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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. BALDWIN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 4, 2010.

I hereby appoint the Honorable TAMMY BALDWIN 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:

Lord, so blessed are we in the United States of America that when we hear Your words of blessing upon Abram, the great man of faith, we hear those words as spoken to the very soul of this Nation.

''I will make of you a great Nation, and I will bless you. I will make your name great so that you will be a blessing. I will bless those who bless you and curse those who curse you. All the communities of the Earth shall find blessing in you.''

And the people said: 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 gentleman from Texas (Mr. SAM JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. SAM JOHNSON of Texas 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 five requests for 1-minute speeches on each side of the aisle.

LEAVING AFGHANISTAN

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

Mr. KUCINICH. There is a new way to fight war in Afghanistan. U.S. commanders are publicly telling the Taliban when we are coming and where we are going to be to wage war. This, while Karzai tries to cut a deal with the Taliban. Meanwhile, a large offensive is being mounted, an assault on Kandahar. The U.S. is going to have 100,000 troops mounted for a big battle by autumn. We're using 1.1 million gallons of fuel a day, logistical problems abound.

Here is a quote from the February 20 National Journal: So despite the immense effort to push out supplies, frontline fighters sometimes don't even have the minimum they need. ''We had guys out there at the outpost in an area of operations starving because we couldn't get a resupply into them,'' said one major.

Now, will the surge change that? And what's this all about? To strengthen and corrupt the central government which is building villas in Dubai?

I am bringing a privileged resolution to the floor to get out of Afghanistan, and I urge your support.

HEALTH CARE

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

Mr. SAM JOHNSON of Texas. You know, I think after yet another health care speech by the President, the American people are sick and tired of the Democrats' ''I know what's best for you'' attitude. Congress needs to wake up and realize that Americans know more about their health care needs than the government bureaucrats. They know exactly what a Washington takeover of health care means, and they're shouting from the rooftops: No, no, no.

It's time for the President and Speaker PELOSI to realize that this policy debate isn't between Democrats and Republicans; it's between the Democrats and the American people. And the American people are saying, Enough is enough. They don't want a health care bill that raise taxes, stifles small business, increases insurance premiums, and cuts Medicare.

If the Democrats insist on ramming this bill through against the will of the American people, then they'd better be prepared to suffer the consequences in November.

PEACE CORPS ANNIVERSARY

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

Mrs. CAPPS. Madam Speaker, I rise today to pay tribute to the Peace Corps.

This week the Peace Corps celebrates their 49th anniversary. Since 1961 nearly 200,000 volunteers have served in 139 countries around the world. These talented and selfless volunteers have made lasting contributions in agriculture, business development, sustainable infrastructure, education, health,

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HIV/AIDS, and the environment. Each volunteer's work represents a legacy of service that has become a significant part of America's history and positive image abroad.

These accomplished volunteers come from very diverse backgrounds, including prestigious universities like the University of California in Santa Barbara, located in my district. I am proud to represent this campus, which consistently provides one of the highest numbers of recruits for the Peace Corps.

Again, congratulations, Peace Corps, on your anniversary, and thank you for the wonderful work you do.

ORANGEBURG PREPARATORY SCHOOL

(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. This morning, 79 students from Orangeburg Preparatory School in South Carolina's Second District are in the Capitol to learn about the legislative process and the history of the Nation's Capitol Building. Under the leadership of Head Master Kelly Mills, the students at Orangeburg Preparatory School excel both in and out of the classroom. Such success is achieved through partnerships between the community, teachers, parents, students, and alumni.

As a member of the House Education and Labor Committee, I am grateful to spend time with these bright young students and will continue to pursue policies that advance fiscally responsible reforms that will improve their educational opportunities through higher education and beyond. We need insurance reform, not big government takeover. I also want to note that when you meet them, the students here today from Orangeburg Prep continue a tradition to be the best-dressed student group to visit the Capitol.

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

CONTRIBUTIONS OF THE RECOVERY ACT

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

Mr. SIRES. Madam Speaker, it has been now over a year since we took sweeping action to recover our economy. The Recovery Act has consistently grown our economy by creating or saving more than 2 million jobs, giving 95 percent of American workers a tax cut and beginning to rebuild our crumbling infrastructure, all while making investments in a clean energy future and working to improve our Nation's health care.

In the past year, the Recovery Act has provided $120 billion in tax cuts for working families and business, loaned nearly $20 billion to small businesses to expand and create jobs, founded more than 12,500 transportation projects, and helped keep over 300 educators on the job. The Recovery Act has also put us on a path towards a green economy through investments in green job training programs. Furthermore, the Recovery money has funded the creation and expansion of community health centers all over the country as well as increased investment in health information technology.

Madam Speaker, while there is still much to be done to fully recover our economy, it would be a lot worse had we not passed the Recovery Act.

RESIGNATION AS ACTING CHAIR OF COMMITTEE ON WAYS AND MEANS.

The SPEAKER pro tempore laid before the House the following resignation as acting chair of the Committee on Ways and Means:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 4, 2010.

Hon. NANCY PELOSI,
Speaker, The Capitol
Washington, DC.

DEAR MADAM SPEAKER: I hereby resign as acting chairman of the Committee on Ways and Means.

Sincerely,

PETE STARK,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

WASHINGTON IS NOT LISTENING

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

Mr. POE of Texas. Madam Speaker, it's deja vu all over again on the health care bill. The people have tried every way they know to have their voices heard. Town halls, tea parties, even special elections. The people don't want Washington bureaucrats making their medical decisions. But Washington's not listening. People don't want the Feds forcing them to buy health insurance or pay a fine, an idea that's unconstitutional. But Washington's not listening. And when the Senate bill fully kicks in, it will cost $2.5 trillion. We don't have the money. Spending on bailouts and stimulus bills, the taxpayers are out of money. We're broke, and we're borrowing billions of dollars from the Chinese.

But Washington's not listening. The massive health care bill now is 2,700 pages long. Churchill once said, ''This report, by its very length, defends itself against the risk of being read.'' Americans don't want a European-style Nanny State where government makes all our decisions. Government-run health care is unhealthy for Americans, but Washington's not listening.

And that's just the way it is.

INVESTMENTS IN EDUCATION AND INFRASTRUCTURE

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

Ms. EDWARDS of Maryland. Madam Speaker, it's past time to boost sustainable job creation by making strong commitments to our Nation's education and infrastructure. The results of the American Recovery and Reinvestment Act actually prove the point, but it can't be a one-shot deal. The hemorrhaging of jobs has stopped. In fact, jobless claims fell last week by 29,000. But now it's time to send all our people back to work. We can't do it on the cheap, and every State across our Nation has to be included. We need investments in plants and equipment to bring our manufacturing capacity into the 21st century before the rest of the world outpaces us.

And let's find the political courage to buy America in order to build America, encouraging our businesses to create jobs here at home and not ship them abroad. We need sustained investments in vocational and technical training, community colleges, and retraining to grow a workforce to retain our competitive edge. And we have to foster innovation and creativity among our small businesses and entrepreneurs.

Madam Speaker, our economic future relies on the strength of our education and the breadth of our opportunities. We must act quickly or risk being left behind.

REMEMBERING SKIP NELSON OF ARIZONA

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

Mr. FLAKE. Madam Speaker, I rise today to honor the memory of Skip Nelson, who passed away earlier this week, leaving us all far too early. Arizona was blessed that Skip called the State home for most of his life. He was known by many and respected by all. Countless individuals, groups, and organizations have benefited from his good work, his generosity, and his wise counsel.

I had the distinct privilege of knowing Skip for more than a decade. From my vantage point, for all the notable accomplishments and achievements in his life, it was within the walls of his own home that Skip's most important and lasting work was accomplished. Along with Judy, his beloved wife of more than 30 years, Skip raised three upright and honorable children, Mike, Ryan, and Erin, who will surely carry on his legacy. In fact, Mike and Ryan have already done much good here on Capitol Hill. Every State and community deserves to have a man of the caliber of Skip Nelson. We count ourselves fortunate in Arizona to have had him as long as we did.

HONORING WOMEN VETERANS

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

Ms. GIFFORDS. Madam Speaker, March is Women's History Month, and I rise today to pay tribute to the women who have served our country with honor and distinction. Women such as Major General Susan Lawrence, the commander of the Army's Netcom and 9th Signal Command at Fort Huachuca. She is a true inspiration to soldiers in Arizona and women everywhere.

Women such as Lori Piestewa, a U.S. Army soldier killed during an attack in Iraq in 2003. A member of the Hopi tribe, she was born and raised in Arizona and became the first woman in the U.S. Armed Forces killed in Iraq and the first Native American woman to die in combat while serving in the United States military. And women such as Air Force Lieutenant Meredith Doran. Working from Davis-Monthan Air Force Base in Tucson, she is an aircraft traffic controller involved in the Haitian earthquake relief effort underway today.

Women have voluntarily served in every conflict since the early days of the Revolutionary War, and their significant accomplishments are often overlooked. Every day, women fly jets in combat, engage enemies on the battlefield, and will soon also serve alongside their male counterparts on submarines.

This month and all year long, we should recognize and remember the service, sacrifice, and the lives of the women in our United States Armed Forces and everything that they have given to our country.

□ 1015

UNSUSTAINABLE HEALTH CARE COSTS

(Ms. JENKINS asked and was given permission to address the House for 1 minute.)

Ms. JENKINS. Health care costs are unsustainable. They are bankrupting families. They are bankrupting small businesses, and if they are not reformed, they will bankrupt our government. No one denies we need reform, but what Americans do not want is for D.C. politicians to centralize health care decisions in Washington and create another entitlement program when everyone knows we haven't paid for the entitlements we already have.

Instead, what Americans need are reforms that actually reduce health care costs for families, help folks with preexisting conditions, and make it easier for small businesses to provide health care. The American people have rejected a government takeover of health care. So I urge my colleagues to support commonsense plans to fix what's broken without throwing out the rule book and without destroying what works for millions.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken later.

RECOGNIZING THE IMPORTANCE OF THE CENSUS AND NATIVE AMERICAN PARTICIPATION

Mr. BACA. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1086) recognizing the importance and significance of the 2010 Census and encouraging each community within the Indian Country to name an elder to be the first member of that community to answer the 2010 Census.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1086

Recognizing the importance and significance of the 2010 Census and encouraging each community within the Indian Country to name an elder to be the first member of that community to answer the 2010 Census.

Whereas the decennial census is a responsibility of the Federal Government, mandated by article I, section 2 of the Constitution;

Whereas, in the 2000 Census, 4.3 million people, or 1.5 percent of the total United States population, stated that they were American Indian or Alaska Native;

Whereas, in the 2000 Census, 2.4 million people, or 1 percent of the United States population, stated that they were solely American Indian or Alaska Native;

Whereas Native Americans are the descendants of the aboriginal, indigenous, native people who were the original inhabitants of and who governed the lands that now constitute the United States;

Whereas the 2010 Census data is strictly confidential and Federal law prevents the information from being shared with any entity;

Whereas the 2010 Census is quick, safe, and easy to complete;

Whereas the census is a source of data on a number of issues of national importance, such as school attendance, educational attainment, and employment;

Whereas areas are underserved by the Federal Government if significant portions of the population, especially those in low-income and minority neighborhoods, fail to participate in the census;

Whereas full participation in the census is necessary to ensure an accurate depiction of the population of the United States;

Whereas, April 1, 2010, is the date for the 2010 Census;

Whereas the San Manuel Band Serrano Mission Indians in California propose to name an elder to be the first member of that community to answer the 2010 Census;

Whereas it is hoped that the naming of an elder to be the first member of that community to answer the 2010 Census will encourage other members of that community to answer the 2010 Census;

Whereas it is hoped that each other community within the Indian Country will name an elder to be the first member of their community to answer the 2010 Census;

Whereas elders are looked upon as the trusted ones in the tribe who will have the most influence in carrying the message of how important an accurate 2010 Census count is; and

Whereas elder participation in the 2010 Census count will encourage others to participate in the 2010 Census: Now, therefore, be it;

Resolved, That the House of Representatives—

(1) recognizes the importance and significance of the 2010 census and encourages full participation in this critical process; and

(2) encourages each community within the Indian Country to name an elder to be the first member of that community to answer the 2010 Census.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BACA) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. BACA).

GENERAL LEAVE

Mr. BACA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous materials thereon.

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

There was no objection.

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

Today I rise in strong support of House Resolution 1086, a resolution that recognizes the importance and significance of the 2010 census and encourages each community within Indian Country to name an elder to be the first member of that community to answer the 2010 census.

I would like to thank the majority leader, STENY HOYER; Chairman ED TOWNS; and Ranking Member DARRELL ISSA for their support of this resolution that was introduced on February 22, 2010. I also want to recognize all committee staff and my personal staff for their hard work on this. I also would like to take the time to thank my colleagues in the House of Representatives for their bipartisan support, because it is a bipartisan bill that is good for all of us.

This resolution serves to raise the awareness of the importance of the 2010 census count and urges Indian Country to name an elder to be the first person to complete the 2010 census from each tribe. That shows respect and dignity for that elder. An accurate census count is very important because the data gathered will determine the allocations and the distributions of millions of dollars to State, local, and tribal governments.

Census data can help tribal leaders understand what their community needs are. Many tribal communities use census information to attract new businesses and plan for growth in the future. In fact, many tribes and tribal organizations use census data to plan

new facilities and programs for their communities and making their quality of life a lot better.

The 2010 census will be used as a future basis for the 1,400 funding programs under the Catalog of Federal Domestic Assistance; 245 of these programs use census data for distribution of funds through grants, loans, direct payments, and government grant payments. An accurate count is essential to everyone, especially in Indian Country.

In the year 2000 census, 4.3 million people, or 1.5 percent of the total United States population, stated that they were American Indians or Alaska Natives. Census data will help shape the future of our youth and sends a proud message to those individuals who can be identified.

In 2007, the American Community Survey reported that 40 percent of American Indian and Alaska Native population was under the age of 25. And in these tough economic times, Indian Country needs an accurate census count more than ever. That is why I am proud to work with the tribe from my area in California, along with Congressman JERRY LEWIS, that has the San Manuel Band of Mission Indians, led by my good friend Chairman James Ramos.

Next week, San Manuel Chairman Ramos will name Pauline Murrillo to be the first elder to complete the 2010 census form to be counted in their tribe. This is a short form with 10 questions. This is what it looks like. What San Manuel is doing is creative and innovative. Elders are looked upon as trusted leaders in most Native American communities. They are in the best position to help carry the message of the importance of an accurate 2010 census count. And also to bring pride and respect within each of the tribes.

By law, the Census Bureau cannot share respondents' answers with anyone, including tribal housing authorities, other Federal agencies, or law enforcement entities. However, there is still mistrust in the census in many tribes. The census needs our help, and this resolution drives home the message that we need to encourage tribal elders as partners in this challenge. With only 10 questions in the 2010 census questionnaire, it is one of the shortest questionnaires in history and it takes 10 minutes to complete for the average household.

The majority of households will receive the form by mail starting on March 15. However, special procedures will be used on many Indian reservations and in Alaska Native villages where homes do not have city-style addresses with a number and street name. In these areas, members of the community working with the census will visit homes to help fill out the form and take an accurate count. Distrust in the census will hurt the count especially, so these special procedures are arranged for the very hard-to-count tribal areas. That is why the U.S. Census created a special tool kit to help deliver the message and complete an accurate count in Indian Country. With the help of tribal elders, the 2010 census can be a great success.

I encourage all Members to go back to their districts and work with the tribes in their areas, as I have, to ensure an accurate count for every community. I urge my colleagues to support greater census awareness in Indian Country and vote in favor of H. Res. 1086.

I reserve the balance of my time.

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

Madam Speaker, the Constitution of the United States mandates on the Federal Government the responsibility of holding a census every decade. It is an essential part of our constitutional obligation, and actually a building block for our representative form of government. It also has evolved into a process to be able to assess how Federal funds and programs should be distributed.

The integrity of the census is so important that over the decades methods have been proposed how to improve and to secure the census numbers. Today we are actually talking about one aspect of the effort to improve the validity of these numbers and the integrity of the numbers, and that is to do an outreach to the communities of the Native Alaskans and American Indians. These are communities that tend to be more isolated than the general population and tend to be more suspicious of any government action, especially the Federal Government. And, frankly, the way the Federal Government has treated these two groups historically, I think we all say that a lot of the skepticism of the American Indian and Native Alaskans is well founded.

But this program is well based in a proposal to use the traditional respect for elders, the high regard and status of elders in the American Indian and Alaskan Native community really as a building block to build the understanding that this process is not just important to the Federal Government, it is not just important to the general population, but it is essential to those individuals who reside on Indian reservations and in Alaska.

This proposal is actually a great way to be able to bring this message that the census is for you, too, even if you are on a reservation. I think it is a very good way of doing it.

I have to say there are many things that the Federal Government does where we mean well, but we don't take the time to understand the individuals that we are trying to serve. We don't take the time or make the effort to understand that the Federal Government too often asks for one size fits all as somehow the perfect answer. This program customizes an approach to reflect those traditional customs and the heritage of our Native American and Native Alaskan populations.

I think that the integrity of the census is something that we don't talk enough about except when we have scandals and problems of groups and people being involved with it that basically are questionable at the time and pull a pale over the entire census process. This process is one I think where we will be able to look back and say there was a bipartisan effort not to try to manipulate the numbers or the process, but to allow the numbers to be true and well founded. I strongly support this concept.

Madam Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank Mr. BILBRAY for yielding.

Madam Speaker, the census is one of the few, one of the very few truly constitutional functions that we are engaged in here in Congress. In fact, most of what Congress does today is unconstitutional according to the original intent. I am an original intent constitutionalist. I believe the Federal Government should only be doing 18 things that Article I, section 8 gives us the authority to do, but the census is certainly one of those. National defense, national security, taking care of our veterans and taking care of our folks in the armed services is, under the original intent of the Constitution, the major function of the Federal Government. And I am a very strong believer in that. I am a very strong believer in this government doing only those things that Article I, section 8 gives us the authority to do, and certainly taking the census is one of those.

Today we will be taking up a rule in the next series of votes, from what I understand, which is going to be a rule on a jobs bill. Well, jobs and the census certainly have a great correlation because the Census Bureau will be looking at who is unemployed in this country. In fact, that is what they do. Part of their job in the Census Bureau is to try to find out all of the demographic information. A lot of the things that the Census Bureau does, questions that they ask are none of the Census Bureau's or the Federal Government's business, frankly, but certainly I encourage people to fill out the census for the information that is actually required under the Constitution, and no more.

But, Madam Speaker, jobs are certainly important, and counting the jobless rate in this country is certainly an important function of knowing where we are. The States do this and the Federal Government takes all of that jobless information, and we are going to get a report just tomorrow about the new jobless rates.

Madam Speaker, just last week I was in one of my counties in Georgia in the 10th Congressional District and was talking to the county commission chairman, and in that discussion he was telling me 1 year ago the jobless rate in his county was over 14 percent.

I think it was 14.7, if I remember correctly. He said now the jobless rate in their county is down to a little over 10 percent. I said, That's great.

□ 1030

Is this because of the stimulus bill that we passed? Is this because new jobs were created in your county? And he said, No, we've had no new jobs in our county, none, absolutely zero. The reason that the unemployment rate is down in our county is because people have just stopped looking for jobs. They're discouraged. They're greatly discouraged. I think this is true all over this country. I think the fall in our jobless rate that we've seen recently, down from above 10 to just slightly below 10, is because people have gotten discouraged and they have just stopped looking.

We just passed an extender of unemployment benefits by voice vote. I'm not really happy that we've passed it by voice vote, but we did just last week. And, Madam Speaker, we are going to be taking up this jobs bill that we haven't even seen the text of, we have not even seen the bill. It is going to be brought to the floor of this House just like the stimulus bill was, without even having the opportunity to read these plans.

Madam Speaker, I believe that ''jobs'' by this new bill, from everything I can tell, should be an acronym. JOBS should be ''just one big slush fund,'' an acronym for ''just one big slush fund.''

Madam Speaker, I introduced my own JOBS Act. My JOBS Act is an acronym for ''jump-start our business sector.'' That's what we need to be doing; we need to be jump-starting our business sector by getting the tax burden and the regulatory burden off small business. Madam Speaker, small business is the economic engine that pulls along the train of prosperity in America, the small business. We are killing small business through the regulatory burden and the tax burden.

We're going to be taking up a health care bill very soon—we don't know when yet—ObamaCare. ObamaCare, Madam Speaker, is going to kill jobs in America. Let me say that again: ObamaCare is going to kill jobs in America. In fact, the bill that the House voted on, the President's own senior economic adviser said it will kill 5.5 million jobs, put 5.5 million Americans out of work if the House bill is put into law. The Senate bill, I haven't seen the data on it, but I'm sure those data are just the same. I'm not sure if it's 5.5 million or 5 million, but the recent proposal by the Obama administration is going to kill jobs, and creating more and more government spending is just creating more government jobs.

Madam Speaker, the American people need to decide, are we going to go down one route of socialism, total government control, total government takeover of everything in human endeavor, including health care, or are we going to go down the road of liberty and freedom? And I say liberty and freedom because I consider them to be a little different.

Madam Speaker, let me define liberty for you. This is my definition. I don't think you will find it in the dictionary, but I think it's very appropriate. Liberty is freedom bridled by morality. Liberty is freedom bridled by morality. America needs to decide, are we going to be a free people or are we going to be controlled by the Federal Government? Are doctors and patients going to make their health care decisions, or will it be some government bureaucrat in Washington?

Just yesterday, the President had a press conference where he said he wanted doctors and patients to make that decision, but his proposal will not do that. His proposal will make a government bureaucrat here in Washington, D.C. tell doctors and patients what kind of care they can get.

Madam Speaker, I am a medical doctor; I'm a family practitioner. I have fought for my patients for years as part of my practice, being concerned about their economic well-being. That's what family doctors do. I try to find the best quality care at the lowest price for my patients. That is an integral part of family medicine. But what we are heading towards with this government takeover of health care is going to destroy family medicine and destroy that basic premise of what we do as family doctors.

This jobs bill is going to be nothing more than one big slush fund. ''Jobs'' by the new bills that we've seen, at least in the Senate bill—and I think we're going to have something that is very close to that once we see the legislative language—is not going to be anything but one big slush fund, this political payback, and it's going to create jobs in the Federal Government.

Now, jobs have been created, certainly, by the failed stimulus package we passed a little over 1 year ago, but let's look back 1 year later at some of the spending low lights of that failed stimulus bill: $67,726 was used by a casino outside Green Bay, Wisconsin. They used a Federal grant to send their employees to learn how to handle confrontations with their customers. This is not constitutional. But once they went there, it was clear to the instructors of this seminar that the casino staff already knew how to handle confrontations with their customers.

We've allocated, in Massachusetts, $4 million in Federal stimulus dollars to build a 2.66-mile bike trail that connected the Manhan Bike Trail to the North Hampton and Norwottuck Trails. This would give those folks riding down that bike trail greater access to Taco Bell. I'm sure Taco Bell is very appreciative of the taxpayers' largess.

Millions of dollars were sent to Democratic operatives. Two firms run by Mark Penn, current Secretary of State Clinton's former Presidential campaign pollster, were awarded $5.9 million in taxpayer funds from the stimulus bills. I could go on and on and on.

We built bike racks in Georgetown with stimulus dollars that were put in place in neighborhoods where the average house value here in Georgetown was over $1 million. I mean, come on. The American public needs to stand up and say ''no'' to this outrageous takeover of their liberty and their freedom.

Madam Speaker, a CEO of a steelmaking corporation recently said, Companies large and small are saying, I'm not going to do anything until these things, health care and climate legislation, go away or are resolved. That is what's happening, Madam Speaker, in this country. Small businesses, and large, are scared. The American public is frightened.

When I did my very first town hall meeting last August in Evans, Georgia, talking about the Pelosi health care bill, I thanked the people for coming and expressing their concern about health care. When I did, after discussing the bill, I thanked the people for coming and showing their concern about health care. The second gentleman that got up in the question and answer period said, Dr. BROUN, I would like to disagree with you about something. I said, Sure, what is it? And he said, I want to disagree with you because I'm not concerned about health care; I'm scared and I'm angry. And a scared and angry American public is a power to be reckoned with. He got a tremendous round of applause. I applauded him also. And he is exactly right.

The American people need to stand up and say ''no'' to ObamaCare. Let's trash these bills that are on the floor for consideration now and let's start all over again and find something that makes sense. Let's have a jobs bill that makes sense and that really creates jobs.

The Republicans are accused by Democratic colleagues and by the President of being a ''party of no.'' Well, we are the ''party of k-n-o-w.'' We do know how to create a strong economy, and that's by getting the tax burden and regulatory burden off the small businesses in America and off the individuals, leaving dollars in their pockets so that they can expand their business and create more jobs and where consumers have more money so that they can expend it on goods and services here in America.

We know how to solve the health care financing problem we have in America where health care and drugs are too expensive. We can lower the cost of health care, not raise it as the ObamaCare bills all do. We know how to create jobs. We know how to get this economy back on track. We know how to lower the cost of health care if our ideas are just heard. But the leadership here in this House, the leadership in the Senate and the administration

have turned a deaf ear towards commonsense, market-based solutions.

And I ask, Madam Speaker, for the American people to stand up and say ''no'' to socialism and say ''yes'' to freedom and liberty.

I hope the American people will contact their Congressman and their Senators and say ''no'' to ObamaCare, ''no'' to this jobs bill, ''no'' to more socialism and more government control of their lives, and say ''yes'' to freedom and liberty.

Mr. BILBRAY. Madam Speaker, I would like to close by thanking my colleague from California. I want to thank him for a lot of reasons, but it was nice that you proposed a 2-page bill, not a 2,000-page bill. It was nice that you gave us over a week to be able to review it rather than a few hours. And it is darn nice to see that we can have a bipartisan effort and get something passed in this Congress that doesn't cost $1 trillion. So thank you very much for taking a leadership role on this thing. Maybe we can get the leadership on both sides to recognize that maybe this is the process we ought to follow more often.

I yield back the balance of my time.

Mr. BACA. First of all, I would like to thank the gentleman from San Diego (Mr. BILBRAY) for his support of this. I know that he has always been supportive of Native Americans, not only now but in the past as well; so I appreciate that.

I also appreciate the gentleman from Georgia and his comments. I think he was supporting this legislation somewhere along the line as he was talking about jobs.

I also believe that it's important, and I know that President Obama has that as part of his top priority in creating jobs and dealing with the jobs in this country because he knows very well that the unemployment is now roughly around 10 percent, and he wants to make sure that he gets it up.

We know that unemployment will affect the census. I share in that sense that the gentleman from Georgia was supporting it because it's very important that we do an accurate count and that we count everyone because that will determine the amount of jobs that we have and the kinds of jobs to be created in our areas.

As I stated before, Madam Speaker, I would like to thank Chairman TOWNS, Ranking Member ISSA, and of course I want to thank again Mr. BILBRAY for his hard work and support, as well as the staff and others who have worked on this bill.

As we all know, an accurate count is vital to the importance of the American tribal communities and every other community. In my community, not too long ago we started a census count. We did it at Arrowhead Medical Center. We went there, and we began to try to tell the people in our communities the importance of having an accurate count, the importance of making sure that we count each and every one, and that everyone participates in it; and also clarifying the law, clarifying the law that the information will not be used against any individual, but every individual must be counted within our communities.

What does it mean to our States, our counties, our cities? What does it mean to businesses in the area? It's important that we do an accurate count because that's the only way that we can determine how many dollars are going to come back into our communities. We won't know unless we do an accurate count.

The State of California won't be able to determine their budget if they don't do an accurate count. Based on the amount of dollars in that immediate area, they can then determine how much money is going to be coming back to the State of California, or any other State. Or a county official in an area can determine, when they look at their budget and try to determine what goes on, they can only do it if they have an accurate count. And city officials within the area can only determine what needs to go on in terms of, all right, What is my budget going to look like? What kind of services do I need to provide at the local level? How does it impact transportation? How does it impact education? How does it impact public safety? How does it impact public health?

And then local businesses in the area: we know that you need a strong marketing plan and you need to know where businesses want to relocate. It happens through the census.

□ 1045

So an accurate count is very important. If you're a businessperson and you want to start a business in the area, it's important that you have an accurate count because you know where you want to be located; you know the demographics of the area; you know the income of the area. If it's a doctor, then the doctor will know how many patients he is going to have and how much profit he is going to make. It's not about profit. It's about the service and quality of health care. I only made that statement, but it's important because we'll be able to determine that. So an accurate count in the area becomes very important. It also tells us how to market the area. How do we market the immediate area in terms of what goes on?

In Indian Country, it becomes very important to a lot of us when we look at many of our tribes in our areas and at the undercount that has been there. Many of our tribes and others have not been able to determine the kind of services they need within the reservations. This will determine the transportation, the housing in the area, the health in the area, and the kind of educational facilities. Most of all, it will be respect to an elder because this is about identifying the elders within each of the tribes and allowing them to be counted. It's important that we count each and every one of the individuals and that we allow for the kind of respect that should be there, not only in this census but in others. If we look back at 1990 and 2000, we did an inaccurate count. There were many people who weren't counted.

I believe the census is making every effort in trying to reach out to our communities by marketing, by hiring individuals, by working in the communities, and by identifying those individuals. That kind of partnership and collaboration becomes very important to all of us if we want to make sure that we do an accurate count.

This bill is very important, not only to Native Americans now but in the future, when a child can then look up to future generations and say, It was my elder who was the first one to be counted, the true Americans in this country, and they should be the ones who should be counted first. This gives us an opportunity to approach them and to make sure that they are counted.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. BACA. I yield.

Mr. BROUN of Georgia. I just wanted to answer your question.

Yes, I absolutely support this. Counting the census is a constitutional duty. It's extremely important. Our Founding Fathers knew how important it was to know who people were, where they were, et cetera. So I do support the bill very strongly.

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

Mr. BACA. I thank the gentleman from Georgia for his support.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and agree to the resolution, H. Res. 1086.

The question was taken.

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

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

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H. Res. 699, by the yeas and nays;

H. Res. 1086, de novo;

H. Res. 1111, de novo.

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

HONORING 139TH AIRLIFT WING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 699, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. MARSHALL) that the House suspend the rules and agree to the resolution, H. Res. 699, as amended.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 10, as follows:

[Roll No. 84]

YEAS—421

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
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)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
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
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
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, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
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
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Boccieri
Campbell
Carnahan
Clay
Dahlkemper
Delahunt
Fallin
Hoekstra
Massa
Tsongas

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1118

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2847, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Ms. MATSUI, from the Committee on Rules, submitted a privileged report (Rept. No. 111–426) on the resolution (H. Res. 1137) providing for consideration of the Senate amendment to the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

House Resolution 1086, de novo;

House Resolution 1111, de novo.

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

RECOGNIZING THE IMPORTANCE OF THE CENSUS AND NATIVE AMERICAN PARTICIPATION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1086.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and agree to the resolution, H. Res. 1086.

The question was taken.

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

RECORDED VOTE

Ms. MATSUI. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 415, noes 1, answered ''present'' 1, not voting 14, as follows:

[ROLL NO. 85]

AYES—415

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)

Bean
Becerra
Berman
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
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
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
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)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
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
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
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 (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
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
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—1

Paul

ANSWERED ''PRESENT''—1

Bishop (UT)

NOT VOTING—14

Berkley
Campbell
Carnahan
Dahlkemper
Delahunt
Fallin
Gohmert
Grayson
Hoekstra
Massa
Moore (KS)
Moran (VA)
Titus
Tsongas

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1138

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.

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

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection.

READ ACROSS AMERICA DAY

The SPEAKER pro tempore (Ms. BALDWIN). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1111.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. COURTNEY) that the House suspend the rules and agree to the resolution, H. Res. 1111.

The question was taken.

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

RECORDED VOTE

Ms. MATSUI. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 414, noes 0, not voting 17, as follows:

[Roll No. 86]

AYES—414

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
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
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
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)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
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Gordon (TN)
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Green, Al
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Hall (NY)
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Johnson, E. B.
Johnson, Sam

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Lee (CA)
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Lewis (CA)
Lewis (GA)
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Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
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Miller (NC)
Miller, Gary
Miller, George
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Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
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Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
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Westmoreland
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Young (AK)
Young (FL)

NOT VOTING—17

Barton (TX)
Bean
Berkley
Bishop (GA)
Buchanan
Butterfield
Campbell
Carnahan
Connolly (VA)
Crowley
Dahlkemper
Delahunt
Fallin
Grayson
Hoekstra
Massa
Titus

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 1 minute remaining in this vote.

□ 1149

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GRAYSON. Madam Speaker, on rollcall Nos. 85 and 86, H. Res. 1086, H. Res. 1111, I missed these votes to attend a bill signing with the President at the White House. Had I been present, I would have voted "aye."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4529

Mr. RYAN of Ohio. Madam Speaker, I ask unanimous consent that Representative ERIC PAULSEN of Minnesota be removed as a cosponsor of H.R. 4529.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2847, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Ms. MATSUI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1137 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1137

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, with the Senate amendment to the House amendment to the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment to the House amendment to the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

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

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

GENERAL LEAVE

Ms. MATSUI. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1137.

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

There was no objection.

Ms. MATSUI. Madam Speaker, House Resolution 1137 provides for consideration of the Senate amendment to H.R. 2847, the Hiring Incentives to Restore Employment Act. The rule makes in order a motion offered by the Chair of the Committee on Ways and Means, or his designee, that the House concur in the Senate amendment to the House amendment to the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution.

The rule waives all points of order against consideration of the motion, except those arising under clause 10 of rule XXI. The rule provides the Senate amendment and the motion shall be considered as read. The rule provides 1 hour of debate on the motion equally divided and controlled by the Chair and ranking minority member of the Committee on Ways and Means.

Madam Speaker, in today's economy, many families are struggling to make ends meet. As we know, the economic recession began in 2008 as a direct result of reckless and irresponsible financial decisions. We are still dealing with the wreckage today. Over the last few years, I have heard countless stories of people struggling to put food on the table, pay their mortgages, and provide for their children, and millions of America's seniors are making decisions every day to skip meals or cut their pills in half just to survive.

California and, in particular, my constituents in Sacramento, have been greatly impacted by this economic crisis. Many of my constituents were and continue to be victims of predatory home loan lending, unfair credit card practices, payday loans, and other forms of unscrupulous business practices. They turned to Congress for help, and we responded with the CARD Act. And the ink was hardly dry on that legislation before credit card companies tried to find loopholes to arbitrarily raise credit card interest rates and fees on consumers.

This Congress also passed the Wall Street Reform and Consumer Protection Act, which will bring much-needed oversight and accountability to Wall Street. This bill also creates a new consumer financial protection agency to protect consumers from unfair and deceptive financial practices. Meanwhile, small businesses are seeking assistance to help make payroll, retain their employees, and pay for the skyrocketing costs of health insurance. These are the reasons why it is time to once again put the American people first and provide them with the support they need from their Representatives in Congress.

We need to pass the jobs bill before us today as a significant step towards helping hardworking Americans get back to work. The American people are hurting, and the top priority of this administration and this Congress must be

jobs, jobs, jobs. In December, the House passed a jobs package, the Jobs for Main Street Act that would make $156 billion in targeted investments in our economy. The projects supported by this bill will improve our highways and transit infrastructure, renovate schools, and help small businesses rebuild, support job training initiatives, and affordable housing programs.

While the jobs package we are considering today is not as broad as the version passed by this House, it is an important step in the right direction and one we cannot afford not to enact. Today's bill is one that I hope will be the first of a series of job creation proposals that we will consider in the coming weeks and months because the reality is that the unemployment rate in this country is at an unacceptable level of 9.7 percent, and this bill will help incentivize employers to start hiring immediately. Already the Recovery Act, put forth by congressional Democrats, has saved or created more than 2 million jobs. That is according to CBO. The Recovery Act has clearly helped us rebound from this recession and saved us from the brink of another Great Depression.

The Recovery Act has greatly benefited my district and the entire Sacramento region, providing almost $700 million for dozens of projects. Such projects include $21 million for improving and enhancing Sacramento's levees from flood protection, public transportation facilities, developing clean energy technology, and hiring 30 new officers at the Sacramento Police Department. It is also helping struggling homeowners avoid foreclosure, investing in new community health facilities, and the list does go on and on and on. My constituents can see where and how every dollar is being spent in our district by visiting my Web site.

One of the most important results of the Recovery Act is that it helps school districts minimize budget cuts. However, as the economy declines, school districts are now considering shorter school years, larger class sizes, and looking to lay off teachers. We cannot let this happen. So our path towards economic recovery must continue to invest in our Nation's workforce to spur additional job creation, innovation and long-term economic growth. And by supporting the rule and the underlying bill, we will do just that.

I have heard from small business owners who are eager to be connected to business counseling and resources, to learn more about financing opportunities, SBA loan products, and government contracting opportunities. There is a great demand for immediate and real assistance for our small businesses to get back on their feet and for workers to get back into the labor market. Over the last few months, I have held two small business workshops to help existing small business owners understand the recovery legislation, obtain financing, and find new opportunities for government programs. And I have seen firsthand how eager people are to start working again or get retrained in new fields and to take an active part in our country's economic recovery.

The proposal before us today offers a key strategic tax incentive for employers to hire new workers. The proposal would exempt employers from paying Social Security taxes through the end of this year for hiring new workers who have been out of work for at least 60 days. If the newly hired workers remain on the payroll for at least a year, the bill provides an additional $1,000 income tax credit to employers. This new hiring tax credit could spur as many as 250,000 jobs, according to leading economists. To help small businesses, the proposal offers an immediate writeoff, up to $250,000 for equipment purchased this year. To invest in additional transportation infrastructure, the proposal extends the Highway Trust Fund, otherwise known as SAFETEA–LU, for 15 months to pay for transportation projects ready to break ground.

Using the rule of thumb in highway contracting where every $1 billion in transportation spending creates about 35,000 jobs, this $77 billion investment means that more than 2 million jobs will be retained or created, including high-quality jobs in the construction and building trades.

□ 1200

Finally, the bill expands the Build America Bonds Program to allow investors to claim Federal subsidies up to 45 percent of the borrowing cost for bonds issued for public works projects.

There is no doubt that this package will incentivize and spur much-needed job creation and economic growth in our neighborhoods and communities. And to my colleagues, concerned, as I am, that this bill does not go far enough to create jobs, I want to be clear that this is the first in a series of steps we will be taking to continue to get the economy back on track.

Together with the continued economic assistance of the Recovery Act, we are laying the groundwork for continued job creation and future economic growth to lead us to our prosperity.

It is my hope that this Congress continues to find new ways to get Americans back to work, stabilize our economy, and help rebuild our middle class. This is not the end of our work, but it is a critical step forward for the American people. I, therefore, urge my colleagues to support this rule and the underlying legislation.

I reserve the balance of my time.

Mr. SESSIONS. I thank the gentlewoman for yielding the time.

Madam Speaker, the Republicans in this body are in a quandary again today because of the way this bill was brought to the floor, and I would like to yield 3 minutes to the gentleman from Houston, Texas (Mr. CULBERSON) to ask some questions.

Mr. CULBERSON. I would like to, if I could, ask Ms. MATSUI, how long has the public had to read this bill? It is my understanding that this bill was posted on the Internet about 2½ hours ago. There was no committee hearing, and this contains approximately $15 billion in tax increases. I am committed to transparency. The Speaker says she is committed to transparency. Yet isn't it true that this bill has only been on the Internet, available for the public to read, for about 2½ hours, and there was no committee hearing on this legislation; is that correct?

Ms. MATSUI. I would like to say this job creation package has been discussed in the headlines and the Halls of Congress for weeks now. In addition, the pay-fors that are proposed here have been debated numerous times in the House previously. There are no surprises here.

Mr. CULBERSON. I understand, and that is typically the rhetoric that we hear from the leadership is that this concept has been discussed, this idea has been discussed. But my question is: Has this specific piece of legislation had a full committee hearing, number one? And how long has this specific piece of legislation, this $15 billion tax increase, how long has this $15 billion tax increase been available for the public to read on the Internet? Isn't it true it has only been posted for about 2½ hours? It was posted at 9:30; is that correct, Ms. MATSUI?

I yield to the gentlewoman from California.

Ms. MATSUI. Madam Speaker, I just want to say that I just received this amendment as well this morning. It is fairly short, 15 pages, double-spaced. I read it, and it took less than 10 minutes for me to see that the amendment was fully paid for.

Mr. CULBERSON. Just confirming for the record, Madam Speaker, that once again this liberal leadership of the Congress is shutting out the American public, utterly untransparent, denying the American taxpayers the ability to read and see the legislation before the Congress. This $15 billion tax increase, Madam Speaker, has only been available for the American people to read for about 2½ hours. No committee hearing, no transparency, consistent with the cap-and-tax legislation, a 300-page amendment in the lobby, consistent with every major piece of legislation, the ''spendulus'' package, all of the other massive tax and spending increases that this liberal leadership and this new liberal President have pushed through Congress. You have shut out the American people. You have shut out the ability of we who represent them to debate the legislation, to offer amendments.

It is an affront to this great institution, the greatest democracy in the history of the world. You are denying the public a chance to participate. That's why you see the Tea Party rallies all over America. This is why there will be a tsunami this November to sweep out this liberal leadership, this tax-and-spend majority in Congress,

which is using up the good will that this President had when he came in as a new President. And I am just very disappointed, frankly, that this Congress, this Speaker, has not allowed the public to read important legislation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members to direct their comments to the Chair.

Ms. MATSUI. Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Madam Speaker, I was so troubled by the remarks of the gentleman from Texas, for whom I have great respect. I think he was making more of a political argument than a substantive discussion of the matter at hand.

In December, the House passed the Jobs for Main Street bill. It included the piece that is before us today. That measure went over to the Senate. It was held up in its entirety, and in the specific that we are dealing with today, by a hold, a series of holds, and then a filibuster by the Senator from Kentucky. Eventually, the Senate overcame that filibuster. This measure, this $15 billion, has been before the Congress for 2½ months. It is no surprise to anyone.

The measure before us does what Republican leadership did with our support on this side on SAFETEA–LU in 2004 and 2005; 12 extensions of current law, 12 extensions, in order to muster the support we needed, in order to buy the time necessary to pass the 5-year surface transportation bill.

This measure before us provides $77 billion for a 15-month extension of current law. It restores the $8.7 billion rescission that was required in SAFETEA–LU, at the insistence of the Bush administration, which required, for the President's signature, a rescission at the end of the 5-year period, and that occurred September of 2009. That meant that programs were underfunded, that is, underfunded below the authorization level of SAFETEA–LU, for the past several months. The bill restores that funding level.

I will yield to the gentleman in just a moment.

So what we are doing here is restoring stability to the highway, bridge, SAFETEA, and transit program, providing certainty for States so they can advertise for bids, award bids, and keep contracts going. The filibuster of the Senator from Kentucky resulted in numerous bid lettings being cancelled and others being withheld, jobs lost, a great disruption to the program because there were not Federal Highway Administration personnel on the job to be able to make the overnight electronic transfers to the States for their vouchers. This bill restores stability to the program.

Mr. CULBERSON. Would the gentleman yield?

Mr. OBERSTAR. I am happy to yield to the gentleman.

Mr. CULBERSON. Thank you, Mr. Chairman.

My concern, if I could focus on the transparency of the process, these wonderful new technology tools, Mr. Chairman, and I know you are committed to transparency. You have run your committee that way. The concern we all have on behalf of the American taxpayers is that the bill has only been available for about 2½ hours.

I have called for legislation, and I think you are a coauthor of requiring bills to be laid out for 72 hours. And I understand the urgency of some of the provisions in here, but this is a $15 billion tax increase, Mr. Chairman, and my concern is that it was not posted on the Internet for the public to read but 2½ hours ago.

Mr. OBERSTAR. Madam Speaker, I would just point out to the distinguished gentleman from Texas, there isn't a single new provision in this bill that hasn't been available since last December.

Ms. MATSUI. Reclaiming my time, Madam Speaker, I want to say that the motion to concur with the amendment that is made in order under this rule is a very simple one that will bring the bill into compliance with statutory pay-as-you-go rules. It changes very little, as Mr. OBERSTAR says, with the underlying bill which was intended to create jobs and spur hiring by America's small businesses. Delaying this package of job-creation measures today would delay our ability to get Americans back to work. Time is not on our side, which is why we have to act quickly here today.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I do appreciate the gentleman—and I am extending my words to him at this time. I do appreciate the gentleman, Mr. OBERSTAR, for being available to come down to the floor, but that is not the process. The process is the gentleman should have been upstairs at the Rules Committee. There was not one person available on behalf of the majority to come up to the Rules Committee to explain the bill. An explanation of, ''Well, none of this is new,'' is an inadequate explanation to the American people and to this body, and the Speaker should be embarrassed. This is not open. This is not, I believe, ethical, because the decisions were made and there was no discussion.

I believe we are calling into question, Republicans are calling into question today about how this House is being run. And I do appreciate the gentleman from Minnesota (Mr. OBERSTAR), and, in fact, I admire him a lot. Despite its being only perhaps 15 or 18 pages, that is an inadequate explanation. This House should not stand for it. The Members of this body should say we will not tolerate this. And I am deeply disappointed once again.

Madam Speaker, I yield such time he may consume to the ranking member, the gentleman from San Dimas, California.

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

Mr. DREIER. I thank the gentleman from Dallas, a very hardworking member of the Rules Committee, for yielding me this time.

Yesterday, Madam Speaker, I stood here in the well and began talking about a date that may only be in my head, but I have been talking about it. The date was June 24, and my friend from Dallas, of course, remembers it. It was 3 a.m. on June 24, and we were sitting upstairs in the Rules Committee considering the so-called cap-and-trade bill, and as the motion was being offered by my friend from Worcester, Mr. MCGOVERN, to move the special rule to the floor for consideration, as that motion was being offered, I had a nice, warm, hot-off-the-press, 300-page amendment dropped in my lap, as did Mr. SESSIONS, Mr. DIAZ-BALART, and Ms. FOXX. Within a matter of hours, we considered that measure. And it was a very important time, Madam Speaker, because that is when the American people got it. They began this chant, ''Read the bill. Read the bill.''

The next day, we will all recall, that when the customary 1 minute was yielded to the distinguished minority leader, the gentleman from Ohio (Mr. BOEHNER), he spent 1 hour going through the 300 pages in that amendment that Members of this House had not yet read and had only had before them for a matter of a few hours.

I talked about that just yesterday when we were, for the second time in as many weeks, proceeding under martial law rule, and I was arguing that takes place at the end of a Congress when we are dealing with very, very pressing situations, not in the third month of the second session of the 111th Congress, which is where we are today.

Madam Speaker, once again we have it again, and I know that my friends from Texas, Mr. CULBERSON and Mr. SESSIONS, have both referred to the fact that we met this morning for a grand total of 2 minutes in the Rules Committee, and this measure is now before us.

