amendment printed in part A of H. Rept. 111–317 shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule. **Page H12079**

Agreed to:

Velázquez manager's amendment (No. 1 printed in part B of H. Rept. 111–317) that makes technical and conforming changes to the bill, including clarifications of legislative intent; **Pages H12099–H12100**

Schock amendment (No. 2 printed in part B of H. Rept. 111–317) that requires the SBA Administrator to pay the claim of a lender who demonstrates it followed the applicable requirements of the National Lender Training Program (Sec. 106), unless the SBA has clear and convincing evidence demonstrating that the lender failed to comply with regulatory requirements; **Pages H12100–01**

Schock amendment (No. 3 printed in part B of H. Rept. 111–317) that requires quarterly reports on the SBA Administrator's progress towards the expansion of the Renewable Energy Capital Investment

Program. It requires the SBA Administrator to establish regulations necessary to carry out the program within 180 days after enactment;

Pages H12101–02

Bright amendment (No. 4 printed in part B of H. Rept. 111–317) that requires each of the SBA district offices to establish a marketing plan for rural businesses regarding financing and investment alternatives, designate an employer as a Rural Business Outreach Specialist, and host at least one annual outreach seminar; **Pages H12102–03**

Kosmas amendment (No. 6 printed in part B of H. Rept. 111–317) that adds ''photonics technology'' to the list of targeted business sectors qualified to receive grants under the Small Business Early-Stage Investment Program; **Pages H12104–05**

Gingrey amendment (No. 7 printed in part B of H. Rept. 111–317) that increases from 5 years to 7 years the period to participate in the Small Business Health Information Technology Financing Program; **Page H12105**

Kratovil amendment (No. 8 printed in part B of H. Rept. 111–317) that gives the SBA Administrator authority under the 7(a) program to guarantee 100 percent of loans made to veteran owned small businesses; **Pages H12105–06**

Paulsen amendment (No. 9 printed in part B of H. Rept. 111–317) that requires a study and a report to Congress by the SBA, within one year of enactment, to determine the feasibility of a program to increase investment in the research, development and commercialization of medical technology by small businesses in a similar manner to the renewable energy program currently administered by the SBA;

Pages H12106–07

Massa amendment (No. 10 printed in part B of H. Rept. 111–317) that creates youth entrepreneurship programs in the Small Business Administration to assist the development of new businesses by young people who remain in their local area;

Pages H12107–08

Kissell amendment (No. 12 printed in part B of H. Rept. 111–317) that amends Section 7(a)(7) of the Small Business Act to allow for repayment of SBA 7(A) loans (granted to small businesses after enactment of this bill) to be deferred for a maximum of 12 months from receipt of final loan disbursement if that small business concern is classified in sector 23 of the North American Industry Classification System; **Page H12109**

Peters amendment (No. 13 printed in part B of H. Rept. 111–317) that increases the maximum amount of stabilization loans in high unemployment areas to $75,000 and delays repayment of stabilization loans in high unemployment areas to 18 months for new loans made after enactment of this act. It gives the SBA Administrator ability to designate high unemployment areas as eligible for operating assistance grants under the new market venture capital program; **Pages H12109–10**

Miller (MI) amendment (No. 14 printed in part B of H. Rept. 111–317) that requires individuals directly engaged in loan application analysis and/or underwriting under the new Capital Backstop Program (Sec. 111) to have at least two years' worth of experience in those activities; **Pages H12110–11**

Miller (MI) amendment (No. 15 printed in part B of H. Rept. 111–317) that clarifies that the Capital Backstop Program (Sec. 111) is authorized to start immediately and to operate through 2011, regardless of whether the recession is declared officially over during that time or SBA loan volume drops another 30% next year. It restores such requirements after September 30, 2011; **Page H12111**

Nye amendment (No. 16 printed in part B of H. Rept. 111–317) that allows the SBA Administrator to make loans to homeowners to be used for the repair or replacement of toxic drywall manufactured in China; and **Pages H12111–13**

Flake amendment (No. 5 printed in part B of H. Rept. 111–317) that prohibits the earmarking of grants made available through the Small Business Early-Stage Investment program (by a recorded vote of 370 ayes to 55 noes, Roll No. 828).