The American people are hurting. They want us to focus on job growth and economic growth. They know full well that it is absolutely imperative that we create good, long-term private sector jobs. We know how important that is. But we also have a responsibility to do what James Madison envisaged this institution as being, and that is a great deliberative body. We have the responsibility to deliberate on these matters.

Now, I understand the urgency. I understand the urgency, but when you look at the legislative schedule we have had over the past several weeks, and some of our colleagues have gone through them, I can't name them all, but post offices and recognition of items, we have not extended the time and energy and effort that we clearly could here in this institution doing it.

□ 1215

Now, I know that Mr. OBERSTAR was speaking earlier, and others have spoken. It's not a question of our not trusting the process we're under right now, but I'm reminded so vividly of the famous exchange that took place between Ronald Reagan and Mikhail Gorbachev. ''Doveryai, no proveryai'' was what the Russian used to say: ''Trust, but verify.''

Madam Speaker, I think that that's all we're saying. We have a responsibility—not to Republicans, not to Democrats, but to all of the American people—to hold accountable this institution, which saw this majority come to power based on a document, a document that was entitled ''A New Direction for America.'' In that document, Speaker PELOSI pointed to the fact that legislation would be considered under an open amendment process whenever possible. It talked about minority rights, the kinds of things that James Madison regularly focused on when he talked about the rights of the minority.

And what is it that's happened, Madam Speaker? Unfortunately, we are now, as I said, in the third month of the second session of the 111th Congress, and guess what? We've gone through the entire first session of Congress for the first time in the history of the Republic and not had a single piece of legislation considered under an open amendment process, not a single piece of legislation considered under an open amendment process, and now we're in the third month of this second session, nothing considered under an open amendment process.

Then we have, as we deal with the very important pressing jobs issue, we have legislation that is brought here under martial law rule, considered for a grand total of 2 minutes in the House Rules Committee just 3 hours ago, and now we're here on the floor dealing with it.

Madam Speaker, we can do better. I urge my colleagues to join with Mr. SESSIONS in opposition to this rule so that we can come back with a work product that will do the kinds of things that will get real jobs created out there.

I know that in this measure there is a provision that provides a tax incentive for people to hire new employees. Well, that sounds great, but the heads of one of the top companies in this country had this proposal offered to him by the former Treasury Secretary, one of the top economic advisers to President Obama, Larry Summers, and his response was, Don't offer me a tax credit to hire someone. What we need to do is increase the demand for our product. Those are the kinds of things that we should be doing.

So, Madam Speaker, again I say, as I regularly do from this well, when it comes to job creation and economic growth, what we should be doing is pursuing the bipartisan John F. Kennedy/Ronald Reagan vision: marginal rate reduction and a reduction of the top rate on capital gains. Job creators deserve the kind of relief that is necessary since Japan is the only nation in the world with a higher tax on those job creators than ours.

We know what it takes; we know what it takes. It worked under a Democratic administration, and it's worked under a Republican administration. So let's defeat this rule and go back and come up with a bill that will, in fact, create exactly what I said at the outset: good, long-term private sector jobs.

Ms. MATSUI. Madam Speaker, before I yield to my next speaker, I just want to point out my colleagues on the other side of the aisle are quite concerned that we are using same-day authority before the end of a session. In the 109th Congress, when the Republicans were in the majority, the Rules Committee reported two same-day rules in March and early April. These were hardly end-of-the-session times, Madam Speaker, and they had nothing to do with reviving our economy. These particular same-day rules were about the Federal Government interfering in a case of Terri Schiavo. Now, without reopening that divisive debate, I just want to say that the issues we are dealing with today under this same-day rule are important to the lives of millions of Americans.

With that, I would like to yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. I thank the gentlelady.

I oppose neither the rule nor the transportation funding in this bill, but I do oppose the so-called ''jobs'' tax credit. I only have one big problem with it, that it does so little to create jobs while adding to our very big debt.

In deciding whether to waste more resources on such legislation that will not accomplish its purpose, I think it's important that we look at one of the last jobs bills that this Congress considered. We were told that the only way to extend unemployment benefits to families in need through Christmas was to simultaneously approve a measure that sent $33 billion to corporations with no requirement that they use their cash windfall to create or preserve jobs.

The so-called ''loss carry-back'' provision simply directed the Treasury to begin writing checks, $33 billion in checks this year, to corporations. One corporation, a bankrupt financial services company, Washington Mutual, got $2.6 billion in checks this year from the Treasury. That just happens to be a little more than all of the unemployed people in America combined got from this piece of legislation. So I think we need to take a close look at every piece of legislation to see whether it really creates jobs as this one did not.

Today, we have another tax break that is weak on policy, strong on politics. It's a retread proposal that this Congress rejected last year, and it doesn't smell any better this year. Indeed, one former Treasury Department economist has described ''a general consensus among tax experts that the credit is a [real] stinker'' because it simply encourages conduct that would occur anyway.

Amazingly, one current top leader at the Treasury Department has said, Don't worry, it may be 10 percent effective in creating new jobs. I don't think that passes the sniff test. Surely there are better ways to promote job growth than a proposal whose own advocates say it may be 90 percent ineffective.

And being ineffective does not mean that it is harmless since it disadvantages some businesses in the marketplace versus their competitors. Those small businesses in Central Texas who have hung on to their employees, even though it hurt, even though it was painful to do so, get absolutely no benefit from this job tax credit, although they certainly could use it, but a company that dismissed its employees last year or a new competitor that moves into town down the street will gain a benefit.

As the Congressional Budget Office has noted, this jobs credit would provide no incentive to maintain employment in struggling firms and provides less incentive to maintain employment overall in industries and regions that are hurting the most. While it may deliver a few temporary minimum-wage jobs at considerable expense to the United States Treasury, this credit won't deliver help where it is needed most, and to whom or with whom it is needed the most. It is off-target and off-budget. I think it has the same problem as a bill that gave more money to one bankrupt corporation than to all the unemployed people in our country.

It's great that the United States Senate could finally find bipartisan agreement on something, but this bill, this job tax credit, is not just bipartisan from the Senate, it's bi-wrong.

Mr. SESSIONS. Madam Speaker, the gentleman said it best about this bill: Nobody even really knows what's in it. There was no general discussion. There was no one made available to come to the Rules Committee to answer questions. There were no committee hearings on this. This isn't the way to run this House, and it's not just Republicans that are down saying this. It's Members of the majority party also. It is this kind of unthoughtful and unprofessional conduct that is being put off on this body to where Members don't even know what's in the bill, have not had the time. And once again, Republicans are down saying it's not open, it's not honest, and certainly not ethical.

I would like to yield 3 minutes at this time to the favorite son of Winterpark, Florida (Mr. MICA).

Mr. MICA. I thank you for yielding and for the opportunity to stand up and talk on the rule here that is before us that would allow the so-called ''jobs'' bill to move forward.

I've had to think long and hard about my position on this because I do favor every opportunity to increase jobs. I have one county with nearly 18 percent unemployment. Florida is in the top 10 States with unemployment with 11.8 percent, and I understand we're going to get some even grimmer news tomorrow on the job front nationally.

I have to oppose the rule, and reluctantly I'm going to oppose the bill. Many people, because I'm the Republican leader of the Transportation Committee, have asked me how I'm going to vote on the final bill and final passage, and it's a reluctant ''no.'' And let me tell you why.

The substance of my opposition really lies in what the Rules Committee did. If we ever needed a time to amend, we should have had an opportunity to amend this. And we have time to send it back to the Senate.

The previous speaker, a Democrat from the other side of the aisle—I believe the gentleman from Texas—stated his opposition to a tax provision, but let me tell folks that are listening, Madam Speaker, and the Members that may be concerned about this. When the Senate passed the transportation provision, four States take 58 percent of the new money in this in transportation projects of national significance. Those States, I believe, are California, Illinois, the State of Washington and Louisiana. Twenty-two States get zero, the big goose egg, including my State, the State of Florida. Now, this isn't a parochial issue just for Florida, but 46 States are in fact disadvantaged by the way the Senate passed the bill in giving an advantage to four States. So it's unfair.

Now, Mr. OBERSTAR, my Democrat counterpart, the Chair, he has a letter of intention from the Speaker, and also from Mr. REID, to correct this after we pass this. But to do this in a proper legislative fashion to actually create jobs, we should be fair to everyone and distribute this equitably among all States.

Also missing from this is a 6-year bill, which we really need. This only extends transportation authorization through December 31 of this year, which will leave many States behind.

So this bill leaves many jobs behind. It leaves fairness behind. And, again, it doesn't do the job that it should do in creating jobs that we so badly need in this Nation.

So I will reluctantly oppose the so-called ''jobs'' bill on the basis that I stated. It's my hope that we can correct this measure. I will do everything I can, working in a bipartisan fashion, to correct it so that we have fairness for all 50 States in the distribution of the funds that they sent to Washington.

Ms. MATSUI. Madam Speaker, I just want to say, while this bill distributes some highway funds in a way that disproportionately benefits a handful of States, it's important to remind my colleagues that these concerns will be addressed in subsequent legislation.

With that, I would like to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

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

Ms. JACKSON LEE of Texas. I thank the distinguished gentlelady from California, and I rise to thank the Rules Committee. This is a tough business. They had to do their work in the backdrop of Senator BUNNING, who didn't care about the unemployed, thousands upon thousands and millions, and held up this bill and the negotiations for this bill for as long as he thought it was relevant. And so here we stand trying to address this question.

I would offer to say, there are some good things: the fact that employers have a $1,000 income tax credit for every new employee that continues to work for 52 weeks; the fact that there is an incentive to hire new employees and to keep them hired; the fact that there is an extension of the small business expensing to allow small businesses, the backbone of America, to be able to write off certain capital expenditures so they can hire new people.

The SAFETEA–LU, the infrastructure bill, is a good thing that deals with the rebuilding of the infrastructure that is so important and, of course, protecting minority-owned business that likewise go into those hard-hit communities and should be hiring people.

□ 1230

Yet we are dealing with a Senate bill. The other body has a different understanding so that some States, for example, are not getting the money that they should—Texas. It raises a lot of concern.

Then I have to rise on this floor to talk about young people and the summer youth program. Why isn't that in the bill? The chronically unemployed whom I see walking the streets of my district over and over again, what are we going to provide for them?

It is key to recognize that there is obstruction in the other body that now pours over into this body. So we had to stymie the unemployment benefits, which all of us should have rallied around to support. My State alone rejected just a couple of months ago $515 million for the unemployed. Where is the compassion there?

Where is the compassion for individuals who have served their time—who have their families, who are trying to do well in our faith houses, being worked with by faith organizations, and who persistently cannot find jobs?

There is a lot to be desired. The Rules Committee, however, worked with what they had to work with.

My message is that we have to go back to the drawing board, not for what my colleagues are talking about—more tax cuts, more tax cuts, more tax cuts—but to help the people who are walking the streets of America who ask us, Can you put jobs in our hands? They are qualified, and there is nothing in this bill that would suggest that you are putting jobs in their hands.

Let me say this: The infrastructure work is important. If this is going to generate jobs in their hands, then it is important for us to hear that jobs in the hands are going to get to the folk who are walking the streets in the Fifth Ward, in the Fourth Ward, in Acres Homes, and in places around America. Those places are in the 18th Congressional District.

I am fighting for jobs, and I want to make sure that we have the right kind of vehicle for this job language to go forward on. Let's not forget the chronically unemployed.

Mr. SESSIONS. Madam Speaker, there is an answer to the gentlewoman from Texas, which is to vote against this rule. Vote against this rule. Then become a part of the process for the things which you would hope, would expect, and would want to be in the bill so at least your feedback can be accepted.

We've been told now that the Senate is the problem, but the problem is this House, Madam Speaker. The problem is the way we are doing things. The gentleman Mr. OBERSTAR said, Yes, we've been waiting for months to get this from the Senate. We took 2½ minutes upstairs this morning—not one hearing, not one person who represented the Democratic Party who would explain what is in this bill. Now we are down on the floor, trying to figure out what is in the bill, getting it just hours ago. This is a flawed process.

Madam Speaker, hearkening back to February 5, 2009, over a year ago, in the CQ article, '' 'Regular Order' Will Prevail in House After Stimulus Is Complete, Pelosi says,'' the article reads, ''Speaking at House Democrats' annual policy conference, Pelosi said in her opening speech, 'Of course we will go forward under regular order. We now have a large majority and a President who will sign legislation.' ''

It's not happening. It's not happening again today. It did not happen even after February 5, 2009. We should be embarrassed, but as the old saying goes, beatings will continue until morale improves.

Madam Speaker, I yield 5 minutes to the distinguished gentleman from Bainbridge Township, Ohio (Mr. LATOURETTE).

PARLIAMENTARY INQUIRY

Mr. LATOURETTE. Madam Speaker, before I begin my 5 minutes, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. LATOURETTE. I didn't want to interrupt the distinguished gentlewoman from Texas, but is it proper in debate to utter words that Senator BUNNING does not care about the unemployed? Is that an appropriate observation?

The SPEAKER pro tempore. The Chair cannot answer hypothetical

questions posed as parliamentary inquiries.

Mr. LATOURETTE. Well, excuse me. It is not a hypothetical. The gentlewoman said it, so it is not a hypothetical. She said it 2 minutes ago.

Are you saying that I am asking you a hypothetical?

The SPEAKER pro tempore. The Chair is constrained not to give advisory opinions.

The gentleman is recognized for 5 minutes.

Mr. LATOURETTE. Madam Speaker, I think regular order has prevailed in the House. The regular order is that we don't follow the rules and that we issue gag rules. This is another gag rule. It is a closed rule, and we are going to talk about, not only the bad underlying bill, but the bad rule. This isn't a jobs bill.

I have great admiration for the gentlewoman from California, the manager on the majority side of this rule, but my admiration has grown today because she has been able during this debate to call this a ''jobs bill'' with a straight face. She has not giggled once. But she should have. This isn't a jobs bill. This is a no jobs bill. This is a faux jobs bill. This is a snow jobs bill.

Mr. DOGGETT, with whom I rarely agree, I think was right on the money. The centerpiece of this bill is $13 billion for a tax credit—$13 billion out of $15 billion. The way this things works is, if you're a small business person in this country, struggling, and if you hire somebody at $30,000 a year, do you know what? You don't have to pay the payroll taxes, 6.2 percent payroll taxes, which is about $1,500.

I had three chambers back in Ohio—chambers of commerce, small business people, Republicans, Democrats, Independents. I said, You know what? Here's the deal. How many of you are going to hire anybody? Nobody. Nobody raised their hands. This is not going to create one job, and it's the centerpiece of the bill.

So, Madam Speaker, I will be asking Members to defeat the previous question so I may amend the rule. If the previous question is defeated, I would propose to amend the rule to make in order an amendment to modify the proposed further House amendment, which would eliminate the $13 billion in this stupid tax provision and would transfer it to infrastructure spending and, further, that that infrastructure spending be distributed pursuant to the House-passed formula and not the Senate-passed formula.

I want to get now to the underlying policy on the infrastructure side. I spent 14 years on the infrastructure committee—love the infrastructure committee, love Chairman OBERSTAR—but I can't figure out why people would vote for this thing based on the infrastructure spending. I understand, if you're from California, you might like this bill because, under this bill, California gets $277 million and, under the House bill, only $85 million. Illinois, the President's home State, I understand why he might like it—$151 million under this bill and $15 million under the House bill. Oregon, I don't know why a person from Oregon would vote for this bill: $40 million under this bill and $11 million under the—well, actually, you should vote for this bill, people from Oregon. You'll do better.

Texas. Really, I saw Ms. JACKSON LEE, who apparently can say that Senator BUNNING doesn't care about unemployed people in this country. I don't know why anybody from Texas would vote for this bill, Mr. SESSIONS. Under this bill, you will get $1 million and change. Under Mr. OBERSTAR's proposal, Texas would have gotten $78 million.

Now, why is that fair? Why is that fair that 22 States get zero? Why is it fair that you have winners and losers? Why is it fair that California gets 30 percent of the money under this bill? Well, it's not, and you know it's not.

Finally, to the process. You know, I was tipping my hat to the Democratic majority a little earlier today because the original plan was just to bring the Senate amendment to the House bill over here, which of course, would have cut off the minority's ability to offer an amendment and a motion to recommit—but no, they didn't do that. I thought that was pretty crafty. What they did do is amend it with these 15 pages that were available 3 hours ago for our consideration. I'll give the gentlewoman from California the nod that, yes, these ideas have been talked about for a long time. Nobody had seen the 15 pages before 9:30 this morning. So they amended it. They had a Rules Committee hearing. What did they not permit under this rule? A motion to recommit.

I can't believe it. You should be ashamed. Excuse me, Madam Speaker. They should be ashamed. This is a fraud. This is an anti-democratic rule.

What are you afraid of? You have 256 votes. Let us offer my motion to recommit that transfers this stupid $13 billion to infrastructure spending that will put people to work in a sector of the economy that has 30 percent unemployment. It will distribute it according to the House proposal, not the Senate proposal so that California, Oregon, and Illinois don't walk out of this place with 58 percent of the money. It's not fair.

Ms. MATSUI. Madam Speaker, I want to say this again, that I believe it's important to note that the chairman of the authorizing committee has reached an agreement with the House and Senate leadership on the contentious highway funding issue that was included in the other Chamber's jobs package.

I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Thank you. I appreciate the gentlewoman's courtesy.

Madam Speaker, I appreciate the opportunity to follow my dear friend from Ohio with whom I look forward to the day when we can come to this floor and we can deal with a broad-based approach to renew and to rebuild America. That is how we are really going to create jobs.

I commend the gentleman from Ohio for having the courage to stand up to his leadership when they tried to pull the plug on extending the Highway Transportation bill. I think it's interesting that he has a proposal that he would like to transfer some of this money into infrastructure. Would that we were playing with two Chambers that were playing by the same rules and were committed to the well-being of America, I'd be happy to see that happen.

One of the reasons we have the bill before us today in the forum is that we have seen what has happened when one member of the Senate decides that his personal pique is more important than millions of people, their welfare, causing thousands of people to be laid off, stopping critical money going to the State. It's an example of how the non-democratic operation on the other side of the Chamber puts us at this point.

If we monkey with this, there is no guarantee that we will, in fact, have an extension of the part of this bill that is the great jobs generator—and that's the extension of the Surface Transportation Act—through the end of this calendar year and stop this stupid game of Russian roulette, that sadly, my friends on the other side of the aisle have decided they are going to play games with.

As my friend from Minnesota pointed out, the distinguished Chair of the Transportation and Infrastructure Committee, we never, when we were in the minority, played games with the critical infrastructure needs. When they were stumbling around when they were in control and required not one, not two, not three, but 12 extensions, we never made it partisan. We always helped them. We didn't play parliamentary games.

Yet the combination of parliamentary games from my dear friends on the Republican side of the aisle and the meltdown of responsibility in the Senate has left us with this. This is the vehicle. I am not contending that the best the Senate can do in terms of job creation is going to be a panacea. I think it's relatively minor, and I'm not impressed, but it is a small price to pay to guarantee the $77 billion to make sure that America's transportation system continues while we try and get people here to act like grownups. With all due respect, to somehow seize on less than $1 billion out of $77 billion and claim that only four States benefit is not true. It's not true.

I mean, first and foremost, what we have had is the chairman, who happens to agree that he wants that formula changed. He is committed. The Senate is committed. We're going to work with the administration and refine that. But even if you put aside the $800 million, we have $77 billion that we are relying on, and I think that ought not to obscure.

It's kind of ironic that our friend from California got up and talked about doing what——

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

Ms. MATSUI. I yield the gentleman an additional minute.

Mr. BLUMENAUER. It's kind of ironic that our friend from California got up and talked about why we don't do what Ronald Reagan and President Kennedy would have done. We've done that. We've cut taxes. We cut taxes several times before that. In fact, his facts are completely wrong when he says that American taxes on companies that create jobs are the second-highest in the world except for Japan. That is the effective tax rate. That's what's on the books. That's not what they pay. When we get through all of the gimmicks, and loopholes, and exemptions, those tax rates for American businesses are actually the second-lowest in the world. Effective tax rates and what people actually pay, that's not the problem.

The problem is we need to get the economy unfrozen. We need to have people stop playing political games. We need to invest in infrastructure to rebuild and to renew America, and we need to do so in a way that doesn't have us talking past one another and playing games with jobs across America that are at risk if we don't pass this Bill.

□ 1245

Mr. SESSIONS. Madam Speaker, you know, we have heard all this before, and it is not working. The bottom line is what this Democratic leadership and this Democratic President are proposing is not working, and that is why we are back at the well, so to speak, again.

Over and over and over again we have a bunch of people that want to claim, ''Oh, we know how to get this done. Look at what President Clinton did.'' That was a Republican House of Representatives. Those were free market ideas. That was encouraging this country to be competitive. That was doing things that would encourage America and American business to go hire people.

The three largest political items of Speaker PELOSI and President Barack Obama have lost this country 10 million net jobs. No wonder American business is not hiring people. They are getting things jammed down their throat.

The President of the United States when he was a candidate talked about all the great things that could be accomplished, and since the President has been in the White House, he has done nothing but call people names, pick on them, belittle them, bully them, and then turns around and wonders why we have no jobs, why his agenda is not working. It is obvious why it is not working, because it is not made to work. It is made to bully the free enterprise system.

I reserve the balance of my time.

Ms. MATSUI. Madam Speaker, I would like to inquire of the gentleman from Texas if he has any remaining speakers.

Mr. SESSIONS. I thank the gentlewoman for asking. I appear to have one additional speaker plus myself.

Ms. MATSUI. I reserve my time.

Mr. SESSIONS. Madam Speaker, if I could inquire of the time that remains on both sides, please.

The SPEAKER pro tempore. The gentleman from Texas controls 6½ minutes; the gentlewoman from California controls 5 minutes.

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

Madam Speaker, I want to reiterate that this House of Representatives is made up of 435 Members who take time every week to come here to Washington. Perhaps they live here, but they still come to work, I believe, with a sense of obligation and duty, all 435 of us, to be fully participatory and to be a part of a moving body and a process that should work for the American people.

We are now in our fourth year of leadership that denies the American people and the Members of this body an opportunity, I believe, to even participate; not just fully participate, but to participate.

This bill that is on the floor again today is an example of a process that is very deceptive, because our friends, the Speaker and the Democratic leadership, talk about being open and honest, and yet the bill is here today with just hours' notice, with no one up in the Rules Committee on behalf of the Democrat leadership even explaining what is in the bill. I believe, again, the American people will reject this kind of leadership when the American people want to be engaged and Members of Congress want to be engaged.

So, today, Republicans are going to ask that we reject this, and we should reject this, because we know that Republicans have better ideas.

At this time I yield to the gentleman from Ohio, the Republican leader (Mr. BOEHNER).

Mr. BOEHNER. Madam Speaker, I want to thank my colleague for yielding and suggest to my colleagues that here we go again. We are bringing this bill to the floor, a bill that no one has read.

The bill was filed at 9:35 a.m., and here we are at 12:50 p.m. We are operating under what is normally called a martial law rule, passed yesterday, that allows the majority to bring any bill to the floor at any time this week. So there was this hastily called Rules Committee meeting after this bill was filed. Now it is here on the floor.

Members haven't had time to read this bill. In addition to that, there is no score on this bill from the Joint Tax Committee on the so-called pay-fors on this bill and what impact they will have on taxes. I just think it is outrageous and another example of how the majority continues to ram through partisan legislation here on the floor of the House without the transparency and accountability that the American people deserve and expect.

If this is a dress rehearsal for how we are going to handle the so-called health care bill, I think the majority had better be ready to endure the wrath of the American people.

Mr. SESSIONS. Madam Speaker, I believe that our Republican leader, JOHN BOEHNER, has said it very clearly, and that is that the way we are operating is not in the best interests of this House, the institution, or the Members.

We have heard lots of colleagues on the other side cut down and argue about this isn't even a job bill because it is not even going to create jobs and how inefficient it is. But until this Democratic leadership agrees that they want to be open, that they want to be honest about what is in the bill, and that they want to be ethical about how decisions are made, Republicans are going to keep coming down to this floor.

Many times I have argued openly in front of our Rules Committee chairman, LOUISE SLAUGHTER, and said, Please know that the Republican Party wants to be better at our job, not as loyal opposition, but as an alternative party, and you do not even allow us an opportunity to know what is in the bills.

It is ridiculous. We find ourselves in the role of asking questions, making statements, and doing things that, to the American people, look awkward and, quite honestly, unprofessional.

I lay at the feet of the Speaker of the House and the Democratic leadership and my great Rules Committee chairman, LOUISE SLAUGHTER, once again a request: If you want this body to have a chance to not look unprofessional and perhaps stupid, like we don't know what we are doing, and to gain back some trust of the American people, you have got to open up the process to where we as Members of Congress are able to come down with an educated opportunity to understand what is in the bill, to engage our colleagues on a professional basis, and to be able to thoughtfully talk about the content of the bill.

This is an embarrassment. It is an embarrassment that after we heard a year ago that we will start going through regular order now, we are still not doing that, that Members of Congress cannot even see the bill hours before they read it, nor do we know the content because nobody came to explain it.

It is wholly inadequate to people who are back home, Madam Speaker, to expect their Member of Congress, who comes up here 40 weeks a year to represent people, to be told we don't even know what is in the bill.

I encourage a ''no'' vote. I encourage a ''no'' vote on this rule. I will say once again to my friends that are Democrats, if you want to read the bill, if

you want to open up the process, your vote is the one that will make it happen. Don't blame that on somebody else. I have said it over the years. If you want to read the bill, then vote ''no'' on the rule. If you are perfectly happy with the process that is happening, go ahead and support this rule. But don't go back home and tell people, well, you know, I really didn't have a chance. That is a bad thing. Their vote matters on this floor.

Madam Speaker, every single one of us is issued a voting card that should be controlled by the Member, not by somebody else. Today, the Republican Party is coming down once again on this floor and saying directly to the American people and the Speaker of the House of Representatives, We are not happy. The process is flawed. And we are going to hold accountable every Member that votes for this rule today, just like we are for the others.

So if you bring what we consider to be a less than stellar bill to the floor and the process is part of that participation and you shut it out, you can expect to hear the same from the Republican Party. We want to be a part of this process, the American people do, and I even heard today your own Members again.

I yield back the balance of my time.

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

Madam Speaker, calling up and passing rules using same-day authority is a legitimate legislative tool, with precedent. In the 109th Congress, when the Republicans had the majority, when they passed the fiscal year 2006 budget resolution, same-day authority was used to bring it before the House. During debate on that rule, the then chairman of the Rules Committee called it ''a very fair rule.'' That was followed by Mr. DREIER's assertion that ''Members have had a great deal of time over the past several weeks and months to focus on this issue. Let us continue what we have done throughout this great 109th Congress—get the work of the American people done.''

Madam Speaker, getting the work of the American people done is exactly what we aim to do today by passing the jobs bill under an expedited procedure. Creating jobs must be our top priority, until we get our economy completely back on track and put more Americans back to work.

The legislation we are considering today had bipartisan support in the Senate, with 13 Senate Republicans voting for this much-needed jobs package. That bill was not even paid for. Well, the House version is and has full PAYGO language included.

The jobs package includes key provisions to spur job creation and investment in our workforce. It includes a new jobs payroll extension, offering employers exemption from paying Social Security payroll taxes for hiring new workers who were previously unemployed. This specific provision is estimated to create an additional 250,000 jobs alone. The bill also provides relief to small businesses by allowing them to write off more of the costs of their 2010 expenditures.

The package extends the Highway Trust Fund for 15 months for existing highway programs to allow for billions to be invested in infrastructure projects and make a real difference in communities across our country.

The bill also expands the Build America bonds to allow States and local governments to borrow at lower costs to finance infrastructure projects and put more Americans to work.

Together with the ongoing investment by the Recovery Act, this jobs package will further incentivize and spur job creation and economic growth in this country. This Congress must continue to invest wisely in proposals that will train our workers, create new, good-paying jobs, grow our economy, and rebuild the middle class.

Madam Speaker, we must lead by example and demonstrate our continued commitment to help our middle class families, our seniors, and the economy move forward. With that in mind, I urge a ''yes'' vote on the previous question and on the rule.

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. SESSIONS. 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 House Resolution 1137, if ordered; and

Suspending the rules and agreeing to House Resolution 362, if ordered.

The vote was taken by electronic device, and there were—yeas 236, nays 184, not voting 11, as follows:

[Roll No. 87]

YEAS—236

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
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
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
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)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—184

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Driehaus
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
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer

Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Wamp
Waters
Watson
Watt
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Buyer
Campbell
Dahlkemper
DeLauro
Eshoo
Fallin
Hoekstra
Jordan (OH)
Linder
Massa
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to vote.

□ 1324

Messrs. GRIFFITH, BURTON of Indiana, WITTMAN, Mrs. MILLER of Michigan and Mr. MINNICK changed their vote from ''yea'' to ''nay.''

Mr. DOYLE 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.

RECORDED VOTE

Mr. SESSIONS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 212, noes 209, not voting 11, as follows:

[Roll No. 88]

AYES—212

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)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (TX)
Ellison
Ellsworth
Engel
Etheridge
Farr
Fattah
Filner
Frank (MA)
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
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
Johnson (GA)
Kagen
Kanjorski
Kennedy
Kildee
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
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
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—209

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Clarke
Clay
Cleaver
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Cummings
Davis (IL)
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Green, Al
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Payne
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rehberg
Reichert
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Schock
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Taylor
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Towns
Turner
Upton
Walden
Wamp
Waters
Watson
Watt
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Buyer
Campbell
Dahlkemper
Eshoo
Fallin
Foster
Hoekstra
Jordan (OH)
Linder
Massa
Tiahrt

□ 1334

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FOSTER. Madam Speaker, on rollcall No. 88 due to an inadvertent error, I was not recorded. I would have voted "no."

SUPPORTING NATIONAL SCHOOL LUNCH PROGRAM

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 362, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. COURTNEY) that the House suspend the rules and agree to the resolution, H. Res. 362, as amended.

The question was taken.

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

Ms. MATSUI. 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 403, nays 13, not voting 15, as follows:

[Roll No. 89]

YEAS—403

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
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
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
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gingrey (GA)
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
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
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
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)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
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
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—13

Akin
Broun (GA)
Chaffetz
Flake
Foxx
Garrett (NJ)
Lamborn
Lummis
McClintock
Paul
Poe (TX)
Sensenbrenner
Shadegg

NOT VOTING—15

Blumenauer
Buyer
Campbell
Dahlkemper
Eshoo
Fallin
Gohmert
Gutierrez
Hoekstra
Jordan (OH)
Linder
Massa
Neugebauer
Simpson
Tiahrt

□ 1344

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1345

PARLIAMENTARY INQUIRIES

Mr. CARTER. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. CARTER. Yesterday I asked a parliamentary inquiry regarding the effect of a letter from Mr. RANGEL to the Speaker of the House, NANCY PELOSI, regarding his resignation as chairman of the Committee on Ways and Means, to wit, the Speaker pro tempore of the House answered that the gentleman from California, Representative PETE STARK, became acting chair of the Committee on Ways and Means immediately by operation of House rule X clause 5.

This morning the acting chairman of the Committee on Ways and Means, Mr. STARK, submitted a letter to the Speaker of the House, NANCY PELOSI, that states, ''I hereby resign as acting chairman of the Committee on Ways and Means.'' That letter to the Speaker was read into today's proceedings. At that time the Speaker pro tempore in accepting the letter stated, ''The resignation is accepted.''

I have a parliamentary inquiry regarding the nature of that resignation. Under this morning's procedure, is Mr. STARK the current chairman of the Committee on Ways and Means?

The SPEAKER pro tempore. The House this morning accepted the resignation of the gentleman from California (Mr. STARK) as acting chair of the Committee on Ways and Means. Pursuant to clause 5(c) of rule X, the member of that committee next in rank, the gentleman from Michigan (Mr. LEVIN) shall act as chair.

Mr. CARTER. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his further inquiry.

Mr. CARTER. Under House rules and House Resolution 24, is the gentleman from New York (Mr. RANGEL) still a member of the Committee on Ways and Means?

The SPEAKER pro tempore. Yes.

Mr. CARTER. Under House rules, what is the current rank order of the gentleman from New York (Mr. RANGEL) on the Committee on Ways and Means?

The SPEAKER pro tempore. The rank is determined by his placement in that resolution to which the gentleman just referred.

Mr. CARTER. Further parliamentary inquiry. What is his placement in that ranking that I just described?

The SPEAKER pro tempore. The gentleman may consult that resolution to discover the answer to that question.

Mr. CARTER. It is my understanding that Mr. RANGEL stands as number one by the nature of that resolution. Could I get a clarification on that by the Chair.

The SPEAKER pro tempore. The Chair does not have that resolution before her, but the House has accepted the resignation of the gentleman from New York as chair of the Committee on Ways and Means.

Mr. CARTER. Further parliamentary inquiry. Under House rule X, clause 5(c) which states, ''In the absence of the member serving as chair, the member next in rank (and so on, as often as the case shall happen) shall act as chair,'' under House Resolution 24, the gentleman from Michigan (Mr. LEVIN) ranks next after Mr. STARK on the resolution electing members of the committee. Under that resolution and by operation of House rule X, clause 5(c), is Mr. LEVIN currently the acting chairman of the Committee on Ways and Means?

The SPEAKER pro tempore. The gentleman has stated the correct facts.

Mr. CARTER. Further parliamentary inquiry. Under House Resolution 8, Mr. RANGEL was elected chairman of the Committee on Ways and Means. Under House rule X, clause 5, the Chair has indicated that Mr. LEVIN is acting chairman of the Committee on Ways and Means. Does that mean that the House needs to adopt a resolution to make Mr. LEVIN chairman in fact and not just acting chairman?

The SPEAKER pro tempore. Clause 5(c) of rule X contemplates that the House will again establish an elected chair by adopting a resolution which is typically produced by direction of the majority party caucus.

Mr. CARTER. So the answer is yes? We do need a vote or we do not need a vote?

The SPEAKER pro tempore. The House may elect a chair. At this point the gentleman from Michigan is acting as chair.

Mr. CARTER. Further parliamentary inquiry. I believe X(5)(c) says that the next one in order shall act as the acting chair. If Mr. RANGEL by at least the

declaration of someone on this House floor is number one, wouldn't he be the chair again under these circumstances?

The SPEAKER pro tempore. The gentleman himself has just stated the ''and so on'' character of the rule.

Mr. CARTER. I'm sorry? I didn't understand you. Would you mind repeating that.

The SPEAKER pro tempore. The rule includes the phrase ''and so on,'' as the gentleman from Texas previously read, and he has just reached the conclusion that the rule is operating.

Mr. CARTER. If I may further inquire, so the words ''and so on'' means that you don't go back to the original order, you just go to whoever was behind him at the time the first vacation took place of the chair?

The SPEAKER pro tempore. The devolution aspect of the rule operates in a cascading fashion.

Mr. CARTER. A cascading fashion?

The SPEAKER pro tempore. That is correct.

Mr. CARTER. I thank you for that clarification.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. ETHERIDGE. Madam Speaker, pursuant to House Resolution 1137, I call up the bill (H.R. 2847) making appropriations for the Departments of Commerce, Justice, Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, with a Senate amendment to the House amendment to the Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment to the House amendment to the Senate amendment.

The text of the amendment is as follows:

Senate amendment to House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the amendment of the House to the amendment of the Senate insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Hiring Incentives to Restore Employment Act''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—INCENTIVES FOR HIRING AND RETAINING UNEMPLOYED WORKERS

Sec. 101. Payroll tax forgiveness for hiring unemployed workers.

Sec. 102. Business credit for retention of certain newly hired individuals in 2010.

TITLE II—EXPENSING

Sec. 201. Increase in expensing of certain depreciable business assets.

TITLE III—QUALIFIED TAX CREDIT BONDS

Sec. 301. Issuer allowed refundable credit for certain qualified tax credit bonds.

TITLE IV—EXTENSION OF CURRENT SURFACE TRANSPORTATION PROGRAMS

Sec. 401. Short title.

Subtitle A—Federal-aid Highways

Sec. 411. In general.

Sec. 412. Administrative expenses.

Sec. 413. Rescission of unobligated balances.

Sec. 414. Reconciliation of funds.

Subtitle B—National Highway Traffic Safety Administration, Federal Motor Carrier Safety Administration, and Additional Programs

Sec. 421. Extension of National Highway Traffic Safety Administration Highway Safety Programs.

Sec. 422. Extension of Federal Motor Carrier Safety Administration Programs.

Sec. 423. Additional programs.

Subtitle C—Public Transportation Programs

Sec. 431. Allocation of funds for planning programs.

Sec. 432. Special rule for urbanized area formula grants.

Sec. 433. Allocating amounts for capital investment grants.

Sec. 434. Apportionment of formula grants for other than urbanized areas.

Sec. 435. Apportionment based on fixed guideway factors.

Sec. 436. Authorizations for public transportation.

Sec. 437. Amendments to SAFETEA–LU.

Subtitle D—Revenue Provisions

Sec. 441. Repeal of provision prohibiting the crediting of interest to the Highway Trust Fund.

Sec. 442. Restoration of certain foregone interest to Highway Trust Fund.

Sec. 443. Treatment of certain amounts appropriated to Highway Trust Fund.

Sec. 444. Termination of transfers from highway trust fund for certain repayments and credits.

Sec. 445. Extension of authority for expenditures.

Sec. 446. Level of obligation limitations.

TITLE V—OFFSET PROVISIONS

Subtitle A—Foreign Account Tax Compliance

PART I—INCREASED DISCLOSURE OF BENEFICIAL OWNERS

Sec. 501. Reporting on certain foreign accounts.

Sec. 502. Repeal of certain foreign exceptions to registered bond requirements.

PART II—UNDER REPORTING WITH RESPECT TO FOREIGN ASSETS

Sec. 511. Disclosure of information with respect to foreign financial assets.

Sec. 512. Penalties for underpayments attributable to undisclosed foreign financial assets.

Sec. 513. Modification of statute of limitations for significant omission of income in connection with foreign assets.

PART III—OTHER DISCLOSURE PROVISIONS

Sec. 521. Reporting of activities with respect to passive foreign investment companies.

Sec. 522. Secretary permitted to require financial institutions to file certain returns related to withholding on foreign transfers electronically.

PART IV—PROVISIONS RELATED TO FOREIGN TRUSTS

Sec. 531. Clarifications with respect to foreign trusts which are treated as having a United States beneficiary.

Sec. 532. Presumption that foreign trust has United States beneficiary.

Sec. 533. Uncompensated use of trust property.

Sec. 534. Reporting requirement of United States owners of foreign trusts.

Sec. 535. Minimum penalty with respect to failure to report on certain foreign trusts.

PART V—SUBSTITUTE DIVIDENDS AND DIVIDEND EQUIVALENT PAYMENTS RECEIVED BY FOREIGN PERSONS TREATED AS DIVIDENDS

Sec. 541. Substitute dividends and dividend equivalent payments received by foreign persons treated as dividends.

Subtitle B—Delay in Application of Worldwide Allocation of Interest

Sec. 551. Delay in application of worldwide allocation of interest.

TITLE I—INCENTIVES FOR HIRING AND RETAINING UNEMPLOYED WORKERS

SEC. 101. PAYROLL TAX FORGIVENESS FOR HIRING UNEMPLOYED WORKERS.

(a) IN GENERAL.—Section 3111 is amended by adding at the end the following new subsection:

''(d) SPECIAL EXEMPTION FOR CERTAIN INDIVIDUALS HIRED IN 2010.—

''(1) IN GENERAL.—Subsection (a) shall not apply to wages paid by a qualified employer with respect to employment during the period beginning on the day after the date of the enactment of this subsection and ending on December 31, 2010, of any qualified individual for services performed—

''(A) in a trade or business of such qualified employer, or

''(B) in the case of a qualified employer exempt from tax under section 501(a), in furtherance of the activities related to the purpose or function constituting the basis of the employer's exemption under section 501.

''(2) QUALIFIED EMPLOYER.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified employer' means any employer other than the United States, any State, or any political subdivision thereof, or any instrumentality of the foregoing.

''(B) TREATMENT OF EMPLOYEES OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.—Notwithstanding subparagraph (A), the term 'qualified employer' includes any employer which is a public institution of higher education (as defined in section 101(b) of the Higher Education Act of 1965).

''(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection, the term 'qualified individual' means any individual who—

''(A) begins employment with a qualified employer after February 3, 2010, and before January 1, 2011,

''(B) certifies by signed affidavit, under penalties of perjury, that such individual has not been employed for more than 40 hours during the 60-day period ending on the date such individual begins such employment,

''(C) is not employed by the qualified employer to replace another employee of such employer unless such other employee separated from employment voluntarily or for cause, and

''(D) is not an individual described in section 51(i)(1) (applied by substituting 'qualified employer' for 'taxpayer' each place it appears).

''(4) ELECTION.—A qualified employer may elect to have this subsection not apply. Such election shall be made in such manner as the Secretary may require.''.

(b) COORDINATION WITH WORK OPPORTUNITY CREDIT.—Section 51(c) is amended by adding at the end the following new paragraph:

''(5) COORDINATION WITH PAYROLL TAX FORGIVENESS.—The term 'wages' shall not include any amount paid or incurred to a qualified individual (as defined in section 3111(d)(3)) during the 1-year period beginning on the hiring date of such individual by a qualified employer (as defined in section 3111(d)) unless such qualified employer makes an election not to have section 3111(d) apply.''.

(c) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are

hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after the date of the enactment of this Act.

SEC. 102. BUSINESS CREDIT FOR RETENTION OF CERTAIN NEWLY HIRED INDIVIDUALS IN 2010.

(a) IN GENERAL.—In the case of any taxable year ending after the date of the enactment of this Act, the current year business credit determined under section 38(b) of the Internal Revenue Code of 1986 for such taxable year shall be increased by an amount equal to the product of—

(1) $1,000, and

(2) the number of retained workers with respect to which subsection (b)(2) is first satisfied during such taxable year.

(b) RETAINED WORKER.—For purposes of this section, the term ''retained worker'' means any qualified individual (as defined in section 3111(d)(3) of the Internal Revenue Code of 1986)—

(1) who was employed by the taxpayer on any date during the taxable year,

(2) who was so employed by the taxpayer for a period of not less than 52 consecutive weeks, and

(3) whose wages for such employment during the last 26 weeks of such period equaled at least 80 percent of such wages for the first 26 weeks of such period.

(c) LIMITATION ON CARRYBACKS.—No portion of the unused business credit under section 38 of the Internal Revenue Code of 1986 for any taxable year which is attributable to the increase in the current year business credit under this section may be carried to a taxable year beginning before the date of the enactment of this section.

TITLE II—EXPENSING

SEC. 201. INCREASE IN EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Subsection (b) of section 179 is amended—

(1) by striking ''($125,000 in the case of taxable years beginning after 2006 and before 2011)'' in paragraph (1) and inserting ''($250,000 in the case of taxable years beginning after 2007 and before 2011)'',

(2) by striking ''($500,000 in the case of taxable years beginning after 2006 and before 2011)'' in paragraph (2) and inserting ''($800,000 in the case of taxable years beginning after 2007 and before 2011)'',

(3) by striking paragraphs (5) and (7), and

(4) by redesignating paragraph (6) as paragraph (5).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

TITLE III—QUALIFIED TAX CREDIT BONDS

SEC. 301. ISSUER ALLOWED REFUNDABLE CREDIT FOR CERTAIN QUALIFIED TAX CREDIT BONDS.

(a) CREDIT ALLOWED.—Section 6431 is amended by adding at the end the following new subsection:

''(f) APPLICATION OF SECTION TO CERTAIN QUALIFIED TAX CREDIT BONDS.—

''(1) IN GENERAL.—In the case of any specified tax credit bond—

''(A) such bond shall be treated as a qualified bond for purposes of this section,

''(B) subsection (a) shall be applied without regard to the requirement that the qualified bond be issued before January 1, 2011,

''(C) the amount of the payment determined under subsection (b) with respect to any interest payment date under such bond shall be—

''(i) in the case of a bond issued by a qualified small issuer, 65 percent of the amount of interest payable on such bond by such issuer with respect to such date, and

''(ii) in the case of a bond issued by any other person, 45 percent of the amount of interest payable on such bond by such issuer with respect to such date,

''(D) interest on any such bond shall be includible in gross income for purposes of this title,

''(E) no credit shall be allowed under section 54A with respect to such bond,

''(F) any payment made under subsection (b) shall not be includible as income for purposes of this title, and

''(G) the deduction otherwise allowed under this title to the issuer of such bond with respect to interest paid under such bond shall be reduced by the amount of the payment made under this section with respect to such interest.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) SPECIFIED TAX CREDIT BOND.—The term 'specified tax credit bond' means any qualified tax credit bond (as defined in section 54A(d)) if—

''(i) such bond is—

''(I) a new clean renewable energy bond (as defined in section 54C),

''(II) a qualified energy conservation bond (as defined in section 54D),

''(III) a qualified zone academy bond (as defined in section 54E), or

''(IV) a qualified school construction bond (as defined in section 54F), and

''(ii) the issuer of such bond makes an irrevocable election to have this subsection apply,

''(B) QUALIFIED SMALL ISSUER.—The term 'qualified small issuer' means, with respect to any calendar year, any issuer who is not reasonably expected to issue tax-exempt bonds (other than private activity bonds) and specified tax credit bonds (determined without regard to whether an election is made under this subsection) during such calendar year in an aggregate face amount exceeding $30,000,000.''.

(b) TECHNICAL CORRECTIONS RELATING TO QUALIFIED SCHOOL CONSTRUCTION BONDS.—

(1) The second sentence of section 54F(d)(1) is amended by striking ''by the State'' and inserting ''by the State education agency (or such other agency as is authorized under State law to make such allocation)''.

(2) The second sentence of section 54F(e) is amended by striking ''subsection (d)(4)'' and inserting ''paragraphs (2) and (4) of subsection (d)''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (b) shall take effect as if included in section 1521 of the American Recovery and Reinvestment Tax Act of 2009.

TITLE IV—EXTENSION OF CURRENT SURFACE TRANSPORTATION PROGRAMS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Surface Transportation Extension Act of 2010''.

Subtitle A—Federal-aid Highways

SEC. 411. IN GENERAL.

(a) IN GENERAL.—Except as provided in this Act, requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under titles I, V, and VI of the SAFETEA–LU (119 Stat. 1144), the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title), which would otherwise expire on or cease to apply after September 30, 2009, or the date specified in section 106(3) of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), are incorporated by reference and shall continue in effect until December 31, 2010.

(b) AUTHORIZATION OF APPROPRIATIONS.—Except as provided in section 412, there are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account)—

(1) for fiscal year 2010, a sum equal to the total amount authorized to be appropriated out of the Highway Trust Fund for programs, projects, and activities for fiscal year 2009 under titles I, V, and VI of the SAFETEA–LU (119 Stat. 1144), and title 23, United States Code (excluding chapter 4 of that title); and

(2) for the period beginning on October 1, 2010, and ending on December 31, 2010, a sum equal to ¼ of the total amount authorized to be appropriated out of the Highway Trust Fund for programs, projects, and activities for fiscal year 2009 under titles I, V, and VI of the SAFETEA–LU (119 Stat. 1144), and title 23, United States Code (excluding chapter 4 of that title).