Pages H12103–04, H12113–14

Withdrawn:

Foxx amendment (No. 11 printed in part B of H. Rept. 111–317) that was offered and subsequently withdrawn that would have explicitly sunset all programs contained in the bill at the end of their authorizations or five years, whichever is earlier. The Administrator would have maintained the authority to carry out responsibilities regarding all outstanding loans, grants, and other outstanding commitments made before the authorization expiration.

Pages H12108–09

H. Res. 875, the rule providing for consideration of the bill, was agreed to by voice vote after the previous question was ordered without objection.

Pages H12069–74

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, November 2nd for morning hour debate, and further, that when the House adjourns on that day, it adjourn to meet at 8 a.m. on Tuesday, November 3rd for morning hour debate and 9 a.m for legislative business. **Page H12121**

Providing for a recess of the House for a joint meeting to receive Her Excellency Angela Merkel, Chancellor of the Federal Republic of Germany: Agreed by unanimous consent that it may

be in order at any time on Tuesday, November 3, 2009 for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting Her Excellency Angela Merkel, Chancellor of the Federal Republic of Germany.

Page H12121

Senate Message: Message received from the Senate today appears on pages H12123–24.

Quorum Calls—Votes: Seven yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H12055–56, H12056, H12057, H12068, H12069, H12113–14, H12115–16, H12116–17, and H12117–18. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:25 p.m.

Committee Meetings

NEXT GENERATION BIOFUELS

Committee on Agriculture: Subcommittee on Conservation, Credit, Energy, and Research held a hearing to review the future of next generation biofuels. Testimony was heard from the following officials of the USDA: Dallas Tonsager, Under Secretary, Rural Development; and Rajiv Shah, Under Secretary, Research, Education, Economics; and public witnesses.

DEFENSE SMALL BUSINESS ACQUISITION

Committee on Armed Services: Defense Acquisition Reform Panel held a hearing on Can DOD Improve Innovation and Competition in Acquisition by Better Utilizing Small Business? Testimony was heard from Linda Oliver, Acting Director, Office of Small Business Programs, Department of Defense; and Calvin Jenkins, Deputy Associate Administrator, Government Contracting and Business Development, SBA.

DEFEATING IMPROVISED EXPLOSIVE DEVICES

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on Defeating the Improvised Explosive Device (IED) and Other Asymmetric Threats: Reviewing the Performance and Oversight of the Joint IED Defeat Organization (JIEDDO). Testimony was heard from the following officials of the Department of Defense: LTG Thomas F. Metz, USA, Director, Joint Improvised Explosive Device (IED) Defeat Organization; and James A. Schear, Deputy Assistant Secretary, Partnership Strategy and Stability Operations; and William Solis, Director, Defense Capabilities and Management, GAO.

NEVADA'S WORKPLACE HEALTH AND SAFETY ENFORCEMENT PROGRAM

Committee on Education and Labor: Held a hearing on Nevada's Workplace Health and Safety Enforcement Program: OSHA's Finding and Recommendations. Testimony was heard from Senator Harry Reid of Nevada; Jordan Barab, Acting Assistant Secretary, OSHA, Department of Labor; Donald E. Jayne, Administrator, Division of Industrial Relations, Department of Business and Industry, State of Nevada; and public witnesses.

CONSUMER FINANCIAL PROTECTION AGENCY

Committee on Energy and Commerce: Ordered reported, as amended, H.R. 3126, Consumer Financial Protection Agency Act of 2009.

SYSTEMIC REGULATION, PRUDENTIAL MATTERS, RESOLUTION AUTHORITY AND SECURITIZATION

Committee on Financial Services: Held a hearing entitled "Systemic Regulation, Prudential Matters, Resolution Authority and Securitization." Testimony was heard from the following officials of the Department of the Treasury: Timothy F. Geithner, Secretary; John C. Dugan, Comptroller of the Currency; and John E. Bowman, Acting Director, Office of Thrift Supervision; Sheila Bair, Chairman, FDIC; Daniel K. Tarullo, Governor, Board of Governors, Federal Reserve System; Thomas R. Sullivan, Commissioner of Insurance, State of Connecticut; and public witnesses.

GLOBAL FOOD SECURITY

Committee on Foreign Affairs: Subcommittee on Africa and Global Health held a hearing on A Call to Action on Food Security: the Administration's Global Strategy. Testimony was heard from Thomas Melito, Director, International Affairs and Trade Team, GAO; and public witnesses.