(c) USE OF FUNDS.—

(1) FISCAL YEAR 2010.—Except as otherwise expressly provided in this Act, funds authorized to be appropriated under subsection (b)(1) for fiscal year 2010 shall be distributed, administered, limited, and made available for obligation in the same manner and at the same level as funds authorized to be appropriated out of the Highway Trust Fund for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the SAFETEA–LU (119 Stat. 1144), the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title).

(2) FISCAL YEAR 2011.—Except as otherwise expressly provided in this Act, funds authorized to be appropriated under subsection (b)(2) for the period beginning on October 1, 2010, and ending on December 31, 2010, shall be distributed, administered, limited, and made available for obligation in the same manner and at the same level as ¼ of the total amount of funds authorized to be appropriated out of the Highway Trust Fund for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the SAFETEA–LU (119 Stat. 1144), the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title).

(3) CALCULATION.—The amounts authorized to be appropriated under subsection (b) shall be calculated without regard to any rescission or cancellation of funds or contract authority for fiscal year 2009 under the SAFETEA–LU (119 Stat. 1144) or any other law.

(4) CONTRACT AUTHORITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds authorized to be appropriated under this section shall be available for obligation and shall be administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and—

(i) for fiscal year 2010, shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs included in an Act making appropriations for fiscal year 2010 or a portion of that fiscal year; and

(ii) for the period beginning on October 1, 2010, and ending on December 31, 2010, shall be subject to a limitation on obligations included in an Act making appropriations for fiscal year

2011 or a portion of that fiscal year, except that during such period obligations subject to such limitation shall not exceed ¼ of the limitation on obligations included in an Act making appropriations for fiscal year 2011.

(B) EXCEPTIONS.—A limitation on obligations described in clause (i) or (ii) of subparagraph (A) shall not apply to any obligation under—

(i) section 125 of title 23, United States Code; or

(ii) section 105 of title 23, United States Code—

(I) for fiscal year 2010, only in an amount equal to $639,000,000; and

(II) for the period beginning on October 1, 2010, and ending on December 31, 2010, only in an amount equal to $159,750,000.

(5) CALCULATIONS FOR DISTRIBUTION OF OBLIGATION LIMITATION.—Upon enactment of an Act making appropriations for the Department of Transportation for fiscal year 2011 (other than an Act or resolution making continuing appropriations), the Secretary shall—

(A) as necessary for purposes of making the calculations for the distribution of any obligation limitation under such Act, annualize the amount of contract authority provided under this Act for Federal-aid highways and highway safety construction programs; and

(B) multiply the resulting distribution of any obligation limitation under such Act by ¼.

(d) EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED PROGRAMS.—

(1) FISCAL YEAR 2010.—Notwithstanding any other provision of law, for fiscal year 2010, the portion of the share of funds of a State under subsection (b)(1) determined by the amount that the State received or was authorized to receive for fiscal year 2009 to carry out sections 1301, 1302, 1307, 1702, and 1934 of the SAFETEA–LU (119 Stat. 1198, 1204, 1217, 1256, and 1485), and section 144(f)(1) of title 23, United States Code, shall be—

(A) made available to the State for programs apportioned under sections 104(b) and 144 of title 23, United States Code, and in the same proportion for each such program that—

(i) the amount apportioned to the State for that program for fiscal year 2009; bears to

(ii) the amount apportioned to the State for fiscal year 2009 for all programs apportioned under such sections of such Code; and

(B) administered in the same manner and with the same period of availability as such funding is administered under programs identified in subparagraph (A), except that no funds may be used to carry out the project described in section 1307(d)(1) of the SAFETEA–LU (119 Stat. 1217; 122 Stat. 1577).

(2) FISCAL YEAR 2011.—Notwithstanding any other provision of law, for the period beginning on October 1, 2010, and ending on December 31, 2010, the portion of the share of funds of a State under subsection (b)(2) determined by ¼ of the amount that the State received or was authorized to receive for fiscal year 2009 to carry out sections 1301, 1302, 1307, 1702, and 1934 of the SAFETEA–LU (119 Stat. 1198, 1204, 1217, 1256, and 1485) and section 144(f)(1) of title 23, United States Code, shall be—

(A) made available to the State for programs apportioned under sections 104(b) and 144 of title 23, United States Code, and in the same proportion for each such program that—

(i) the amount apportioned to the State for that program for fiscal year 2009; bears to

(ii) the amount apportioned to the State for fiscal year 2009 for all programs apportioned under such sections of such Code; and

(B) administered in the same manner and with the same period of availability as such funding is administered under programs identified in subparagraph (A), except that no funds may be used to carry out the project described in section 1307(d)(1) of the SAFETEA–LU (119 Stat. 1217; 122 Stat. 1577).

(3) TERRITORIES AND PUERTO RICO.—

(A) FISCAL YEAR 2010.—Notwithstanding any other provision of law, for fiscal year 2010, the portion of the share of funds of a territory or Puerto Rico under paragraph (b)(1) determined by the amount that the territory or Puerto Rico received or was authorized to receive for fiscal year 2009 to carry out section 1934 of SAFETEA–LU (119 Stat. 1485), shall be—

(i) for a territory, made available and administered in the same manner as funding is made available and administered under section 215 of title 23, United States Code; and

(ii) for Puerto Rico, made available and administered in the same manner as funding is made available and administered under section 165 of title 23, United States Code.

(B) FISCAL YEAR 2011.—Notwithstanding any other provision of law, for the period beginning on October 1, 2010, and ending on December 31, 2010, the portion of the share of funds of a territory or Puerto Rico under paragraph (b)(2) determined by ¼ of the amount that the territory or Puerto Rico received or was authorized to receive for fiscal year 2009 to carry out section 1934 of SAFETEA–LU (119 Stat. 1485), shall be—

(i) for a territory, made available and administered in the same manner as funding is made available and administered under section 215 of title 23, United States Code; and

(ii) for Puerto Rico, made available and administered in the same manner as funding is made available and administered under section 165 of title 23, United States Code.

(C) TERRITORY DEFINED.—In this paragraph, the term ''territory'' means any of the following territories of the United States: American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the United States Virgin Islands.

(4) ADDITIONAL FUNDS.—

(A) IN GENERAL.—No additional funds shall be provided for any project or activity under subsection (c), or paragraph (1) or (2) of this subsection, that the Secretary of Transportation determines was sufficiently funded before or during fiscal year 2009 to achieve the authorized purpose of the project or activity.

(B) RESERVATION AND REDISTRIBUTION OF FUNDS.—Funds made available in accordance with paragraph (1) or (2) of subsection (c) or paragraph (1) or (2) of this subsection for a project or activity described in subparagraph (A) shall be—

(i) reserved by the Secretary of Transportation; and

(ii) distributed to each State in accordance with paragraph (1) or (2) of subsection (c), or paragraph (1) or (2) of this subsection, as appropriate, for use in carrying out other highway projects and activities extended by subsection (c) or this subsection, in the proportion that—

(I) the total amount of funds made available for fiscal year 2009 for projects and activities described in subparagraph (A) in the State; bears to

(II) the total amount of funds made available for fiscal year 2009 for those projects and activities in all States.

(e) EXTENSION OF AUTHORIZATIONS UNDER TITLE V OF SAFETEA–LU.—

(1) IN GENERAL.—The programs authorized under paragraphs (1) through (5) of section 5101(a) of the SAFETEA–LU (119 Stat. 1779) shall be continued—

(A) for fiscal year 2010, at the funding levels authorized for those programs for fiscal year 2009; and

(B) for the period beginning on October 1, 2010, and ending on December 31, 2010, at ¼ the funding levels authorized for those programs for fiscal year 2009.

(2) DISTRIBUTION OF FUNDS.—Funds for programs continued under paragraph (1) shall be distributed to major program areas under those programs in the same proportions as funds were allocated for those program areas for fiscal year 2009, except that designations for specific activities shall not be required to be continued for—

(A) fiscal year 2010; or

(B) the period beginning on October 1, 2010, and ending on December 31, 2010.

(3) ADDITIONAL FUNDS.—

(A) IN GENERAL.—No additional funds shall be provided for any project or activity under this subsection that the Secretary of Transportation determines was sufficiently funded before or during fiscal year 2009 to achieve the authorized purpose of the project or activity.

(B) DISTRIBUTION.—Funds that would have been made available under paragraph (1) for a project or activity but for the prohibition under subparagraph (A) shall be distributed in accordance with paragraph (2).

SEC. 412. ADMINISTRATIVE EXPENSES.

(a) AUTHORIZATION OF CONTRACT AUTHORITY.—Notwithstanding any other provision of this Act or any other law, there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account), from amounts provided under section 411, for administrative expenses of the Federal-aid highway program—

(1) $422,425,000 for fiscal year 2010; and

(2) $105,606,250 for the period beginning on October 1, 2010, and ending on December 31, 2010.

(b) CONTRACT AUTHORITY.—Funds authorized to be appropriated by this section shall be—

(1) available for obligation, and shall be administered, in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; and

(2) subject to a limitation on obligations for Federal-aid highways and highway safety construction programs, except that such funds shall remain available until expended.

SEC. 413. RESCISSION OF UNOBLIGATED BALANCES.

(a) IN GENERAL.—The Secretary of Transportation shall restore funds rescinded pursuant to section 10212 of the SAFETEA–LU (Public Law 109–59; 119 Stat. 1937) to the States and to the programs from which the funds were rescinded.

(b) ADMINISTRATION OF FUNDS.—The restored amounts shall be administered in the same manner as the funds originally rescinded, except those funds may only be used with an obligation limitation provided in an Act making appropriations for Federal-aid highways and highway safety construction programs enacted after implementation of the rescission under section 10212 of the SAFETEA–LU (Public Law 109–59; 119 Stat. 1937).

(c) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2010 to carry out this section an amount equal to the amount of funds rescinded under section 10212 of the SAFETEA–LU (Public Law 109–59; 119 Stat. 1937).

(2) AVAILABILITY FOR OBLIGATION.—Funds authorized to be appropriated by this section shall be—

(A) made available under this section and available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall retain the characteristics of the funds originally rescinded; and

(B) subject to a limitation on obligations for Federal-aid highways and highway safety construction programs included in an Act making appropriations for fiscal year 2010 or a portion of the fiscal year.

(d) LIMITATION.—No funds authorized to be restored under this section shall be restored after the end of fiscal year 2010.

SEC. 414. RECONCILIATION OF FUNDS.

The Secretary shall reduce the amount apportioned or allocated for a program, project, or activity under this title by amounts apportioned or allocated pursuant to the Continuing Appropriations Resolution, 2010 (Public Law 111–68).

Subtitle B—National Highway Traffic Safety Administration, Federal Motor Carrier Safety Administration, and Additional Programs

SEC. 421. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2001(a)(1) of the SAFETEA–LU (119 Stat. 1519) is amended—

(1) by striking ''and''; and

(2) by striking ''2009.'' and inserting ''2009, $235,000,000 for fiscal year 2010, and $58,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2001(a)(2) of the SAFETEA–LU (119 Stat. 1519) is amended—

(1) by striking ''and''; and

(2) by striking ''2009.'' and inserting ''2009, $107,329,000 for fiscal year 2010, and $27,061,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 405(a) of title 23, United States Code, is amended—

(A) in paragraph (3), by striking ''6'' and inserting ''8''; and

(B) in paragraph (4)(C), by striking ''fifth and sixth'' and inserting ''fifth through eighth''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(3) of the SAFETEA–LU (119 Stat. 1519) is amended—

(A) by striking ''and''; and

(B) by striking ''2009.'' and inserting ''2009, $25,000,000 for fiscal year 2010, and $6,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(d) SAFETY BELT PERFORMANCE GRANTS.—Section 2001(a)(4) of the SAFETEA–LU (119 Stat. 1519) is amended—

(1) by striking ''and''; and

(2) by striking ''2009.'' and inserting ''2009, $124,500,000 for fiscal year 2010, and $31,125,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(e) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—Section 2001(a)(5) of the SAFETEA–LU (119 Stat. 1519) is amended—

(1) by striking ''and''; and

(2) by striking ''2009.'' and inserting ''2009, $34,500,000 for fiscal year 2010, and $8,625,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(f) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—

(1) EXTENSION OF PROGRAM.—Section 410 of title 23, United States Code, is amended—

(A) in subsection (a)(3)(C), by striking ''fifth, sixth, seventh, and eighth'' and inserting ''fifth through tenth''; and

(B) in subsection (b)(2)(C), by striking ''2008 and 2009'' and inserting ''2008, 2009, 2010, and 2011''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(6) of the SAFETEA–LU (119 Stat. 1519) is amended—

(A) by striking ''and''; and

(B) by striking ''2009.'' and inserting ''2009, $139,000,000 for fiscal year 2010, and $34,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(g) NATIONAL DRIVER REGISTER.—Section 2001(a)(7) of the SAFETEA–LU (119 Stat. 1520) is amended—

(1) by striking ''and''; and

(2) by striking ''2009.'' and inserting ''2009, $4,078,000 for fiscal year 2010, and $1,029,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—

(1) EXTENSION OF PROGRAM.—Section 2009(a) of the SAFETEA–LU (23 U.S.C. 402 note) is amended by striking ''2009'' and inserting ''2011''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(8) of the SAFETEA–LU (119 Stat. 1520) is amended—

(A) by striking ''and''; and

(B) by striking ''2009.'' and inserting ''2009, $29,000,000 for fiscal year 2010, and $7,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(i) MOTORCYCLIST SAFETY.—

(1) EXTENSION OF PROGRAM.—Section 2010(d)(1)(B) of the SAFETEA–LU (23 U.S.C. 402 note) is amended by striking ''and fourth'' and inserting ''fourth, fifth, and sixth''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(9) of the SAFETEA–LU (119 Stat. 1520) is amended—

(A) by striking ''and''; and

(B) by striking ''2009.'' and inserting ''2009, $7,000,000 for fiscal year 2010, and $1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(j) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 2011(c)(2) of the SAFETEA–LU (23 U.S.C. 405 note) is amended by striking ''fourth fiscal year'' and inserting ''fourth, fifth, and sixth fiscal years''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(10) of the SAFETEA–LU (119 Stat. 1520) is amended—

(A) by striking ''and''; and

(B) by striking ''2009.'' and inserting ''2009, $7,000,000 for fiscal year 2010, and $1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(k) ADMINISTRATIVE EXPENSES.—Section 2001(a)(11) of the SAFETEA–LU (119 Stat. 1520) is amended—

(1) by striking ''and'' the last place it appears; and

(2) by striking ''2009.'' and inserting ''2009, $25,047,000 for fiscal year 2010, and $6,332,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(l) APPLICABILITY OF TITLE 23.—Section 2001(c) of the SAFETEA–LU (119 Stat. 1520) is amended by striking ''2009'' and inserting ''2011''.

(m) DRUG-IMPAIRED DRIVING ENFORCEMENT.—Section 2013(f) of the SAFETEA–LU (23 U.S.C. 403 note) is amended by striking ''2009'' and inserting ''2011''.

(n) OLDER DRIVER SAFETY; LAW ENFORCEMENT TRAINING.—Section 2017 of the SAFETEA–LU is amended—

(1) in subsection (a)(1) (119 Stat. 1541), by striking ''2009'' and inserting ''2011''; and

(2) in subsection (b)(2) (23 U.S.C. 402 note), by striking ''2009'' and inserting ''2011''.

SEC. 422. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a) of title 49, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) $209,000,000 for fiscal year 2010; and

''(7) $52,679,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1) of title 49, United States Code, is amended—

(1) in subparagraph (D), by striking ''and'';

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) ''(F) $239,828,000 for fiscal year 2010; and

''(G) ''(G) $61,036,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(c) GRANT PROGRAMS.—Section 4101(c) of the SAFETEA–LU (119 Stat. 1715) is amended—

(1) in paragraph (1), by striking ''2009.'' and inserting ''2009, and $25,000,000 for fiscal year 2010, and $6,301,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'';

(2) in paragraph (2), by striking ''2009.'' and inserting ''2009, $32,000,000 for fiscal year 2010, and $8,066,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'';

(3) in paragraph (3), by striking ''2009.'' and inserting ''2009, $5,000,000 for fiscal year 2010, and $1,260,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'';

(4) in paragraph (4), by striking ''2009.'' and inserting ''2009, $25,000,000 for fiscal year 2010, and $6,301,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''; and

(5) in paragraph (5), by striking ''2009.'' and inserting ''2009, $3,000,000 for fiscal year 2010, and $756,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k) of title 49, United States Code, is amended by striking ''2009'' in paragraph (2) and inserting ''2009, $15,000,000 for fiscal year 2010, and $3,781,000 for the period beginning on October 1, 2010, and ending on December 31, 2010''.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by inserting ''(and up to $7,310,000 for the period beginning on October 1, 2010, and ending on December 31, 2010)'' after ''fiscal year''.

(f) COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM MODERNIZATION.—Section 4123(d) of the SAFETEA–LU (119 Stat. 1736) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) $8,000,000 for fiscal year 2010; and

''(6) $2,016,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(g) OUTREACH AND EDUCATION.—Section 4127(e) of the SAFETEA–LU (119 Stat. 1741) is amended by striking ''and 2009'' and inserting ''2009, and 2010, and $252,000 to the Federal Motor Carrier Safety Administration, and $756,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2010, and ending on December 31, 2010,''.

(h) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of the SAFETEA–LU (119 Stat. 1744) is amended by striking ''2009'' and inserting ''2009, 2010, and $252,000 for the period beginning on October 1, 2010, and ending on December 31, 2010,''.

(i) MOTOR CARRIER SAFETY ADVISORY COMMITTEE.—Section 4144(d) of the SAFETEA–LU (1119 Stat. 1748) is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(j) WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.—Section 4213(d) of the SAFETEA–LU (49 U.S.C. 14710 note) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2010''.

SEC. 423. ADDITIONAL PROGRAMS.

(a) HAZARDOUS MATERIALS RESEARCH PROJECTS.—Section 7131(c) of the SAFETEA–LU (119 Stat. 1910) is amended by striking ''through 2009'' and inserting ''through 2010, and $315,000 for the period beginning on October 1, 2010, and ending on December 31, 2010,''.

(b) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''2009,'' and inserting ''2010 and for the period beginning on October 1, 2010, and ending on December 31, 2010,''; and

(2) in subsection (b)(1)(A), by striking ''2010,'' and inserting ''and for the period beginning on

October 1, 2010, and ending on December 31, 2010,''.

Subtitle C—Public Transportation Programs

SEC. 431. ALLOCATION OF FUNDS FOR PLANNING PROGRAMS.

Section 5305(g) of title 49, United States Code, is amended by striking ''2009'' and inserting ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010,''.

SEC. 432. SPECIAL RULE FOR URBANIZED AREA FORMULA GRANTS.

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading, by striking ''2009'' and inserting ''2010, AND THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING DECEMBER 31, 2010'';

(2) in subparagraph (A), by striking ''2009,'' and inserting ''2010, and the period beginning October 1, 2010, and ending December 31, 2010,''; and

(3) in subparagraph (E)—

(A) in the subparagraph heading, by striking ''AND 2009'' and inserting ''THROUGH 2010 AND DURING THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING DECEMBER 31, 2010''; and

(B) in the matter preceding clause (i), by striking ''and 2009'' and inserting ''through 2010, and during the period beginning October 1, 2010, and ending December 31, 2010,''.

SEC. 433. ALLOCATING AMOUNTS FOR CAPITAL INVESTMENT GRANTS.

Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) in the heading, by striking ''2009'' and inserting ''2010 AND OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010'';

(B) in the matter preceding subparagraph (A), by striking ''2009'' and inserting ''2010, and during the period beginning October 1, 2010, and ending December 31, 2010,''; and

(C) in subparagraph (A)(i), by striking ''2009'' and inserting ''2010, and $50,000,000 for the period beginning October 1, 2010, and ending December 31, 2010,'';

(2) in paragraph (6)—

(A) in subparagraph (B), by striking ''2009'' and inserting ''2010, and $3,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,''; and

(B) in subparagraph (C), by striking ''2009'' and inserting ''2010, and $1,250,000 shall be available for the period beginning October 1, 2010 and ending December 31, 2010,''; and

(3) in paragraph (7)—

(A) in subparagraph (A)—

(i) by redesignating clauses (i) through (viii) as subclauses (I) through (VIII), respectively;

(ii) in the matter preceding subclause (I), as so redesignated, by striking ''$10,000,000'' and all that follows through ''2009'' and inserting the following:

''(i) FISCAL YEARS 2006 THROUGH 2010.—$10,000,000 shall be available in each of fiscal years 2006 through 2010''; and

(iii) by inserting after subclause (VIII), as so redesignated, the following:

''(ii) SPECIAL RULE FOR OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010.—$2,500,000 shall be available in the period beginning October 1, 2010, and ending December 31, 2010, for ferry boats or ferry terminal facilities. The Secretary shall set aside a portion of such amount in accordance with clause (i), except that the Secretary shall set aside 25 percent of each dollar amount specified in subclauses (I) through (VIII).''.''.

(B) in subparagraph (B), by inserting after ''2009.'' the following:

''(v) $13,500,000 for fiscal year 2010.

''(vi) $3,375,000 for the period beginning October 1, 2010, and ending December 31, 2010.'';

(C) in subparagraph (C), by inserting '', and during the period beginning October 1, 2010, and ending December 31, 2010,'' after ''fiscal year'';

(D) in subparagraph (D), by inserting '', and not less than $8,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,'' after ''year''; and

(E) in subparagraph (E), by inserting '', and $750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,'' after ''year''.

SEC. 434. APPORTIONMENT OF FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

Section 5311(c)(1) of title 49, United States Code, is amended by adding at the end the following:

''(E) $15,000,000 for fiscal year 2010.

''(F) $3,750,000 for the period beginning October 1, 2010, and ending December 31, 2010.''.

SEC. 435. APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.

Section 5337 of title 49, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''2009'' and inserting ''2010''; and

(2) by adding at the end the following:

''(g) SPECIAL RULE FOR OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010.—The Secretary shall apportion amounts made available for fixed guideway modernization under section 5309 for the period beginning October 1, 2010, and ending December 31, 2010, in accordance with subsection (a), except that the Secretary shall apportion 25 percent of each dollar amount specified in subsection (a).''.

SEC. 436. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) FORMULA AND BUS GRANTS.—Section 5338(b) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(E) $8,360,565,000 for fiscal year 2010; and

''(F) $2,090,141,250 for the period beginning October 1, 2010, and ending December 31, 2010.''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''and $113,500,000 for fiscal year 2009'' and inserting ''$113,500,000 for each of fiscal years 2009 and 2010, and $28,375,000 for the period beginning October 1, 2010, and ending December 31, 2010,'';

(B) in subparagraph (B), by striking ''and $4,160,365,000 for fiscal year 2009'' and inserting ''$4,160,365,000 for each of fiscal years 2009 and 2010, and $1,040,091,250 for the period beginning October 1, 2010, and ending December 31, 2010,'';

(C) in subparagraph (C), by striking ''and $51,500,000 for fiscal year 2009'' and inserting ''$51,500,000 for each of fiscal years 2009 and 2010, and $12,875,000 for the period beginning October 1, 2010, and ending December 31, 2010,'';

(D) in subparagraph (D), by striking ''and $1,666,500,000 for fiscal year 2009'' and inserting ''$1,666,500,000 for each of fiscal years 2009 and 2010, and $416,625,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(E) in subparagraph (E), by striking ''and $984,000,000 for fiscal year 2009'' and inserting ''$984,000,000 for each of fiscal years 2009 and 2010, and $246,000,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(F) in subparagraph (F), by striking ''and $133,500,000 for fiscal year 2009'' and inserting ''$133,500,000 for each of fiscal years 2009 and 2010, and $33,375,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(G) in subparagraph (G), by striking ''and $465,000,000 for fiscal year 2009'' and inserting ''$465,000,000 for each of fiscal years 2009 and 2010, and $116,250,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(H) in subparagraph (H), by striking ''and $164,500,000 for fiscal year 2009'' and inserting ''$164,500,000 for each of fiscal years 2009 and 2010, and $41,125,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(I) in subparagraph (I), by striking ''and $92,500,000 for fiscal year 2009'' and inserting ''$92,500,000 for each of fiscal years 2009 and 2010, and $23,125,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(J) in subparagraph (J), by striking ''and $26,900,000 for fiscal year 2009'' and inserting ''$26,900,000 for each of fiscal years 2009 and 2010, and $6,725,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(K) in subparagraph (K), by striking ''and $3,500,000 for fiscal year 2009'' and inserting ''$3,500,000 for each of fiscal years 2009 and 2010, and $875,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(L) in subparagraph (L), by striking ''and $25,000,000 for fiscal year 2009'' and inserting ''$25,000,000 for each of fiscal years 2009 and 2010, and $6,250,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(M) in subparagraph (M), by striking ''and $465,000,000 for fiscal year 2009'' and inserting ''$465,000,000 for each of fiscal years 2009 and 2010, and $116,250,000 for the period beginning October 1, 2010 and ending December 31, 2010,''; and

(N) in subparagraph (N), by striking ''and $8,800,000 for fiscal year 2009'' and inserting ''$8,800,000 for each of fiscal years 2009 and 2010, and $2,200,000 for the period beginning October 1, 2010 and ending December 31, 2010,''.

(b) CAPITAL INVESTMENT GRANTS.—Section 5338(c) of title 49, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) $2,000,000,000 for fiscal year 2010; and

''(6) $500,000,000 for the period of October 1, 2010 through December 31, 2010.''.

(c) RESEARCH AND UNIVERSITY RESEARCH CENTERS.—Section 5338(d) of title 49, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''and $69,750,000 for fiscal year 2009'' and inserting ''$69,750,000 for each of fiscal years 2009 and 2010, and $17,437,500 for the period beginning October 1, 2010, and ending December 31, 2010''; and

(2) by adding at the end the following:

''(3) ADDITIONAL AUTHORIZATIONS.—

''(A) IN GENERAL.—

''(i) FISCAL YEAR 2010.—Of amounts authorized to be appropriated for fiscal year 2010 under paragraph (1), the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to the amount allocated for fiscal year 2009 under each such subparagraph.

''(ii) OCTOBER 1, 2010 THROUGH DECEMBER 31, 2010.—Of amounts authorized to be appropriated for the period beginning October 1, 2010, through December 31, 2010, under paragraph (1), the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to 25 percent of the amount allocated for fiscal year 2009 under each such subparagraph.

''(B) UNIVERSITY CENTERS PROGRAM.—

''(i) FISCAL YEAR 2010.—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for fiscal year 2010, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to the amount allocated for fiscal year 2009 under each such clause.

''(ii) OCTOBER 1, 2010 THROUGH DECEMBER 31, 2010.—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for the period beginning October 1, 2010, and ending December 31, 2010, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to 25 percent of the amount allocated for fiscal year 2009 under each such clause.

''(iii) FUNDING.—If the Secretary determines that a project or activity described in paragraph (2) received sufficient funds in fiscal year 2009, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under clause (i) or (ii) for the project or activity for fiscal year 2010, or any subsequent fiscal year.''.

(d) ADMINISTRATION.—Section 5338(e) of title 49, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) $98,911,000 for fiscal year 2010; and

''(6) $24,727,750 for the period beginning October 1, 2010, and ending December 31, 2010.''.

SEC. 437. AMENDMENTS TO SAFETEA–LU.

(a) CONTRACTED PARATRANSIT PILOT.—Section 3009(i)(1) of the SAFETEA–LU (Public Law 109–59; 119 Stat. 1572) is amended by striking ''2009'' and inserting ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010''.

(b) PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.—Section 3011 of the SAFETEA–LU (49 U.S.C. 5309 note) is amended—

(1) in subsection (c)(5), by striking ''2009'' and inserting ''2010 and the period beginning October 1, 2010, and ending December 31, 2010''; and

(2) in subsection (d), by striking ''2009'' and inserting ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010''.

(c) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM.—Section 3012(b)(8) of the SAFETEA–LU (49 U.S.C. 5310 note) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2010''.

(d) OBLIGATION CEILING.—Section 3040 of the SAFETEA–LU (Public Law 109–59; 119 Stat. 1639) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) $10,507,752,000 for fiscal year 2010, of which not more than $8,360,565,000 shall be from the Mass Transit Account; and

''(7) $2,626,938,000 for the period beginning October 1, 2010, and ending December 31, 2010, of which not more than $2,090,141,250 shall be from the Mass Transit Account.''.

(e) PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS.—Section 3043 of the SAFETEA–LU (Public Law 109–59; 119 Stat. 1640) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking ''2009'' and inserting ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010,''; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking ''2009'' and inserting ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010,''.

(f) ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.—Section 3046 of the SAFETEA–LU (49 U.S.C. 5338 note) is amended—

(1) in subsection (b), by inserting ''or period'' after ''fiscal year''; and

(2) by adding at the end the following:

''(c) ADDITIONAL APPROPRIATIONS.—The Secretary shall allocate amounts appropriated pursuant to section 5338(d) of title 49, United States Code, for national research and technology programs under sections 5312, 5314, and 5322 of such title—

''(1) for fiscal year 2010, in amounts equal to the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), (6), and (8) through (25) of subsection (a); and

''(2) for the period beginning October 1, 2010, and ending December 31, 2010, in amounts equal to 25 percent of the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), (6), and (8) through (25) of subsection (a).

''(d) FUNDING.—If the Secretary determines that a project or activity described in subsection (a) received sufficient funds in fiscal year 2009, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under subsection (c) for the project or activity for fiscal year 2010, or any subsequent fiscal year.''.

Subtitle D—Revenue Provisions

SEC. 441. REPEAL OF PROVISION PROHIBITING THE CREDITING OF INTEREST TO THE HIGHWAY TRUST FUND.

(a) IN GENERAL.—Paragraph (1) of section 9503(f) is amended by striking subparagraph (B).

(b) CONFORMING AMENDMENTS.—Such paragraph, as amended by paragraph (1), is further amended—

(1) by striking '', and'' at the end of subparagraph (A) and inserting a period; and

(2) by striking ''1998'' in the matter preceding subparagraph (A) and all that follows through ''the opening balance'' and inserting ''1998, the opening balance''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this title.

SEC. 442. RESTORATION OF CERTAIN FOREGONE INTEREST TO HIGHWAY TRUST FUND.

(a) IN GENERAL.—Paragraph (2) of section 9503(f) is amended to read as follows:

''(2) RESTORATION OF FOREGONE INTEREST.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

''(A) $14,700,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund; and

''(B) $4,800,000,000 to the Mass Transit Account in the Highway Trust Fund.''.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 9503(e) is amended by striking ''this subsection'' and inserting ''this section''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 443. TREATMENT OF CERTAIN AMOUNTS APPROPRIATED TO HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 9503(f), as amended by this Act, is amended by adding at the end the following new paragraph:

''(4) TREATMENT OF APPROPRIATED AMOUNTS.—Any amount appropriated under this subsection to the Highway Trust Fund shall remain available without fiscal year limitation.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 444. TERMINATION OF TRANSFERS FROM HIGHWAY TRUST FUND FOR CERTAIN REPAYMENTS AND CREDITS.

(a) IN GENERAL.—Section 9503(c) is amended by striking paragraph (2) and by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 9502(a) is amended by striking ''section 9503(c)(7)'' and inserting ''section 9503(c)(5)''.

(2) Section 9503(b)(4)(D) is amended by striking ''paragraph (4)(D) or (5)(B)'' and inserting ''paragraph (3)(D) or (4)(B)''.

(3) Paragraph (2) of section 9503(c), as redesignated by subsection (a), is amended by adding at the end the following new sentence: ''The amounts payable from the Highway Trust Fund under the preceding sentence shall be determined by taking into account only the portion of the taxes which are deposited into the Highway Trust Fund.''.

(4) Section 9503(e)(5)(A) is amended by striking ''(2), (3), and (4)'' and inserting ''(2) and (3)''.

(5) Section 9504(a) is amended by striking ''section 9503(c)(4), section 9503(c)(5)'' and inserting ''section 9503(c)(3), section 9503(c)(4)''.

(6) Section 9504(b)(2) is amended by striking ''section 9503(c)(5)'' and inserting ''section 9503(c)(4)''.

(7) Section 9504(e) is amended by striking ''section 9503(c)(4)'' and inserting section ''9503(c)(3)''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to transfers relating to amounts paid and credits allowed after the date of the enactment of this Act.

SEC. 445. EXTENSION OF AUTHORITY FOR EXPENDITURES.

(a) HIGHWAYS TRUST FUND.—

(1) HIGHWAY ACCOUNT.—Paragraph (1) of section 9503(c) is amended—

(A) by striking ''September 30, 2009 (October 1, 2009'' and inserting ''December 31, 2010 (January 1, 2011''; and

(B) by striking ''under'' and all that follows and inserting ''under the Surface Transportation Extension Act of 2010 or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).''.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) is amended—

(A) by striking ''October 1, 2009'' and inserting ''January 1, 2011''; and

(B) by striking ''in accordance with'' and all that follows and inserting ''in accordance with the Surface Transportation Extension Act of 2010 or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) is amended by striking ''September 30, 2009 (October 1, 2009'' and inserting ''December 31, 2010 (January 1, 2011''.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—

(1) IN GENERAL.—Paragraph (2) of section 9504(b) is amended—

(A) by striking ''(as in effect'' in subparagraph (A) and all that follows in such subparagraph and inserting ''(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2010),'',

(B) by striking ''(as in effect'' in subparagraph (B) and all that follows in such subparagraph and inserting ''(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2010), and'', and

(C) by striking ''(as in effect'' in subparagraph (C) and all that follows in such subparagraph and inserting ''(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2010).''.

(2) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) is amended by striking ''October 1, 2009'' and inserting ''January 1, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 2009.

SEC. 446. LEVEL OF OBLIGATION LIMITATIONS.

(a) HIGHWAY CATEGORY.—Section 8003(a) of the SAFETEA–LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) for the period beginning on October 1, 2009, and ending on September 30, 2010, $42,469,970,178.

''(7) for the period beginning on October 1, 2010, and ending on December 31, 2010, $10,617,492,545.''.

(b) MASS TRANSIT CATEGORY.—Section 8003(b) of the SAFETEA–LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) for the period beginning on October 1, 2009, and ending on December 31, 2010, $10,338,065,000.

''(7) for the period beginning on October 1, 2010, and ending on December 31, 2010, $2,584,516,250.''.

(c) TREATMENT OF FUNDS.—No adjustment pursuant to section 110 of title 23, United States Code, shall be made for fiscal year 2010 or fiscal year 2011.

TITLE V—OFFSET PROVISIONS

Subtitle A—Foreign Account Tax Compliance

PART I—INCREASED DISCLOSURE OF BENEFICIAL OWNERS

SEC. 501. REPORTING ON CERTAIN FOREIGN ACCOUNTS.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by inserting after chapter 3 the following new chapter:

''CHAPTER 4—TAXES TO ENFORCE REPORTING ON CERTAIN FOREIGN ACCOUNTS

''Sec. 1471. Withholdable payments to foreign financial institutions.

''Sec. 1472. Withholdable payments to other foreign entities.

''Sec. 1473. Definitions.

''Sec. 1474. Special rules.

''SEC. 1471. WITHHOLDABLE PAYMENTS TO FOREIGN FINANCIAL INSTITUTIONS.

''(a) IN GENERAL.—In the case of any withholdable payment to a foreign financial institution which does not meet the requirements of subsection (b), the withholding agent with respect to such payment shall deduct and withhold from such payment a tax equal to 30 percent of the amount of such payment.

''(b) REPORTING REQUIREMENTS, ETC.—

''(1) IN GENERAL.—The requirements of this subsection are met with respect to any foreign financial institution if an agreement is in effect between such institution and the Secretary under which such institution agrees—

''(A) to obtain such information regarding each holder of each account maintained by such institution as is necessary to determine which (if any) of such accounts are United States accounts,

''(B) to comply with such verification and due diligence procedures as the Secretary may require with respect to the identification of United States accounts,

''(C) in the case of any United States account maintained by such institution, to report on an annual basis the information described in subsection (c) with respect to such account,

''(D) to deduct and withhold a tax equal to 30 percent of—

''(i) any passthru payment which is made by such institution to a recalcitrant account holder or another foreign financial institution which does not meet the requirements of this subsection, and

''(ii) in the case of any passthru payment which is made by such institution to a foreign financial institution which has in effect an election under paragraph (3) with respect to such payment, so much of such payment as is allocable to accounts held by recalcitrant account holders or foreign financial institutions which do not meet the requirements of this subsection,

''(E) to comply with requests by the Secretary for additional information with respect to any United States account maintained by such institution, and

''(F) in any case in which any foreign law would (but for a waiver described in clause (i)) prevent the reporting of any information referred to in this subsection or subsection (c) with respect to any United States account maintained by such institution—

''(i) to attempt to obtain a valid and effective waiver of such law from each holder of such account, and

''(ii) if a waiver described in clause (i) is not obtained from each such holder within a reasonable period of time, to close such account.

Any agreement entered into under this subsection may be terminated by the Secretary upon a determination by the Secretary that the foreign financial institution is out of compliance with such agreement.

''(2) FINANCIAL INSTITUTIONS DEEMED TO MEET REQUIREMENTS IN CERTAIN CASES.—A foreign financial institution may be treated by the Secretary as meeting the requirements of this subsection if—

''(A) such institution—

''(i) complies with such procedures as the Secretary may prescribe to ensure that such institution does not maintain United States accounts, and

''(ii) meets such other requirements as the Secretary may prescribe with respect to accounts of other foreign financial institutions maintained by such institution, or

''(B) such institution is a member of a class of institutions with respect to which the Secretary has determined that the application of this section is not necessary to carry out the purposes of this section.

''(3) ELECTION TO BE WITHHELD UPON RATHER THAN WITHHOLD ON PAYMENTS TO RECALCITRANT ACCOUNT HOLDERS AND NONPARTICIPATING FOREIGN FINANCIAL INSTITUTIONS.—In the case of a foreign financial institution which meets the requirements of this subsection and such other requirements as the Secretary may provide and which elects the application of this paragraph—

''(A) the requirements of paragraph (1)(D) shall not apply,

''(B) the withholding tax imposed under subsection (a) shall apply with respect to any withholdable payment to such institution to the extent such payment is allocable to accounts held by recalcitrant account holders or foreign financial institutions which do not meet the requirements of this subsection, and

''(C) the agreement described in paragraph (1) shall—

''(i) require such institution to notify the withholding agent with respect to each such payment of the institution's election under this paragraph and such other information as may be necessary for the withholding agent to determine the appropriate amount to deduct and withhold from such payment, and

''(ii) include a waiver of any right under any treaty of the United States with respect to any amount deducted and withheld pursuant to an election under this paragraph.

To the extent provided by the Secretary, the election under this paragraph may be made with respect to certain classes or types of accounts of the foreign financial institution.

''(c) INFORMATION REQUIRED TO BE REPORTED ON UNITED STATES ACCOUNTS.—

''(1) IN GENERAL.—The agreement described in subsection (b) shall require the foreign financial institution to report the following with respect to each United States account maintained by such institution:

''(A) The name, address, and TIN of each account holder which is a specified United States person and, in the case of any account holder which is a United States owned foreign entity, the name, address, and TIN of each substantial United States owner of such entity.

''(B) The account number.

''(C) The account balance or value (determined at such time and in such manner as the Secretary may provide).

''(D) Except to the extent provided by the Secretary, the gross receipts and gross withdrawals or payments from the account (determined for such period and in such manner as the Secretary may provide).

''(2) ELECTION TO BE SUBJECT TO SAME REPORTING AS UNITED STATES FINANCIAL INSTITUTIONS.—In the case of a foreign financial institution which elects the application of this paragraph—

''(A) subparagraphs (C) and (D) of paragraph (1) shall not apply, and

''(B) the agreement described in subsection (b) shall require such foreign financial institution to report such information with respect to each United States account maintained by such institution as such institution would be required to report under sections 6041, 6042, 6045, and 6049 if—

''(i) such institution were a United States person, and

''(ii) each holder of such account which is a specified United States person or United States owned foreign entity were a natural person and citizen of the United States.

An election under this paragraph shall be made at such time, in such manner, and subject to such conditions as the Secretary may provide.

''(3) SEPARATE REQUIREMENTS FOR QUALIFIED INTERMEDIARIES.—In the case of a foreign financial institution which is treated as a qualified intermediary by the Secretary for purposes of section 1441 and the regulations issued thereunder, the requirements of this section shall be in addition to any reporting or other requirements imposed by the Secretary for purposes of such treatment.

''(d) DEFINITIONS.—For purposes of this section—

''(1) UNITED STATES ACCOUNT.—

''(A) IN GENERAL.—The term 'United States account' means any financial account which is held by one or more specified United States persons or United States owned foreign entities.

''(B) EXCEPTION FOR CERTAIN ACCOUNTS HELD BY INDIVIDUALS.—Unless the foreign financial institution elects to not have this subparagraph apply, such term shall not include any depository account maintained by such financial institution if—

''(i) each holder of such account is a natural person, and

''(ii) with respect to each holder of such account, the aggregate value of all depository accounts held (in whole or in part) by such holder and maintained by the same financial institution which maintains such account does not exceed $50,000.

To the extent provided by the Secretary, financial institutions which are members of the same expanded affiliated group shall be treated for purposes of clause (ii) as a single financial institution.

''(C) ELIMINATION OF DUPLICATIVE REPORTING REQUIREMENTS.—Such term shall not include any financial account in a foreign financial institution if—

''(i) such account is held by another financial institution which meets the requirements of subsection (b), or

''(ii) the holder of such account is otherwise subject to information reporting requirements which the Secretary determines would make the reporting required by this section with respect to United States accounts duplicative.

''(2) FINANCIAL ACCOUNT.—Except as otherwise provided by the Secretary, the term 'financial account' means, with respect to any financial institution—

''(A) any depository account maintained by such financial institution,

''(B) any custodial account maintained by such financial institution, and

''(C) any equity or debt interest in such financial institution (other than interests which are regularly traded on an established securities market).

Any equity or debt interest which constitutes a financial account under subparagraph (C) with respect to any financial institution shall be treated for purposes of this section as maintained by such financial institution.

''(3) UNITED STATES OWNED FOREIGN ENTITY.—The term 'United States owned foreign entity'

means any foreign entity which has one or more substantial United States owners.

''(4) FOREIGN FINANCIAL INSTITUTION.—The term 'foreign financial institution' means any financial institution which is a foreign entity. Except as otherwise provided by the Secretary, such term shall not include a financial institution which is organized under the laws of any possession of the United States.

''(5) FINANCIAL INSTITUTION.—Except as otherwise provided by the Secretary, the term 'financial institution' means any entity that—

''(A) accepts deposits in the ordinary course of a banking or similar business,

''(B) as a substantial portion of its business, holds financial assets for the account of others, or

''(C) is engaged (or holding itself out as being engaged) primarily in the business of investing, reinvesting, or trading in securities (as defined in section 475(c)(2) without regard to the last sentence thereof), partnership interests, commodities (as defined in section 475(e)(2)), or any interest (including a futures or forward contract or option) in such securities, partnership interests, or commodities.

''(6) RECALCITRANT ACCOUNT HOLDER.—The term 'recalcitrant account holder' means any account holder which—

''(A) fails to comply with reasonable requests for the information referred to in subsection (b)(1)(A) or (c)(1)(A), or

''(B) fails to provide a waiver described in subsection (b)(1)(F) upon request.

''(7) PASSTHRU PAYMENT.—The term 'passthru payment' means any withholdable payment or other payment to the extent attributable to a withholdable payment.

''(e) AFFILIATED GROUPS.—

''(1) IN GENERAL.—The requirements of subsections (b) and (c)(1) shall apply—

''(A) with respect to United States accounts maintained by the foreign financial institution, and

''(B) except as otherwise provided by the Secretary, with respect to United States accounts maintained by each other foreign financial institution (other than any foreign financial institution which meets the requirements of subsection (b)) which is a member of the same expanded affiliated group as such foreign financial institution.

''(2) EXPANDED AFFILIATED GROUP.—For purposes of this section, the term 'expanded affiliated group' means an affiliated group as defined in section 1504(a), determined—

''(A) by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears, and

''(B) without regard to paragraphs (2) and (3) of section 1504(b).

A partnership or any other entity (other than a corporation) shall be treated as a member of an expanded affiliated group if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

''(f) EXCEPTION FOR CERTAIN PAYMENTS.—Subsection (a) shall not apply to any payment to the extent that the beneficial owner of such payment is—

''(1) any foreign government, any political subdivision of a foreign government, or any wholly owned agency or instrumentality of any one or more of the foregoing,

''(2) any international organization or any wholly owned agency or instrumentality thereof,

''(3) any foreign central bank of issue, or

''(4) any other class of persons identified by the Secretary for purposes of this subsection as posing a low risk of tax evasion.

''SEC. 1472. WITHHOLDABLE PAYMENTS TO OTHER FOREIGN ENTITIES.

''(a) IN GENERAL.—In the case of any withholdable payment to a non-financial foreign entity, if—

''(1) the beneficial owner of such payment is such entity or any other non-financial foreign entity, and

''(2) the requirements of subsection (b) are not met with respect to such beneficial owner,

then the withholding agent with respect to such payment shall deduct and withhold from such payment a tax equal to 30 percent of the amount of such payment.

''(b) REQUIREMENTS FOR WAIVER OF WITHHOLDING.—The requirements of this subsection are met with respect to the beneficial owner of a payment if—

''(1) such beneficial owner or the payee provides the withholding agent with either—

''(A) a certification that such beneficial owner does not have any substantial United States owners, or

''(B) the name, address, and TIN of each substantial United States owner of such beneficial owner,

''(2) the withholding agent does not know, or have reason to know, that any information provided under paragraph (1) is incorrect, and

''(3) the withholding agent reports the information provided under paragraph (1)(B) to the Secretary in such manner as the Secretary may provide.

''(c) EXCEPTIONS.—Subsection (a) shall not apply to—

''(1) except as otherwise provided by the Secretary, any payment beneficially owned by—

''(A) any corporation the stock of which is regularly traded on an established securities market,

''(B) any corporation which is a member of the same expanded affiliated group (as defined in section 1471(e)(2) without regard to the last sentence thereof) as a corporation described in subparagraph (A),

''(C) any entity which is organized under the laws of a possession of the United States and which is wholly owned by one or more bona fide residents (as defined in section 937(a)) of such possession,

''(D) any foreign government, any political subdivision of a foreign government, or any wholly owned agency or instrumentality of any one or more of the foregoing,

''(E) any international organization or any wholly owned agency or instrumentality thereof,

''(F) any foreign central bank of issue, or

''(G) any other class of persons identified by the Secretary for purposes of this subsection, and

''(2) any class of payments identified by the Secretary for purposes of this subsection as posing a low risk of tax evasion.

''(d) NON-FINANCIAL FOREIGN ENTITY.—For purposes of this section, the term 'non-financial foreign entity' means any foreign entity which is not a financial institution (as defined in section 1471(d)(5)).

''SEC. 1473. DEFINITIONS.

''For purposes of this chapter—

''(1) WITHHOLDABLE PAYMENT.—Except as otherwise provided by the Secretary—

''(A) IN GENERAL.—The term 'withholdable payment' means—

''(i) any payment of interest (including any original issue discount), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, and other fixed or determinable annual or periodical gains, profits, and income, if such payment is from sources within the United States, and

''(ii) any gross proceeds from the sale or other disposition of any property of a type which can produce interest or dividends from sources within the United States.

''(B) EXCEPTION FOR INCOME CONNECTED WITH UNITED STATES BUSINESS.—Such term shall not include any item of income which is taken into account under section 871(b)(1) or 882(a)(1) for the taxable year.

''(C) SPECIAL RULE FOR SOURCING INTEREST PAID BY FOREIGN BRANCHES OF DOMESTIC FINANCIAL INSTITUTIONS.—Subparagraph (B) of section 861(a)(1) shall not apply.

''(2) SUBSTANTIAL UNITED STATES OWNER.—

''(A) IN GENERAL.—The term 'substantial United States owner' means—

''(i) with respect to any corporation, any specified United States person which owns, directly or indirectly, more than 10 percent of the stock of such corporation (by vote or value),

''(ii) with respect to any partnership, any specified United States person which owns, directly or indirectly, more than 10 percent of the profits interests or capital interests in such partnership, and

''(iii) in the case of a trust—

''(I) any specified United States person treated as an owner of any portion of such trust under subpart E of part I of subchapter J of chapter 1, and

''(II) to the extent provided by the Secretary in regulations or other guidance, any specified United States person which holds, directly or indirectly, more than 10 percent of the beneficial interests of such trust.

''(B) SPECIAL RULE FOR INVESTMENT VEHICLES.—In the case of any financial institution described in section 1471(d)(5)(C), clauses (i), (ii), and (iii) of subparagraph (A) shall be applied by substituting '0 percent' for '10 percent'.

''(3) SPECIFIED UNITED STATES PERSON.—Except as otherwise provided by the Secretary, the term 'specified United States person' means any United States person other than—

''(A) any corporation the stock of which is regularly traded on an established securities market,

''(B) any corporation which is a member of the same expanded affiliated group (as defined in section 1471(e)(2) without regard to the last sentence thereof) as a corporation the stock of which is regularly traded on an established securities market,

''(C) any organization exempt from taxation under section 501(a) or an individual retirement plan,

''(D) the United States or any wholly owned agency or instrumentality thereof,

''(E) any State, the District of Columbia, any possession of the United States, any political subdivision of any of the foregoing, or any wholly owned agency or instrumentality of any one or more of the foregoing,

''(F) any bank (as defined in section 581),

''(G) any real estate investment trust (as defined in section 856),

''(H) any regulated investment company (as defined in section 851),

''(I) any common trust fund (as defined in section 584(a)), and

''(J) any trust which—

''(i) is exempt from tax under section 664(c), or

''(ii) is described in section 4947(a)(1).

''(4) WITHHOLDING AGENT.—The term 'withholding agent' means all persons, in whatever capacity acting, having the control, receipt, custody, disposal, or payment of any withholdable payment.

''(5) FOREIGN ENTITY.—The term 'foreign entity' means any entity which is not a United States person.

''SEC. 1474. SPECIAL RULES.

''(a) LIABILITY FOR WITHHELD TAX.—Every person required to deduct and withhold any tax under this chapter is hereby made liable for such tax and is hereby indemnified against the claims and demands of any person for the amount of any payments made in accordance with the provisions of this chapter.

''(b) CREDITS AND REFUNDS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the determination of whether any tax deducted and withheld under this chapter results in an overpayment by the beneficial owner of the payment to which such tax is attributable shall be made as if such tax had been deducted and withheld under subchapter A of chapter 3.

''(2) SPECIAL RULE WHERE FOREIGN FINANCIAL INSTITUTION IS BENEFICIAL OWNER OF PAYMENT.—

''(A) IN GENERAL.—In the case of any tax properly deducted and withheld under section 1471 from a specified financial institution payment—

''(i) if the foreign financial institution referred to in subparagraph (B) with respect to such payment is entitled to a reduced rate of tax with respect to such payment by reason of any treaty obligation of the United States—

''(I) the amount of any credit or refund with respect to such tax shall not exceed the amount of credit or refund attributable to such reduction in rate, and

''(II) no interest shall be allowed or paid with respect to such credit or refund, and

''(ii) if such foreign financial institution is not so entitled, no credit or refund shall be allowed or paid with respect to such tax.

''(B) SPECIFIED FINANCIAL INSTITUTION PAYMENT.—The term 'specified financial institution payment' means any payment if the beneficial owner of such payment is a foreign financial institution.

''(3) REQUIREMENT TO IDENTIFY SUBSTANTIAL UNITED STATES OWNERS.—No credit or refund shall be allowed or paid with respect to any tax properly deducted and withheld under this chapter unless the beneficial owner of the payment provides the Secretary such information as the Secretary may require to determine whether such beneficial owner is a United States owned foreign entity (as defined in section 1471(d)(3)) and the identity of any substantial United States owners of such entity.

''(c) CONFIDENTIALITY OF INFORMATION.—

''(1) IN GENERAL.—For purposes of this chapter, rules similar to the rules of section 3406(f) shall apply.

''(2) DISCLOSURE OF LIST OF PARTICIPATING FOREIGN FINANCIAL INSTITUTIONS PERMITTED.—The identity of a foreign financial institution which meets the requirements of section 1471(b) shall not be treated as return information for purposes of section 6103.

''(d) COORDINATION WITH OTHER WITHHOLDING PROVISIONS.—The Secretary shall provide for the coordination of this chapter with other withholding provisions under this title, including providing for the proper crediting of amounts deducted and withheld under this chapter against amounts required to be deducted and withheld under such other provisions.

''(e) TREATMENT OF WITHHOLDING UNDER AGREEMENTS.—Any tax deducted and withheld pursuant to an agreement described in section 1471(b) shall be treated for purposes of this title as a tax deducted and withheld by a withholding agent under section 1471(a).

''(f) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of, and prevent the avoidance of, this chapter.''.

(b) SPECIAL RULE FOR INTEREST ON OVERPAYMENTS.—Subsection (e) of section 6611 is amended by adding at the end the following new paragraph:

''(4) CERTAIN WITHHOLDING TAXES.—In the case of any overpayment resulting from tax deducted and withheld under chapter 3 or 4, paragraphs (1), (2), and (3) shall be applied by substituting '180 days' for '45 days' each place it appears.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 6414 is amended by inserting ''or 4'' after ''chapter 3''.

(2) Paragraph (1) of section 6501(b) is amended by inserting ''4,'' after ''chapter 3,''.

(3) Paragraph (2) of section 6501(b) is amended—

(A) by inserting ''4,'' after ''chapter 3,'' in the text thereof, and

(B) by striking ''TAXES AND TAX IMPOSED BY CHAPTER 3'' in the heading thereof and inserting ''AND WITHHOLDING TAXES''.

(4) Paragraph (3) of section 6513(b) is amended—

(A) by inserting ''or 4'' after ''chapter 3'', and

(B) by inserting ''or 1474(b)'' after ''section 1462''.

(5) Subsection (c) of section 6513 is amended by inserting ''4,'' after ''chapter 3,''.

(6) Paragraph (1) of section 6724(d) is amended by inserting ''under chapter 4 or'' after ''filed with the Secretary'' in the last sentence thereof.

(7) Paragraph (2) of section 6724(d) is amended by inserting ''or 4'' after ''chapter 3''.

(8) The table of chapters of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''CHAPTER 4. TAXES TO ENFORCE REPORTING ON CERTAIN FOREIGN ACCOUNTS.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to payments made after December 31, 2012.

(2) GRANDFATHERED TREATMENT OF OUTSTANDING OBLIGATIONS.—The amendments made by this section shall not require any amount to be deducted or withheld from any payment under any obligation outstanding on the date which is 2 years after the date of the enactment of this Act or from the gross proceeds from any disposition of such an obligation.

(3) INTEREST ON OVERPAYMENTS.—The amendment made by subsection (b) shall apply—

(A) in the case of such amendment's application to paragraph (1) of section 6611(e) of the Internal Revenue Code of 1986, to returns the due date for which (determined without regard to extensions) is after the date of the enactment of this Act,

(B) in the case of such amendment's application to paragraph (2) of such section, to claims for credit or refund of any overpayment filed after the date of the enactment of this Act (regardless of the taxable period to which such refund relates), and

(C) in the case of such amendment's application to paragraph (3) of such section, to refunds paid after the date of the enactment of this Act (regardless of the taxable period to which such refund relates).

SEC. 502. REPEAL OF CERTAIN FOREIGN EXCEPTIONS TO REGISTERED BOND REQUIREMENTS.

(a) REPEAL OF EXCEPTION TO DENIAL OF DEDUCTION FOR INTEREST ON NON-REGISTERED BONDS.—

(1) IN GENERAL.—Paragraph (2) of section 163(f) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (2) of section 149(a) is amended by inserting ''or'' at the end of subparagraph (A), by striking '', or'' at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(B) Subparagraph (A) of section 163(f)(2) is amended by inserting ''or'' at the end of clause (ii), by striking '', or'' at the end of clause (iii) and inserting a period, and by striking clause (iv).

(C) Subparagraph (B) of section 163(f)(2), as redesignated by paragraph (1), is amended—

(i) by striking '', and subparagraph (B),'' in the matter preceding clause (i), and

(ii) by amending clause (i) to read as follows:

''(i) such obligation is of a type which the Secretary has determined by regulations to be used frequently in avoiding Federal taxes, and''.

(D) Sections 165(j)(2)(A) and 1287(b)(1) are each amended by striking ''except that clause (iv) of subparagraph (A), and subparagraph (B), of such section shall not apply''.

(b) REPEAL OF TREATMENT AS PORTFOLIO DEBT.—

(1) IN GENERAL.—Paragraph (2) of section 871(h) is amended to read as follows:

''(2) PORTFOLIO INTEREST.—For purposes of this subsection, the term 'portfolio interest' means any interest (including original issue discount) which—

''(A) would be subject to tax under subsection (a) but for this subsection, and

''(B) is paid on an obligation—

''(i) which is in registered form, and

''(ii) with respect to which—

''(I) the United States person who would otherwise be required to deduct and withhold tax from such interest under section 1441(a) receives a statement (which meets the requirements of paragraph (5)) that the beneficial owner of the obligation is not a United States person, or

''(II) the Secretary has determined that such a statement is not required in order to carry out the purposes of this subsection.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 871(h)(3)(A) is amended by striking ''subparagraph (A) or (B) of''.

(B) Paragraph (2) of section 881(c) is amended to read as follows:

''(2) PORTFOLIO INTEREST.—For purposes of this subsection, the term 'portfolio interest' means any interest (including original issue discount) which—

''(A) would be subject to tax under subsection (a) but for this subsection, and

''(B) is paid on an obligation—

''(i) which is in registered form, and

''(ii) with respect to which—

''(I) the person who would otherwise be required to deduct and withhold tax from such interest under section 1442(a) receives a statement which meets the requirements of section 871(h)(5) that the beneficial owner of the obligation is not a United States person, or

''(II) the Secretary has determined that such a statement is not required in order to carry out the purposes of this subsection.''.

(c) DEMATERIALIZED BOOK ENTRY SYSTEMS TREATED AS REGISTERED FORM.—Paragraph (3) of section 163(f) is amended by inserting '', except that a dematerialized book entry system or other book entry system specified by the Secretary shall be treated as a book entry system described in such section'' before the period at the end.

(d) REPEAL OF EXCEPTION TO REQUIREMENT THAT TREASURY OBLIGATIONS BE IN REGISTERED FORM.—

(1) IN GENERAL.—Subsection (g) of section 3121 of title 31, United States Code, is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Paragraph (1) of section 3121(g) of such title is amended—

(A) by adding ''or'' at the end of subparagraph (A),

(B) by striking ''; or'' at the end of subparagraph (B) and inserting a period, and

(C) by striking subparagraph (C).

(e) PRESERVATION OF EXCEPTION FOR EXCISE TAX PURPOSES.—Paragraph (1) of section 4701(b) is amended to read as follows:

''(1) REGISTRATION-REQUIRED OBLIGATION.—

''(A) IN GENERAL.—The term 'registration-required obligation' has the same meaning as when used in section 163(f), except that such term shall not include any obligation which—

''(i) is required to be registered under section 149(a), or

''(ii) is described in subparagraph (B).

''(B) CERTAIN OBLIGATIONS NOT INCLUDED.—An obligation is described in this subparagraph if—

''(i) there are arrangements reasonably designed to ensure that such obligation will be sold (or resold in connection with the original issue) only to a person who is not a United States person,

''(ii) interest on such obligation is payable only outside the United States and its possessions, and

''(iii) on the face of such obligation there is a statement that any United States person who holds such obligation will be subject to limitations under the United States income tax laws.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date which is 2 years after the date of the enactment of this Act.

PART II—UNDER REPORTING WITH RESPECT TO FOREIGN ASSETS

SEC. 511. DISCLOSURE OF INFORMATION WITH RESPECT TO FOREIGN FINANCIAL ASSETS.

(a) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 is amended by inserting after section 6038C the following new section:

"SEC. 6038D. INFORMATION WITH RESPECT TO FOREIGN FINANCIAL ASSETS.

''(a) IN GENERAL.—Any individual who, during any taxable year, holds any interest in a specified foreign financial asset shall attach to such person's return of tax imposed by subtitle A for such taxable year the information described in subsection (c) with respect to each such asset if the aggregate value of all such assets exceeds $50,000 (or such higher dollar amount as the Secretary may prescribe).

''(b) SPECIFIED FOREIGN FINANCIAL ASSETS.—For purposes of this section, the term 'specified foreign financial asset' means—

''(1) any financial account (as defined in section 1471(d)(2)) maintained by a foreign financial institution (as defined in section 1471(d)(4)), and

''(2) any of the following assets which are not held in an account maintained by a financial institution (as defined in section 1471(d)(5))—

''(A) any stock or security issued by a person other than a United States person,

''(B) any financial instrument or contract held for investment that has an issuer or counterparty which is other than a United States person, and

''(C) any interest in a foreign entity (as defined in section 1473).

''(c) REQUIRED INFORMATION.—The information described in this subsection with respect to any asset is:

''(1) In the case of any account, the name and address of the financial institution in which such account is maintained and the number of such account.

''(2) In the case of any stock or security, the name and address of the issuer and such information as is necessary to identify the class or issue of which such stock or security is a part.

''(3) In the case of any other instrument, contract, or interest—

''(A) such information as is necessary to identify such instrument, contract, or interest, and

''(B) the names and addresses of all issuers and counterparties with respect to such instrument, contract, or interest.

''(4) The maximum value of the asset during the taxable year.

''(d) PENALTY FOR FAILURE TO DISCLOSE.—

''(1) IN GENERAL.—If any individual fails to furnish the information described in subsection (c) with respect to any taxable year at the time and in the manner described in subsection (a), such person shall pay a penalty of $10,000.

''(2) INCREASE IN PENALTY WHERE FAILURE CONTINUES AFTER NOTIFICATION.—If any failure described in paragraph (1) continues for more than 90 days after the day on which the Secretary mails notice of such failure to the individual, such individual shall pay a penalty (in addition to the penalties under paragraph (1)) of $10,000 for each 30-day period (or fraction thereof) during which such failure continues after the expiration of such 90-day period. The penalty imposed under this paragraph with respect to any failure shall not exceed $50,000.

''(e) PRESUMPTION THAT VALUE OF SPECIFIED FOREIGN FINANCIAL ASSETS EXCEEDS DOLLAR THRESHOLD.—If—

''(1) the Secretary determines that an individual has an interest in one or more specified foreign financial assets, and

''(2) such individual does not provide sufficient information to demonstrate the aggregate value of such assets, then the aggregate value of such assets shall be treated as being in excess of $50,000 (or such higher dollar amount as the Secretary prescribes for purposes of subsection (a)) for purposes of assessing the penalties imposed under this section.

''(f) APPLICATION TO CERTAIN ENTITIES.—To the extent provided by the Secretary in regulations or other guidance, the provisions of this section shall apply to any domestic entity which is formed or availed of for purposes of holding, directly or indirectly, specified foreign financial assets, in the same manner as if such entity were an individual.

''(g) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed by this section on any failure which is shown to be due to reasonable cause and not due to willful neglect. The fact that a foreign jurisdiction would impose a civil or criminal penalty on the taxpayer (or any other person) for disclosing the required information is not reasonable cause.

''(h) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provide appropriate exceptions from the application of this section in the case of—

''(1) classes of assets identified by the Secretary, including any assets with respect to which the Secretary determines that disclosure under this section would be duplicative of other disclosures,

''(2) nonresident aliens, and

''(3) bona fide residents of any possession of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6038C the following new item:

''Sec. 6038D. Information with respect to foreign financial assets.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 512. PENALTIES FOR UNDERPAYMENTS ATTRIBUTABLE TO UNDISCLOSED FOREIGN FINANCIAL ASSETS.

(a) IN GENERAL.—Section 6662, as amended by this Act, is amended—

(1) in subsection (b), by inserting after paragraph (6) the following new paragraph:

''(7) Any undisclosed foreign financial asset understatement.'', and

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

''(j) UNDISCLOSED FOREIGN FINANCIAL ASSET UNDERSTATEMENT.—

''(1) IN GENERAL.—For purposes of this section, the term 'undisclosed foreign financial asset understatement' means, for any taxable year, the portion of the understatement for such taxable year which is attributable to any transaction involving an undisclosed foreign financial asset.

''(2) UNDISCLOSED FOREIGN FINANCIAL ASSET.—For purposes of this subsection, the term 'undisclosed foreign financial asset' means, with respect to any taxable year, any asset with respect to which information was required to be provided under section 6038, 6038B, 6038D, 6046A, or 6048 for such taxable year but was not provided by the taxpayer as required under the provisions of those sections.

''(3) INCREASE IN PENALTY FOR UNDISCLOSED FOREIGN FINANCIAL ASSET UNDERSTATEMENTS.—In the case of any portion of an underpayment which is attributable to any undisclosed foreign financial asset understatement, subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 513. MODIFICATION OF STATUTE OF LIMITATIONS FOR SIGNIFICANT OMISSION OF INCOME IN CONNECTION WITH FOREIGN ASSETS.

(a) EXTENSION OF STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—Paragraph (1) of section 6501(e) is amended by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

''(A) GENERAL RULE.—If the taxpayer omits from gross income an amount properly includible therein and—

''(i) such amount is in excess of 25 percent of the amount of gross income stated in the return, or

''(ii) such amount—

''(I) is attributable to one or more assets with respect to which information is required to be reported under section 6038D (or would be so required if such section were applied without regard to the dollar threshold specified in subsection (a) thereof and without regard to any exceptions provided pursuant to subsection (h)(1) thereof), and

''(II) is in excess of $5,000,

the tax may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time within 6 years after the return was filed.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 6501(e)(1), as redesignated by paragraph (1), is amended by striking all that precedes clause (i) and inserting the following:

''(B) DETERMINATION OF GROSS INCOME.—For purposes of subparagraph (A)—''.

(B) Paragraph (2) of section 6229(c) is amended by striking ''which is in excess of 25 percent of the amount of gross income stated in its return'' and inserting ''and such amount is described in clause (i) or (ii) of section 6501(e)(1)(A)''.

(b) ADDITIONAL REPORTS SUBJECT TO EXTENDED PERIOD.—Paragraph (8) of section 6501(c) is amended—

(1) by inserting ''pursuant to an election under section 1295(b) or'' before ''under section 6038'',

(2) by inserting ''1298(f),'' before ''6038'', and

(3) by inserting ''6038D,'' after ''6038B,''.

(c) CLARIFICATIONS RELATED TO FAILURE TO DISCLOSE FOREIGN TRANSFERS.—Paragraph (8) of section 6501(c) is amended by striking ''event'' and inserting ''tax return, event,''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) returns filed after the date of the enactment of this Act; and

(2) returns filed on or before such date if the period specified in section 6501 of the Internal Revenue Code of 1986 (determined without regard to such amendments) for assessment of such taxes has not expired as of such date.

PART III—OTHER DISCLOSURE PROVISIONS

SEC. 521. REPORTING OF ACTIVITIES WITH RESPECT TO PASSIVE FOREIGN INVESTMENT COMPANIES.

(a) IN GENERAL.—Section 1298 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) REPORTING REQUIREMENT.—Except as otherwise provided by the Secretary, each United States person who is a shareholder of a passive foreign investment company shall file an annual report containing such information as the Secretary may require.''.

(b) CONFORMING AMENDMENT.—Subsection (e) of section 1291 is amended by striking '', (d), and (f)'' and inserting ''and (d)''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act.

SEC. 522. SECRETARY PERMITTED TO REQUIRE FINANCIAL INSTITUTIONS TO FILE CERTAIN RETURNS RELATED TO WITHHOLDING ON FOREIGN TRANSFERS ELECTRONICALLY.

(a) IN GENERAL.—Subsection (e) of section 6011 is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULE FOR RETURNS FILED BY FINANCIAL INSTITUTIONS WITH RESPECT TO WITHHOLDING ON FOREIGN TRANSFERS.—The numerical limitation under paragraph (2)(A) shall not apply to any return filed by a financial institution (as defined in section 1471(d)(5)) with respect to tax for which such institution is made liable under section 1461 or 1474(a).''.

(b) CONFORMING AMENDMENT.—Subsection (c) of section 6724 is amended by inserting ''or with respect to a return described in section 6011(e)(4)'' before the end period.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for which (determined without regard to extensions) is after the date of the enactment of this Act.

PART IV—PROVISIONS RELATED TO FOREIGN TRUSTS

SEC. 531. CLARIFICATIONS WITH RESPECT TO FOREIGN TRUSTS WHICH ARE TREATED AS HAVING A UNITED STATES BENEFICIARY.

(a) IN GENERAL.—Paragraph (1) of section 679(c) is amended by adding at the end the following:

''For purposes of subparagraph (A), an amount shall be treated as accumulated for the benefit of a United States person even if the United States person's interest in the trust is contingent on a future event.''.

(b) CLARIFICATION REGARDING DISCRETION TO IDENTIFY BENEFICIARIES.—Subsection (c) of section 679 is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULE IN CASE OF DISCRETION TO IDENTIFY BENEFICIARIES.—For purposes of paragraph (1)(A), if any person has the discretion (by authority given in the trust agreement, by power of appointment, or otherwise) of making a distribution from the trust to, or for the benefit of, any person, such trust shall be treated as having a beneficiary who is a United States person unless—

''(A) the terms of the trust specifically identify the class of persons to whom such distributions may be made, and

''(B) none of those persons are United States persons during the taxable year.''.

(c) CLARIFICATION THAT CERTAIN AGREEMENTS AND UNDERSTANDINGS ARE TERMS OF THE TRUST.—Subsection (c) of section 679, as amended by subsection (b), is amended by adding at the end the following new paragraph:

''(5) CERTAIN AGREEMENTS AND UNDERSTANDINGS TREATED AS TERMS OF THE TRUST.—For purposes of paragraph (1)(A), if any United States person who directly or indirectly transfers property to the trust is directly or indirectly involved in any agreement or understanding (whether written, oral, or otherwise) that may result in the income or corpus of the trust being paid or accumulated to or for the benefit of a United States person, such agreement or understanding shall be treated as a term of the trust.''.

SEC. 532. PRESUMPTION THAT FOREIGN TRUST HAS UNITED STATES BENEFICIARY.

(a) IN GENERAL.—Section 679 is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection:

''(d) PRESUMPTION THAT FOREIGN TRUST HAS UNITED STATES BENEFICIARY.—If a United States person directly or indirectly transfers property to a foreign trust (other than a trust described in section 6048(a)(3)(B)(ii)), the Secretary may treat such trust as having a United States beneficiary for purposes of applying this section to such transfer unless such person—

''(1) submits such information to the Secretary as the Secretary may require with respect to such transfer, and

''(2) demonstrates to the satisfaction of the Secretary that such trust satisfies the requirements of subparagraphs (A) and (B) of subsection (c)(1).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers of property after the date of the enactment of this Act.

SEC. 533. UNCOMPENSATED USE OF TRUST PROPERTY.

(a) IN GENERAL.—Paragraph (1) of section 643(i) is amended—

(1) by striking ''directly or indirectly to'' and inserting ''(or permits the use of any other trust property) directly or indirectly to or by'', and

(2) by inserting ''(or the fair market value of the use of such property)'' after ''the amount of such loan''.

(b) EXCEPTION FOR COMPENSATED USE.—Paragraph (2) of section 643(i) is amended by adding at the end the following new subparagraph:

''(E) EXCEPTION FOR COMPENSATED USE OF PROPERTY.—In the case of the use of any trust property other than a loan of cash or marketable securities, paragraph (1) shall not apply to the extent that the trust is paid the fair market value of such use within a reasonable period of time.''.

(c) APPLICATION TO GRANTOR TRUSTS.—Subsection (c) of section 679, as amended by this Act, is amended by adding at the end the following new paragraph:

''(6) UNCOMPENSATED USE OF TRUST PROPERTY TREATED AS A PAYMENT.—For purposes of this subsection, a loan of cash or marketable securities (or the use of any other trust property) directly or indirectly to or by any United States person (whether or not a beneficiary under the terms of the trust) shall be treated as paid or accumulated for the benefit of a United States person. The preceding sentence shall not apply to the extent that the United States person repays the loan at a market rate of interest (or pays the fair market value of the use of such property) within a reasonable period of time.''.

(d) CONFORMING AMENDMENTS.—Paragraph (3) of section 643(i) is amended—

(1) by inserting ''(or use of property)'' after ''If any loan'',

(2) by inserting ''or the return of such property'' before ''shall be disregarded'', and

(3) by striking ''REGARDING LOAN PRINCIPAL'' in the heading thereof.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to loans made, and uses of property, after the date of the enactment of this Act.

SEC. 534. REPORTING REQUIREMENT OF UNITED STATES OWNERS OF FOREIGN TRUSTS.

(a) IN GENERAL.—Paragraph (1) of section 6048(b) is amended by inserting ''shall submit such information as the Secretary may prescribe with respect to such trust for such year and'' before ''shall be responsible to ensure''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 535. MINIMUM PENALTY WITH RESPECT TO FAILURE TO REPORT ON CERTAIN FOREIGN TRUSTS.

(a) IN GENERAL.—Subsection (a) of section 6677 is amended—

(1) by inserting ''the greater of $10,000 or'' before ''35 percent'', and

(2) by striking the last sentence and inserting the following: ''At such time as the gross reportable amount with respect to any failure can be determined by the Secretary, any subsequent penalty imposed under this subsection with respect to such failure shall be reduced as necessary to assure that the aggregate amount of such penalties do not exceed the gross reportable amount (and to the extent that such aggregate amount already exceeds the gross reportable amount the Secretary shall refund such excess to the taxpayer).''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to notices and returns required to be filed after December 31, 2009.

PART V—SUBSTITUTE DIVIDENDS AND DIVIDEND EQUIVALENT PAYMENTS RECEIVED BY FOREIGN PERSONS TREATED AS DIVIDENDS

SEC. 541. SUBSTITUTE DIVIDENDS AND DIVIDEND EQUIVALENT PAYMENTS RECEIVED BY FOREIGN PERSONS TREATED AS DIVIDENDS.

(a) IN GENERAL.—Section 871 is amended by redesignating subsection (l) as subsection (m) and by inserting after subsection (k) the following new subsection:

''(l) TREATMENT OF DIVIDEND EQUIVALENT PAYMENTS.—

''(1) IN GENERAL.—For purposes of subsection (a), sections 881 and 4948(a), and chapters 3 and 4, a dividend equivalent shall be treated as a dividend from sources within the United States.

''(2) DIVIDEND EQUIVALENT.—For purposes of this subsection, the term 'dividend equivalent' means—

''(A) any substitute dividend made pursuant to a securities lending or a sale-repurchase transaction that (directly or indirectly) is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States,

''(B) any payment made pursuant to a specified notional principal contract that (directly or indirectly) is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States, and

''(C) any other payment determined by the Secretary to be substantially similar to a payment described in subparagraph (A) or (B).

''(3) SPECIFIED NOTIONAL PRINCIPAL CONTRACT.—For purposes of this subsection, the term 'specified notional principal contract' means—

''(A) any notional principal contract if—

''(i) in connection with entering into such contract, any long party to the contract transfers the underlying security to any short party to the contract,

''(ii) in connection with the termination of such contract, any short party to the contract transfers the underlying security to any long party to the contract,

''(iii) the underlying security is not readily tradable on an established securities market,

''(iv) in connection with entering into such contract, the underlying security is posted as collateral by any short party to the contract with any long party to the contract, or

''(v) such contract is identified by the Secretary as a specified notional principal contract,

''(B) in the case of payments made after the date which is 2 years after the date of the enactment of this subsection, any notional principal contract unless the Secretary determines that such contract is of a type which does not have the potential for tax avoidance.

''(4) DEFINITIONS.—For purposes of paragraph (3)(A)—

''(A) LONG PARTY.—The term 'long party' means, with respect to any underlying security of any notional principal contract, any party to the contract which is entitled to receive any payment pursuant to such contract which is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States with respect to such underlying security.

''(B) SHORT PARTY.—The term 'short party' means, with respect to any underlying security of any notional principal contract, any party to the contract which is not a long party with respect to such underlying security.

''(C) UNDERLYING SECURITY.—The term 'underlying security' means, with respect to any notional principal contract, the security with

respect to which the dividend referred to in paragraph (2)(B) is paid. For purposes of this paragraph, any index or fixed basket of securities shall be treated as a single security.

''(5) PAYMENTS DETERMINED ON GROSS BASIS.—For purposes of this subsection, the term 'payment' includes any gross amount which is used in computing any net amount which is transferred to or from the taxpayer.

''(6) PREVENTION OF OVER-WITHHOLDING.—In the case of any chain of dividend equivalents one or more of which is subject to tax under subsection (a) or section 881, the Secretary may reduce such tax, but only to the extent that the taxpayer can establish that such tax has been paid with respect to another dividend equivalent in such chain, or is not otherwise due, or as the Secretary determines is appropriate to address the role of financial intermediaries in such chain. For purposes of this paragraph, a dividend shall be treated as a dividend equivalent.

''(7) COORDINATION WITH CHAPTERS 3 AND 4.—For purposes of chapters 3 and 4, each person that is a party to any contract or other arrangement that provides for the payment of a dividend equivalent shall be treated as having control of such payment.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made on or after the date that is 180 days after the date of the enactment of this Act.

Subtitle B—Delay in Application of Worldwide Allocation of Interest

SEC. 551. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking ''December 31, 2017'' and inserting ''December 31, 2019''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

MOTION OFFERED BY MR. ETHERIDGE

Mr. ETHERIDGE. I have a motion at the desk.

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

The text of the motion is as follows:

Mr. Etheridge moves that the House concur in the Senate amendment to the House amendment to the Senate amendment with an amendment.

The text of the amendment is as follows:

Concur in the Senate amendment (hereinafter referred to as the ''pending Senate amendment'') to the House amendment to the Senate amendment to H.R. 2847 with the following amendment:

(1) In section 101 of the matter proposed to be inserted by the pending Senate amendment—

(A) In section 3111(d) of the Internal Revenue Code of 1986, as proposed to be added by subsection (a) of such section 101, add at the end the following new paragraph:

''(5) SPECIAL RULE FOR FIRST CALENDAR QUARTER OF 2010.—

''(A) NONAPPLICATION OF EXEMPTION DURING FIRST QUARTER.—Paragraph (1) shall not apply with respect to wages paid during the first calendar quarter of 2010.

''(B) CREDITING OF FIRST QUARTER EXEMPTION DURING SECOND QUARTER.—The amount by which the tax imposed under subsection (a) would (but for subparagraph (A)) have been reduced with respect to wages paid by a qualified employer during the first calendar quarter of 2010 shall be treated as a payment against the tax imposed under subsection (a) with respect to the qualified employer for the second calendar quarter of 2010 which is made on the date that such tax is due.''.

(B) Strike subsection (d) of such section 101 and insert the following new subsections:

(d) APPLICATION TO RAILROAD RETIREMENT TAXES.—

(1) IN GENERAL.—Section 3221 of the Internal Revenue Code of 1986 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) SPECIAL RATE FOR CERTAIN INDIVIDUALS HIRED IN 2010.—

''(1) IN GENERAL.—In the case of compensation paid by a qualified employer during the period beginning on the day after the date of the enactment of this subsection and ending on December 31, 2010, with respect to having a qualified individual in the employer's employ for services rendered to such qualified employer, the applicable percentage under subsection (a) shall be equal to the rate of tax in effect under section 3111(b) for the calendar year.

''(2) QUALIFIED EMPLOYER.—The term 'qualified employer' means any employer other than the United States, any State, or any political subdivision thereof, or any instrumentality of the foregoing.

''(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection, the term 'qualified individual' means any individual who—

''(A) begins employment with a qualified employer after February 3, 2010, and before January 1, 2011,

''(B) certifies by signed affidavit, under penalties of perjury, that such individual has not been employed for more than 40 hours during the 60-day period ending on the date such individual begins such employment,

''(C) is not employed by the qualified employer to replace another employee of such employer unless such other employee separated from employment voluntarily or for cause, and

''(D) is not an individual described in section 51(i)(1) (applied by substituting 'qualified employer' for 'taxpayer' each place it appears).

''(4) ELECTION.—A qualified employer may elect to have this subsection not apply. Such election shall be made in such manner as the Secretary may require.

''(5) SPECIAL RULE FOR FIRST CALENDAR QUARTER OF 2010.—

''(A) NONAPPLICATION OF EXEMPTION DURING FIRST QUARTER.—Paragraph (1) shall not apply with respect to compensation paid during the first calendar quarter of 2010.

''(B) CREDITING OF FIRST QUARTER EXEMPTION DURING SECOND QUARTER.—The amount by which the tax imposed under subsection (a) would (but for subparagraph (A)) have been reduced with respect to compensation paid by a qualified employer during the first calendar quarter of 2010 shall be treated as a payment against the tax imposed under subsection (a) with respect to the qualified employer for the second calendar quarter of 2010 which is made on the date that such tax is due.''.

(2) TRANSFERS TO SOCIAL SECURITY EQUIVALENT BENEFIT ACCOUNT.—There are hereby appropriated to the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by paragraph (1). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Account had such amendments not been enacted.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this subsection shall apply to wages paid after the date of the enactment of this Act.

(2) RAILROAD RETIREMENT TAXES.—The amendments made by subsection (d) shall apply to compensation paid after the date of the enactment of this Act.

(2) In section 102 of the matter proposed to be inserted by the pending Senate amendment—

(A) Strike subsection (a) of such section 102 and insert the following new subsection:

(a) IN GENERAL.—In the case of any taxable year ending after the date of the enactment of this Act, the current year business credit determined under section 38(b) of the Internal Revenue Code of 1986 for such taxable year shall be increased, with respect to each retained worker with respect to which subsection (b)(2) is first satisfied during such taxable year, by the lesser of—

(1) $1,000, or

(2) 6.2 percent of the wages (as defined in section 3401(a)) paid by the taxpayer to such retained worker during the 52 consecutive week period referred to in subsection (b)(2).

(B) In subsection (b) of such section 102, insert ''or section 3221(c)(3)'' after ''section 3111(d)(3)''.

(C) In subsection (b)(3) of such section 102, insert ''(as defined in section 3401(a))'' after ''wages'' the first place it appears therein.

(D) At the end of such section 102, add the following new subsection:

(d) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the application of this section (other than this subsection). Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the application of this section (other than this subsection) if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to the residents of such possession.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No increase in the credit determined under section 38(b) of the Internal Revenue Code of 1986 against United States income taxes for any taxable year determined under subsection (a) shall be taken into account with respect to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term ''possession of the United States'' includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United

States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, rules similar to the rules of section 1001(b)(3)(C) of the American Recovery and Reinvestment Tax Act of 2009 shall apply.

(3) In section 301 of the matter proposed to be inserted by the pending Senate amendment—

(A) In section 6431(f)(1) of the Internal Revenue Code of 1986, as proposed to be added by subsection (a) of such section 301, strike subparagraph (C) and insert the following new subparagraph:

''(C) the amount of the payment determined under subsection (b) with respect to any interest payment due under such bond shall be equal to the lesser of—

''(i) the amount of interest payable under such bond on such date, or

''(ii) the amount of interest which would have been payable under such bond on such date if such interest were determined at the applicable credit rate determined under section 54A(b)(3),''.

(B) In section 6431(f) of the Internal Revenue Code of 1986, as proposed to be added by subsection (a) of such section 301, strike paragraph (2) and insert the following new paragraphs:

''(2) SPECIAL RULE FOR NEW CLEAN RENEWABLE ENERGY BONDS AND QUALIFIED ENERGY CONSERVATION BONDS.—In the case of any specified tax credit bond described in clause (i) or (ii) of paragraph (3)(A), the amount determined under paragraph (1)(C)(ii) shall be 70 percent of the amount so determined without regard to this paragraph and sections 54C(b) and 54D(b).

''(3) SPECIFIED TAX CREDIT BOND.—For purposes of this subsection, the term ''specified tax credit bond'' means any qualified tax credit bond (as defined in section 54A(d)) if—

''(A) such bond is—

''(i) a new clean renewable energy bond (as defined in section 54C),

''(ii) a qualified energy conservation bond (as defined in section 54D),

''(iii) a qualified zone academy bond (as defined in section 54E), or

''(iv) a qualified school construction bond (as defined in section 54F), and

''(B) the issuer of such bond makes an irrevocable election to have this subsection apply.''.

(4) At the end title IV of the matter proposed to be inserted by the pending Senate amendment, add the following:

Subtitle E—Disadvantaged Business Enterprises

SEC. 451. DISADVANTAGED BUSINESS ENTERPRISES.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) SMALL BUSINESS CONCERN.— The term ''small business concern'' has the meaning that term has under section 3 of the Small Business Act (15 U.S.C. 632), except that the term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $22,410,000, as adjusted annually by the Secretary of Transportation for inflation.

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term ''socially and economically disadvantaged individuals'' has the meaning that term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to that Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(b) GENERAL RULE.—Except to the extent that the Secretary of Transportation determines otherwise, not less than 10 percent of the amounts made available for any program under titles I, III, and V of SAFETEA–LU (Public Law 109–59), subtitles A and C of this title, and section 403 of title 23, United States Code, shall be expended through small business concerns owned and controlled by socially and economically disadvantaged individuals.

(c) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually—

(1) survey and compile a list of the small business concerns referred to in subsection (a) and the location of the concerns in the State; and

(2) notify the Secretary of Transportation, in writing, of the percentage of the concerns that are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(d) UNIFORM CERTIFICATION.—The Secretary of Transportation shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this section. The minimum uniform criteria shall include, but not be limited to, on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

(e) COMPLIANCE WITH COURT ORDERS.—Nothing in this section limits the eligibility of an entity or person to receive funds made available under titles I, III, and V of SAFETEA–LU (Public Law 109–59), subtitles A and C of this title, and section 403 of title 23, United States Code, if the entity or person is prevented, in whole or in part, from complying with subsection (b) because a Federal court issues a final order in which the court finds that the requirement of subsection (b), or the program established under subsection (b), is unconstitutional.

(5) In section 551(a) of the matter proposed to be inserted by the pending Senate amendment, strike ''December 31, 2019'' and insert ''December 31, 2020''.

(6) At the end of title V of the matter proposed to be inserted by the pending Senate amendment, add the following new subtitle:

Subtitle C—Budgetary Provisions

SEC. 561. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, in the case of a corporation with assets of not less than $1,000,000,000 (determined as of the end of the preceding taxable year)—

(1) 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 23 percentage points,

(2) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2015 shall be 121.5 percent of such amount,

(3) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2019 shall be 106.5 percent of such amount, and

(4) the amount of the next required installment after an installment referred to in paragraph (2) or (3) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

SEC. 562. PAYGO COMPLIANCE.

The budgetary effects of this Act, for purposes of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairman of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendments between the Houses.

The SPEAKER pro tempore. Pursuant to House Resolution 1137, the motion shall be debatable for 1 hour, equally divided and controlled by the chair and the ranking minority member of the Committee on Ways and Means or their designees.

The gentleman from North Carolina (Mr. ETHERIDGE) and the gentleman from California (Mr. NUNES) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. ETHERIDGE. Madam Speaker, I yield to the gentlewoman from New York (Mrs. MALONEY) for the purpose of making a unanimous consent request.

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Madam Speaker, I rise in strong support of H.R. 2847, include my statement for the RECORD, and also submit to the RECORD excerpts from recent joint economic hearings underscoring the need for targeted, timely action to boost employment.

Madam Speaker, at recent hearings of the Joint Economic Committee, which I chair, economists, forecasters, and business leaders have laid out the need for targeted, immediate action to spark job creation.

H.R. 2847—Hiring Incentives to Restore Employment Act—delivers timely incentives for businesses to hire, including a temporary tax break for businesses that hire workers who have been unemployed for at least 60 days.

CBO Director Douglas Elmendorf recently told the JEC, by bringing down the cost of adding new employees, employer tax credits like this one will spur new hiring and strengthen our economy.

In January, I sent a survey to the CEOs of Fortune 100 companies and leading small businesses seeking their ideas on job creation.

The ideas I got back were varied. But there was broad agreement that Congress needs to act now.

I urge my colleagues to support the HIRE Act to create jobs and put Americans back to work.

Finally, I would like to submit for the RECORD excerpts from recent JEC hearings underscoring the need for targeted, timely action to boost employment.

MANPOWER CHAIRMAN AND CEO JEFFREY JOERRES, JOINT ECONOMIC COMMITTEE HEARING, FEBRUARY 26, 2010

Manpower has been in the business of jobs and job training for over 60 years. We've seen the economic ups and downs. It's clear that this recession is by far the most severe in this downturn. It's been a privilege [to hear] some of the thoughts that we get and feel from on the ground, and those actions that I've presented this committee. We consider that partnerships between government and industry is critical for this to move very quickly.

CONGRESSIONAL BUDGET OFFICE DIRECTOR DOUGLAS ELMENDORF, JOINT ECONOMIC COMMITTEE HEARING, FEBRUARY 23, 2010

What we have—what we have said in our initial report, and in our letter to you, and you can see in the—in those bars, is that in our judgment policies that cut employers' payroll taxes are more cost effective in terms of stimulating employment over the next couple of years, than many of the other policies that we've considered.

And our judgment—what firms will do with a cut of that sort is partly to take advantage of their lower cost by cutting the prices of their goods, and thus trying to stimulate demand. And it's the—really the shortfall in demand that is the crux of the recession, or the crux of the problem in hiring. Additionally these tax credits provide an incentive to use more labor by lowering the cost of labor in particular.

DR. RICHARD BERNER, CO-HEAD OF GLOBAL ECONOMICS AND CHIEF U.S. ECONOMIST, MORGAN STANLEY, JOINT ECONOMIC COMMITTEE HEARING, FEBRUARY 26, 2010

A refundable payroll tax credit, perhaps for firms that increase their payroll, would be among the most effective short-term remedies. CBO estimates that a well-designed credit could boost employment by about 9 years of full-time equivalent employment per million dollars of budgetary cost.

GENERAL LEAVE

Mr. ETHERIDGE. Madam Speaker, I ask that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

Mr. ETHERIDGE. Madam Speaker, I am pleased to rise in support of H.R. 2847, the Hiring Incentives to Restore Employment Act. The HIRE Act is about our three most important priorities in this Congress: jobs, jobs, and jobs. The HIRE Act builds on legislation that the Senate passed last week, including direct hiring tax incentives for business, support for Recovery Act bond incentives that put local dollars to work creating jobs all across this country, and transportation funding that improves our communities, builds infrastructure, and supports local businesses. All told, more than 1 million jobs will be created by this legislation.

This bill really is help for small businesses on Main Street and millions of Americans who are ready to see the benefits of a growing economy. Across this great country, our economy is showing signs of recovery. But consumers need more confidence, and employers need incentives to hire workers. Today, we give business direct incentives to hire new workers. I am pleased that the HIRE Act accomplishes this in a responsible manner.

Not only does it fully pay for all of the important investments in job creation, but it actually contributes to reduce our deficit by nearly $1 billion. Let me repeat that again, reduce the deficit by $1 billion. The bill is a good step to rebuild our job market, but we still have a ways to go. I expect that this will just be a downpayment on our continuing work to create jobs and restore our economy.

This bill includes, as you have already heard, about $77.15 billion of investment in surface transportation projects. It also reauthorizes Federal highway public transit initiatives and highway safety funding that is needed all across America. When extensions were blocked last week in the Senate, transportation projects across this country were held up and almost 2,000 employees were furloughed. Today, we are going to take action not only to make sure that doesn't happen again, but that we create jobs by investing in local priorities across this country, not only transportation projects that need to be moving in our communities, building on infrastructure and providing jobs for America, but also the HIRE Act that creates tax credits for local businesses.

Representative STEVE KAGEN and myself introduced a bill back in January for tax credits to hire new employees. This bill builds on that. It is a little different than what we had, but it makes a difference. Despite some economic growth in recent months, the unemployment rate around the country remains high. Too many Americans are unemployed. In my State, it is above the national average, almost 11.2 percent. Just this past week, I visited an employment office where people were saying all we need is a hand up, not a handout; give us an opportunity to go to work.

In addition to that, we are providing funds for making sure that our qualified school construction bonds in the Recovery Act that we passed last year will work. This bill really is about jobs. I can say to you when we are talking about jobs, we are talking about education. I happen to believe education is the one thing that levels the playing field for everyone. Today we are going to have the opportunity to put our stamp on and vote for a piece of legislation that will provide good places for teachers to teach and children to learn.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. NUNES. Madam Speaker, if at first you don't succeed, try, try again. That seems to be the Democrats' creed and motto.

There wouldn't be any need for today's bill if the failed trillion-dollar stimulus package last year actually worked. A year ago the Democrats promised the American people their so-called stimulus would keep unemployment at 8 percent, but a year later we are near 10 percent.

Put simply, you cannot create jobs by dumping a trillion dollars into Federal agencies. The administration claims that $1.5 billion in stimulus moneys saved or created 1,664 jobs in California's San Joaquin Valley where I live. Even if one charitably assumes the accuracy of these numbers, the Federal Government has spent a whopping $900,000 to save or create one job in the San Joaquin Valley. Despite spending $900,000 per job, there are still communities in the valley that suffer from 20 to 40 percent unemployment. In fact, in the wake of the stimulus, we saw 3 million additional Americans lose their jobs rather than the 3.7 million jobs that are now being promised by the Obama administration. Sadly, a record 16 million Americans are now unemployed because the stimulus promises were empty and unaffordable.