STANDARDIZING HOMELAND SECURITY FINANCIAL MANAGEMENT

Committee on Homeland Security: Subcommittee on Management, Investigations and Oversight held a hearing entitled "Creating 'One DHS' Part I: Standardizing Department of Homeland Security Financial Management." Testimony was heard from the following officials of the Department of Homeland Security: James L. Taylor, Deputy Inspector General; and Peggy Sherry, Acting Chief Financial Office; and Kay L. Daly, Director, Financial Management and Assurance Issues, GAO.

YOUTH PROMISE ACT; CRIMINAL JUSTICE SYSTEM RACIAL DISPARITIES

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security approved for full Committee action H.R. 1064, Youth PROMISE Act.

The Subcommittee also held a hearing on Racial Disparities in the Criminal Justice System. Testimony was heard from Representative Cohen; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Oversight and Government Reform: Ordered reported the following measures: H.R. 1506, To provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances; H. Res. 159, as amended, Honoring the New Hampshire State Senate for becoming the first statewide legislative body with a majority of women in the United States; H. Res. 727, Supporting the goals and ideals of National Ovarian Cancer Awareness Month; H. Res. 736, Honoring President Lincoln's Gettysburg Address on " Dedication Day," November 19, 2009; H. Res. 742, Congratulating the Warner Robins Little League softball team from Warner Robins, Georgia, on winning the 2009 Little League Softball World Series; H. Res. 743, Honoring the life of Frank McCourt for his many contributions to American literature, education and culture; H. Res. 780, Recognizing the celebration of Filipino American History Month in October; H. Res. 798, Conveying the best wishes of the House of Representatives to those celebrating Diwali; and H.R. 1849, as amended, World War I Memorial and Centennial Act of 2009; H.R. 3250, To designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the "Private First Class Garfield M. Langhorn Post Office Building"; H.R. 3539, To designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the "Patricia D. McGinty-Juhl Post Office Building"; H.R. 3634, To designate the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the "George Kell Post Office"; H.R. 3667, To designate the facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, as the "Clyde L. Hillhouse Post Office Building"; H.R. 3767, To designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the "W. Hazen Hillyard Post Office Building"; H.R. 3788, To designate the facility of the United States Postal Service located at 3900 Darrrow Road in Stow, Ohio, as the "Corporal Joseph A. Tomci Post Office Building"; S. 748, To designate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the "Cesar E. Chavez Post Office"; and S. 1211, To designate the facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, as the "Jack F. Kemp Post Office Building."

FUSION ENERGY RESEARCH

Committee on Science and Technology: Subcommittee on Energy and Environment held a hearing on the Next Generation of Fusion Energy Research. Testimony was heard from Edmund Synakowski, Director, Office of Fusion Energy Science, Department of Energy; and public witnesses.

ADDRESSING DISTRACTED DRIVING

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Addressing the Problem of Distracted Driving. Testimony was heard from Representative McCarthy of New York; Ray LaHood, Secretary of Transportation; and public witnesses.

BRIEFING—HOT SPOTS

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to receive a briefing on Hot Spots. The Subcommittee was briefed by departmental witnesses.

FRAUDULENT LETTERS OPPOSING CLEAN ENERGY LEGISLATION

Select Committee on Energy Independence and Global Warming: Held a hearing entitled "Fraudulent Letters Opposing Clean Energy Legislation." Testimony was heard from Representative Perriello; and public witnesses.

Joint Meetings

RECOVERY ACT ON ECONOMIC GROWTH

Joint Economic Committee: Committee concluded a hearing to examine the impact of the Recovery Act on economic growth, after receiving testimony from J. Steven Landefeld, Director, Bureau of Economic Analysis, Department of Commerce; Karen E. Dynan, Brookings Institution, and Kevin A. Hassett, American Enterprise Institute, both of Washington, D.C; Simon Johnson, Massachusetts Institute of Technology Sloan School of Management, Cambridge; and Mark Zandi, Moody's Economy.com, Philadelphia, Pennsylvania.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1247)*

H.R. 2647, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010. Signed on October 28, 2009. (Public Law 111–84)

H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010. Signed on October 28, 2009. (Public Law 111–85)

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 30, 2009

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings are scheduled.

House

Committee on Financial Services, hearing entitled ''The Overdraft Protection Act of 2009,'' 9:30 a.m., 2128 Rayburn.

Next Meeting of the SENATE

10 a.m., Friday, October 30

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, November 2

House Chamber

Program for Monday: To be announced.

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