□ 1400

Is it any wonder why the American people continue to ask, Where are the jobs?

It appears that the stimulus was not very stimulating outside of Washington. So here we are back again with yet another multibillion-dollar plan slapped together by the Democrats that will probably, once again, fail.

Madam Speaker, the Soviet Union experience, sadly, taught us that just because you're going to grow 1 billion bushels of potatoes does not mean that there will be potatoes on the shelves. Similarly, just because the Democrats have chosen to message this as a ''jobs'' bill does not mean that it will actually create a job.

The centerpiece of the Democrats' new bill is a payroll tax exemption, a hiring credit for employers to bring on new workers. While I give the Democrats credit for acknowledging that tax cuts are preferable to spending increases, the sad reality is that this is a political charade and it won't work. How do we know? Because the same idea didn't work when Jimmy Carter tried it in the late 1970s.

Numerous studies by noted economists from all across the political spectrum have confirmed that these temporary hiring incentives will have little, if any, positive effect on jobs. It is beyond ridiculous to claim that you can have a meaningful impact upon a $14 trillion economy by spending $13 billion on gimmick tax cuts. Let's think about it: If you're an employer, are you really going to hire someone for a permanent position because you get a modest, temporary tax incentive?

We could have improved this bill had the Ways and Means Committee actually held a hearing and a markup, but once again we see significant tax legislation taken directly to the floor without a committee hearing, without a committee markup, and without an opportunity to even offer amendments.

I understand that there was a change in the chairmanship on the Ways and Means Committee yesterday, but, in fact, this bill on the floor today proves that it's a political sham. It is far from serious to enact sound policy to improve our economy when you can't even decide who the chairman of the Ways and Means Committee is going to be.

You don't have to read Adam Smith to know that markets cannot thrive

with uncertainty. What employers really need from Washington is the assurance that the Democrats' massive Big Government tax-and-spend agenda isn't going to drive them out of business.

Employers face uncertainty about the Democrats' massive takeover of the health care system, about the new $1 trillion cap-and-trade energy tax. They face uncertainty with environmental regulations like those that have driven 84 saw mills from California since 1989, and they face uncertainty about the largest tax increase in American history that will be enacted this year.

Madam Speaker, employers don't need more Federal spending to create good private sector jobs; they already know how to create good jobs if Washington would just get out of the way.

Madam Speaker, I reserve the balance of my time.

Mr. ETHERIDGE. Madam Speaker, I would remind the gentleman that I was a small businessman in the 1970s when this tax credit was in before. Not only did we use it and create jobs; we had tremendous growth in this country.

I talked to two chambers of commerce in the last month. They are tickled to death that somebody is willing to help them instead of doing the very thing the Senate did last week and hold everything up. It's time we moved on and got something done.

I yield 3 minutes to the gentleman, Mr. OBERSTAR, who knows something about infrastructure.

Mr. OBERSTAR. I thank the gentleman for his time and will use this brief moment to be very specific.

Under the programs in the stimulus, under the jurisdiction of our Committee on Transportation and Infrastructure, we can account for 1,091,005 jobs in the past year, 1 year from date of enactment. We have this documented in 14 consecutive monthly hearings on progress made by State DOTs, transit agencies, metropolitan planning organizations and State Revolving Loan Fund organizations, as well as the other portions of our stimulus for which we have documented the funding investments that have created jobs. These are real jobs, building trades, associated general contractors who are putting people to work, putting their equipment to work on job sites where they were shut down the previous year.

With those jobs, those workers are paying $353 million in Federal taxes, avoiding $279 million in unemployment compensation checks because they're getting a payroll check instead of an unemployment compensation check. We have 25,000 direct, on-project, full-time equivalent jobs in the Clean Water Revolving Loan Fund program, and paved 24,000 lane miles of highway and restored or replaced 1,200 bridges. That highway mileage is equivalent to half of the interstate highway systems that took 50 years to build. This was done in a year.

This extension of funding for the surface transportation program will provide $77 billion to continue SAFETEA–LU for the next 15 months for the 15-month period. That is this fiscal year and 3 months beyond. It is a $21 billion increase over the funding levels of the continuing resolution.

It restores the $8.7 billion rescission that occurred September 30 that everyone was wringing their hands about, but required by the Bush administration and consented to by House and Senate Republicans in the last meeting of the House-Senate conference on SAFETEA–LU. That money is restored. We said that we'd do it. It's done.

The bill also restores $19.5 billion of interest foregone since 1998 when we had to agree to a concession insisted upon by then-Speaker Gingrich and then the Clinton administration Treasury Department to forego interest on the trust fund. That interest is restored, repatriated to the trust fund and in the future will collect interest like all other trust funds.

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

Mr. ETHERIDGE. I yield the gentleman another 30 seconds.

Mr. OBERSTAR. But there are two issues in this bill that I was very concerned about. The Senate passed a bill that had a funding formula that was very, very discriminatory. Four States benefited with 58 percent of the funding and 22 States got nothing. Senator REID has consented in a letter he sent to me and to Speaker PELOSI to restore the House funding formula that we proposed in a subsequent bill that will pass the Senate this month to distribute those additional highway formula funds as we proposed in a formula distribution.

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

Mr. ETHERIDGE. Madam Speaker, I yield another 15 seconds to the gentleman.

Mr. OBERSTAR. The letter to Senator REID from Senator BOXER, the chair of the Senate Public Works Committee, and Senator MURRAY on the Appropriations Committee, that letter will be available at this desk to show that we will restore the funding formula the way it is intended in SAFETEA–LU.

Mr. NUNES. Madam Speaker, I yield 2 minutes to the gentleman from California, my good friend (Mr. LEWIS).

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Madam Speaker, I rise to speak on the highway provisions of H.R. 2847. I think it's important that my colleagues understand that the bill before us isn't a clean extension of SAFETEA–LU highway and transit programs, but includes new policies that would continue the program on the current road to ruin.

I support a strong surface transportation bill; I worked with Mr. OBERSTAR for years in connection with that. I know our constituents depend upon this program to keep our roads and transit systems open and safe and to help keep economic investments coming to our communities. But we also know that the highway trust fund is badly broken; it has been broken for some time. The trust fund has been in a nosedive for years due to overspending, but nothing was ever done about that.

Mr. ETHERIDGE. Madam Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Speaker, I rise in support of this jobs bill.

Nevada is experiencing unprecedented economic challenges and an unemployment rate of well over 13 percent. It is essential that this Congress pursue policies and programs that will spur long-term economic growth and create the jobs that the people of Las Vegas and across the United States so desperately need. This legislation is a positive step in that direction.

Incentives such as the payroll tax holiday, a tax credit for retaining workers, and the extension of enhanced expensing for small businesses will all help create conditions for increased hiring and retention of new employees.

In addition, the extension of funding for highways and surface transportation projects will provide employment both today and in the future by continuing the infrastructure investments that are critical to long-term economic growth.

And, finally, the direct payment option for certain tax credit bond programs will enable the Clark County School District, which I represent, to increase school construction and continue to fund essential projects.

Nevada, and the Nation, needs the jobs and other support provided in this bill. I urge my colleagues to vote ''yes,'' a resounding ''yes'' on this piece of legislation.

Mr. NUNES. Madam Speaker, at this time I would like to yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. I thank the ranking member for allowing me to speak.

On behalf of the American taxpayer, I am deeply disappointed that the Democrat majority is not allowing me to offer a commonsense amendment to protect the American taxpayer.

The amendment was simple: It would require businesses seeking to use a hiring tax incentive in the bill before us to check the legal status of potential new hires through the E-Verify program—you have seen that in the papers lately, it hasn't been used properly—a voluntary employment verification system. While not perfect by any means, E-Verify is certainly far better than the current paper-based verification method.

If the majority insists on moving forward with this flawed bill that in the end I believe will do little to create

new jobs, we must ensure that this hiring tax break isn't used to hire those here illegally. The American taxpayer and the unemployed American worker deserve nothing less. This is the right thing to do.

Now more than ever in these tough economic times we need to ensure that the American worker, and not illegals, is our first priority.

Mr. ETHERIDGE. Madam Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the courtesy of my friend, the gentleman from North Carolina, in permitting me to speak on this.

This piece of legislation is, sadly, a product of our time with a breakdown with our friends on the other side of the Capitol seemingly unable to proceed with regular order. We saw, sadly, this last week one person bring the transportation funding in this country to a halt, hold up unemployment benefits affecting literally hundreds of thousands of Americans in the most negative way, and that is passing for regular order over there. This bill is an opportunity for us to break that impasse.

It is significant in three ways: first of all, there were five Republicans who were willing to join with the majority to be able to move things forward. In some sense I think we ought to try and reward that sense of at least breaking the tyranny of the 60-vote majority requirement.

Second, the real job generator in this legislation is to be found in extending the transportation funding through the end of the year. Madam Speaker, the most effective job-generating legislation that we could put forward at a time of 40 percent unemployment in many metropolitan areas in the construction trade is to put Americans to work rebuilding and renewing America.

This legislation provides $77 billion towards that objective, fully funding the first 6 months of this year and extending it through the full 15-month cycle through the end of this calendar year. This will give certainty to the men and women who are dealing with our transportation systems, roads, bridges, transit, the whole range. It will save hundreds of thousands of jobs. It will incite economic activity. And maybe, just maybe, it will be a signal that we bring together a larger vision of rebuilding and renewing America and putting our fellow citizens back to work.

Mr. NUNES. Madam Speaker, I yield myself 15 seconds.

I just want to clarify, I heard the other side of the aisle say that this bill was going to create 1 million jobs. We are going to spend $13 billion to create 1 million jobs. The $1 trillion stimulus bill last year was promised to create 3.7 million jobs. At some point, I would like to—

Mr. BLUMENAUER. Would the gentleman yield?

Mr. NUNES. Yes, I would like to yield to the gentleman.

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

Mr. NUNES. Madam Speaker, I yield myself an additional 30 seconds.

□ 1415

Mr. BLUMENAUER. What I said, and I want to be clear if I misrepresented it, is that the $77 billion in transportation funding will protect or create hundreds of thousands of jobs. That's what I said.

Mr. NUNES. Reclaiming my time, actually, Mr. BLUMENAUER, my good friend, spoke about the jobs. Earlier, I had heard another gentleman on the other side of the aisle speak about 1 million jobs. I'm just trying to figure out the math. This is about a $13 billion to $15 billion bill to create 1 million or hundreds of thousands of jobs. Last year we spent $1 trillion to create 3.7 million jobs, and we lost 3 million jobs.

Mr. BLUMENAUER. Will the gentleman yield?

Mr. NUNES. Yes, of course.

Mr. BLUMENAUER. The bill includes $77 billion of transportation funding. That was my reference. I think the experts agree that it would be hundreds of thousands of jobs, if not 1 million, saved or created with that transportation funding.

I appreciate the gentleman's courtesy.

Mr. NUNES. Madam Speaker, I yield 2 minutes to a member of the Ways and Means Committee, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I want to make it clear from the start that there are some items in this bill, some provisions, that everyone in this Chamber could probably support. Providing tax relief to small businesses is really a good idea, but this very fact raises an important question:

If the majority recognizes that lowering taxes for businesses is good for employment and is certainly good for the economy, then why do they insist on dramatically raising taxes everywhere else every single chance the Democrats get?

I also think that it is worth discussing the nefarious accounting gimmicks in this bill. I voted for the principle of PAYGO because I believed in it; but no sooner did the Democrats finish patting themselves on the backs for passing PAYGO than they turned around and came up with waiving it and, in this instance, kind of Bernie Madoffing it, if there is such a word. I think I just created a new word, Madam Speaker. I don't want to get too far into the technical weeds here, but this bill is PAYGO-compliant only because of some accounting gimmicks. In the fourth quarter, move a little first quarter money into future years, and presto-change-o, the bill becomes PAYGO-compliant. The American people know we can't spend the same money twice; so let's take a closer look.

The official cost estimate of the bill does not include a $20 billion transfer from the general fund to the highway fund, meaning we will have to find that money someplace else. We will have to find that general revenue money someplace else, probably from China. The cost estimate doesn't reflect $142 billion in a new spending authorization for transportation projects that we don't have a source of revenue to pay for. Maybe that's why we were only given a few hours to read the bill before the vote is to take place on it.

While we're on the subject of transportation funding, I did hear Mr. OBERSTAR say that the Senate was going to fix this, but the bill before us is not one that is good for transportation for the various States.

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

Mr. NUNES. I yield the gentlewoman an additional 30 seconds.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Certainly, California and Illinois get half of the funding. That leaves the rest of America to ask, What's in it for us? Well, the answer is zero. Florida is a donor State and already pays far more in transportation taxes than what it gets back. Quite frankly, I cannot support the bill that is before us today for that reason and for several other reasons.

Mr. ETHERIDGE. Madam Speaker, I yield 2 minutes to the acting chairman of the Ways and Means Committee, the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. I thank my friend for yielding.

Madam Speaker, the theme of this bill is very clear: Back to work. I would think that would unite us and not divide us.

Recently, we have seen economic growth. What we have not seen enough of at all is growth in jobs, and that's what this is really all about. There is no easy or perfect way to bring this about. It takes a number of steps. The tax credit in this bill is one approach. We are going to need additional steps.

Another way that it relates to economic growth and jobs is through infrastructure. We can argue about how many jobs and about what the estimates are as to how many millions will be created, but it's clear. The Secretary of Transportation has said that he can verify $60 billion to $70 billion in infrastructure—roads, bridges—ready to go this spring and this summer. We should be united in providing the authorization for this to happen. It should not divide us.

There is money also, as has been said, for school construction bonds and energy bonds. Also, very importantly, it relates to the expensing by small business, which is very much within the jurisdiction of the Ways and Means

Committee. That also should unite us and not divide us, and it is critical that we expend that provision.

So, for all of these reasons, I urge that we join together, rather than divide, and pass this bill.

Mr. NUNES. Madam Speaker, I yield 3 minutes to the ranking member of the Transportation and Infrastructure Committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. Madam Speaker, with record national unemployment in my State, 11.8 percent unemployment, one of the top 10 unemployment States in the United States, I would love to come before the Congress and say, ''Pass this bill,'' titled the ''jobs'' bill, but I can't do that today for several reasons.

First of all, let me say to those who have come before us who have said that just getting more money even in a short-term Transportation bill will get things going: I don't know the facts.

Over 1 year ago, we passed $48 billion in stimulus money that went to the Department of Transportation. So far, as of March 2, only $8.8 billion has been spent. This is not a 6-year bill we are passing, and that's what we should be doing to ensure that States can do long-term projects, not just the repaving of sidewalks and simple things that we've seen done. This bill does not contain the elimination of the redtape and the hoops that States have to go through for compliance to do any project. This will be our fifth extension, and it only goes to December 31.

Now, I was also told that we had to pass this because it was going to go straight to the President for his signature. Intervening, we did pass a 30-day extension. So this is not going straight to the President. We did not have an opportunity to correct the flaws in this bill.

You heard of the Senate passing—what was it?—the Nebraska deal and the Louisiana purchase. I'm telling you this is the four-State grab. California gets 30 percent of the additional money in this bill; 58 percent of the money goes to four States; 22 States get nothing.

SENATE SURFACE TRANSPORTATION EXTENSION ACT STATE-BY-STATE ALLOCATIONS OF FUNDING FOR PROJECTS OF NATIONAL SIGNIFICANCE AND NATIONAL CORRIDOR PROGRAMS

($932 million over the period from Oct. 1, 2009, through Dec. 31, 2010)

California—$278 million
Illinois—$151 million
Louisiana—$59 million
Washington—$55 million
Oregon—$40 million
Oklahoma—$36 million
Arkansas—$36 million
West Virginia—$35 million
Virginia—$29 million
Tennessee—$27 million
Minnesota—$25 million
New Jersey—$25 million
New York—$25 million
Dist. of Col.—$19 million
Wisconsin—$15 million
Colorado—$13 million
Pennsylvania—$13 million
South Carolina—$13 million
Connecticut—$9 million
Alaska—$8 million
Michigan—$5 million
Indiana—$4 million
New Mexico—$4 million
Maryland—$3 million
Iowa—$2 million
Kentucky—$2 million
Mississippi—$2 million
Texas—$2 million
Arizona—$1 million
Alabama—$0 million
Delaware—$0
Florida—$0
Georgia—$0
Hawaii—$0
Idaho—$0
Kansas—$0
Maine—$0
Massachusetts—$0
Missouri—$0
Montana—$0
Nebraska—$0
Nevada—$0
New Hampshire—$0
North Carolina—$0
North Dakota—$0
Ohio—$0
Rhode Island—$0
South Dakota—$0
Utah—$0
Vermont—$0
Wyoming—$0

This chart shows each State: 22 States get nothing; 46 States are disadvantaged because of the four-State grab in this, and it could and should have been corrected. If it's going back to the United States Senate, then it should be corrected so everyone is treated fairly and equitably in the distribution of transportation funds.

Mr. OBERSTAR has done his level best, and he has a written letter from Ms. PELOSI, the Speaker, and from Mr. REID to correct this after we pass it. If this were the only flaw in the bill, maybe we could look away.

You've heard from Democrats who also voted against the rule, who almost took this bill down, who also stated their objections to provisions that should have had the opportunity for at least an amendment by this body. So there has been no consideration of changing the bill and of making the appropriate fairness changes, equitable changes, so we would all be treated equitably.

Mr. ETHERIDGE. Madam Speaker, I yield 1 minute to the Speaker of the House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding, and I appreciate his leadership and his intensive knowledge of this legislation and how important it is for us to proceed.

Madam Speaker, I will not speak long because, the sooner we finish debate on this bill, the sooner it goes back to the Senate, the sooner it goes to the White House for signature, and the sooner jobs are created in our country.

I agree with much of what the distinguished ranking member on the committee said about wanting a 6-year bill. Our chairman, Mr. OBERSTAR, has been advocating for that, and I agree.

I also agree that the language has to be changed, and we have the commitment to do that as we go forward, but that doesn't mean that Americans are not suffering, that they do not need jobs. We should act, and we should act today to bring them closer.

I want to remind our colleagues of places and times. Just over a year ago, this Congress passed the American Recovery and Reinvestment Act. As a result of that, more than 2 million jobs were saved or created. Very important. All over the country, as Members go home to their districts, they see evidence of investments in the future: Clean energy jobs for the future, the education of our children, the safety of our neighborhoods, the creation of jobs, the stabilization of our economy, the stabilization of State and local budgets. As a result of that, just think of what has happened in this one year.

In January 2009, the last year of the Bush administration, America lost 779,000 jobs. This January, we lost 20,000 jobs. We don't want to lose any jobs. We want to be on the upside. We want to be creating jobs. The point is that, following the passage of the American Recovery and Reinvestment Act and other initiatives taken by the Obama administration and this Congress, there has been a difference of over three-quarters of a million jobs in 1 month—779,000 in January, 2009, and 20,000 in January, 2010.

In the final quarter of 2008, before President Obama took office, America's GDP shrank by 6.2 percent. For that quarter, the GDP was a negative 6.2 percent. Just 1 year later, the GDP grew in the same period by 5.9 percent, over a 12 percent change in the rate of growth of the GDP thanks to the American Recovery and Reinvestment Act and to, again, other actions taken by Congress.

You know, when we were debating the Recovery bill last year at around this time, earlier in January and in February, the stock market was around 6,500–7,000. It's over 10,000 now, an increase of over 3,000 points. Yesterday, we learned that America's manufacturing base grew for the seventh straight month, and it is now at its highest level in 5 years.

Still, we must be unrelenting in our efforts to create more jobs. Too many Americans are unable to find work. In some cases, we are talking about putting people back to work. In some cases, people haven't had opportunities coming out of school. They've not been able to enter the workforce. So it is not just about putting people back to work. It is about creating a broader universe of jobs to have many more Americans participate in the economic prosperity that we hope for our country.

Today, we are taking another step in creating jobs and in laying the foundation for long-term growth and prosperity. With $15 billion in critical investments, this bill includes a payroll tax holiday for businesses that hire unemployed workers, creating some 300,000 new jobs with that provision

alone, and an income tax credit of $1,000 for businesses that retain employees.

There is specific support to small businesses with tax credits and accelerated writeoffs. There is the extension of the Highway Trust Fund—this is very, very important—allowing tens of billions of dollars in infrastructure investment.

This is a $15 billion bill, but it triggers tens of billions of dollars more by eliminating a recision of last year, by restoring the interest to the trust fund it was deprived of and by triggering further contracting, tens of billions of dollars and probably 1 million jobs in this bill alone.

□ 1430

In December, the House passed our Jobs for Main Street Act, a broader measure for creating good-paying American jobs paid for by redirecting TARP funds from Wall Street to Main Street. Today's legislation is one key element of that legislation, one key element of our agenda to get Americans back to work and to strengthen our economy.

Madam Speaker, I believe that every Member of Congress on both sides of the aisle understands the urgent need to create jobs for our country, and today we have an opportunity to do so.

I know that some people have some concerns on one side of the aisle or the other about this provision or that provision, but the fact is that 1 million jobs will be created by this legislation. Vote for jobs, vote ''aye'' on this legislation.

I thank Mr. ETHERIDGE and all concerned, Mr. OBERSTAR, the distinguished chairman of the Transportation Committee, and so many others, for making this important legislation possible. It is difficult, it is challenging, and more is yet to be done, but I urge my colleagues on both sides of the aisle to vote for jobs. Vote ''aye'' on this legislation.

Mr. NUNES. Madam Speaker, I yield myself 30 seconds.

I would like to remind my colleagues here in this House that last year there was a provision offered that didn't cost $1 trillion, didn't cost $1 billion, didn't cost $1 million, didn't cost $1, and that was a provision to let water flow to my constituents in the San Joaquin Valley of California so people could go back to work. But, instead, nearly every Democrat Member from California in this Congress opposed that amendment. So last summer we had tens of thousands of farmers and farmworkers standing in food lines in the most productive ag land in the United States or in the world.

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

Mr. NUNES. I yield myself an additional 15 seconds.

A zero cost provision could not go into this bill, and now we have farmworkers eating carrots imported from China. So, all this talk about jobs, it is all phony. The American people have had enough of this nonsense.

I yield 3 minutes to my good friend, the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Madam Speaker, I have spoken many times on this floor about my great admiration for the chairman of the full Transportation and Infrastructure Committee, Mr. OBERSTAR, and he knows that this bill isn't fair. He knows that this bill isn't fair, because he produced a chart last week that has 50 States, plus the District of Columbia, so it is 51, and 22 States get nothing under this bill and four States walk away with 58 percent.

Not surprisingly, I heard the Speaker likes the bill. California gets 30 percent of the highway funding under this bill. Any Member who is interested is more than free to come peruse this at their leisure.

Now, I give Chairman OBERSTAR great credit, because he wasn't happy with this, I believe last week, and he fought with his leadership, and he has produced today a letter from Senator REID saying he is going to fix it sometime in the future.

Now, two things: That is the second big lie, the check is in the mail. The other thing is I hope the majority understands that a letter from Senator REID just didn't fill us on this side of the aisle with warmth and fuzzy feelings. If you want to fix the problem, fix the problem. And the problem is not fixed.

This is not a jobs bill. I also admire the Speaker of the House, but I admire her more today because she did not break into laughter when calling this a jobs bill. This is no jobs bill. This is a faux jobs bill. This is a snow jobs bill. And I look forward to the unemployment statistics tomorrow, because I believe that we are going to look at about 100,000 Americans will have lost their jobs in the last month, despite all these great successes.

Continuing with my admiration for Chairman OBERSTAR, my favorite part of the speech that he gives on the stimulus package is all of those jobs which he created through the infrastructure spending in the stimulus are 8 percent of the funding. So that means, I have to figure out the math, Mr. OBERSTAR, but that means in an $800 billion bill, half the jobs were created by 8 percent of the funding, and that is thanks to you and the work that you and your colleagues do on the committee. So I guess the other half were created by about $750 billion. That is a strange, strange, strange investment.

Mr. OBERSTAR. Will the gentleman yield?

Mr. LATOURETTE. I would be happy to yield.

Mr. OBERSTAR. Just briefly, if the gentleman, Madam Speaker, could assure us that there would be no Senate filibuster or hold on the bill, Senator REID would have been happy to accept our changes. But he estimated he couldn't get that through the Senate, so he agreed to a fix in a subsequent bill. He put it in writing, and we have to accept his written commitment to do that.

I thank the gentleman for yielding.

Mr. LATOURETTE. Oh, my pleasure, and my appreciation of you grows every day. But I will tell you what; if you can crack the code of the Senate, Republican or Democrat, then you deserve much more money than you are making as the chairman of the full committee, because they are a strange bunch. It doesn't matter who is in charge; they don't seem to do anything.

Now, I want to get to the process now, because the President down at this health care summit down at Blair House said nobody cares about process.

But I have got to tell you, I have never seen this. This is my 16th year in the United States Congress. When Mr. ETHERIDGE made his motion, it says, ''Mr. ETHERIDGE moves that the House concur in the Senate amendment to the House amendment to the Senate amendment with an amendment.''

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

Mr. NUNES. I yield the gentleman an additional 2 minutes.

Mr. LATOURETTE. I appreciate it.

I said, boy, that is really a procedural mouthful. And you know what it means? It is a procedural way to screw the minority, the Republican Party in this House. Not only can't we amend your bill, not only did we get it at 9:30 this morning, we can't offer a motion to recommit. You know what the majority leader, Mr. HOYER, would be saying if we pulled that on him when we take the majority back next year? He would be screaming bloody murder, and he would be right.

Madam Speaker, as a result of that, I would like to offer an amendment to this bill.

The SPEAKER pro tempore. Because the previous question is ordered, that would require unanimous consent, and the manager, the gentleman from North Carolina would have to yield for that request.

Mr. LATOURETTE. Then I will ask the gentleman from North Carolina to yield to me to offer an amendment to the bill. And so that the gentleman doesn't think that I am sandbagging him, let me tell you what it is going to be.

I would move to amend this bill to transfer the $13 billion in this sham tax credit, that is not going to create one job and is really the dumbest idea I ever heard, to infrastructure spending.

I would further have it in that amendment that the infrastructure spending, now at $14 billion, be distributed pursuant to the House proposal that Mr. OBERSTAR has proposed, which means every State in the Union benefits, not just California, not just States that are walking away with a bunch of money.

Will the gentleman from North Carolina yield to me for the purpose of offering an amendment?

Mr. ETHERIDGE. Will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from North Carolina.

Mr. ETHERIDGE. I thank the gentleman for his willingness to help, but the rule does not provide for that.

Mr. LATOURETTE. Mr. ETHERIDGE, we are going to give it another shot, because we are not going to be able to hide behind ''the rule doesn't offer it.'' I said that. The rule doesn't provide for an amendment. The rule doesn't even provide for a motion to recommit, the only tool in the minority's toolbox.

Mr. ETHERIDGE, I ask unanimous consent—well, first of all, I guess you need to yield to me for a unanimous consent request. Would you yield to me for a unanimous consent request?

Do I have to ask him to yield to me, or do I yield to him to yield to me?

The SPEAKER pro tempore. The gentleman from North Carolina would have to yield for any unanimous consent request.

Mr. LATOURETTE. Mr. ETHERIDGE, I am asking you to yield to me so I can make a unanimous consent request that you can deny.

Mr. ETHERIDGE. It is your time.

Mr. LATOURETTE. No, I am asking you, sir, to yield to me.

Mr. ETHERIDGE. No. The rule does not provide for it.

Mr. LATOURETTE. Well, that is nonsense, first of all, because the Speaker has just indicated that if you would yield to me, I could make my unanimous consent request.

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

Mr. NUNES. I would like to yield the gentleman an additional 1 minute.

Mr. LATOURETTE. Well, I am going to tell you what, Mr. ETHERIDGE. If you would yield to me, which apparently you can under the rules but don't want to because you think the rule says so, which it clearly doesn't, here is the deal. I want to make a unanimous consent request that the $13 billion in this worthless tax credit be transferred to infrastructure spending; further, that that additional $13 billion be distributed pursuant to the House plan, as opposed to the Senate plan, the Senate plan rewarding only four States with 58 percent of money, 22 States getting zero.

Now, Mr. ETHERIDGE, I am asking you to yield to me for that purpose.

Mr. ETHERIDGE. What was the gentleman's request?

Mr. LATOURETTE. I am asking you to yield to me for the aforementioned unanimous consent request.

Mr. ETHERIDGE. The gentleman is doing the same thing that happened in the other body. We are just trying to slow down a piece of legislation that needs to move to get to the President's desk so it can be signed so we can help the American people.

Mr. LATOURETTE. So that is a no. Is that a no? I still have the time, Mr. ETHERIDGE. Is that a no?

Mr. ETHERIDGE. The rules do not provide for that. You would need a unanimous consent request to do that.

Mr. LATOURETTE. Do you know what that is? That is a soup sandwich answer, because the Speaker has just said you could do it.

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

Mr. ETHERIDGE. Madam Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. Madam Speaker, I thank the gentleman for yielding and for his outstanding work on this important bill.

I rise in strong support of H.R. 2847, the HIRE Act, which will strengthen our economy by limiting job loss and creating new employment opportunities. In addition to provisions that will spur investment in infrastructure and construction projects, this bill provides much-needed assistance and attention and support for small businesses in America. This bill includes a payroll tax holiday for businesses that hire unemployed workers and tax cuts to help small businesses expand and hire more workers.

Small businesses, Madam Speaker, have borne the brunt of this economic crisis, and their inability to access credit to keep their businesses operating has clearly added to the high unemployment rate across the Nation, especially in my home State of Rhode Island, which has right now the second highest unemployment rate in the country.

So, Madam Speaker, I urge my colleagues to support this jobs measure, as well as working on additional legislation that helps small businesses and unemployed workers. Our job is to create jobs, Madam Speaker, and that is exactly what this piece of legislation before us does today.

I thank you and urge my colleagues to support this important jobs bill.

Mr. NUNES. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Madam Speaker, first of all, let me say to the majority, I am glad you have offset this money. I think that is a significant step for both parties, to have a spending bill offset. So I want to get that out of the way.

Having said that, I have got to say that I am very leery of another government spending program to address jobs. We are here because last year we spent nearly—well, we did spend $800 billion on a stimulus program that was supposed to keep us from going to 8 percent unemployment. Now we are at 10 percent unemployment.

The stimulus program before just added 31 brand new Federal programs and increased spending. I am ranking member of the Agriculture Committee, and spending in the USDA has gone up 26 percent. At some point we are going to figure out the Federal Government doesn't have the solution for everything.

This is not our only stimulus proposal or jobs proposal. In May of 2008, we had a $168 billion stimulus program that did not work. In March of 2008, the Federal Reserve said, well, we are going to shore up Wall Street with Bear Stearns, $29 billion. In July of 2008, the Democrat Congress and President Bush came in with a $200 billion bailout of Fannie Mae in order to shore up real estate. And not to be outdone, the Federal Reserve weighed back in a month later with the AIG bailout, $85 billion, now up to $140 billion, that was supposed to avert financial collapse, and yet it did not. And then in October of 2008, we had a $700 billion TARP bill. Then in January 2009, under President Obama, we had a $410 billion omnibus spending bill that was supposed to shore up the economy.

□ 1445

Of course, that brings me back to the other stimulus program. After a while, we're going to figure out everything we do is like Cash for Clunkers. It just doesn't work. If we want to help small businesses, we've got to quit spending money, number one.

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

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

Mr. KINGSTON. I thank the gentleman.

Number two, we need to let community banks be released from some of the overbearing and unnecessary regulations in which they have to comply, because that causes them not to be able to lend money and thus small businesses are tied up in a credit crunch. Number three, we've got to let small businesses compete. We set rules. Big Business and Big Government set rules so that small businesses can't compete. There are things we can do. There are things we can do together on a bipartisan basis. We need to vote this bill down so that we can get to them.

Mr. ETHERIDGE. Madam Speaker, I yield myself 10 seconds to remind the gentleman that how we got here was the American people lost somewhere in the neighborhood of $15-plus trillion in value of their homes and assets over the 18 months through July of last year until we passed something and started to turn it around. Since then, they've gained about $5 trillion back in, but we've got a ways to go.

I now yield 1 minute to the gentleman from Kentucky (Mr. CHANDLER).

Mr. CHANDLER. I thank my friend from North Carolina. I rise today in support of H.R. 2847, the Hiring Incentives to Restore Employment Act, or the HIRE Act. This piece of legislation will help our small businesses heal during these tough economic times and help unemployed Kentuckians find good, local jobs. The HIRE Act cuts taxes for our small businesses and makes it possible for them to hire new employees, making our small companies stronger and creating jobs for out-of-work Kentuckians.

Madam Speaker, the unemployment rate is around 11 percent in the Commonwealth of Kentucky, and we have to do all we can to create and save jobs throughout this Nation. Small businesses are the backbone of our economy and the engines of job creation. Investing in the long-term health of our small businesses is one of the surest ways to economic recovery.

This legislation isn't just about small businesses, though. It's about helping that mom, that dad who was laid off in the midst of this recession find a good-paying, local job.

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

Mr. ETHERIDGE. I yield the gentleman an additional 15 seconds.

Mr. CHANDLER. I urge my colleagues on both sides of the aisle to vote in favor of this legislation today because a vote for this legislation is a vote for middle class families; for small, innovative start-ups; and the long-term economic health of central Kentucky and the Nation.

Mr. NUNES. I yield myself 30 seconds.

Madam Speaker, I still have yet to have someone explain to me from the other side of the aisle how the trillion-dollar stimulus bill passed last year that was supposed to create 3.7 million jobs—instead, we lost 3 million—and how this bill that spends $13-or-so billion—still a lot money, but not nearly a trillion dollars—is going to create a million jobs, as they continue to repeat on that side of the aisle. I would like for someone to answer the question.

I reserve the balance of my time.

Mr. ETHERIDGE. I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I can answer the gentleman's question. There's a different emphasis. The emphasis is on small business, which is an incredible economic engine in my State and in many other States across the country. Secondly, there is an extraordinary emphasis on transportation infrastructure.

The gentleman may be unaware that in August of this year the Transportation Infrastructure Trust Fund is going to fall short of funds, delaying reimbursement to the States and stalling out needed projects and investment all across the country. This bill fixes that, and once and for all we will in the future get interest on money borrowed from the highway trust fund. That's what people pay gas taxes for. It's not supposed to be spent somewhere else. We're now going to reclaim that money, and we're going to spend it putting people to work and rebuilding the crumbling infrastructure of this country. It will give us a billion dollars more a month.

I heard the gentleman from Ohio talking about 58 percent of the bill. Well, no. Actually, what he was concerned about was 58 percent of 1.2 percent of the bill, which is .7 percent of the bill, which, under the agreement the chairman has reached with the leader of the Senate, will be fixed in the near future. In fact, Ohio will get an extra $38 million because of that, and my State will get less. So I don't know what he's complaining about. If somebody should be down here complaining, it should be me.

Mr. LATOURETTE. Will the gentleman yield?

Mr. DEFAZIO. I will not yield.

But I felt it was fair to put that money into the overall formula so that all 50 States would benefit, because everybody, almost every State, is suffering high unemployment, particularly the gentleman's State and my State. And this agreement the chairman has will bring an extra $38 million to his State, a billion dollars a month more in infrastructure spending; and for every billion we spend in infrastructure, we put about 33,000 more people to work. We sure as heck need those jobs.

So I stand here saying we need to pass this bill. Yeah, the Senate is dysfunctional. It's a mess. It would have been cleaner to do it all at once. But this is the best we can do, dealing with a body that is just ridiculous.

Mr. NUNES. Madam Speaker, I'd like to yield myself 15 seconds.

Madam Speaker, simple math: If you're going to spend $13 billion to create a million jobs, then why don't we just spend another $200 billion and we create 16 million jobs, and everybody would have a job.

I'd like to yield 2 minutes to my friend to clarify an earlier point, the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I promise not to try to amend the bill or anything else. It's just sad that the distinguished chairman of the Surface Transportation Committee wouldn't yield to me, but it doesn't surprise me. He likes this bill. Oregon gets $40 million under the bill, of the $1 billion, and only $11 million under Mr. OBERSTAR's proposal.

Are you going to give me a 7 percent thing or are you going to say that's not true? I'll yield to you if you don't think it's true.

Mr. DEFAZIO. I have signed off on the chairman's agreement, and my State will not get those other funds.

Mr. LATOURETTE. That's what I'm talking about.

Mr. DEFAZIO. I don't know what the gentleman's complaining about. You'll get an extra $38 million and I'll get about $30 million less.

Mr. LATOURETTE. Well, here's the skinny: That depends upon HARRY REID's putting a letter in the mail, sending it over to the chairman and the Speaker, and having another bill. Now, no disrespect to your majority, but you haven't done such a great job in passing bills since you guys took over 4 years ago. So waiting for another bill to come—and, quite frankly, trying not to be partisan about this, but this mess was created by George Bush and it is perpetuated by President Obama because his Transportation Secretary says they don't want to deal with the 6-year bill until March of 2011. Thirty percent of the construction trade in this country is out of work. Why wouldn't you do this?

To my distinguished friend from Oregon, all I was asking was for his State to do better. Transfer the $13 billion from this worthless tax credit and put it into infrastructure. Put these guys to work. Actually build something. Again, going back to Mr. OBERSTAR's wonderful speech that he always gives: a million jobs with only 8 percent of that $800 billion. Wouldn't it be great if we could give JIM OBERSTAR $14 billion to create jobs for America rather than coming up with this goofy tax credit that says if you hire somebody for $30,000, we're going to waive the payroll tax for November and December. Guess what? You can save $1,500 if you just give somebody a $30,000 job. It's nuts. This bill is wrong. That's what I was talking about.

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

Mr. NUNES. Madam Speaker, if there are no additional speakers, I'm prepared to close.

Madam Speaker, during this entire debate today, as the gentleman from Ohio said, this is just a sham. And to sit here and complain about the Senate and procedural things, I mean, we ought to do another Shamwow Summit at the White House. Maybe that would clarify and fix the problems.

We're not Senators. We don't control the Senate. I don't understand the math that you guys use. No one has answered it yet. You guys spent a trillion dollars last year, said you were going to create 3.7 million jobs, but you lost 3 million jobs. Now you say you're going to spend $15 billion and now you're going to create a million jobs. So let's go over some math just so we can clarify things, because I know we're going to continue to hear that Republicans are obstructionists, Republicans have no plans. So let me just go over some math that perhaps folks will understand.

The Democrats have 250-some-odd votes in this House. It only takes 218 votes to pass a bill. In the U.S. Senate you still have almost a supermajority with 59 votes. So what is the problem? Quit calling Republicans obstructionists. You have the White House, you have the Senate, you have the House of Representatives. No more Shamwow Summits, Madam Speaker. Let's get back to work. Vote ''no'' on this bill. This is a scam.

I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. ETHERIDGE. Madam Speaker, today we have an opportunity to start the process of putting people back to work, and I would encourage my colleagues on both sides of the aisle to support this piece of legislation. The

piece that some of my colleagues on the other side have complained about on the tax credits for small businesses will be used to put people to work. And I would remind them that there were nine Republican Senators on the other side who joined as cosponsors in this piece of legislation. So it was bipartisan on the Senate side.

The HIRE Act really does four key things. Let me remind my colleagues, in closing: First, it will give direct tax incentives to businesses to hire new workers with provisions similar to the bill that I introduced earlier this year. It also restores full value of direct payment options for certain tax credit bond programs, including a program that has been supported in previous Congresses.

Let me speak on that for just a minute because it goes to the heart of the problem we're about. If we really believe and say we're for children, if we really say we're for jobs, there are $22 billion worth of zero interest school bonds, tax exempt bonds, in this bill. And this bill fixes the problem so they can go directly to Treasury and get the credit. Those job bonds can be sold and we can put people to work across this country building schools and other infrastructure. That's in addition to the highway dollars we've just been talking about.

Finally, Madam Speaker, it would give a small business tax incentive to buy new equipment and to grow. That is an important piece. If we truly believe we are for small businesses, today is the day we get a chance to put a vote on the board: Are we for them or are we against them? They can tell very quickly because this bill will go to the Senate, and then it's going to the President of the United States for signing.

Finally, it would give our State and local governments greater certainty on funding for highway projects that we just heard about. I have long believed that if we invest in schools now, it will save money in the long term and make our economy stronger and make a difference in the future. I served for 8 years as State superintendent of the schools in my home State. I coauthored the provision that we're talking about here. We can now fix that problem.

Madam Speaker, I urge my colleagues to vote ''yes'' on this piece of legislation for jobs for the American people, schools for our children, and a chance to help heal and help those who do not now have work.

Mr. CONYERS. Madam Speaker, I rise in opposition to H.R. 2847, the ''HIRE Act.'' While I am sensitive to the excruciating economic pain felt by many in my district and around the country, I cannot in good conscience support this flawed bill.

I applaud the House and Senate leadership for including some common sense job creation provisions in this bill. In particular, I support the inclusion of language that frees up $77 billion dollars worth of surface transportation investments and another provision that gives the recipients of qualified clean energy, school construction, and energy conservation bonds a direct payment from the federal government to cover their interest costs.

I wish that these provisions were enough to secure my support for this legislation and help those who cry out for additional economic aid. Unfortunately, the originators of this legislation—my colleagues in the United States Senate—decided to set aside the remaining $13 billion dollars of this $17 billion dollar bill for an ineffective and wasteful hiring tax credit. As with many previous efforts in the upper chamber, the Senate has yet again sacrificed effective policy in order to tout some small measure of bipartisan support.

During my 45 years in this body, we have debated whether or not to raise the minimum wage countless times. As we know from these reoccurring debates, companies do not respond to small changes in the cost of labor. This is why the periodic 15 to 20 percent increases in the minimum wage enacted into law by the Congress over the years have not effected employer hiring decisions. Unfortunately, the very economic reality that makes the minimum wage good policy also makes the Schumer-Hatch hiring credit bad policy.

If a 15 to 20 percent increase in the minimum wage doesn't affect employer decision-making, logic dictates that an even smaller payroll tax break—6.2 percent to be exact—for companies that hire recently unemployed workers will similarly have a nonexistent effect on hiring. This bill will create yet another failed corporate ''trickle-down'' tax break and Congress will hand out a new benefit—paid with scarce taxpayer resources—to employers who hire workers they would have hired anyway.

This is not to say that a properly conceived tax policy couldn't receive bipartisan support or play an important role in spurring hiring. For example, I have proposed legislation that is supported by many economists and organizations on both the left and right that would save millions of jobs at minimal cost to the federal government. My ''SHARE Credit Act'' would provide a tax credit to employers that shorten hours instead of firing workers. For a mere $22,000 dollars a worker, we could cheaply and efficiently stem the monsoon of layoffs reported each month by the Labor Department.

However, above and beyond mere tax policy, Members on both sides of the aisle know that we need to do more. Ending the unacceptably high levels of unemployment that plague our economy will require us to attack this epidemic using all the tools of the federal government. This means coupling progressive tax measures with public works job hiring initiatives and a commitment to full employment. To do anything else would be a betrayal of the fundamental trust given by those who elected us. Each of us comes to Washington with a simple task: Address the most critical issues that face the Nation by using the most effective tools at our disposal. No bonus points are awarded for bipartisan legislation that does not meet this high standard.

A bill whose major component is a meaningless giveaway to corporate America cannot be called a jobs bill. At a minimum, the Senate should conference the $150 billion dollar jobs package that that the House passed last December. Uneven and piecemeal legislative efforts like this bill must be the exception, not the norm. I encourage my colleagues to oppose this bill.

Mr. SENSENBRENNER. Madam Speaker, I rise today in opposition of this so-called jobs bill. The incentives in this bill are a rehashing of the failed policies of the Carter Administration's stimulus in 1977, and I do not believe these measures will truly create jobs.

The news reports daily that Americans are not only hurting with the downturn of the economy, but they are also fearful that their government will continue to recklessly spend in the name of economic recovery. Last year, stimulus legislation was passed in this House, promising that a trillion dollars robbed from future generations of Americans would create jobs immediately and unemployment would not rise above 8 percent. The truth, however, is that since this boondoggle became law, unemployment hasn't fallen below 8 percent; it has risen to over 10 percent, and still hovers at just under 10 percent. Millions of jobs have been lost since the recession began, and Washington's only answer has been to spend money.

Wisconsinites have been contacting me with their concerns daily since President Obama first announced this plan in the State of the Union Address. While it is noble for Washington to suspend payroll taxes for employers that hire new workers, enact a $1,000 tax credit for retaining employees, and increase the expensing of new equipment purchased by small businesses, I fear that these measures are merely a superficial solution. Employers will not be able to take advantage of these incentives if they do not have work to offer. It is common sense that employers hire workers because they have work that needs to be done, not because they will get a tax credit. The fact remains that businesses in this country are scared. They are scared by the uncertainty that Congress is projecting. The threat of increased taxes, increased government regulation, and costly government mandates are creating an environment that does not bode well for job seekers.

We must focus on increasing businesses' confidence that their government will not further hamper their abilities to create work. At the end of the day, this legislation is a drop in the bucket, it is not the solution. Only after long-term tax relief can we realize long-term economic recovery.

Mr. BACA. Madam Speaker, tomorrow, the new monthly labor statistics will be announced.

And even though the national unemployment may decrease, job creation still needs to be our number one priority moving forward.

Thankfully, later today, we will have a chance to take a major step in improving the economic outlook for families across America.

The HIRE Act will provide over $77 billion in investments in transportation projects.

It will also allow for a continuation of minority-owned business contracting requirements for these projects.

Incentives for hiring and retaining new employees will be implemented.

Addiionally, a direct payment option for certain tax credit bond programs will increase school construction and renewable energy projects.

The time for partisan talking points has passed.

The American people demand better and we will have a chance to deliver that relief later today.

I urge my colleagues on both sides of the aisle to pass the HIRE Act and put Americans back to work.

Mr. HOYER. Madam Speaker, last year, President Obama and the 111th Congress took their oaths of office as America faced the greatest economic crisis since the Great Depression. Since then, our work has been defined by our response to the crisis—by the overriding job of getting Americans back to work.

Of course, the most important step toward putting Americans back to work has been the Recovery Act. It cut taxes for small businesses and 95% of families, started thousands of job-creating projects across America, provided emergency assistance to those hit hardest by the recession, saved states from laying off teachers, firefighters, and police officers, and more. And despite the efforts of some partisan critics to call it a failure—even as many of those same critics eagerly take credit for the funds it has provided for their districts—the Recovery Act is working.

The Recovery Act created some 2 million jobs. And since President Obama took office, job losses are down 90%. Our economy is growing again: in the most recent quarter, it grew by 5.9%, the fastest rate in six years, and the second straight quarter of growth under President Obama.

All of that is real progress for our economy—but it is not yet success. In recession after recession, employment has been the last sign of growth to turn around. Far too many Americans remain unemployed through no fault of their own, caught in the effects of an economic collapse they did not create. For working families, few challenges are more trying than unemployment, especially unemployment that grinds on for month after month. For Washington, few challenges demand our action more urgently.

That's why I urge my colleagues to pass this bill—a clear, focused effort at putting Americans back to work. It provides strong incentives for businesses to start hiring again. They include a tax exemption that will eliminate businesses' 2010 payroll taxes for every unemployed worker hired. The nonpartisan Congressional Budget Office reports that such tax credits are one of the most effective ways of creating jobs: ''Providing tax credits for increases in payrolls would increase both output and employment.'' Businesses will also receive further tax credits for keeping new employees on the payroll for the next year. And small businesses will be able to take advantage of tax incentives to finance their expansion.

This bill also extends the highway programs that have created jobs for so many Americans, while bringing our vital infrastructure up to par with the rest of the world's. This bill will mean billions more invested in job-creating highway projects, which will save one million jobs. It will ensure that states direct some of their transportation investment to minority-owned contractors. And it will make it easier for states and local communities to finance their own job-creating projects by selling Build America Bonds.

Finally, I want to point out that this bill is paid for—that it fully complies with both the House PAYGO rule and statutory PAYGO, which are so important to restoring our budget to balance. In fact, this bill fixes a minor PAYGO violation in the Senate bill—and that extra effort shows how serious the House is about paying for what our country buys.

Unemployment demands action from Congress. And this bill is a part of that effort to create jobs, which began with the Recovery Act and will continue with a wide range of creative policies in the weeks ahead. This bill is not the first step, and it will not be the last; but it is an essential step toward getting America back to work.

Ms. KILPATRICK of Michigan. Madam Speaker, the State of Michigan's unemployment is 687,400 people unemployed. Detroit has 305,200 people unemployed. We have 15 million people unemployed in our nation. America and Americans are practically shouting for Congress to get Americans back to work. The best stimulus package is a job. H.R. 2847, the Hiring Incentives to Restore Employment Act, is not that bill. This legislation, providing tax incentives to businesses to hire people. This is not the answer. How Congress can walk away with more than 680,000 people unemployed in Michigan, and more than 15 million people unemployed in our nation, is shameful.

When I served as Chairwoman of the Congressional Black Caucus, along with my CBC colleagues, I pushed for more than two years for both a strong summer jobs program and a federal bill that would directly hire the unemployed. This is a bill that is modeled off of the successful Comprehensive Employment Training Act (CETA) program of the 1970s–1980s. The CETA program, which gave grants directly to cities, counties, and non-profit organizations to hire and train individuals, worked to lower our unemployment rate and stabilize our economy during the previous recession. It would be easy to make this legislative fix not next week, not next month, but right now. During the Depression, President Franklin Roosevelt almost halved the unemployment rate with a similarly aggressive program under the Work Progress Administration. I am ashamed and disgusted that the U.S. House of Representatives cannot find the collective political courage and will to do what is needed for the people of America.

What does a real jobs bill look like? In addition to what I have pointed out earlier, a real jobs bill would:

Create public jobs initiatives, involving the Department of Labor Employment & Training Administration and the Corporation for National and Community Service, to maximize direct training and hiring:

Provide locally-directed funding for Summer Youth Employment and collegiate-level apprenticeships and/or fellowships:

Enforce the minority contracting requirements under the Department of Transportation and promoting equal access to funding for projects of the National Significant and National Corridor grants in the extension of SAFETEA–LU:

Expand unemployment insurance and COBRA benefits: and

Provide access to capital and technical assistance to capital for small businesses from the Small Business Administration and the Minority Business Development Agency.

I am sure that there are other areas, but these areas, in particular, would be a great place to start.

I know too well that the Democrats have inherited the worst job market since World War II. Too many workers have lost their jobs through no fault of their own. GM and Chrysler have gone bankrupt. We are staring down the barrel of a $12 trillion deficit. This fiscal year, we have to make difficult decisions. All Americans, in Congress, in business and at home, must work together to keep our recovery on track by helping small businesses create jobs, investing in our infrastructure and clean energy industries, and keeping police, firefighters, and teachers on the job. This bill is not that bill.

I understand politics. I know the legislative process. It is my belief that this bill is supposed to be the first in a series of bills that is to address the chronically unemployed. Regrettably, I also heard this more than two years ago. Today, Congress is no closer to a real jobs bill two years later. The time for incrementalism is over.

I remain a proud and steadfast supporter of the American Recovery and Reinvestment Act. Hundreds of thousands of jobs and businesses have been helped. However, that bill was meant as a quick, temporary fix for businesses and to help stimulate the economy. Employment was a welcome by-product of that law. 15 million people who are still unemployed are telling us that we need to do more. We need to do it now.

This is not a jobs bill. This is a business tax cut bill. While I remain willing and able to work with my colleagues for a real jobs bill, I cannot support this tax cut legislation.

Mr. VAN HOLLEN. Madam Speaker, I rise in support of the Hiring Incentives to Restore Employment, HIRE, Act as an important part of the ongoing jobs agenda Congress will continue to prioritize in the months ahead. Simply put, we will not stop until every American who wants a job can find one, and we have launched a new era of broadly shared American prosperity.

To boost near term employment while tackling our nation's infrastructure backlog, the HIRE Act extends the current surface transportation law through the end of 2010 and provides $77 billion to get our nation's highways, roads and public transit systems back into shape. A new direct payment option for states and localities that issue tax credit bonds for school construction, energy conservation and renewable energy will further support job creation in these vital sectors.

I am pleased that this legislation continues support for our job-generating small businesses by extending the enhanced expensing begun in the Recovery Act. Under this provision, small businesses will be able to immediately write off up to $250,000 for qualified capital expenditures incurred in 2010.

Finally, as a signature initiative, this bill will encourage businesses to hire new workers by providing a payroll tax holiday equal to the employer's share of social security taxes for every new hire made between February 3, 2010 and January 1, 2011. An additional $1000 tax credit is provided for every employee kept on for a full calendar year.

Madam Speaker, the HIRE Act will put more Americans back to work providing for their families and participating in our ongoing economic recovery. It is fully paid for and deserves my colleagues' support.

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

The SPEAKER pro tempore. Pursuant to House Resolution 1137, the previous question is ordered.

The question is on the motion offered by the gentleman from North Carolina (Mr. ETHERIDGE).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion offered by the gentleman from North Carolina (Mr. ETHERIDGE) will be followed by a 5-minute vote on the motion to suspend the rules and adopt House Resolution 1079.

The vote was taken by electronic device, and there were—yeas 217, nays 201, not voting 14, as follows:

[Roll No. 90]

YEAS—217

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Butterfield
Camp
Cao
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly (IN)
Doyle
Duncan
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Gene
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Walz
Wasserman Schultz
Watson
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—201

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Clarke
Clay
Cleaver
Coble
Coffman (CO)
Cole
Conaway
Conyers
Crenshaw
Culberson
Davis (IL)
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dreier
Driehaus
Edwards (MD)
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Green, Al
Griffith
Grijalva
Guthrie
Hall (TX)
Harper
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (WI)
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Schock
Schrader
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Towns
Turner
Upton
Visclosky
Walden
Wamp
Waters
Watt
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—14

Bean
Campbell
Capps
Crowley
Dahlkemper
Eshoo
Fallin
Hoekstra
Jordan (OH)
Kind
Linder
Massa
Schwartz
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1530

Messrs. WITTMAN, CARTER, and CONYERS changed their vote from ''yea'' to ''nay.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. CAPPS. Madam Speaker, on rollcall No. 90, had I been present, I would have voted "yes."

Ms. SCHWARTZ. Madam Speaker, on rollcall No. 90, had I been present, I would have voted "yes."

Mr. KIND. Madam Speaker, I was unable to have my vote recorded on the House floor during the vote on H.R. 2847 on Thursday, March 4, 2010 because I was detained due to a meeting with the President of the United States. Had I been present, I would have voted in favor of H.R. 2847 (Roll No. 90).

Stated against:

Ms. BEAN. Madam Speaker, I was inadvertently detained and I was unable to cast a vote on March 4, 2010. If I had been present I would have cast the following vote:

Rollcall 90—On motion to Concur in the Senate Amendments with an Amendment to H.R. 2847: "No."

□ 1530

CONGRATULATING NFL CHAMPION NEW ORLEANS SAINTS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1079, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. MELANCON) that the House suspend the rules and agree to the resolution, H. Res. 1079, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 375, nays 1, answered ''present'' 3, not voting 53, as follows:

[Roll No. 91]

YEAS—375

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Etheridge
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
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
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)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Matheson
Matsui
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pelosi
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Johnson (IL)

ANSWERED ''PRESENT''—3

Marshall
Oberstar
Welch

NOT VOTING—53

Ackerman
Arcuri
Blumenauer
Boren
Boyd
Buyer
Camp
Campbell
Chaffetz
Cleaver
Dahlkemper
Davis (AL)
Deal (GA)
DeFazio
Diaz-Balart, L.
Doggett
Doyle
Edwards (TX)
Eshoo
Fallin
Farr
Garamendi
Grijalva
Gutierrez
Hastings (WA)
Hill
Hoekstra
Holden
Jordan (OH)
Lee (NY)
Linder
Massa
McCarthy (CA)
McCarthy (NY)
McKeon
Meeks (NY)
Miller, George
Murphy (NY)
Nadler (NY)
Pascrell
Pitts
Quigley
Radanovich
Rangel
Ros-Lehtinen
Roskam
Sanchez, Loretta
Sherman
Slaughter
Smith (WA)
Thompson (MS)
Tiahrt
Velázquez

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1539

Mr. WELCH changed his vote from ''yea'' to ''present.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGED REPORT ON RESOLUTION IMPEACHING JUDGE G. THOMAS PORTEOUS, JR.

Mr. SCHIFF, from the Committee on the Judiciary, submitted a privileged report (Rept. No. 111–427) on the resolution (H. Res. 1031) impeaching G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana, for high crimes and misdemeanors, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

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

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

Mr. HOYER. I thank the Republican whip for yielding.

Mr. Speaker, on Monday the House is not in session. On Tuesday, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes postponed until 6:30 p.m. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. And on Friday, if needed, the House will meet at 9 a.m. for legislative business. We will consider several bills under suspension of the rules. A complete list of suspension bills will be announced by close of business tomorrow, as is the custom.

In addition, Mr. Speaker, we will consider H. Con. Res. 248, the Afghanistan war powers resolution introduced by Mr. KUCINICH, and we will also consider H. Res. 1031, impeaching G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana, for high crimes and misdemeanors. It is also possible there will be further action on the jobs agenda, which depends on what the Senate or the House has coming out of committee or out of the Senate.

Mr. CANTOR. Mr. Speaker, I thank the gentleman, and I want to ask the gentleman if he can give us some better indication of what he means by the jobs agenda.

Mr. HOYER. We believe that the number one priority for us is to continue to grow the economy so that we will create jobs in this economy. As the gentleman knows, my perception is we have gone from losing an average of 726,000 jobs in the last 3 months of the Bush administration, to the last 3 months of losing, on average, 35,000 jobs. That is 95 percent in the right direction, but we need to continue to create jobs.

As you know in the bill that was just passed, which was passed in a bipartisan fashion in the Senate and to some degree here, we are trying to encourage the hiring of those who are unemployed through giving tax credits, and also tried to spur investment by giving businesses the right to write off items. We also ensure the continuation of the Highway Act; and in addition to that, as you know, we provided for a less expensive way for communities to expand public works and hire people to do that, public buildings and construction of public facilities.

So when I say the agenda, that was obviously a part of the agenda. We still are very concerned about lending, capital being available to small, particularly, but medium-sized businesses as well. The Senate is considering a jobs bill now, as you know, with a number of component parts. So when I talk about the jobs agenda, I am talking about ways and means and efforts to grow the economy and create jobs.

Mr. CANTOR. I thank the gentleman.

The gentleman refers to some areas that I hope he and the majority would work with the minority on in trying to do exactly as he stated, which is to create an environment for small businesses to create jobs. As the gentleman just saw in the vote taking place on the floor today, there were 35 members of his caucus who voted against the so-called jobs bill that was on the floor today, perhaps indicating that the gentleman may want to work with us as we have been continuing to propose tax cuts for small businesses, not necessarily connected with what kind of hires that the businesses should do, and not necessarily connected with some type of targeted credit that may or may not fit with the business model of any particular small business, but in general, I think the gentleman would agree, making it easier for small businesses to keep the lights on right now so they can return to a mode in which they could increase payroll.

□ 1545

Mr. Speaker, I would ask the gentleman if he could speak to his mention of the resolution dealing with the Afghanistan war powers. As the gentleman knows, the Republicans view a withdrawal from Afghanistan within 30 days as incredibly irresponsible.

Mr. HOYER. Would the gentleman yield?

Mr. CANTOR. I yield.

Mr. HOYER. Just for accuracy, it's my understanding that the resolution that the gentleman from Ohio has introduced is by December 31, I believe, not 30 days. And I yield back.

Mr. CANTOR. I thank the gentleman for that.

Still I would say that the Republican view is we have consistently supported this President in his efforts in Afghanistan as he has listened to the commanders on the ground to determine the focus and future of our presence there in terms of protecting our troops and the U.S. interests there. So I imagine my friend from Maryland, knowing his position on these things, agrees with that.

I would like to know, Mr. Speaker, whether there will be an all-out push to make this some type of partisan issue. Perhaps the gentleman could shed some light on his position on this bill that is being brought forward next week. And I yield.

Mr. HOYER. I thank the gentleman for yielding.

As the gentleman knows, I've expressed support for the policy being pursued by President Obama, and I certainly intend to continue to support that policy. The resolution is not consistent with that. So I think the gentleman is not going to be surprised at my expectation that this will be a bipartisan vote—perhaps on both sides of the proposition, yea and nay, but I certainly think it's going to be a bipartisan vote.

I believe the President's policy that he has articulated is a thoughtful, measured policy. And very frankly, I think he has done what perhaps we should have been doing for some period of time, focused on where terrorism was organized against the United States to ensure that we eliminate al Qaeda and prevent the Taliban from resurgence and reestablishing a base wherefrom terrorists might attack us. I think that is an appropriate policy that the President is pursuing, and I would hope that the House would support that policy on both sides of the aisle.

Mr. CANTOR. Mr. Speaker, I thank the gentleman. I look forward to joining him in opposition to the resolution he is bringing to the floor.

Mr. Speaker, if I could ask the gentleman to give us, in the House, an update on when he expects the budget resolution to come to the floor. And I yield.

Mr. HOYER. We hope that the budget resolution will come to the floor—and we're working on that—by the end of the month before we leave for the Easter break.

As you can well imagine, given the fiscal situation that confronts us, that's a very difficult document to put together. But Mr. SPRATT is working very hard at that with the committee. I know Mr. RYAN, I'm sure, the ranking member, is also working hard on that. I am hopeful that we will be in a position to bring that to the floor before the Easter break.

Mr. CANTOR. I thank the gentleman for that.

Mr. Speaker, I would like to ask the gentleman, in view of the short period of time until Easter break, is it his expectation that the House will take up health care legislation within that time period? And I yield.

Mr. HOYER. It is the President's hope and our hope that that will be the case. As you know, the President has expressed that objective, and we have said that would be our objective as well.

As you know, we have been working on this issue for well over a year. We passed a bill many months ago; the Senate passed a bill over 2 months ago. Many of us have been working on that bill. As you know, we had a very substantial—historic, really, in many respects—discussion with the President at Blair House last week. I understand the President has incorporated a number of ideas that he felt were good ideas that Republicans put on the table at that meeting.

My expectation is we will be moving on this bill in the near future. And what I mean by that is, again, hopefully, that we would be able to consider this prior to the April break, the Easter break.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, the President has asked Congress—in fact yesterday—that the majority here consider using the reconciliation process to pass this health care bill. I would like to ask the gentleman, Mr. Speaker, is it his intention and the Speaker's intention to adhere to the President's request and actually use the reconciliation process? And I yield.

Mr. HOYER. Well, I thank the gentleman for yielding.

As the gentleman knows, we provided for reconciliation in the budget resolution that was adopted last year, so that is available to us. That has been used 22 times, as the gentleman knows, since 1980; 16 of those times it was used when your party was in the majority. You utilized that to do what the American people think is usually the case: we pass things by majority vote, up or down, and the majority rules. Now, here, of course, when the majority rules, it really does represent a majority of the country. In the Senate, of course, even when a majority votes, it doesn't necessarily represent a majority of the people of the country because obviously every State, no matter how large or small, is represented.

But having said that, we believe that the Republicans, when you used it for a tax bill or welfare or other very important pieces of legislation—the tax bill obviously having trillions of dollars of economic impact on the economy—you felt that that process of passing it by a majority vote in the United States Senate made sense. We share your view.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for that and would say that nothing compares to the use of or suggested use of reconciliation then as to now with this bill. I would say that there was, in the main, bipartisan support and, frankly, support on the part of the people of this country for what was being done through reconciliation in those instances.

I would like to turn the gentleman's attention, Mr. Speaker, to a question that I have regarding statements that were made as late as September of 2007 when then-Candidate Obama said, ''This is an area where we're going to have to have a 60 percent majority in the Senate and in the House in order to actually get a bill to my desk. We're going to have to have a majority to get a bill to my desk that is not just a 50-plus-1 majority'' said then-Senator Obama. ''You've got to break out of what I call the sort of 50-plus-1 pattern of Presidential politics. Maybe you eke out a victory with 50 plus 1, but you can't govern. You know, you get Air Force One and a lot of nice perks as President, but you can't, you can't deliver on health. We're not going to pass universal health care with a 50-plus-1 strategy.'' That later quote, again, was the next month in October.

So I'm having difficulty understanding, Mr. Speaker, why now the President and the majority seem to have done a 180 when it comes to using reconciliation with a $1 trillion bill that could very well alter one-sixth of our economy. And I yield.

Mr. HOYER. I thank the gentleman for yielding.

Let me repeat, his 180 was incorporated as a way to go forward last year when we adopted the budget almost 1 year ago. So this is nothing new for the gentleman.

I told the gentleman his party has used this procedure 16 times out of 22 times that it has been used, which means your party has used it two-thirds of the time—over two-thirds of the time—that it's been employed. As a matter of fact, JUDD GREGG, a Member of your party, a leader of the Budget Committee on your side, was chairman of the Budget Committee, now ranking member, when an objection was raised on that—we're using quotes—when an objection was raised to that said, as he turned to the Democratic side, ''What's wrong with a majority vote? I thought a majority vote was what should prevail.'' That was JUDD GREGG of your party. I think it's ironic when we're saying, okay, you think a majority vote is good, we'll take a majority vote.

Now, the President's quote is a demonstration that we all say things that, unfortunately, then don't become reality. Well, I will tell you the reason they don't become reality is because, as JIM DEMINT said, I think many of your party hope this is President Obama's Waterloo. That's a direct quote—you used quotes—from Mr. DEMINT.

Your belief is, in my view—I do not attribute it to you—but my belief is, as Mr. Gingrich pointed out over and over again, if we fail, you win. The problem is if we fail, we believe the American people lose, and we think that is not fair.

I want to use one more quote and then I will cease and yield back to you. October of 2008, Presidential campaign debate, national television, JOHN MCCAIN, your candidate, said, ''I want to see a plan that gives all Americans, all families availability of affordable health care.'' That was a quote that Senator MCCAIN, your candidate for President, made just a few months ago. It was almost exactly what Mr. Obama said. So, from my perception, there was a consensus with respect to where we needed to go.

As a matter of fact, I think almost every Member on this floor believes that we need to reform the health care system. We've had a very vigorous debate, a very open debate, a very transparent debate over 1 year now on how this ought to be done. We have disagreement, and that is the nature of democracy. But if a majority of the representatives in this body and the majority of the representatives in the other body believe a policy ought to be adopted, then, frankly, that is the way our system should work.

There is nothing in the Constitution, as the gentleman well knows, about having—except for some rare instances—a supermajority, and certainly none on policy. There are on confirmations and overriding a President's veto, but other than that, the perception is the majority vote rules.

So it's a procedure that you used, and it's a procedure that we anticipated last March. We hoped that wouldn't be the case. Very frankly, we would hope that we could work in a bipartisan way to effect this end that at this point hasn't been possible, and Senator MCCONNELL has made it pretty clear that he has no intention of participating in that kind of effort.

I yield back to my friend.

Mr. CANTOR. I thank the gentleman.

I don't know if the gentleman is saying, Mr. Speaker, that maybe the President was wrong when he spoke about not using this process; but I do know, Mr. Speaker, that 70-something percent of the American people don't like this health care bill.

I think the gentleman is correct, Mr. Speaker, that all of us care about doing something positive for health care. Republicans care about health care. We went to that forum with our ideas. The public began to see for 7 hours that there were very different approaches to how we are going to deal with health care. We said if we can stop the overhaul, stop the $1 trillion attempt to lead us to a path from government getting in the way of decision-making between patients and their doctors, if we can set that aside, there could be some things that we could work on much more modest and focused in terms of cost control. Once we reduce cost, people can have access. More people can have insurance. We could also do some things together to address the problems of preexisting condition exceptions in coverage. All of us want to do something about that.

So I would say to the gentleman, I am disappointed—as I know he knows that we are—that his side has decided to defy the protests that came from the President and others on his side of the aisle about the use of reconciliation for health care. But I would ask the gentleman, will the House move next on health care or will it be the Senate? And I yield.

Mr. HOYER. Well, I thank the gentleman for yielding.

We are still discussing exactly what procedure will be employed to effect a majority vote in both Houses and send something to the President in the same form, so I can't specifically answer that question at this particular time.

But let me say to the gentleman, he mentioned the forum we went to, and Republicans did put ideas on the table. We thought they were constructive. As a matter of fact, as you may recall, I responded to Senator COBURN, who is also a medical doctor, when we mentioned about fraud, waste and abuse. As you know, there is substantial investment in both the House bill and the Senate bill to eliminating fraud, waste and abuse. Senator COBURN observed he thought there was a lot of money that could be saved there. We think that is the case as well, so we have provided to go after that.

We also, I think, agree that reform ought to be based on a private, market-based system. As the gentleman knows, the exchanges that are set up both in the House bill and the Senate bill, they differ; but they are both based on private sector competition by private insurance companies.

□ 1600

We talked about wellness programs. Dr. COBURN also talked about that as did others. I think Dr. BOUSTANY, Congressman BOUSTANY, also talked about that.

We have a very substantial investment in wellness and, as Dr. COBURN pointed out, in practices that give cooperative care and are not reimbursed piecemeal but are reimbursed by the quality of care that is given, by the outcomes that are given as opposed to simply being process-oriented.

We also agree, I think, Mr. CANTOR, on mechanisms to have competition across State lines. We believe the exchanges do that, but we also believe there is room for discussion in looking at how we might do that in other ways as well. So we think that that's an idea, and the pooling with respect to small businesses so they can create large groups so that they can have better competitive advantages. We believe that, when we put small businesses into the exchange, that's exactly what we give them.

For instance, in a large group, as all of us know and as we have in the Federal Employee Health Benefit Plan, we don't have preexisting conditions, because we are a large group. Most large groups don't. In the legislation you offered as a substitute to ours, of course, you did not cover preexisting conditions. Your legislation provided for about 3 million people having greater access to the system; ours for about 30 million. So, while we agree that we ought to have people have access, frankly, we believe that what we have proposed provides greater access.

Insurance pooling to acquire health insurance at lower prices, it seems to me we agreed on that as an objective. You disagree with the way we have done it in terms of our exchanges, which is, of course, what the Federal Employee Health Benefit Plan is that you and I participate in. It's a large exchange with many different insurers. In our area, we have about 25 or 26 different options that we can choose from. For the most part, they're private sector. As a matter of fact, for all parts, they're private sector to choose from.

So, yes, we have differences, but as I've told you before, I'm still prepared to discuss with you and to work with you on suggestions you have that get us to an objective that we think is appropriate.

Let me just lastly, in closing, say a recent polling shows a majority wants to keep working. You indicate, as you do on a regular basis, that there are polls that show people are against this bill. My view is what they are really against is this confrontation and contention regarding these bills, which is, of course, why the President said he thought having 60 percent would give a greater level of confidence. I agree with that. I would hope that we would have created that kind of consensus.

I want to read to you: 63 percent in a Washington poll said that we ought to pass comprehensive health reform; 57 percent in a Kaiser Family Foundation poll. February 22, 2010, Kaiser poll also finds overwhelming support for key elements of the reforms in our bill; 76 percent support reforming the way health insurance works in our bill; 71 percent support creating a health insurance exchange, which is in our bill; and 70 percent support expanding high-risk insurance pools.

So, when you go to the individual elements of our bill, we find very significant support for those individual elements, I tell my friend. I continue to look forward to working with my friend to reach common ground.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, from the summation of his remarks, I gather that there has been no willingness to listen to the American people on the part of the majority here in the House.

The gentleman does know that all polls indicate that the American people want us to set the bill aside, to stop this construct that Washington is going to tell everyone how to design

health care, and to really start over. In a CNN poll last week, 73 percent of the public said, Shelve the bill. Start over.

Mr. Speaker, I appreciate the gentleman's time, and I look forward to working together with him in whatever way we can, frankly, focusing on the issue of getting America back to work.

I yield back the balance of my time.

ADJOURNMENT FROM FRIDAY, MARCH 5, 2010, TO TUESDAY, MARCH 9, 2010

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, March 5, it adjourn to meet at 12:30 p.m. on Tuesday next for morning-hour debate.

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

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Budget:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 3, 2010.

Hon. Speaker PELOSI,
United States Capitol,
Washington, DC.

DEAR SPEAKER PELOSI, Given the increased commitments I have made to my state, I resign, effective immediately, from the Committee on the Budget. It has truly been a pleasure to work with Chairman Spratt and the many dedicated members that care passionately about getting our nation's fiscal house in order. Fighting for fiscal responsibility as a member of the Blue Dog Coalition for the past five years and pushing for a responsible budget has been an immense honor. I look forward to continuing to work hard for the people of Louisiana and our great nation.

Thank you for your attention to this matter.

Sincerely,

CHARLIE MELANCON,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

JOBS FOR URBAN SUSTAINABILITY ACT

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

Mr. COHEN. Mr. Speaker, today, Congress passed a jobs bill. It was a small jobs bill, but it was a start.

This country needs to work on jobs. This week, I introduced an Urban Sustainability Act to direct $10 billion of TARP money into cities with populations of 600,000 or more and with unemployment rates of 10 percent or more to put in public works projects and job training.

It is important that we realize that urban America is suffering and suffering in a disproportionate way, and it is important that they get paid particular emphasis. I encourage other cosponsors—we have 9 or 10 already—to join with me, and I encourage the administration and the leadership to look at urban cities and the need for job training programs and public works programs.

Last week, Senator BERNIE SANDERS and I introduced a bill on solar for 10 billion solar photovoltaic panels on roofs and 10 billion gallons of solar water. We need to invest in solar to protect our country, our mother Earth and our resources so that we don't have as many soldiers protecting lines of transportation that are there to bring in oil from the Middle East.

I urge the strong consideration and adoption of that bill. Solar is the future, and it can protect our Nation and our mother Earth.

UNEMPLOYMENT

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

Mr. GINGREY of Georgia. Mr. Speaker, in January, Georgia's unemployment rate hit a record-high level of 10.4 percent. There could be no clearer proof that the Democrat majority should have long ago shifted this body's focus to the economy and to jobs.

Back in Georgia, Democratic Labor Commissioner Michael Thurmond said yesterday, ''I'm concerned that thousands of pending government layoffs will further cripple Georgia's struggling private job market. Our elected leadership must come together to develop a bipartisan plan that will balance the State budget and jump-start private sector hiring.''

Mr. Speaker, listen to our State leaders. Unlike the current health care bill, which the Democrats are going to attempt to ram down the American people's throats without any bipartisan input, please do not bring any more legislation to the floor that will raise taxes and kill jobs. Listen to Commissioner Thurmond and work with us. Let's get our economy back on track.

A QUESTION OF JOBS

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

Ms. JACKSON LEE of Texas. Mr. Speaker, this is a question of jobs, and I don't want tomorrow's numbers, if they happen to be showing that we have not reached the goals that we want to reach, to in any way distract from the work the Democrats are doing and that we should be doing together.

I have concerns about what we just passed as it relates to jobs, although I support the infrastructure part of the bill. I think that, if we focus on jobs, we've got to save NASA, and we've got to ensure that we continue human spaceflight.

Then we've got to go into neighborhoods and areas where there are the chronically unemployed. We have to put up recruitment offices so that we can provide real opportunities for jobs to build America's infrastructure. We have to go to the public housing projects and make sure that those who live there can work on the rehabilitation of those projects.

Those who are chronically unemployed need to have a job in hand. They need to be able to be trained and then work. Those who are unemployed need to be able to be trained for new jobs and not lose their unemployment. We've got to put a job in the hand of the chronically unemployed. That's what I will continue to fight for. That's the legislation that I will support.

A GOVERNMENT TAKEOVER OF HEALTH CARE

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

Mr. PENCE. Mr. Speaker, from the town halls in August of last year to the voting booths of Massachusetts, the American people have spoken. The American people don't want a government takeover of health care. Despite the President's latest polished pitch, ObamaCare 2.0 is still a government takeover of one-sixth of the American economy, and the American people know it.

The latest version of ObamaCare is a government takeover because it will mandate private citizens' purchases of health care whether they need it or want it or not. It will cause millions of employers to cancel the health insurance they currently offer employees, and it will force tens of millions of Americans into government-run exchanges. It will create a health care czar to impose price controls on private health insurance, which will lead to shortages and which will force even more people into government-run insurance.

Mr. President, government mandates, government-run insurance and more government control is a government takeover of health care.

HOUSTON CITIZENS CHAMBER OF COMMERCE NASA RESOLUTION

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

Mr. OLSON. Mr. Speaker, I rise today to share a letter that I received from my friends at the Houston Citizens Chamber of Commerce. The Houston Citizens Chamber of Commerce is the oldest and largest African American Chamber of Commerce in Houston. They are strongly in support of efforts to preserve NASA's Constellation human spaceflight program.

In their letter, they stated, ''The future of our Nation's long-term prosperity and national security is dependent on innovation and more young Americans being educated in the areas of science, technology, engineering, and mathematics.''

They also stated what a source of pride and inspiration human spaceflight has been for African American children who see African American astronauts and know that the sky is not the limit.

Mr. Speaker, the Houston Citizens Chamber of Commerce understands the national value of human spaceflight. I urge my colleagues to support the Constellation program in our upcoming budget.

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.

GLOBAL WARMING IS A THEORY

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

Mr. POE of Texas. Mr. Speaker, at first, Al Gore claimed to invent the Internet. Now it looks like he really did invent something—global warming.

The Nation had one of the coldest winters in years, including record snowfalls in the South; but the Warmers like Al Gore ignore the obvious, and still claim we are all going to perish, saying that Man is the threat to the planet. The groundhog is a better predictor of the weather than Al Gore.

Al Gore's long-winded article in The New York Times over the weekend was long on claims and short on facts. He didn't cite hard sources for his information. Like the rest of the global warming scientists, they are using fraudulent information. We are supposed to take their word for it now that basic data supporting their claims has, all of a sudden, disappeared.

□ 1615

That data has been found to be fraudulent. It is no wonder that data is disappearing.

There seems to be no conclusive scientific data that proves the global warming theory. It is a theory. That is what a theory is, something that isn't proven. The Federal Government is trying to force Americans to pay a cap-and-trade national energy tax, and it is all based on this highly disputed theory of global warming.

The United Nations International Panel on Climate Change issued a report in 2007 that made all kinds of claims about global warming. The report is based on some faulty science.

Climategate started last year when a whistleblower released emails between all these global warming scientists. The emails and other information released showed these guys had been cooking the books. It is still a huge scandal unfolding on the front pages of newspapers all over the world, especially in England.

The Climatic Research Unit at East Anglia University in England is the center of the Climategate scandal. That is where the emails were released by an anonymous whistleblower. Some emails reveal global warming scientists plotting to avoid disclosing information under the Freedom of Information Act in England, and, of course, that is against the law in England. Other email even showed this so-called scientist talking about how to manipulate the data, how to fix the outcome of their scientific experiments.

It sounds like fraud to me. Then they spread this false information around to their buddies without a proper peer review. That is how you perpetrate a hoax.

The data at the basis of all of these findings are based on the same fraudulent data from one of these small groups of scientists. If global warming is the truth, why are these scientists caught in lie after lie? If it is the truth, why would they be lying to the American people in the first place?

The British scientific community spoke out this week about and against their climate science peers. The British Institute of Physics this week said, ''Unless the disclosed emails are proven to be forgeries, worrying implications arise for the integrity of the scientific research and for the credibility of the scientific method.''

There is no credible proof man causes weather changes. It is a way to bilk millions of dollars out of taxpayers with a so-called carbon tax. It seems to be all about money.

Of course, Mr. Gore is heavily invested in green technology. Last year, he was proclaimed by the media to be the first green technology billionaire. That is a billionaire with a B. Al Gore has made a fortune off of global warming, and so have a lot of other people. He should have to back up his claims with hard data, not the data that has been proved to be false. He would have to prove all of the wild claims, and other scientists should have to prove these claims as well, about man being the culprit of global warming.

The fact is that global warming is not a fact. The jury is still out.

And that's just the way it is.

THE HIRING INCENTIVES TO RESTORE EMPLOYMENT ACT

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

Ms. SCHWARTZ. Mr. Speaker, earlier today, unfortunately, I missed the vote on legislation called the Hiring Incentives to Restore Employment Act, the HIRE Act, because I, along with several of my New Democratic Coalition colleagues, were meeting with President Obama in the White House. I apologize for not getting back to the floor in time. I would have liked to.

But I did want to speak on the legislation because, in fact, this is an important jobs bill. It is one, I hope, of a series of jobs bills that we will pass in the House and in the Senate and get to the President's desk to move this economy forward, to enhance our economic competitiveness and create job growth, help stimulate job growth in the private sector.

This bill did pass the House of Representatives by 217–201, and I believe it will be an important step in giving America the tools to jump-start job growth. It provides tax cuts to spur investments by small businesses and it allows tens of millions of new dollars for infrastructure investment.

Specifically, this bill will grow small business investments by extending provisions included in the American Recovery and Reinvestment Act that Congress passed in 2009 and which have been very successful in stimulating new jobs. These provisions double the amount that small businesses can immediately expense for capital investments and purchases of new equipment made in 2010 from $125,000 to $250,000.

The legislation also extends surface transportation programs to allow for billions more to be invested in infrastructure necessary across this country. It makes it easier for States to borrow for these infrastructure projects, such as for school construction and energy projects, and it bolsters the Highway Trust Fund to support existing highway and transit projects.

As vice chair of the House Budget Committee, I am particularly pleased that the HIRE Act is fully paid for and it does not add to the annual deficit. It is paid for by cracking down on overseas tax havens. The legislation provides the U.S. Treasury with new tools to find and prosecute U.S. individuals who hide assets overseas from the IRS.

This jobs bill provides new investments needed to get our Nation back from this economic crisis we have experienced and to stimulate job growth in the private sector by investing in small businesses and in infrastructure, and it does so in a fiscally responsible manner.

I am proud of the House's work on this legislation. I urge my Senate colleagues to pass this legislation quickly and send it to the President, and I look forward to additional legislation that we will see and help work on to produce those new jobs to rebuild this economy and to make sure that America is well positioned and well prepared for 21st century economic competitiveness in a global marketplace.

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.)

HONORING JAMES ''FRIDAY'' RICHARDS

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. Mr. Speaker, I rise today to honor an outstanding athletic coach from my hometown of Marietta, Georgia, on the occasion of his retirement.

James ''Friday'' Richards had dedicated more than 30 years of his life to Marietta High School, retiring on January 22 of this year as the head coach of the Marietta Blue Devil football team. Coach Friday is also a teacher at the high school and will retire from full-time teaching at the end of this current school year.

Coach Friday graduated from Marietta High School in 1972 and went on to play football at the University of Florida. He then spent two seasons in the NFL playing for the New York Jets and the Washington Redskins before coming back to where it all started.

Working at Marietta High School is the only job outside of professional football that Coach Friday has ever had. Up until his retirement, he was the longest serving football coach in Cobb County, Georgia. During his 15-year tenure as head coach, Coach Friday compiled a record of 107 victories and 58 defeats. He took the Blue Devils to the playoffs 10 times and won four region titles.

Before he became head coach, Friday was a Marietta assistant, first for Coach Ray Broadaway and then for Coach Dexter Wood. Additionally, under Coach Friday, more than 100 players from Marietta have earned college football scholarships.

Coach Friday told the Marietta Daily Journal, when announcing his retirement, that the thing that he will miss most about coaching are the kids. Well, Coach Friday, four of those kids were my kids: Billy, now 38 years old; Gannon, 37; Phyllis, 35; and Laura Neill, 33. Where in the world did the time go? Coach Friday, I can tell you that those four children that you mentored and coached, three of them cheerleaders, one of them a wide receiver for the Blue Devils, they miss you, too. It is your attitude of putting students and players first that made you, Coach Friday, such an outstanding teacher and football coach.

Mr. Speaker, he will indeed be a tough act to follow.

YUCCA MOUNTAIN IS NO LONGER AN OPTION

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

Ms. BERKLEY. Mr. Speaker, during the campaign, President Obama pledged to Nevadans that he would kill the Yucca Mountain nuclear repository project. He has kept his word.

Yesterday, the Energy Department moved to pull the license for the dump. The President's blue ribbon panel will meet this month to find an alternative to Yucca Mountain. But I think it is important for me to reexplain why the opposition to Yucca Mountain is so strong, not only throughout the State of Nevada, but throughout the United States.

There is a very long history here. As we refer to it in Nevada, the so-called ''Screw Nevada'' bill that was passed over two decades ago decided there were three sites that were supposed to be considered for the disposition of nuclear waste. All of a sudden, in the ''Screw Nevada'' bill there was one State, and we had the honor of being selected as the State that got screwed by the United States Congress. So this was always a political decision. It never was based on sound science.

Let me tell you what the proposal of this bill was: 77,000 tons of toxic radioactive nuclear waste being shipped across 43 States to be buried in a hole in the Nevada desert where we have groundwater issues, seismic activity and volcanic activity, and 90 miles from a major population center in the western United States.

This was never based on sound science, and it never was a viable option. However, for the last 20-some odd years, it has been the option that this Congress and the former administration wanted to foist on the American people.

Now, let me explain what some of the things are that are wrong with this. First of all, there is no safe way to transport 77,000 tons of toxic radioactive nuclear waste across 43 States. It would take 300,000 trips either on our highways or on our rails across this country where we would be going past schools and hospitals and residential areas in order to get to Nevada. Now, just statistically, there would have been X number of accidents when you have 300,000 shipments.

Also, after 9/11 we became painfully aware of the potential for a terrorist attack. What would prevent a terrorist from attacking a nuclear train that was bringing this nuclear waste to the State of Nevada? That is number one.

Number two, there is no canister that exists that could safely store the waste. This was the initial proposal. Yucca Mountain was supposed to be a natural depository that would collapse on itself once it was full. Well, what do you know? They found out that it wasn't bone dry. There is moisture in Yucca Mountain. So then they said, well, let's create a canister to store the waste. Of course, no canister exists. But they did say there was the possibility that the cannister would leach into the groundwater.

So then they said, well, what we will do, since the mountain is not a natural repository and the canisters don't exist, and if they did exist they couldn't protect the groundwater from the leaching of nuclear waste into the groundwater, so we will have titanium shields over the canisters that don't exist in Yucca Mountain that isn't a natural repository.

Then they came up with the brilliant plan in the last administration that there would be an army of robots, because it would be too dangerous for human beings to go down to Yucca Mountain, so an army of robots that would have to be invented would go down to Yucca Mountain to seal the canisters that don't exist with the titanium shields in Yucca Mountain that isn't a natural repository. This is what we have been dealing with for over two decades.

Also, there are EPA standards. They said 10,000 years. Well, the U.S. Circuit Court of Appeals overruled that because, do you know what? The shelf life of nuclear waste is 300,000 years. So that made no sense either.

The nuclear industry and its allies continue to talk about putting nuclear waste at Yucca Mountain, Nevada. That plan is so dead, because the State of Nevada supports the President of the United States, who has finally pulled the plug on this ridiculous program.

There is no magic money tree. This is going to cost billions and billions of dollars. Where are we getting that money? Nevada doesn't have a money tree.

Do you know what else Nevada doesn't have, Mr. Speaker? We don't have any water. We are in the middle of a desert, and it takes millions of gallons of water in order to cool the nuclear waste. So I don't know where they are expecting to get the water, but they ought to take a look at the map, because there is no water in the State of Nevada. We are in the middle of a desert.

□ 1630

So I want to thank the President of the United States for honoring his promises. This blue ribbon panel will finally meet and start the process of finding an alternative to Yucca Mountain. If this country is going to rely on nuclear energy in the future, we'd better finally figure out a way of what to do with the nuclear waste. I support the President and the blue ribbon panel. I wish them well.

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

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

HEALTH CARE SUMMIT

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

Mr. MCCOTTER. We are now a week removed from the President's celebrated health care summit, and we're a day removed from the President's press conference regarding moving ahead on the health care bill despite the wishes of the American people. Prior to the summit, which I referred to as the Shamwow Summit, I was one of the voices urging the Republicans not attend unless the President decided to start from scratch and find a principled basis for compromise amongst both sides. That principled basis was not found, and the principled divide remains.

The House and Senate Republicans went into the summit and they engaged admirably and honestly in the cause of putting forward Republican solutions to health care. Yet, what we found was that afterwards the President has decided to arbitrarily negotiate with himself what he purports to be a bipartisan compromise bill, one which magically has been obtained without the consent of the minority party.

As succinctly summarized by Mr. Charles Krauthammer yesterday, the summit was a Shamwow Summit, and the good faith of those Republicans in the room is now currently being used in a political charade upon the people to prepare them for the proposition that a bipartisan health care bill is before them. I quote Mr. Krauthammer: ''But they,'' the administration, ''wanted to present it to the American citizenry as having tried to reach out. That's why you had the charade of the summit last week, 7 hours of discussion, when it was already pre-cooked that that wouldn't change anything. But that's part of the deal. He,'' the President, ''wants to appear to be offering to incorporate Republican proposals. And now the pivot, which we had today.''

It is important as the health care debate continues that we not lose sight of the principled divide between the two sides. On the one hand, the Democratic majority wants to have government-run, bureaucrat-dictated health care. On the other, the Republican Party wants to have free-market, patient-centered wellness. No amount of taking Republican proposals and sprinkling them onto the faulty premise of a government-run bill will make it bipartisan or will make the Republican proposals effectual, as, contrarily, we will be taking the Democrat proposals and putting them on to a free-market, patient-centered wellness bill. It is a principled divide, one which Abraham Lincoln reminds us: important principles must remain flexible. In this instance, the bridge between the two parties has not been established and the divide remains.

Also within this debate I think it is important to point out a second important aspect. This is not merely about the money. It is about the liberty. We can all talk about costs. We can all talk about coverage. In my view, the current health bill would have a catastrophic impact upon the fiscal condition of the United States, which is already tenuous at best. It is about the American people wanting to make sure they retain these decisions in their hands and that the forces that we see around us throughout the communication and innovation revolutions that empower them to make their own decisions every day at a greater extent than at any time in human history remain in their own hands rather than those of a government bureaucrat.

This is not mere supposition on my part. I cite two recent poll numbers. Referring to the Rasmussen report, only 21 percent of United States citizens believe that this government has their consent. I cite a second sobering statistic: according to CNN, 56 percent of Americans believe the Federal Government is a threat to the freedom of ordinary citizens.

As this health care debate proceeds forward despite the wishes of the American people, we are not only endangering their health care, we are endangering and jeopardizing their faith in their representative institutions, in their belief that this is a government of the sovereign people.

So in conclusion, Mr. Speaker, I again point out that there is a principled divide between the two parties: one wants government-run, bureaucrat-dictated health care; one wants free-market, patient-centered wellness. As we move toward the former, the American people's faith in their representative institutions will be continually eroded as they watch in obstinate insistence by this majority and by this administration to pass a health care bill that the American people have said they do not want.

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 SYSTEM MUST CHANGE

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

Mr. AL GREEN of Texas. Mr. Speaker, there are those who contend that we are moving too quickly, we're moving too swiftly, and that we must slow down. In fact, this translates into we really should not go forward at all. And to these who would contend that we should stop at this point, that we should simply let it go, my response is: we cannot let health care go, because it won't let us go.

The system is not sustainable. It is unsustainable as currently implemented. Currently, we're spending about $2.5 trillion per year on health care; $2.5 trillion is a big number. It's difficult to get your mind around $2.5 trillion; $79,000 a second, however, is a number that we can comprehend. And that is what we are spending—$79,000 per second. By 2018, depending on who's counting and how you count the numbers, we will be spending $139,000 per second. That would be more than 20 percent of GDP.

We cannot sustain the current system. It must be revamped. This system has to change: 46 million people uninsured, depending on who's counting, when you count, and how you count. In my State of Texas, 6 million people uninsured and 1.4 million children in the State of Texas are uninsured. In Harris County, where I reside, 1.1 million people are uninsured. The system cannot continue as it is constructed.

We spend $100 billion per year in emergency rooms; $100 billion per year to cover those who are uninsured. That's money that could be well spent in a physician's office and would save us a lot of money and would also help us to deal with preventive measures as opposed to responding to illnesses when they become almost dire.

The system must change. We currently have a system wherein there are many people who are too young for Medicare. They make too much to receive Medicaid. And they don't make enough to buy their insurance. The system has to change. We cannot allow preexisting conditions to continue to prevent pregnant women from getting proper treatment. Pregnancy is a preexisting condition under the current system. The system has to change.

We must find a way to muster up the courage to take on this challenge. If we could pass and did pass Social Security when the polls were against it, if we passed other crucial measures when the polls were against them, we can pass health care reform. And for those who contend that in this country how you got here will depend upon whether you will get treatment, my response is this: if you commit a crime in this country and you harm someone, and we should harm you as the culprit, when we capture you, we will give you aid and comfort. In this country, if you are an enemy combatant and you hurt our warriors in battle and we should capture you and you have been wounded, we will give you aid and comfort. In this country, if you're on death row and you're going to meet your Maker next week, we will give you aid and comfort if you're suffering this week, and send you to your Maker next week.

If we can give the enemy combatant, the person on death row, and the person who is a criminal aid and comfort, surely we're going to give it to people who find themselves hurt and in the streets of life. The system must change.

Dr. King said it best. He said, On some questions, cowardice will ask, Is it safe? Expediency will ask, Is it politic? Vanity will ask, Is it popular? But conscience asks the ultimate question and that is, Is it right?

This is the right thing to do. I stand where Dr. King stood when he told us we must do that which is neither safe nor politic nor popular, but do it because it's right.

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.)

SPECIAL DETAILS IN SENATE HEALTH BILL

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. You know, Mr. Speaker, I have great respect for my colleague who just spoke. While listening to him, a lot of people in their offices probably would think, Well, we're against the changes in the health care procedures in this country. That couldn't be further from the truth. Obviously, the health care system in this country needs to be adjusted, needs to be changed. But do we want a bill that's 2,700 pages long that's going to cost about $3 trillion a year that we don't have and is going to put the government between people and their doctors, that's going to end up being a socialistic kind of approach to medicine, and which I believe will destroy one of the greatest health care systems in the world—the best health care in the world?

I think it's a mistake to approach this from the standpoint that there's only one way to solve the problem, and that is the way that the President wants to shove through the Congress and doesn't want to even talk to the Republicans or the minority about this.

We've had all kinds of suggestions: buying insurance across State lines to put more competition in it; allowing small businesses to ban together to get the same kind of rates of major corporations; individual medical savings accounts; making sure that people can take their insurance with them when they go to a new job; preexisting conditions. There's all kinds of things that we've suggested that we support that will reduce the cost of health care and give everybody the opportunity to have health care. And we've suggested these time and again.

The President had a bunch of our leaders down at the White House just recently and then he finally ended up saying as he left, Well, we'll leave it up to the electorate; that is what elections are for. Indicating that they're going to push through their plan whether we like it or not. And their plan is going to cost trillions of dollars that we don't have. They're going to have 10 years of coverage with only 6 years of taxes. And so when you take the overall cost and really figure it out, it's not going to cost $700 billion or $800 billion, as they said. It's going to cost about $1.6 trillion, minimum, over the next 10 years.

And what are they doing to get these folks votes? I will never impugn the integrity of my colleagues, but I think it's important that the American people know, Mr. Speaker, if they happen to be paying attention or my colleagues in their offices, what is being done to get these votes.

In Louisiana, Senator MARY LANDRIEU is going to get between $1 million and $3 million additional for her State Medicaid population. Vermont's going to get an extra $600 million in Medicaid funding. They want to get those votes so they're porking up a little extra money for them in order to get those votes. At least that's the appearance. Vermont and Massachusetts secured $1.2 billion in Medicaid money, a change that was described as a correction to the current system which exempts those two States because they have robust health care systems. Vermont's Senator BERNIE SANDERS also boasted he was going to get an investment worth $10 billion to $14 billion for community health centers that the rest of the country will be paying for.

Florida and New York and Pennsylvania, they're going to have Protected Medicare Advantage benefits, even as the program sees massive cuts in other parts of the country. Hawaii is getting a benefit. It secured an increase in Medicaid Disproportionate Share Hospital payments in Hawaii, while the other 49 States pay more for that special benefit. Senator MAX BAUCUS reportedly secured expanded Medicare coverage for victims of asbestos exposure in a mine in Libby, Montana. They're giving these things out to get their votes—at least that's the appearance.

Connecticut secured $100 million for a health care facility. Western States secured higher Federal reimbursement rates for doctors and hospitals that the other States don't get in order to get votes. ''Cadillac'' plans: the unions secured a special deal in the Senate bill. It was a $60 billion exemption for union workers from the Cadillac tax on health insurance.

Now, while President Obama's latest proposal removes the ''Nebraska deal'' that was scheduled to buy a vote from a Senator there, the unions still get their Cadillac plans. If President Obama is so concerned about public perceptions created with backroom dealing, why didn't he propose to strike all the special agreements, which he did not.

□ 1645

And then of course we just heard one of our colleagues, Mr. MATHESON, who voted against the health care bill, his brother was just appointed to the United States Court of Appeals for the 10th Circuit. Now, I wouldn't impugn Mr. MATHESON's integrity at all, but it does look peculiar that they are trying to get his vote and his brother was just appointed to the Circuit Court of Appeals.

These sorts of things really bother the people of this country. And at a time when we really need to revise health care and work together, they're trying to buy a plan that is going to lead to socialized medicine.

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

(Ms. TITUS 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 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 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.)

TECHNOLOGY AND FREEDOM

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

Mr. ROHRABACHER. Mr. Speaker, tonight I rise to discuss technology and freedom. Unfortunately, we Americans can no longer rest assured that our freedom is secure and that the genius and creativity of our people will bring forth the innovation that in the past has enabled us to deter or defeat our enemies and has given us the ability as a people to overcome economic adversity and has provided the means to elevate the standard of living and general well-being of the American people as a whole.

America's greatness has been measured not by the wealth and power of our elites, as in other countries, but by the unbounding opportunity that has permitted all our citizens to live a decent, prosperous life. Now we see a great threat to that promise which until now has been taken for granted by generations of Americans. Unless we change our course, our children will not have the opportunity to live freer and better lives than what we have enjoyed. They in fact may be condemned to a dismal existence of national decline and personal deprivation.

This, unless we have the wisdom to understand what needs to be done, unless we have the responsibility to commit ourselves to getting that arduous

job done, unless we have the character to accept the temporary self-sacrifice needed for long-term progress and the courage to take on powerful interests who profit from current policies.

Ronald Reagan used to say, and I quote, ''The phrase status quo is Latin for the mess we're in.'' Even the rest of us, the American people, suffer hurtful blows to our economic well-being. But of course that is most of the American people are suffering these blows. But there are those who enjoy great benefits from the current policies that are having such a negative impact on the rest of their fellow Americans. Our country and our people cannot much longer endure the current assault on our livelihood and personal financial stability. Yes, we will survive, individually and as a people. But Americans deserve more than survival.

Ours should be the freedom and prosperity, paid for by the blood and labor of those brave souls, those patriots, who over our Nation's 234 years stepped up and met the challenges every time to the dream of 1776, the dream that was threatened quite often in our country's history from within and from without. But now, of course, it is up to us, the United States. That is us. It is us versus them, the patriots versus the establishment clique, or perhaps best described as the globalists.

In the last year, we have watched in horror as hundreds of billions of our people's dollars have been channeled to a clique of Wall Street and financial market elites, many of whom put their companies at risk with irresponsible business decisions and then rewarded themselves with huge bonuses. Humble individuals would step forward to give back bonuses in such situations. No, not this crew. They didn't learn that at their Ivy League schools. Not one has expressed remorse nor gratitude, much less expressed a willingness to pay back the personal gains, huge personal gains made while driving their companies' solvencies into the dirt.

All of these bailouts, stimuluses, and giveaways have done nothing but put our country in further jeopardy. The Federal Government is now spending over $1.5 trillion more than it is taking in. We are now facing a mammoth liability that should never have been ours in the first place. We are at risk, and it is not a result of a natural calamity or an uncontrollable business cycle. It instead is based and has come to us because of bad policies and bad decisions. It is a crisis we must confront and we must deal with or it will destroy the America we have known and loved.

Yes, we are facing a threat of that magnitude, a magnitude of something that could destroy the country as we know it. Yet so many decisionmakers, from city hall to Capitol Hill, and yes, to the White House act as if we can operate with business as usual, or even worse, we can put in place policies that will turn this crisis into a catastrophe by adding an even greater burden onto the shoulders of our people and onto the shoulders of those people and those productive businesses throughout our country.

They think that they can even give more power and add more resources to the Federal Government. They think that the Federal Government can coopt even more of the national wealth at the expense of the productive and wealth-generating workers and enterprises in our country. They think they can do this and we will still turn around and go up even as they are strangling those forces within our society that are necessary in order for us to succeed as a Nation.

I remember a few years ago there was a story about a New York politician of probably a century ago who was giving a speech at city hall who said, ''The sword of Damocles is hanging right over Pandora's box.'' Well, there is obviously something wrong with that observation, but the bottom line is there is a sword of Damocles hanging over our heads. There is a huge threat that is present throughout Washington, DC, and yes, throughout our country.

And how did we get here? How did we become so vulnerable? Well, let's all remember as we look at this, we got there because of bad decisions and bad policies, which continue. My colleague DAN BURTON just went through this incredible proposal to institute what they call health care reform, which is really transformation of our health care system at the expense of billions if not trillions of dollars at a time when that expense will drive down our economy even more. As we are trying to strengthen the economy, we are going to drain it even more. It is the equivalent of bleeding patients in order to make them feel healthy, as used to be the practice.

How did we get in this horrible situation where our country is so weak? Well, to start with, when we talk about bleeding resources from our country, we have sent a trillion dollars overseas in the last few decades in order to buy from foreigners energy that we could have produced here. Yet over the last 30 years we have incredibly limited our own domestic oil and gas production. We have built not one new oil refinery. We have built no hydroelectric dams. We have had no new nuclear power plants. And even as we speak, the Bureau of Land Management continues to block the construction of solar power facilities in America's deserts. This official obstructionism is aimed at protecting the habitat of some desert lizard or insect.

The end result of this nonsense, all of this nonsense, of not trying to produce our own energy, not trying to develop even nuclear power or hydroelectric dams, the end result of this is that to meet America's needs, a trillion dollars or more has been drained from our economy. This has been the policy of our government, a policy pushed forward by radical environmentalists, the same ones who are probably influencing the Bureau of Land Management not even to let us have solar power plants in the desert because they care so much about lizards and insects. These radical environmentalists, who are deluded enough to believe that they are helping us by depriving us of energy and deindustrializing our country, have had a horrible influence, but no one has been willing to step up and say, ''You're wrong.'' No one has been able to confront this force because it has been politically correct. It has been popular. It has been promoted in the press as if these people are idealists. Well, they are extremists.

Everyone in their right mind believes in trying to set a plan for the future and believes in clean air and a clean environment and clean soil. I have three children at home, Christian, Annika, and Tristen. Three little children. They will be 6 years old within a few months. I want these young people to have a clean environment. Of course we all do. We don't want them to be affected in a negative way, or any children in our country or around the world affected in a negative way. But the environmental extremists who dominate the majority party in this Congress are preventing us from developing our own energy resources and preventing us from having the economic progress we need to come out of this crisis.

At this moment they are preventing massive amounts of fresh water, runoff from the snow melting in the High Sierras, from being channeled in California to the agricultural areas of our State. As we speak, at this moment, millions of gallons of fresh water are flowing into the ocean instead of being permitted to be used in the agricultural part of our State. All of this to protect a little fish at the demand of radical environmentalists, radical environmentalists who obviously have the ear of the majority of people who are in this body. This little fish that they are protecting, the delta smelt, is not even big enough to be used as bait. A fish that is not even indigenous to California.

Yet the well-being of this little fish has been put, by the powers that be in Washington, D.C., on a higher priority by these political decision-makers than the price of food for the rest of the population, including all of our children. It has been put on a higher priority than the jobs and well-being of farm-related workers throughout California, and yes, throughout the United States. Crops are withering in California. They are withering because water is not being permitted to go to them and it is being channeled into the ocean. That is the policy. Billions of dollars of wealth as we speak are being lost forever.

And one asks why our economy is on the verge of collapse? Why we haven't been producing the revenue so we end up with $1.5 trillion of deficit? Well, policies in Congress like putting wildlife and their well-being over the well-being of people actually have brought

us to this situation and actually are making things worse, and are making it more difficult to work our way out of this economic challenge and this economic crisis. And it goes on and on.

□ 1700

With these higher energy prices, which are destroying the family budget, I might add, and pushing our country into an economic crisis, it's destroying—the local people, our ordinary people, their personal budgets are just destroyed, and they have no faith. They're losing hope because they can't see their way out of this pileup of debt because the economy is being strangled, and they can't see a way they can prosper in the economy. That's what's happening to all of our people individually. But as a whole, our country is in such an economic crisis.

And what does Congress do? Because these energy prices are, as I say, draining the family budget and draining the national budget, what does Congress do when it comes to energy? We pass a job-killing, energy-suppressant legislation, the cap-and-trade bill. This bill, which has passed this body in the midst of this economic crisis and as the energy crisis loomed, this bill, which passed our body, will make it even more difficult to produce the energy that we now depend on. And the excuse? Well, this time it's not saving a little fish. The excuse for passing this economy-killing, anti-energy legislation is what? Saving the planet. We can understand how they might want to save a little fish at the expense of all of us. But how are they going to save the entire planet from manmade global warming?

Well, more and more evidence that this theory is bogus surfaces every day. The public and decision makers for 10 years were inundated by phony science, altered numbers, and outright fraud. Scientists who disagreed with the manmade global warming theory were cut from research grants and prevented from publishing peer-reviewed dissenting opinions. It's all coming out. Everyday we see stories verifying that this is fraud, and what's been going on, the lies that have been told, the altering of numbers and statistics, the cherry-picking of actual information that would be put into computers to come out with solutions. All of this is coming out more and more every day, yet the Congress ignores all of that, as do the science advisers of this administration. They ignore this evidence. They belittle it, claiming that the case—No, no, this is inconsequential, but the case is closed.

How many have heard that expression? ''The case is closed.'' Well, that means they won't listen. That means that they won't even permit disagreement or permit an honest debate of the issue. This is what the proponents of manmade global warming have been doing for the last 2 years to stifle debate and prevent the American people from getting a balanced view of the positions, of the various positions that are taken on the proposal that mankind is changing the climate of the planet and making the planet warm up.

Well, even as we wade through the snow and the freezing weather that really is gripping large parts of our country and the rest of the world, I might add, even as experts now confirm that there's been a lack of warming for 15 years, economy-killing legislation passed in the House has been put forth in the name of stopping manmade global warming. Well, at least that little fish that they were trying to save and all the hardship on regular people to save that little fish is real. That little fish is real. Manmade global warming is a hoax.

I would point out there are many prominent scientists from around the world, major scientists, heads of universities, science departments, et cetera, from around the world who have taken a position that manmade global warming, as it has been presented to us, is false.

Well, we've had cooling and warming cycles in the Earth's climate for millions of years. These cycles are tied to solar activity, just like temperature trends that we've identified on Mars and other bodies in our solar system. By the way, what does solar system mean? Solar, the sun. The sun is the greatest source of energy not only for our planet but for the other planets. And we see on Mars the same type of temperature trends. I guess they must think there is some sort of SUV or something being driven on Mars that creates the temperature change on Mars.

Well, global warming should not be the issue because it's a fraud. What should be the issue is global pollution and the preventing of global pollution. But this distinction between global pollution, which is the pollutants that hurt human beings, versus carbon, CO_2, which is something that actually is beneficial to the planet. Actually, it helps us grow more plants, and it is not harmful to human beings. The fact that they are focused on CO_2 rather than pollutants hurts us in our efforts to stop the pollutants that are hurting people and at the same time is costing us billions of dollars with no payback whatsoever. In fact, we are spending billions of dollars unnecessarily in order to justify the research which has been done in order to justify the accusation that it is mankind and not the sun that is creating changes in our atmosphere.

The temperature of the planet is not manmade. We can't do anything about it. But the energy shortage, the energy shortage is manmade, and we can do something about that. And that is costing us billions of dollars as well. Billions, perhaps trillions of dollars.

Global warming is a fraud that has made the job of dealing with the energy crisis almost undoable. It has hampered our ability to solve the energy crisis, and we have made it worse—much worse—by legislation that was passed in this Congress in the middle of an economic crisis. For years, it has been a costly drag on our economy, this concept that we're going to try to outlaw CO_2 rather than getting to pollutants.

Well, now with a horrendous crisis looming, with a sword hanging over our heads, not producing domestic energy is no longer acceptable. The economic consequences are too damaging and too painful, painful to our people. We should be aggressively looking for ways to produce more energy here rather than searching for reasons to prevent increases in domestic production because that's what the powers that be in this Congress now are doing. That's what happened with the cap-and-trade bill. They are looking for reasons to prevent domestic production of the current energy that we depend upon. The end result has been, yes, a hampering of domestic production and has thus resulted in a decline in wealth generation in our country.

So imagine that: We aren't being permitted to develop our own energy. Thus, the amount of wealth that's being generated in our country has been declining. And because there is less wealth, people are beginning to suffer. A transfer of wealth to those countries when we are purchasing energy that we could be producing ourselves is impoverishing our country. That's right. We could produce it ourselves, but yet we're buying it from overseas, and we have less wealth here. This, as I say, has cost our economy trillions of dollars, trillions, and we are expected to continue our economic woes even as Congress passes more restrictions on domestic energy production.

Then, of course, when it comes to wealth transfer, one needs to look closely at America's trade policies, another major cause for an economic decline. We have been betrayed by wrongheaded idealists both when it comes to the environment as well as when it comes to trade policy. We have also been betrayed by powerful special interest groups in our own country who have global goals in mind, both environmentally and economically—at least that's what they say. The American people, as trusting as they are, have expected their government to represent their interests in trade negotiations. Instead, our representatives have focused on long-term global goals. And time and again, our interests as a people have been a secondary instead of a primary consideration for those with authority who are supposed to be protecting our interests.

You know, when people representing the other countries sit down with us to negotiate, their people know that they're supposed to be negotiating what is in the interest of their people. We expect them to do that. The people on our side of the table have something much more majestic in mind than just the self-interest of our own people, as if

there's something wrong with a Democratic government representing the interests of people who elect them. And we have gotten a short end of the stick. We have been shortchanged in these negotiations, trade negotiations, because we haven't had anybody there aggressively demanding what's in the interest of our people. But instead, we want to create a global system, and we want to convince these other people to sort of inch over in this direction so we can be part of a global effort.

Now don't get me wrong, I believe in international trade. I believe really, actually, in a robust trade between free people, and I believe such a trade between free people is a benefit to both parties. Especially if the ground rules are fair and equal and negotiated out between the two peoples, a trade between democratic countries is a win-win. Well, there is obviously something seriously wrong when our economy is sputtering to a halt while our trading partners are going into high gear.

Free trade between free people, which is my motto, should not be blamed for this because the problem is not free trade between free people, it's free trade on one side and controlled on the other. Free trade with a controlled and autocratic government is inherently not free. If permitted to do so, which is what our negotiators have permitted, the power of economic activity will be directed by these tyrannical governments, like China, to bolster the power of their elite, and it will be done at the expense, yes, of their own people's freedom, but it will be done at the expense of the economic well-being of our people.

Under this guise of free trade, which has not been challenged—because it isn't free trade if you're dealing with a dictatorship like China—we have had policies aimed at creating a global system. That's why we're permitting the Chinese to get away with this because we want them to be a part of a global system which includes everybody and, thus, will have a positive influence on all of these other countries. Well, the global system will supposedly include everybody—dictators, rogue regimes, countries where people are treated like serfs by gangsters, and criminals, and tyrants. Sorry, we don't need free trade or to be in a binding relationship with those types of regimes, and we don't need to be controlled by a global trading establishment that will result from all of this planetary organization of commerce. And you can bet that that global trading establishment, the systems that will be set up, will be eventually dramatically influenced, if not dominated, by nefarious regimes and self-enriching elites.

This, the WTO—which is what they're trying to create as a global system—will be and is becoming more like the United Nations. The United Nations, which was a theoretical dream but in reality, a nightmare for free and democratic peoples. The U.N. is an organization that gives China, the world's worst human rights abuser, a veto, and it provides General Assembly votes to the likes of Burma, Iran, Cuba, and North Korea. Oh, that's a good gang on which we should depend upon. We should make sure we're a part of an organization that gives them an equal vote in the General Assembly to ours or gives China a veto over anything the U.N. can do.

□ 1715

And speaking of China, here, too, is an explanation of why our country is on the verge of an economic calamity: We have permitted Communist China a one-way free trade policy for the last 20 years. And yes, when it was democratizing and opening up, such a strategy might have been justified at least for a time. During the Reagan years, we saw a liberalizing China. Reagan made it clear, and I know this because I worked with him on his speeches when he went to China, he made it clear that as long as progress toward openness and freedom continued in China, our generous trade and commerce policies would continue to be in place.

Then came Tiananmen Square. Unfortunately, Reagan was not President when this historic atrocity was committed. The Tiananmen Square massacre was not something that needed to happen, but it did happen. I believe had Ronald Reagan been President, it wouldn't have happened. He would have sent a telegram to those Communist dictators and said, If you slaughter the democratic movement and end democratic reform in China, we will withdraw your credits. There will be no technology transfer. There will be no investment in your country. There will be no open market for your goods. Don't do it. That is what Reagan would have done.

Do you know what the telegram was that President Bush, the father of our last President, sent? Do you know what it said to those Chinese Communist bosses about to make the decision to slaughter democracy in their own country? It didn't say anything because he never sent the letter. He never sent the telegram. In fact, there was no communication and no repercussions that the Bush Presidency used against the Communist Chinese atrocities committed in Tiananmen Square. Yet it changed history, and we let them get away with it because, you know what? There was an elite in our country that were making money by making deals with the Communist Party leadership in China.

For 20 years, we have let the policies that we put in place to encourage democratization stay in place even as these brutal Chinese dictators consolidated their hold. All along, the dictatorship has been strengthened by its position and strengthened in its position by exploiting America's wealth and technology which we have heaped upon them even after Tiananmen Square. We strengthened them at our expense.

Our China policy has decimated manufacturing in America and drained trillions of dollars from our economy. Note that. Again, more trillions of dollars drained from our economy. No wonder we are in an economic crisis. The regime in Beijing murders dissidents. It prosecutes and persecutes religious believers, whether they be Christians, Muslims, or Falun Gong. There is no freedom of speech, no freedom of association, no opposition parties, no free press, no independent judiciary. Yet we treat China better than we do some democratic countries, or countries that have at least made reforms, like Russia, that have made dramatic reforms, although they are imperfect.

Over the years, our elite has been encouraged to make deals to set up manufacturing in China. So factories and production have been shut down in the United States, and some companies have opened up new factories. Some of those same companies have opened up new factories in China. Over and over again, it has taken its toll on us. Not all of us, of course. The corporate elite gets a substantial short-term profit by some of these forays into the Chinese market, enough to warrant big bonuses for the short term.

It is our Achilles heel. Our corporate elite will sell out the well-being of their grandchildren for a quick profit next year. China, on the other hand, has long-term interests. In the long term, they get our assets and our wealth-generating technology. The bosses get rich quick selling out their employees. American consumers get cheaper products in the short term, but in the long term they and their children don't have any good-paying jobs. Not even enough to buy those cheap products. Even Congress wouldn't be stupid enough to buy that deal.

Oh, but there was a sweetener to that deal, of course. The sweetener was, if we let the one-way free trade keep on, it would bring about world peace, especially peace with China. Now, isn't that something that we have heard over and over again, just like the mantra of global warming. Oh, we are going to have a democratizing China and world peace if we just continue to allow this one-way free trade policy, which is obviously not working in the interest of our people.

Well, if there is one thing that liberals might like even better than stopping man-made global warming, it is world peace. And on top of that, on top of feeling good about a nice slogan, our really rich guys here in America are making a lot of money to boot, and they are friends with all of these policymakers. Well, policymakers promised political liberalization in China would result in more personal contact and more prosperity in China. To get them to do business, basically they promised us that because that is what we needed in order to keep these trade policies in place. Well, the promise that there would be a liberalization in

China because they are having more interaction with us, it is what I call the ''hug a Nazi, make a liberal'' theory, and it hasn't worked.

There has been no liberalization. We have created a Frankenstein monster that now threatens us militarily, and as our subject is here tonight, this gang of thieves now has leverage to drag us down and destroy our prosperity and the prosperity and well-being of our people. We are now vulnerable to a corrupt dictatorship in Beijing, and after Tiananmen Square, we have ended up not just having most-favored nation trading status, but under Bill Clinton, he made most-favored nation trading status permanent. Bush allowed after Tiananmen Square for the policy to continue; Clinton made it permanent.

One of the most disturbing aspects of this unholy relationship has been the transfer of American technology to China, technology used against our remaining manufacturers and against our defenders, and technology that advances Chinese military power and threatens our safety. Technology has flowed over there. Much of the technology to which I refer was a product of R&D paid for by the American taxpayer. Letting such American innovation be used to bolster and strengthen such a monster regime in China is sinful and an incredible betrayal of the American people and a disservice to the freedom loving people of China. Let us note that I believe the Chinese people are our greatest allies. They are the ones who will rid themselves of this tyranny and save the world from this threat. We must do everything to reach out to the people of China who are our friends by fighting, by confronting, not fighting in terms of military, but confronting the Chinese dictatorship just as we should be doing in Iran.

But there is a deal between our corporate elite and the Chinese hierarchy. Our corporate elite wins. Our people lose their jobs. Freedom loses. Our government has foisted this upon us. Our government permits the Chinese to keep their currency value artificially low, which makes China even more able not just to compete but to overwhelm our manufacturers. They have been keeping their currency artificially low so they can obliterate domestic manufacturing in the United States, and we have permitted the limited access of our products to their market while at the same time we have opened up our market totally to Chinese-made products. They limit our access to their markets while they have unlimited access to ours. Their currency is kept at a low level to make sure that the flow of wealth is coming in their direction by manipulating currencies. We have permitted technology and investment to go there even though it is a dictatorship. So what we have seen is trillions of dollars have been drained out of our economy.

So wages in the United States have been depressed. Our manufacturing infrastructure has been nearly obliterated. We must deal with this situation or America will continue to slide down even as the power of Beijing ascends. It will continue to affect our prosperity and freedom, and we will become more docile and more subservient, even as the arrogance and the maliciousness of the Beijing regime becomes apparent.

China trade policy must be on the list if we are to get ourselves out of the downward economic spiral that we are in. Trillions of dollars of wealth are being drained from our people, yet we hear no such proposals about China trade. In fact, there is legislation making its way through Congress that would make the situation worse, surprise, surprise. It would result in even more American technology and know-how ending up in Chinese hands and being used against us. There are proposals in Congress to weaken export control laws that control the flow of American technology.

I agree that with free nations, our entrepreneurs and enterprises should be free from the heavy-handed restrictions they now face. This, of course, as long as the final destination of the people we are dealing with is not a transaction that will end up delivering products to threatening nations like China or Iran. But the American business community insists on one set of rules for all. Rather than a two-tiered system, free trade with free and democratic countries being on one tier, with continued controls over the technology transfer to countries which are controlled by dictatorships and belligerent regimes, no, they can't have that two-tiered system. It makes sense, but not to a businessman who thinks of himself as a citizen of the world, not as an American patriot or not as someone who is associated with just Americans. He is a citizen of the world. Of course, yes, he is a citizen of the world just like all people around the world, they want a fast buck. Well, it is our job to protect the interests of the American people, not the interests of an elite who want to make a fast buck in dealing with dictators.

Interestingly enough, one of the issues of contention in this debate deals with the launching of U.S. satellites on Chinese rockets. The last time this was tried I thought it could be done as long as safeguards were in place to prevent transfer of technology. It turned into a national security nightmare. The safeguards were promised by the Clinton administration, but they were never enforced. When I realized this, I immediately changed my position on the issue and, in fact, conducted a personal investigation that turned out to discover a damaging transfer of rocket technology to China. Later, the Cox Commission verified our national security had been severely damaged.

Now the same arguments are being made. Now current Chinese rockets, however, have benefited from the technology they took from us and were given 15 years ago. Well, if we permit them to launch our satellites on their rockets, we will be undercutting our own rocket industry. You can kiss our aerospace industry goodbye. If our major companies like Boeing and GE start outsourcing aircraft and rocket parts to China, kiss our aerospace industry goodbye. Give them even more access to our technologies, and we will not be able to recapture the economic momentum that we need to weather our current crisis.

If our manufacturing and our know-how goes to China, we lose. China is and should be treated as America's adversary both in economics and an adversary to our democratic system as well. But the move to relax our restrictions and controls on the transfer of technology to China is moving forward here in Washington, as is the proposal to launch U.S. satellites on Chinese rockets. All of this is part of a trade policy that has obviously worked against us, us, the United States, the people of America. It has worked against us. Yet instead of being advocates of democracy to the Chinese leaders, as we were told would happen, our businesspeople will go there and interact with these Chinese leaders and they will become more democratic. They will learn to trust us and be more benevolent.

Well, instead our business community, instead of lobbying the bad guys, is here lobbying us on these policies in order to support their buddies in Beijing.

Just as disturbing, another windfall may be handed to China as well, as well as to other foreign competitors of the United States as part of a so-called patent reform bill that is making its way through the legislative process. For two decades, those very same corporate elites, especially in the electronics industry, who have been shipping jobs to China have been pushing hard for fundamental changes in America's patent system. Pro-inventiveness rhetoric has masked their attempt to dramatically diminish and even destroy the patent protection that has been enjoyed by Americans since the founding of our country.

□ 1730

Well, our only chance of getting back from an upward economic path is to increase our efficiency to produce more wealth through innovation and to use the creative genius of our people to build the machines that will enable American workers to compete and to beat foreign adversaries.

One of America's greatest assets, the bulwark of our freedom, that is the irreplaceable testament to the economic strength and wealth production in our country has been a strong patent system. It's been the right of our people, specifically written into our Constitution in article I, section 8, that guarantees the right of ownership to inventors for a given period of time in order to stimulate innovation and progress, and, yes, lead to general prosperity.

And it worked. That's why Americans have had such a high standard of living. People work hard all over the world, maybe harder than Americans, but we've had the tools and the equipment and the technology and the machines to out-compete those people throughout the world and build a standard of living of ordinary people. That's what we're proud of.

Other people work hard, as I say, but we produce the wealth, as never dreamed of before for normal, ordinary people, because we have the tools and the machines. And when threatened, our genius saved us from foreign despotism and tyranny, from hostile ideologies like fascism and communism. Our technological superiority is even more useful today when we are in a life-and-death struggle with radical Islam—not Islam in general, not the 1.5 billion Muslims on this planet who we have to reach out to just like we reach out to the people of China—but to the radical Islamists who would hurt us, who would kill our people as they did on 9/11.

Some foreigners would like to use the product of our creative genius against us. Unfortunately, there are those in the corporate elite who are willing to let that happen. The mega-electronics industry has been investing huge sums of money, campaign donations, for 15 years to accomplish this insidious goal of diminishing or destroying America's patent protections. They are the last ones you would think would be the enemies of patent protection because they are the biggest names in the electronics industry.

But why should such companies do this? Why would companies that appear to depend on innovation want to destroy the patent system? Because they produce products that contain multiple elements. Each one is a separate invention. Whether it's a cell phone or computer or other technology, there might be 20 elements that someone else invented, and they must use that capability in order to stay competitive. The big boys don't want to pay royalties to the little inventors, so instead they're negotiating an agreement that will undercut America's independent inventors, little guys, as well as other industries. It will permit these mega-tech multinational corporations to steal because they're going to make it legal. They're going to change the way the law works. They're going to diminish patent protection.

Well, the fact that this will also enable other gangsters around the world and other people around the world to steal America's technology, just like they're trying to steal it from America's little guys, that's of no concern to them because these corporate elites also are global thinkers. Many of them, as I said, consider themselves citizens of the world. Yeah, globalists.

For 15 years, they have tried time and again to ram through major fatal changes to our patent system, and each time they have been thwarted by a small band of patriots. That's right, the patriots can still beat the big guys. We can beat the globalists. Just last week, a bill made its way through the Senate Judiciary Committee. Chairman LEAHY is looking for floor time to bring it to a vote. Once it passes, it is likely to make it through the House.

The Senate's legislation will not destroy the patent system as was the case with all of the past legislation that these mega-tech industries have tried to foist upon us, but the fact is that it will undermine and diminish the current levels of protection as a compromise with these big businesses. Why should we compromise with mega-tech companies that want to diminish our rights? They say they want to harmonize our laws with the rest of the world—again, a globalist approach. No, Americans enjoy more freedom and more rights than the people of the world. If they want to harmonize their laws with us, let them increase the protection that they give to average citizens rather than diminish it.

The bill right now is going in the wrong direction even though there has been compromise. It still is taking us in the wrong direction even though the mega-tech companies, some of the major players who have been calling for this bill to be passed actually helped mold the first bill that was passed through this House, these people now say they don't support the legislation. We need to just say that bill contains compromises that are doing no favor to anybody, not the big guys, the little guys, not to American competitiveness, not to those people who are inventors, not to anybody.

We should just simply wait until next year. We can then build a strong coalition for patent protection with biotech, small and medium electronic firms, pharmaceuticals, colleges and universities, small inventors, all the people who actually are the mainspring of human progress for America. We can strengthen them by giving them more legal protection for their inventiveness.

Of course, compromise is not good enough for these mega-electronic firms, so they actually are opposing the bill too. Let us all work together then in making sure this Leahy compromise legislation does not pass and that next year we pass a bill—not for the mega-tech companies that are trying to destroy the patent system, but for the American people who depend on innovation.

The fight could go either way on this bill now, but let's hope that we can basically thwart their efforts because there are people in China and overseas right now waiting for us to change the rules in order to make sure they can get the technology and steal it from the American people themselves.

By the way, since 1996, these mega-tech companies, these electronic companies, which have sent thousands and thousands of jobs over to China, have been sued by little guys in 730 cases of patent infringement. These megacompanies, they don't want to suffer those cases. They just want to be able to take that intellectual property, even though they didn't invent it, and not pay for it, and benefit and profit from it themselves without giving royalties to the inventor. That kind of dynamic put into our system will undermine American progress and bring us down.

Thanks to our independent judiciary, these infringements have cost the big guys $4 billion in judgments. We need to keep in place a system in which if big guys are trying to steal from the little guys, the little guys can win, the patriots can win. But the big guys, they want to change the rules, let's see if we can do it. We need to have the American people alerted to this.

To get out of this crisis, this is what we need to focus on. The American people are becoming focused because their whole way of life, their specific standard of living of their family is being threatened and they understand that. We're going to get out of this and get back on a path of economic growth. If our children are to live in peace and enjoy prosperity, we must produce our own energy, we must have trade agreements that are done not at our expense, but are mutually beneficial trade agreements, and we must protect our freedom, especially the rights of technology ownership that have served America so well.

An innovative surge will give us the edge. It will give us the ability to produce more wealth, create more jobs, and keep America competitive. We can produce and grow our way out of this crisis, but the challenge will not be met by wishful thinking. Patriots must act to save the day. We can rely on freedom and technology, but only if the patriots act to ensure that freedom and technological progress are not undermined by counterproductive policies and changes in the law that have been foisted upon us by powerful interest groups or ideological zealots, or just plain idiots with influence. Patriots have to step forward, or things will continue to go haywire and the standard of living of the American people will go down.

We will not sit idly by. Patriots can and will win. We will not give up our freedom. We will not give up the dream. With freedom and technology, there is no limit to what we as a people can accomplish, no limit to how far we can go, no barrier to progress that we cannot bring down.

Ronald Reagan used to say there's nothing wrong with our government that cannot be fixed with one good election. Well, I would amend that by saying there is nothing wrong with our country that can't be corrected by patriots working together. And with freedom and technology, we will overcome the economic challenge and crisis that we face, and we will ensure that our children are given the freedom and the

opportunity and the decent standard of living that we have enjoyed as Americans over these last few decades since the great generation of Americans stepped forward and saved the world from Nazism and saved the world from communism and saved the world from fanatics who would murder and terrorize decent people throughout the world.

We have a very special role to play. Americans come from every race, every religion, every ethnic group. We have come here to show the world there is a better way, that we can live together in peace and respect each other. As this conglomerate people, we represent an ideal, not a territory, that we have to reach out to those people throughout the world and provide leadership as an example. That is what this fight is about. The patriots will win because we are doing so for the cause of all freedom and humanity.

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

PROGRESSIVE CAUCUS

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

Mr. ELLISON. I will claim the time on behalf of the Progressive Caucus, but I have a few boards to put up, so I'm going to grab those right now.

Mr. Speaker, I am KEITH ELLISON, and I am here to deliver the progressive message. I am looking forward to having some other Progressive Caucus members join me, but in any event, we'll be here tonight for a few minutes to talk to America about the progressive vision of America.

America is a great country because people stood forward and had a higher vision of what could be. Yet we came here as a Nation and the United States said, you know what? We can have a country where all men and women are created equal. We have to make that happen. And so Americans set out on path to what? End slavery then exalt the rights of workers, then eliminate gender discrimination and have the women's right to vote, and then move on forward to spread economic prosperity to all people to make sure that working class men and women during the Great Depression were able to have the kind of economic wherewithal that could see them through a difficult time.

America is a progressive idea. We saw the end of segregation because Americans of all races and colors stood up and said, you know what, this Jim Crow offends the basic principles of our Nation, so we're going to end this thing. It wasn't easy; it wasn't pretty. It was real messy and people gave up everything in order to pursue that ideal, but they did. And so America is really, at the bottom, a progressive idea.

Today, challenges are before Americans again today, none more important than the fight for health care, none more important than the fight for universal health care. As a member of the Progressive Caucus, I come here as a person who really would love to see universal single-payer health care; it's the right way to go. But single payer did not make it into the debate, really, this year, but important ideas like the public option did, and we're fighting for those ideas tooth and nail to the very last.

The progressive message tonight, talking about health care, as I have so many weeks before, is an idea that is coming to the floor. And it is no time to stop talking about health care reform now because Americans, we've been through a lot of changes. You all remember when the President started off his service, the President started off and said we're going to move forward on health care and begin some health care summits. We had a number of conversations as we went through and went forward, and of course, as so often happens, Members from the other side of the aisle, the Republican Caucus, had a lot of complaints, but they didn't have many constructive ideas. We moved forward anyway.

We went through the spring where we had literally tens and tens and tens—dozens of community hearings and hearings here on Capitol Hill about health care reform. We had witnesses come in and talk about how to bend the cost curve down, how to reduce cost, how to expand coverage. We literally had well over 100 hearings on health care reform. And as I said, we went into the communities. I had a number of community meetings myself where we talked health care reform. We had this debate right on up until the beginning of August, and people were telling us the public option is dead; but the public option, as we know, is not dead. We kept fighting for it and kept bringing it up. We kept rallying Americans, Mr. Speaker, and we just wouldn't break and we just wouldn't bend and we kept the conversation alive. We kept the conversation alive even though we had a very tough economy to deal with, even though we had to deal with the failing auto industry, even though we had a financial catastrophe.

We understood that getting health care reform right was key to prosperity for the poor, for working class people, and for middle class people; so we never really gave it up. In fact, even earlier today somebody said, Keith, what are you going to talk about tonight on the Special Order? I said, You know what I'm going to talk about? I'm going to talk about health care. They said, Wow, we're sick of talking about that. You know what? We don't have the luxury to be sick of talking about health care reform because right now, at this very moment, there are people who are facing being rescinded, being cut off health care insurance, people whose medical expenses have gone so high they have to consider bankruptcy in order to make it and survive economically.

□ 1745

There are people who have their children getting ready to turn 22, just like I recently had a situation where our health care carrier told me, On your son's birthday, which should be a happy occasion, he is going to be terminated from your health care policy. This is my own son. I'm a Member of Congress, and I'm trying to sit and figure out how we're going to get my boy, who is going from 21 to 22, covered because he is going to be looking for health care coverage in only a few days.

Americans are going through this all the time. Some Americans are thinking, Wow, I just hope I can get to 65 so I can get Medicare because then I won't have all of these problems. I'll be able to afford health care like I haven't been able to afford it in so many years. Americans are in dire straits. So it doesn't make any sense for anyone in this Congress to say they're sick of talking about health care, because Americans aren't through fighting these health care nightmares that we have to deal with every single day, day in and day out.

So we are here with the congressional Progressive Caucus. This is our email. If you want to contact us and let us know what your ideas are, the Progressive Caucus is open to ideas. We believe that progress is made through new ideas, and we want to hear about them.

We are going to be talking about health care tonight, and I'm hoping to be joined by some of our colleagues. I just want to start the conversation out talking about health care and about the economy and how these two ideas are linked together. It's shocking, shocking, shocking news. How do you like this one, folks?

Health insurers break profit records as 2.7 million Americans lose coverage.

Wait a minute. I must be reading this wrong, Mr. Speaker.

Health care insurers break profit records as 2.7 million Americans lose coverage.

Do you mean they're breaking records and getting more money than they ever got before as they're throwing people off coverage?

Well, that doesn't seem right. You would think that, during this time, Mr. Speaker, of reviewing health care policy that somebody somewhere would have at least the good sense to say, Well, maybe we shouldn't throw all of these people off at the very time we're making all this money. Maybe it would look bad.

Well, these avaricious folks don't have any shame when it comes to trying to grab more money. Just like some of these people in the financial services industry are giving themselves record bonuses as America's banks

have enough reserves but aren't lending it out so that small businesses can help grow our economy. As we're in the middle of a financial crisis, they're giving each other bonuses. Then they feel put upon and personally attacked because they can't go get a gazillion more dollars of American taxpayer money. It's really something.

Health care insurers break profit records as 2.7 million Americans lose coverage.

Mr. Speaker, I'd just like to show, to whomever is looking, the report where I get this information, this report of ''Health Care Insurers Break Profit Records As 2.7 Million Americans Lose Coverage''—the February 2010 Health Care for America Now! This is something very important. It's a great report that I would recommend people get. You can get it on the HealthCareforAmericaNow.org website. People need to check it out, Mr. Speaker, because it is the kind of information that can really help to get you engaged, to get you involved and to get you moving toward real health care reform. Let me just read a little bit from this report so the Americans who might be watching might just get a taste of this important report.

The five largest U.S. health insurance companies, Mr. Speaker, sailed through the worst economic downturn since the Great Depression to set new industry profit records in 2009, a feat accomplished by leaving behind 2.7 million Americans who had been in private health plans. For consumers who kept their benefits, the insurers raised rates and cost-sharing, and cut the share of premiums spent on medical care. Executives and shareholders of the five biggest for-profit health insurers—United Health Group, Inc., WellPoint, Inc., Aetna, Inc., Humana, Inc., and Cigna Corp.—enjoyed a combined profit of $12.2 billion—that's $12 billion with a ''b''—in 2009, up 56 percent from the previous year. It was the best year for big insurance.

Wow. Wow. That's amazing to me. These folks are coming down here, saying that they've got to have the private insurance go their way so they can survive while they are reaping mega-profits. Mr. Speaker, it's wrong. We've got to do something about it. It's downright unpatriotic. I will continue.

The outside earnings are a vivid reminder that, without comprehensive national health care reform, the gatekeepers of our health care system will put the short-term interests of Wall Street before the needs of millions of patients and a national economy plagued by joblessness.

I'm not going to read the whole report, Mr. Speaker, but it's worth it to go on a little further.

The 2009 financial reports from the Nation's five largest insurance companies reveal that, one, the firms made $12.2 billion—an increase of $4.4 billion, or 56 percent, from 2008. Four out of five of the companies saw earnings increase, with Cigna's profits jumping 346 percent.

Cigna's profits jumped 346 percent. That's pretty good. Now, this is as Americans are losing their health care benefits, as unemployment is spiking. As people are in real pain, they're getting more money.

The companies provided private insurance coverage to 2.7 million fewer people than the year before. Four out of five of the companies insured fewer people through private coverage. United Health alone insured 1.7 million fewer people through employer-based and individual coverage.

That's why I'm an advocate of universal, single-payer health care. As long as the private insurance market is a player in this thing, they're going to offer the worst at the highest price.

All but one of the five companies increased the number of people they covered through public insurance programs—Medicaid, SCHIP, Medicare. United Health added 680,000 people to public plans. That's me and you. That's the public.

The proportion of premium dollars spent on health care expenses went down for three of the five firms, with the higher proportion going to administrative expenses and to—guess what?—profits.

I know you're shocked.

One last paragraph, Mr. Speaker, so that people can really get a flavor of this thing. I'm hoping that people will really get a handle on this and will look into it so that they can see what's really going on. You can't figure out what's going on by some of these talk show hosts. Depending on what stations you like to watch, they're not going to tell you the truth. They're going to be busy telling you all about death panels and school-based sex clinics, and they're going to say government is taking over health care. Well, I'd rather have government take over my health care than have United Health take over my health care. I would. I think a lot of Americans would probably agree. Some may not, but I think most Americans expect the government to make sure that the private corporations in the health care business play fair with the American people. Let's go back to the report.

The shedding of 2.7 million members from private health care plans is part of the industry's long-term shifting of responsibility of the care of millions of the sick, older, and lower-income customers to taxpayer-supported government health programs, such as Medicaid and State Children's Health Insurance plans. State and Federal programs have increasingly been hiring big insurers to manage their care.

Well, I think we need to not do that. We need to get a plan that really provides some real competition for these people, like a public option or, better yet, have single-payer health care and just get the private market out of the health care business and allow private doctors to take care of patients as opposed to private insurance companies, which, Mr. Speaker, I will say don't really add value to the health care equation.

What do these people do? They move paper around. They don't see patients. They don't diagnose. They don't treat. What do they do? What do they add? Do they go get one aspirin? Do they put gauze on or dress wounds? They don't do anything like that. I think that they are, more or less, parasites on the system. They're taking massive amounts of money out and are leaving 2.7 million people behind in the year they've made the most money of all. So here is a little bit more from the inside of the report.

Faced with such onerous costs, many customers are winding up uninsured. Health insurance premiums have risen so high that experts have forecasted that 52 million Americans will be without coverage this year.

Now, Mr. Speaker, I know and you know that the number we always toss around is 47 million, that 47 million Americans don't have health care. Well, if that's what you say, you're wrong. We're approaching 52 million. There are 52 million Americans who are without health care, and this is at a time when we're in the very middle of a debate around reforming health care.

Left alone to purchase a health care plan directly from private insurers, many will have no choice but to remain uninsured or to buy cheap policies with inadequate benefits that leave them underinsured and at financial risk should they have a serious accident or illness.

Now, one little fact that Americans should know is that 60 percent—think about 6 and 10—of all bankruptcy filings are directly related to medical debt. Think about that. Our broken health care system is driving Americans to bankruptcy and to poverty. As that happens, our industry doesn't seem to care much at all because they're getting theirs, which seems to be their only obsession.

Well, Mr. Speaker, I may return to this topic in a little while, but I want you to know and I want the American people to know that this is a problem that must be addressed. This is not a time for cynicism, Mr. Speaker; this is a time for action. This is not a time to say what can happen; this is a time to make something happen. This is not a time to quit; this is a time to act. If Americans act now, Mr. Speaker, we can get that public insurance option. We can get that public option.

You know, last week, when I was talking, we had only about 24 Senators signed onto a letter saying they were going to support the public option. The last I checked, we were up to 35. The question is: Is your Senator on the letter? We need every Senator on there. We've got to get 50 on there because, if we get 50 Senators on there, on a letter, to say they support the public option through reconciliation rules, then we will have that. Despite people saying that the public option is dead, it

will be jumping back to life just like the phoenix, and I will be so proud of Americans who just never accepted ''no'' for an answer, because it is these insurance companies that are doing this that are the main opponents of the public option.

Let me just say this: People who are for the public option, like me, and people who are against the public option, like them, have the same reason for the positions that we take. They oppose the public option, and I support it for the same reason. It's going to cut into corporate profits and give more people health care. That's why we don't agree. They want to take more from the American people. I want to give more to the American people, so we don't agree. This public option can succeed if we just don't stop. It passed through the House, and 70 percent of Americans support it. We've got a climbing number of Senators getting on every day.

I want to thank Senator SHERROD BROWN. You know, I think ''President SHERROD BROWN'' sounds pretty good. I'd like to see him think about that. We've got Senator KIRSTEN GILLIBRAND, another great American. We've got other Senators joining every day who are just saying, you know, We're going to break free of this stranglehold that has been around the U.S. Senate, and we're going to really do something good for the American people. So I just want to say hats off to them and say I appreciate the hard work that they're doing.

□ 1800

Mr. Speaker, I have another chart that I want to show to the people here, and this one is quite sobering, quite sobering. It is another big number, Mr. Speaker. It is the kind of number that really, really, really we almost don't want to mention it, but if you don't mention it, you dishonor the memory of the people that are hurt.

Mr. Speaker, this chart here, I want to bring it real close to me so it is in the camera shot, says 45,000—45,000—Americans die every year because they are uninsured.

Now, think about this number, and think about this number: 2.7 million Americans lose coverage. Because of no coverage, 45,000 Americans die every year. So people are literally dying because they don't have health care coverage. And not one, not two, not somebody here or there, but 45,000 people.

This is a national disgrace, Mr. Speaker. It must be changed. We have got to do something about it. It has to be something that is a national priority. We have got to extend coverage to people, and we have to do it in a way that is cost-effective and so that we can extend as much coverage as we possibly can to as many people as we possibly can.

This is the reality of the situation. We have to fight for this, and we have to understand that this fight for health care reform is a life-and-death fight, Mr. Speaker. It is not just something that one side would prefer and the other side kind of would not prefer. That is just not what we are talking about. We are talking about a life-and-death situation, where unless we are able to move forward on real health care reform, Americans die.

Now, this number, 45,000, it looks like a big number. Here in Washington we throw big numbers around all the time, 2.7 billion, 45,000, all these numbers, and they jumble the mind. One of these 45,000 is a mother of someone. One of these 45,000 is a child of someone. One of these 45,000 is a young man in his prime of life whose family is dependent upon his income. One of these 45,000 is a small business owner. One of these 45,000 is someone who somebody loves.

This is a national emergency, Mr. Speaker, and I don't need to tell you, if we were talking about losing this many people a year in conflict or war, there is no doubt we would have a national debate and outrage over what we were going to do about it. It is not less important because it happens silently in hospital rooms and bedrooms and houses. It is just as important, and we have to do something about it.

Now, Mr. Speaker, I want to talk more about health care, but I just want to just lay out a few other impacts, since we laid that one out. Let me put it back up, because it is relevant to what I am about to say.

Not only do 45,000 Americans die every year because they are uninsured, but this year alone an estimated 1.5 million Americans will declare bankruptcy because of a lack of health care or because of health care expenses. Studies in recent years suggest that more than 60 percent of people who go bankrupt are actually capsized by medical bills.

Bankruptcies due to medical bills increased nearly 50 percent in a 6-year period, from 44 percent in 2001 to 62 percent in 2007. Sixty percent. We wish it was only 60 percent. It is probably 65 percent by now, Mr. Speaker, because this is a 2007 number.

Most of those who filed bankruptcy were middle-class, well-educated homeowners, according to a report published in August 2009 by the American Journal of Medicine. Unless you are Warren Buffett or Bill Gates, you are one illness away from financial ruin in this country. That is what the author of this report said, Dr. Stephanie Woolhandler. If an illness is long enough and expensive enough, private insurance offers very little protection against medical bankruptcy. That is the major finding of the study.

Overall, three-quarters of the people with medically related bankruptcy had health insurance. Let me tell you that again. As we know, this is the most generous, giving country. There are a lot of people who have the best of intentions. But as all Americans know, not everybody is like that.

There are some people who think, Well, I don't really care about those people. I only care about myself and my family, and if those people don't have insurance, well, that is just their problem. There is probably something they did to deserve that. Shocking as it is, there are a lot of people who think like that. The fact is, this statistic of all these people going into bankruptcy because of medical debt is talking about folks who are middle class and who have jobs.

This is a shocking statistic. Three-quarters of the people with medically related bankruptcy had health insurance. They had health insurance, and they still went down. Why? Because of lifetime caps, because they got dropped, because of copays and escalating premiums, all these things going on. Those were actually the predominant problems in patients studied. Seventy-eight percent of them had health insurance, but many of them were bankrupted anyway because there were gaps in their coverage, like copayments, deductibles, and uncovered services.

Other people had private insurance but got so sick they had lost their job and lost their insurance. We will return to that in a moment.

Health care cost, as a percentage of gross domestic product, has significantly increased. From March 2008, the number has grown since then. I have a chart here which I will explain to you, which I don't actually have a blowup of, which illustrates that we pay more than any other country for health care, and the other countries cover the entire population.

So, for example, in the United States, in 1970, health care was 7 percent of gross domestic product. Today it is 15.3. In Canada, 1970, it was 7 percent of gross domestic product. Now it is 9.9, more than 5 percentage points lower than ours. In Germany, health care was 6.2 percent in 1970 and grew to 10.6, about 5 percent lower than us. In the U.K., in 1970, health care was about 4.5 in 1970, and now it is 8.1.

We have expanded this because it makes somebody a whole lot of dough. We have got to think about this, and we have got to do something about it.

From 2000 to 2008, workers' health insurance premiums shot up more than five times faster than their wages. The average cost of family coverage in the workplace went from $6,672 in the year 2000 to $12,000 in 2007. That is a 78 percent increase. So it has eaten up family income. At the same time, average wages rose only about 15 percent, which means that the cost of health care significantly outstripped American pay.

I just wanted to speak a little bit, Mr. Speaker, about the important financial choices that Americans are having to make, bankruptcy or not bankruptcy, get the coverage or not. What are you going to do? Now that you are out of work, what are you going to do? Difficult choices.

But I wanted to spend a few minutes, Mr. Speaker, talking about the important issue of the public option, because

I think that a lot of people are thinking, well, you know, now that the public option seems to be back in play, more Senators are supporting it, and it already passed through the House, the American people like it, the President said he was in favor of it, and people are thinking, well, maybe it will happen now.

Well, you know what? This is no time to quit the fight for the public option. In fact, it is time to accelerate your energy around the public option. It wouldn't be a bad thing if people had rallies and community forums and petitions for the public option.

The public option is a great choice. I am an advocate of universal single payer health care, but the public option is a good choice if we can't get that far.

Currently, in 34 States, 75 percent of the insurance market is controlled by five or fewer companies, Mr. Speaker. Many areas of the country are dominated by just one or two private organizations. What that means is Americans don't have much choice. We are dealing with highly concentrated markets, and the public option would give people in these highly concentrated markets more choice.

Competition. Again, in 34 States, 75 percent of the insurance market is controlled by five or fewer companies. In Alabama, almost 90 percent is controlled by only one company. Now, is that a monopoly or what? In addition, a public option would provide competition for private insurance companies to keep them honest.

So the public option offers choice and competition. It also lowers cost. That is the funny thing about it. You would think you would have a lot of Republican support, because it reduces costs. But we know that existing public options, like Medicare and Medicaid, consistently have lower administrative costs than their private insurance counterparts because they don't have competition. Why should they worry about lowering costs?

According to the Commonwealth Fund, the net administrative costs for Medicaid and Medicare were 5 percent and then 8 percent; 5 percent for Medicare, 8 percent for Medicaid. If you look at the top five health insurance companies, their administrative costs were over 17 percent. Triple. It is crazy.

With the insurance market controlled by fewer and fewer companies and more and more States, there is little incentive to lower costs. Also, as one former insurance executive testified before Congress, insurance companies are not only encouraged to find reasons to drop seriously ill people, they are rewarded for it. Bureaucratic overhead costs coupled with multimillion dollar CEO salaries and bonuses make high costs for American families and a lack of competition, and it provides no incentive to change their practices.

The public option, Mr. Speaker, would provide higher quality for Americans' health care. Competition always improves—well, it doesn't always, but it often improves quality, and therefore the public option will help consumers get a better coverage for the same amount of money as their private insurance.

There are some things, Mr. Speaker, people have been saying about the public option that are not true. One of those things is the idea of the public option being a government takeover or even a government-run program. Well, you know what? The fact is that the public option would be administered by the Department of Health and Human Services, but it would be with private doctors and providers out there, so it would still be people dealing with their own private doctor.

The idea that the mandated health insurance is a new tax is also false, is not true. What a public option really means is that the government would help to cover the high cost of insurance for Americans, while bringing those costs down through competition, access, and choice. Without health care insurance reform, however, we can expect the problems that exist today only to get worse.

So, Mr. Speaker, I want to now just talk about the fact that we have been hearing a lot about this idea of reconciliation. There might be some Americans out there saying reconciliation, what is that about? Is that about how my neighbor and me who have been feuding are finally going to try to get along? Not really in this situation, although it would be a good thing.

The fact is, Mr. Speaker, in this case, reconciliation is just some special budgetary rules that are passed through Congress that allow Congress to pass laws by getting around the filibuster rules that are in the Senate. That is what it is. There are reconciliation rules in the House and the Senate, but in the Senate they have these rules that you have to have 60 people to end debate so you can then vote on something. Reconciliation allows us to get around those rules, and so it is a good thing.

A simple up or down vote by more than half the House and Senate should be enough to send the President the final improvements to the health care reform measure that we have been talking about for a year. A simple majority vote would not be used to reform the health care system, just to clear limited improvements to the comprehensive health reform bill which has already passed the Senate and in a similar form in the House, but not exactly the same.

Reconciliation is part of the normal legislative process, Mr. Speaker. It has been used 22 times over the last 30 years, 16 times by a Republican-led Senate, and nearly two-thirds of the time Republican Presidents have signed the reconciliation bills. Not all the time. Democrats have used it, too.

Certain times the reconciliation was used, for example, to enact a health reform bill called COBRA. Everybody knows what COBRA is. COBRA is what allows you to maintain your health insurance after you lose your job. This is a law that lets employees just keep their employer's health insurance after they have left their job. This bill was passed through reconciliation in 1985 and passed into law under Ronald Reagan. In fact, the R in COBRA actually stands for ''reconciliation.'' Isn't that something?

SCHIP, the bipartisan State Children's Health Insurance Program, passed through reconciliation in 1997. Medicare changes done through reconciliation include a hospice benefit, HMO preventative care, like cancer screenings, added protection also for patients in nursing homes, and the way Medicare pays doctors and health care professionals.

□ 1815

Also, the law requiring emergency rooms to screen Medicare and Medicaid patients, regardless of their ability to pay, was part of the 1985 reconciliation measure. So don't think that reconciliation is something new. There are people on the radio and television saying, Oh, my God, the Democrats are using reconciliation. Well, of course we are. It's a normal legislative tool used many times before and there's nothing unusual about it. Of course, reconciliation has been used for things that were not good for the American people as well. But this is not one of those occasions. This is an occasion where it's being used for something good.

Now, Mr. Speaker, I want to wrap up now. So if any of my Republican colleagues are thinking they want to get ready to get started, it would be a good idea to start thinking about that.

I just want to talk a little bit, as I begin to wrap up, about our economic situation. Because so much of the pain people are suffering through lack of health care and lack of health care reform is related to the fact that they're not working now. You lose your job; you lose your health care. I mentioned COBRA. Yeah, you can pay out of your own pocket COBRA if you lose your job, but you've still got to have some money to pay that.

So I just want to say that last Thursday, Mr. Speaker, the House unanimously passed the emergency legislation to extend a range of programs that expire this weekend. And some of these things were including unemployment benefits, help with health insurance for unemployed, a highway bill, satellite TV, delay in cut in Medicare physician payments, flood insurance, and things like that. Mr. Speaker, it just concerns me that we have had one Republican Senator who, up until a few days ago, was single-handedly blocking the passage of an emergency measure despite serious consequences for families.

Last week, Mr. Speaker, I actually went to my own district and asked people to raise their voices about the action that Senator BUNNING was taking

because it was inflicting a lot of pain around the country. According to the Department of Labor, the expiration of unemployment benefits caused 100,000 people to lose their benefits immediately, and about 400,000 people will lose unemployment benefits, including 4,300 people in Kentucky, and the next few weeks, if Senator BUNNING does not drop his opposition.

An estimated half a million jobless Americans will lose access to COBRA subsidies to them to help them buy health care insurance. Letting the highway and transit programs lapse would temporarily shut down a total of $925 million worth of projects this week in highway reimbursements and transit grants to States and urban areas, endangering more than 32,000 jobs, national anti-drunk driver efforts, and multimillion dollar construction jobs. With the Bunning obstruction, 41 highway projects have been forced to shut down.

Now, history knows that he came to an accommodation—and that's good. But the fact that the Senator held it up, to me is an example of how important it is to really, really understand who is not working for the American people and who is. Democrats are here trying to extend unemployment, extend COBRA, help Americans make it through tough times; and other people are obstructing and holding things up. I think it's important for the American people to know that because the American people deserve to know who's fighting for their economic livelihood and who's not.

The fact is, Senator BUNNING actually said, It could be argued unemployment insurance is a disincentive for work because people are being paid even though they're not working. It could be argued that unemployment insurance is a disincentive for work because people are being paid even though they're not working. That's pretty sad. The fact is that is Senator JIM BUNNING, Republican, Kentucky. I just want people to keep it in mind, what they're dealing with and what they're up against and who they're up against.

So the Senate ended up passing the bill; voted 78–19 Tuesday night to pass legislation extending unemployment benefits, highway funding, and other programs for 1 month, bringing an end to the one-man crusade to filibuster the bill. The fact is, the filibuster resulted in thousands of Federal workers being furloughed and an interruption in unemployment benefits. It happened. People were hurt. People were without money because of this. And that was incredibly unfortunate. But I think Americans in this great democracy of ours can express yourselves through the ballot box, and you should let people know that. And I think people should know what happened and how it happened and who did it.

So I also just want to mention, Mr. Speaker, that over 200,000 jobless workers were scheduled to lose unemployment benefits last week; and it didn't happen because we narrowly avoided it, but it certainly could have happened. And there was a break; there was a lapse. Federal employees were furloughed. I just want to keep that in mind and have people remember that.

So, Mr. Speaker, as I begin to wind down, I just want to say that there is a group of Members of Congress who have a progressive vision for America. The progressive vision for America is an America where the government actually takes responsibility for making sure the economy works for everybody; the progressive vision for America is where we have civil rights and human rights for women, people of color, working people, people who live in rural areas; where the country literally works for everyone and not just a few; where we really believe that all men are created equal and created with certain inalienable rights; where we really want to see our country reach its highest potential by offering educational opportunity, by saying that the military budget has expanded way out of control, that we need to put more energy into diplomacy and development around the world; a progressive vision in which we say that America should use its awesome blessings and strength to help confer those blessings for other people and people within.

With that, I yield back.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TIAHRT (at the request of Mr. BOEHNER) for today after noon on account of attending a funeral.

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 Ms. SCHWARTZ) to revise and extend their remarks and include extraneous material:)

Ms. SCHWARTZ, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. AL GREEN of Texas, for 5 minutes, today.

Ms. TITUS, 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. POE of Texas, for 5 minutes, March 11.

Mr. JONES, for 5 minutes, March 11.

Mr. MORAN of Kansas, for 5 minutes, March 11.

Mr. GINGREY of Georgia, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, today.

ADJOURNMENT

Mr. ELLISON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Friday, March 5, 2010, at 9 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPRATT, on behalf of and after consultation with Senator CONRAD. hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 2847, the Hiring Incentives to Restore Employment Act, for printing in the CONGRESSIONAL RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, March 4, 2010.

JOINT ESTIMATE OF BUDGETARY EFFECTS OF PAYGO LEGISLATION

MADAM SPEAKER, Pursuant to Public Law 111–139, and on behalf of and after consultation with the Chairman of the Senate Budget Committee and myself, I hereby submit, prior to the vote on passage, the attached estimate of the costs of the House amendment to the Senate amendment to the House amendment to the Senate amendment to the bill H.R. 2847, the Hiring Incentives to Restore Employment Act, for printing in the CONGRESSIONAL RECORD.

JOHN M. SPRATT.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR AN AMENDMENT TO THE SENATE AMENDMENT TO THE HOUSE AMENDMENT TO THE SENATE AMENDMENT TO H.R. 2847

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	Net Increase or Decrease (−) in the Deficit												
Statutory Pay-As-You-Go Impact	4,521	6,247	2,328	382	−13,629	58	12,673	−820	−2,715	−9,168	−532	−95	−657

Note: Components may not sum to totals because of rounding.

Sources: Congressional Budget Office and Joint Committee on Taxation.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6392. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Electronic Filing of Financial Reports and Notices (RIN: 3038–AB87) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6393. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Revised Adjusted Net Capital Requirements for Futures Commission Merchants and Introducing Brokers (RIN: 3038–AC66) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6394. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Commodity Pool Operator Periodic Account Statements and Annual Financial Reports (RIN: 3038–AC38) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6395. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Payment Eligibility and Payment Limitation; Miscellaneous Technical Corrections (RIN: 0560–AH85) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6396. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule—Suspension of Community Eligibility [Docket ID: FEMA–2008–0020; Internal Agency Docket No. FEMA–8113] received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6397. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Implementation of the Enterprise Income Verification System; Withdrawal of Rescinded Regulatory Amendments [Docket No.: FR–5351–F–03] (RIN: 2501–AD48) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6398. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule—Reporting of Fraudulent Financial Instruments (RIN: 2590–AA11) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6399. A letter from the Chief, PRAB, Office of Research and Analysis, Department of Agriculture, transmitting the Department's final rule—Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Vendor Cost Containment; Approval of Information Collection Request [FNS–2009–0001] (RIN: 0585–AD71) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6400. A letter from the Chief, PRAB, Office of Research and Analysis, Department of Agriculture, transmitting the Department's final rule—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Revisions in the WIC Food Packages Rule To Increase Cash Value Vouchers for Women [FNS–2006–0037] (RIN: 0584–AD77) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6401. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule—Classification of Three Steroids as Schedule III Anabolic Steroids Under the Controlled Substances Act [Docket No.: DEA–285F] (RIN: 1117–AB17) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6402. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT–2008–0918; FRL–8438–4] (RIN: 2070–AB27) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6403. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Primary National Ambient Air Quality Standards for Nitrogen Dioxide [EPA-HQ-OAR–2006–0922; FRL 9107–9] received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6404. 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; Montana; Revisions to the Administrative Rules of Montana [EPA-R08–OAR–2009–0198; FRL–9102–7] received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6405. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Final Clarification for Chemical Identification Describing Activated Phosphors For TSCA Inventory Purposes [EPA-HQ-OPPT–2007–0392; FRL–8798–9] (RIN: 2070–AJ21) received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6406. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–319, ''Clean and Affordable Energy Fiscal Year 2010 Fund Balance Temporary Act of 2010''; to the Committee on Oversight and Government Reform.

6407. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–320, ''Health Care Facilities Improvement Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

6408. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaskia; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344–9056–02] (RIN:0648–XT96) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6409. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Participating in the Amendment 80 Limited Access Fishery in Bering Sea and Aleutian Islands Management Area [Docket No. 0810141351–9087–02] (RIN: 0648–XT95) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6410. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Western Pacific Crustacean Fisheries; 2010 Northwestern Hawaiian Islands Lobster Harvest Guideline (RIN: 0648–XT33) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6411. A letter from the Acting Director, Office of Sustainable Fishiers, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area for Vessels Using Trawl Gear [Docket No.: 0910091344–9056–02] (RIN: 0648–XT71) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6412. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 0809251266–81485–02] (RIN: 0648–XT61) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6413. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281–0369–02] (RIN: 0648–XU01) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6414. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska, Steller Sea Lions; Correction [Docket No.: 0912011420–91423–01] (RIN: 0648–AY39) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6415. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands [Docket No.: 0810141351–9087–02] (RIN: 0648–XT42) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6416. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Limited Access General Category Scallop Fishery to Individual Fishing Quota Scallop Vessels [Docket No.: 070817467–8554–02] (RIN: 0648–XT87) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6417. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries in the Western Pacific; Pelagic Fisheries; Vessel Identification Requirements [Docket No.: 090218199–91223–02] (RIN: 0648–AX38) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6418. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final

rule—Fisheries of the Exclusive Economic zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543 [Docekt No.: 0810141351–9087–02] (RIN: 0648–XT86) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6419. A letter from the Acting Assistant Admnistrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administrations's final rule—International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Initial Implementation of the Western and Central Pacific Fisheries Convention [Docket No.: 070717350–9936–02] (RIN: 0648–AV63) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6420. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures [Docket No.: 0907301206–0032–02] (RIN: 0648–AY13) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6421. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—International Fisheries Regulations; Fisheries in the Western Pacific; Pelagic Fisheries; Hawaii-based Shallow-set Longline Fishery; Correction [Docket No.: 080225267–91393–03] (RIN: 0648–AW49) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6422. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Renewal of Atlantic Tunas Longline Limited Access Permits; Atlantic Shark Dealer Workshop Attendance Requirements [Docket No.: 080130104–8560–02] (RIN: 0648–AW46) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6423. A letter from the Deputy Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Atlantic Swordfish Quotas [I.D.: 020607C] (RIN: 0648–AV10) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6424. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States [Docket No.: 0907241164–91415–02] (RIN: 0648–AY09) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6425. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States; Coastal Pelegic Species Fisheries; Annual Specifications [Docket No.: 0909111273–91431–02] (RIN: 0648–XR09) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6426. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; San Diego Parade of Lights Fireworks; San Diego Bay, CA [Docket No.: USCG–2009–0484] (RIN: 1625–AA00) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6427. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Harlem River, New York, NY [USCG–2008–0456] (RIN: 1625–AA09) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6428. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Atlantic Intracoastal Waterway, Oak Island, NC [Docket No.: USCG–2009–1067] (RIN: 1625–AA00) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6429. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulation for Marine Events; Recurring Marine Events in the Fifth Coast Guard District [Docket No.: USCG–2009–0430] (RIN: 1625–AA08) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6430. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule—Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG–2009–1080] (RIN: 1625–AA11, 1625–AA00) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6431. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule—Safety and Security Zone, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG–2009–1052] (RIN: 1625–AA00) (RIN: 1625–AA87) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6432. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Correction to Composite Loss Discount Factor for Nonproportional Assumed Property Reinsurance in Revenue Procedure 2009–55, 2009–52 I.R.B. 982 received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6433. A letter from the Chief, Publications and Regualtions Branch, Internal Revenue Service, transmitting the Department's final rule—Qualified Zone Academy Bond Allocations for 2010 [Notice 2010–22] received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6434. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Determiniation of Issue Price in the Case Certain Debt Instruments Issued for Property (Rev. Rul. 2010–8) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6435. A letter from the Chief, Publications and Regualtions, Internal Revenue Service, transmitting the Service's final rule—Rules for Certain Reserves (Rev. Rul. 2010–07) received February 23, 2010, 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. MATSUI: Committee on Rules. House Resolution 1137. Resolution providing for consideration of the Senate amendment to the bill (H.R. 2847) making appropriations for the Department of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–426). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. House Resolution 1031. Resolution impeaching G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana, for high crimes and misdemeanors (rept. 111–427). 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. RAHALL (for himself, Mr. MOLLOHAN, and Mr. BOUCHER):

H.R. 4753. A bill to suspend, during the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REHBERG:

H.R. 4754. A bill to prohibit the further extension or establishment of national monuments in Montana except by express authorization of Congress; to the Committee on Natural Resources.

By Mr. EHLERS (for himself, Mr. DINGELL, Mr. KIRK, and Ms. SLAUGHTER):

H.R. 4755. A bill to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes; to the Committee on Transportation and Infrastructure.

By Mr. CUMMINGS (for himself, Mr. BURTON of Indiana, Mr. MEEKS of New York, Mr. FRANK of Massachusetts, Mr. SENSENBRENNER, Mrs. CHRISTENSEN, Mr. MCGOVERN, Mr. DOYLE, Mr. EDWARDS of Texas, Mrs. DAVIS of California, Mr. MASSA, Mr. MARSHALL, Mr. GRIJALVA, and Mr. DEFAZIO):

H.R. 4756. A bill to provide for prostate cancer imaging research and education; to the Committee on Energy and Commerce.

By Ms. SCHAKOWSKY (for herself, Ms. BALDWIN, Mrs. CAPPS, Mr. CONYERS, Ms. DELAURO, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Ms. HARMAN, Mr. HARE, Ms. LEE of California, Ms. MOORE of Wisconsin, Ms. SUTTON, Mr. WEINER, Ms. WATSON, Ms. WOOLSEY, and Mr. MARKEY of Massachusetts):

H.R. 4757. A bill to provide for the establishment of a Health Insurance Rate Authority to establish limits on premium rating, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Texas (for himself, Mr. BILIRAKIS, Mr. GALLEGLY, Mr. DANIEL E. LUNGREN of California, Mr. KING of Iowa, and Mr. HARPER):

H.R. 4758. A bill to authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States, to require the Secretary of Homeland Security to review visa applications before adjudication, and to provide for

the immediate dissemination of visa revocation information; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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. TAYLOR (for himself, Mr. JONES, Mr. DEFAZIO, Mr. STUPAK, Mr. ARCURI, Mr. BACA, Mr. BARTLETT, Mr. BRALEY of Iowa, Mr. CAPUANO, Mr. COSTELLO, Mr. FILNER, Mr. GRIJALVA, Mr. HARE, Mr. HINCHEY, Mr. KAGEN, Ms. KAPTUR, Mr. KILDEE, Mr. KISSELL, Mr. KUCINICH, Mr. MASSA, Mr. MCINTYRE, Mr. MICHAUD, Mr. PAUL, Mr. SCHAUER, Mr. VISCLOSKY, Mr. WILSON of Ohio, Ms. WOOLSEY, and Mr. STARK):

H.R. 4759. A bill to provide for the withdrawal of the United States from the North American Free Trade Agreement; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas:

H.R. 4760. A bill to amend the Internal Revenue Code of 1986 to require individuals to provide their Social Security number in order to claim the first-time homebuyer tax credit; to the Committee on Ways and Means.

By Mr. ARCURI (for himself, Mr. MAFFEI, Mr. ELLSWORTH, and Mr. DONNELLY of Indiana):

H.R. 4761. A bill to reduce the pay of Members of Congress and eliminate automatic adjustments to such pay, to establish a limit on the aggregate amount which may be appropriated for the Members' Representational Allowances of Members of the House of Representatives, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana:

H.R. 4762. A bill to reduce the pay of Members of Congress and dedicate the annual savings to a reduction of the national debt; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDOZA:

H.R. 4763. A bill to suspend temporarily the duty on certain rechargeable ultracapacitor long life flashlights; to the Committee on Ways and Means.

By Mr. CARTER (for himself, Ms. TITUS, Mr. LOBIONDO, Ms. JACKSON LEE of Texas, Mr. BRADY of Pennsylvania, Mr. SMITH of Texas, Mrs. CHRISTENSEN, Mr. SAM JOHNSON of Texas, Mrs. MCMORRIS RODGERS, Mr. ROGERS of Michigan, Mr. BISHOP of Georgia, Mr. MICA, Mr. OLSON, Mr. BONNER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BLUNT, Mr. NEUGEBAUER, and Mr. MCCOTTER):

H.R. 4764. A bill to amend the Internal Revenue Code of 1986 to make employers of spouses of military personnel eligible for the work opportunity credit; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mr. FILNER, Ms. HERSETH SANDLIN, Mr. WALDEN, Mr. BLUMENAUER, Mr. SCHRADER, Mr. WU, Mr. HALL of New York, Mr. CARNEY, Mr. COURTNEY, Ms. BORDALLO, and Mr. PERRIELLO):

H.R. 4765. A bill to amend title 38, United States Code, to authorize individuals who are pursuing programs of rehabilitation, education, or training under laws administered by the Secretary of Veterans Affairs to receive work-study allowances for certain outreach services provided through congressional offices, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ELLISON (for himself, Ms. WATERS, Mrs. MALONEY, and Mr. CAPUANO):

H.R. 4766. A bill to permanently extend the Protecting Tenants at Foreclosure Act of 2009; to the Committee on Financial Services.

By Mr. FORTENBERRY (for himself and Mr. SHULER):

H.R. 4767. A bill to amend the Consumer Product Safety Improvement Act to exempt ordinary books and paper-based printed material from the lead limit in such Act; to the Committee on Energy and Commerce.

By Mr. GRAYSON:

H.R. 4768. A bill to prevent funding provided through the Federal Reserve System from being made available to corporations that finance political campaigns or political propaganda, and for other purposes; to the Committee on Financial Services.

By Mr. HOLT (for himself, Ms. LINDA T. SÁNCHEZ of California, and Mr. HINCHEY):

H.R. 4769. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for equity investments in high technology small business concerns; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. KIND, Ms. SCHWARTZ, and Mr. FILNER):

H.R. 4770. A bill to amend the Internal Revenue Code of 1986 to increase the credit for research expenses for 2010 and 2011 and to allow the credit to be assigned; to the Committee on Ways and Means.

By Mr. JACKSON of Illinois:

H.R. 4771. A bill to establish a commission to commemorate the sesquicentennial of the American Civil War; to the Committee on Oversight and Government Reform.

By Ms. KILROY (for herself, Mr. WILSON of Ohio, and Ms. FUDGE):

H.R. 4772. A bill to amend the Internal Revenue Code of 1986 to extend the nonbusiness energy property credit to include insulated siding; to the Committee on Ways and Means.

By Mr. KINGSTON:

H.R. 4773. A bill to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes; to the Committee on Natural Resources.

By Ms. NORTON:

H.R. 4774. A bill to revise the composition of the Board of Regents of the Smithsonian Institution so that all members are individuals appointed by the President from a list of nominees submitted by the leadership of the Congress, and for other purposes; to the Committee on House Administration.

By Ms. NORTON:

H.R. 4775. A bill to provide for the application of sections 552, 552a, and 552b of title 5, United States Code (commonly referred to as the Freedom of Information Act and the Privacy Act), and the Federal Advisory Committee Act (5 U.S.C. App.) to the Smithsonian Institution, and for other purposes; to the Committee on House Administration.

By Ms. NORTON:

H.R. 4776. A bill to prohibit the Secretary of the Smithsonian Institution from charging a fee for admission to any exhibit which is part of the permanent collection of any museum or facility which is part of any bureau established in or under the Smithsonian Institution, and for other purposes; to the Committee on House Administration.

By Mr. OWENS:

H.R. 4777. A bill to amend the Internal Revenue Code of 1986 to provide an exemption for employer payroll taxes during 2010 for wages with respect to the employment of new hires and to provide a credit for retaining employees; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 4778. A bill to extend the National Flood Insurance Program to December 31, 2010; to the Committee on Financial Services.

By Mr. POMEROY (for himself and Mr. MORAN of Kansas):

H.R. 4779. A bill to amend the Internal Revenue Code of 1986 to encourage the creation and growth of small business and reduce the cost of complying with the tax requirements; to the Committee on Ways and Means.

By Mr. ROONEY (for himself, Mr. MCKEON, Mr. SHUSTER, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. CHAFFETZ, Mr. POSEY, Mr. GINGREY of Georgia, Mr. BURTON of Indiana, Mr. MARCHANT, Mr. MANZULLO, Mr. LATTA, Mrs. BLACKBURN, Mr. AKIN, Mr. PITTS, Mr. BRADY of Texas, and Mr. GOHMERT):

H.R. 4780. A bill to require the head of an element of the intelligence community to provide to the Secretary of Defense any intelligence information obtained by such element that indicates the involvement of personnel of the Department of Defense with a terrorist organization, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT:

H.R. 4781. A bill to amend the Internal Revenue Code of 1986 to reduce the maximum corporate rate of tax to 22 percent; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself and Ms. BERKLEY):

H.R. 4782. A bill to direct the Secretary of the Interior to provide loans to certain organizations in certain States to address habitats and ecosystems and to address and prevent invasive species; to the Committee on Natural Resources.

By Mrs. HALVORSON (for herself, Ms. CORRINE BROWN of Florida, Ms. NORTON, Mr. GENE GREEN of Texas, Mr. MOORE of Kansas, Mr. HINCHEY, Mr. COURTNEY, Mr. MURPHY of Connecticut, Mr. GRIJALVA, and Mr. WALZ):

H.J. Res. 80. A joint resolution recognizing and honoring the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families; to the Committee on Veterans' Affairs.

By Mr. HOYER (for himself, Mr. VAN HOLLEN, Mr. WOLF, Mr. CONNOLLY of Virginia, Mr. MORAN of Virginia, Ms. EDWARDS of Maryland, and Ms. NORTON):

H. Con. Res. 247. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. KUCINICH (for himself, Mr. CONYERS, Mr. FILNER, Mr. JONES, Ms. WOOLSEY, Mr. CAPUANO, Mr. JOHNSON of Illinois, Mr. PAUL, Ms. BALDWIN, Mr. GRIJALVA, Mr. MASSA, Mr. GRAYSON, Ms. LEE of California, Ms. PINGREE of Maine, Mr. DAVIS of Illinois, Ms. CLARKE, Mr. SERRANO, and Mr. MICHAUD):

H. Con. Res. 248. Concurrent resolution directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Afghanistan; to the Committee on Foreign Affairs.

By Mr. LEWIS of Georgia (for himself and Mr. CONYERS):

H. Con. Res. 249. Concurrent resolution commemorating the 45th anniversary of Bloody Sunday and the role that it played in ensuring the passage of the Voting Rights Act of 1965; to the Committee on the Judiciary.

By Mr. COHEN (for himself, Mr. GRIJALVA, Mrs. CAPPS, Ms. MOORE of Wisconsin, and Ms. SUTTON):

H. Res. 1138. A resolution expressing support for the designation of the first week of April 2010 as National Asbestos Awareness Week; to the Committee on Energy and Commerce.

By Mr. ISSA:

H. Res. 1139. A resolution honoring the life and accomplishments of Clare Boothe Luce and recognizing her leadership in the women's suffrage movement and the influence she continues to have today; to the Committee on House Administration.

By Mr. ENGEL (for himself, Mr. POE of Texas, Mr. GENE GREEN of Texas, Mr. PAYNE, Ms. LEE of California, Ms. BALDWIN, Mr. DOYLE, Ms. MATSUI, Mr. NADLER of New York, Mrs. MALONEY, Ms. SCHAKOWSKY, Mr. SMITH of Washington, and Mr. CROWLEY):

H. Res. 1140. A resolution commending the progress made by anti-tuberculosis programs; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIFFORDS (for herself, Mr. GRIJALVA, Mrs. KIRKPATRICK of Arizona, Mr. MITCHELL, Mr. PASTOR of Arizona, and Mr. SHADEGG):

H. Res. 1141. A resolution honoring the accomplishments of Supreme Court Justice Sandra Day O'Connor, the first woman to serve on the United States Supreme Court; to the Committee on the Judiciary.

By Mr. PETRI:

H. Res. 1142. A resolution congratulating Silver Lake College for 75 years of service as an undergraduate institution of higher education; to the Committee on Education and Labor.

By Mr. QUIGLEY (for himself, Mr. SHIMKUS, Mr. FALEOMAVAEGA, Mr. CARNAHAN, Mr. CROWLEY, Mr. LIPINSKI, Mr. MURPHY of Connecticut, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN of Virginia, Mr. HONDA, Mr. WALZ, Ms. NORTON, Mr. SCHOCK, Mr. BLUNT, and Mr. CONAWAY):

H. Res. 1143. A resolution commending the Community of Democracies for its achievements since it was founded in 2000; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 197: Mrs. MCMORRIS RODGERS.
H.R. 413: Mr. KIRK and Mr. GRIFFITH.
H.R. 442: Mr. BROUN of Georgia and Mrs. SCHMIDT.
H.R. 450: Mr. BOEHNER.
H.R. 571: Mr. PERRIELLO.
H.R. 653: Mr. GRIJALVA.
H.R. 734: Mr. WOLF, Mr. MCNERNEY, Ms. KILROY, and Mrs. SCHMIDT.
H.R. 782: Mr. PAULSEN.
H.R. 872: Mr. MCCOTTER.
H.R. 886: Mr. PASCRELL and Mr. GENE GREEN of Texas.
H.R. 930: Ms. SHEA-PORTER.
H.R. 1023: Mr. BARRETT of South Carolina and Mr. BONNER.
H.R. 1074: Mrs. SCHMIDT.
H.R. 1079: Mr. CARNEY and Mr. CARSON of Indiana.
H.R. 1103: Mr. PIERLUISI.
H.R. 1126: Ms. SHEA-PORTER and Mr. BRADY of Pennsylvania.
H.R. 1132: Mr. HOLT, Ms. RICHARDSON, Mr. BARROW, and Mr. PASCRELL.
H.R. 1138: Mr. ROSS.
H.R. 1169: Mr. BOUCHER and Mr. ROSS.
H.R. 1205: Ms. HERSETH SANDLIN, Mr. MURPHY of New York, Mr. RUSH, Mr. BONNER, Mr. WITTMAN, Mr. OLVER, Mr. CASSIDY, Mr. TIBERI, Mr. VISCLOSKY, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 1210: Mr. SCOTT of Virginia and Mr. CHANDLER.
H.R. 1250: Mr. FORTENBERRY and Mr. LEE of New York.
H.R. 1283: Mr. MOORE of Kansas.
H.R. 1351: Mr. KINGSTON and Ms. TITUS.
H.R. 1362: Ms. KOSMAS, Mr. SCOTT of Virginia, and Mr. MILLER of Florida.
H.R. 1521: Mr. MCNERNEY, Mr. CAMP, and Mr. HERGER.
H.R. 1625: Mr. HODES.
H.R. 1643: Mr. GENE GREEN of Texas.
H.R. 1799: Mr. LAMBORN.
H.R. 1806: Mr. YARMUTH, Mr. KISSELL, and Ms. TITUS.
H.R. 1879: Mr. HARPER.
H.R. 1943: Mr. BISHOP of New York.
H.R. 1956: Mr. CLAY and Mrs. KIRKPATRICK of Arizona.
H.R. 1995: Mr. SCOTT of Virginia.
H.R. 2000: Mr. HARE and Mr. NYE.
H.R. 2056: Mr. WELCH.
H.R. 2084: Mr. UPTON.
H.R. 2251: Mr. MILLER of Florida.
H.R. 2273: Mr. RYAN of Ohio.
H.R. 2287: Mr. CHAFFETZ.
H.R. 2296: Mr. GERLACH.
H.R. 2350: Mrs. MALONEY.
H.R. 2373: Mr. JONES.
H.R. 2377: Mr. ROSKAM.
H.R. 2378: Mr. DAVIS of Tennessee.
H.R. 2421: Mrs. CAPPS, Mr. CASSIDY, Mr. FRANK of Massachusetts, Ms. HARMAN, Mr. MOORE of Kansas, and Ms. MOORE of Wisconsin.
H.R. 2425: Mr. EHLERS and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 2584: Mr. DUNCAN.
H.R. 2697: Mrs. HALVORSON and Mr. ROGERS of Alabama.
H.R. 2746: Mr. TOWNS, Ms. CORRINE BROWN of Florida, and Mr. QUIGLEY.
H.R. 2849: Mr. OLVER, Mr. DELAHUNT, Mr. BACA, Mr. FRANK of Massachusetts, and Mr. TIERNEY.
H.R. 2932: Ms. ESHOO.
H.R. 3125: Mrs. BONO MACK and Mr. BURGESS.
H.R. 3225: Mr. RYAN of Ohio.
H.R. 3407: Ms. CORRINE BROWN of Florida, Mr. MICA, and Mr. BOUCHER.
H.R. 3415: Mr. GALLEGLY, Mr. COSTA, and Mr. BERRY.
H.R. 3421: Ms. WATERS.
H.R. 3464: Mr. BOOZMAN.
H.R. 3506: Mr. LANCE.
H.R. 3526: Mr. COHEN.
H.R. 3554: Mr. PRICE of North Carolina.
H.R. 3577: Mr. REYES.
H.R. 3578: Mr. KLEIN of Florida.
H.R. 3615: Mr. SKELTON.
H.R. 3652: Ms. BALDWIN, Mr. TAYLOR, and Mr. BARTLETT.
H.R. 3668: Mr. ROSS, Mr. SULLIVAN, Ms. FALLIN, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 3672: Mr. ORTIZ.
H.R. 3715: Ms. ROYBAL-ALLARD.
H.R. 3742: Mr. SIMPSON and Mrs. MALONEY.
H.R. 3787: Mr. MCGOVERN.
H.R. 3790: Mr. BARTLETT, Mr. CONNOLLY of Virginia, Mr. GRAVES, Mr. BOSWELL, Mr. SCOTT of Georgia, and Mr. MCCOTTER.
H.R. 3839: Mr. JONES.
H.R. 3856: Mr. HODES.
H.R. 3927: Mr. CAO.
H.R. 3936: Mr. MASSA and Mr. CLAY.
H.R. 3943: Mr. PRICE of North Carolina.
H.R. 3948: Ms. JACKSON LEE of Texas.
H.R. 3982: Mr. SESTAK.
H.R. 4036: Mr. COHEN.
H.R. 4054: Mr. MICHAUD, Mr. ROSS, and Mr. BOUCHER.
H.R. 4100: Ms. GINNY BROWN-WAITE of Florida.
H.R. 4112: Mr. EHLERS.
H.R. 4115: Ms. WASSERMAN SCHULTZ, Mrs. CHRISTENSEN, and Mr. DOGGETT.
H.R. 4116: Mrs. MCMORRIS RODGERS and Ms. HARMAN.
H.R. 4128: Mr. PRICE of North Carolina.
H.R. 4149: Mr. CARNEY and Ms. BERKLEY.
H.R. 4189: Mr. MCHENRY, Ms. GRANGER, Mr. POSEY, Mr. BISHOP of Utah, and Mr. BRADY of Texas.
H.R. 4202: Mr. CLEAVER.
H.R. 4241: Mrs. BLACKBURN and Mr. TEAGUE.
H.R. 4256: Mr. CROWLEY.
H.R. 4261: Mrs. MYRICK.
H.R. 4296: Mr. MAFFEI.
H.R. 4310: Mr. GUTIERREZ, Mr. DEFAZIO, Mr. FILNER, Ms. KAPTUR, Mr. GRAYSON, Mr. ELLISON, Mr. JACKSON of Illinois, Ms. WOOLSEY, Mr. KAGEN, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4329: Mr. LAMBORN.
H.R. 4330: Mr. GUTHRIE.
H.R. 4333: Ms. WATSON, Mr. ELLISON, Mr. JOHNSON of Georgia, Mr. PASTOR of Arizona, Mr. SCHIFF, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, Mr. THOMPSON of California, Ms. ZOE LOFGREN of California, Mr. HONDA, Ms. LORETTA SANCHEZ of California, Mr. BACA, Ms. SPEIER, Mr. NEAL of Massachusetts, Mr. PASCRELL, Mrs. MCCARTHY of New York, Mr. WU, Mr. GRAYSON, Mrs. NAPOLITANO, Mr. BOCCIERI, amd Mrs. SCHMIDT.
H.R. 4393: Mr. BILBRAY.
H.R. 4396: Mr. ROSS and Mr. BOOZMAN.
H.R. 4399: Mr. PRICE of North Carolina.
H.R. 4402: Ms. SCHAKOWSKY, Ms. TITUS, Ms. CLARKE, and Ms. CORRINE BROWN of Florida.
H.R. 4404: Mr. HONDA and Mr. CAO.
H.R. 4405: Mr. MASSA and Ms. DELAURO.
H.R. 4411: Mr. DAVIS of Illinois.
H.R. 4486: Mr. ARCURI.
H.R. 4509: Mr. MCINTYRE.
H.R. 4530: Ms. ESHOO.
H.R. 4533: Mr. PIERLUISI, Mr. RYAN of Ohio, and Mr. STARK.
H.R. 4539: Mr. HIMES.
H.R. 4540: Mr. GRAYSON and Mr. HIMES.
H.R. 4552: Mr. OBERSTAR, Ms. SCHAKOWSKY, and Mr. DINGELL.
H.R. 4553: Mr. FILNER.
H.R. 4555: Mr. LATOURETTE, Mr. RAHALL, and Mr. WITTMAN.
H.R. 4564: Ms. SCHAKOWSKY, Mr. LANGEVIN, Mr. RUSH, Mr. WEINER, and Mr. COHEN.
H.R. 4567: Ms. JACKSON LEE of Texas.
H.R. 4573: Mr. WEINER.
H.R. 4594: Mr. OLVER, Mr. KAGEN, and Mr. KIRK.
H.R. 4598: Ms. MARKEY of Colorado, Mr. HASTINGS of Florida, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. GRIJALVA, and Mr. MURPHY of New York.
H.R. 4599: Mr. HINCHEY.
H.R. 4637: Mr. BISHOP of New York.
H.R. 4645: Mr. RUSH.
H.R. 4653: Mr. ADERHOLT and Mr. SOUDER.
H.R. 4677: Mr. DINGELL, Mr. ELLISON, Mr. STARK, Mr. PASCRELL, and Mr. SHERMAN.
H.R. 4678: Mr. DINGELL and Ms. PINGREE of Maine.
H.R. 4687: Mr. COSTA and Mr. FILNER.
H.R. 4690: Mr. MURPHY of Connecticut and Ms. CASTOR of Florida.

H.R. 4693: Mr. OWENS.
H.R. 4705: Mrs. MYRICK.
H.R. 4709: Mr. FOSTER.
H.R. 4710: Mr. SHULER, Ms. SCHAKOWSKY, Mr. JOHNSON of Georgia, Mr. SCOTT of Virginia, Ms. KAPTUR, Mr. KENNEDY, and Mr. GEORGE MILLER of California.
H.R. 4714: Ms. CORRINE BROWN of Florida.
H.R. 4720: Ms. MARKEY of Colorado, Ms. KOSMAS, Mr. JONES, Mr. NYE, Mr. POLIS of Colorado, Mr. TEAGUE, Mr. LUETKEMEYER, Mr. CHILDERS, Mr. KISSELL, Mr. BARROW, Mrs. LUMMIS, Mr. TAYLOR, Mr. ROE of Tennessee, Mr. FOSTER, Mr. LOEBSACK, Mr. MINNICK, Mr. ELLSWORTH, Ms. GIFFORDS, Mr. BRIGHT, Mr. PERRIELLO, and Mr. PAUL.
H.R. 4723: Mr. BONNER.
H.R. 4727: Ms. ZOE LOFGREN of California.
H.R. 4738: Mr. FORBES and Mr. LAMBORN.
H.R. 4748: Ms. LORETTA SANCHEZ of California.
H.J. Res. 76: Mr. GERLACH, Mr. LATOURETTE, Mr. GOODLATTE, Mr. POMEROY, Mr. BARTLETT, and Mr. ROSS.
H.J. Res. 77: Mr. MCCLINTOCK, Mr. MILLER of Florida, Mr. BONNER, Ms. FOXX, Mr. LAMBORN, Mr. SOUDER, and Mr. MARCHANT.
H.J. Res. 78: Mrs. DAHLKEMPER.
H.J. Res. 79: Mr. INGLIS, Mr. GARRETT of New Jersey, Mr. CHAFFETZ, Mr. BISHOP of Utah, Mr. FLAKE, Mr. MANZULLO, Mr. LATTA, Mr. GINGREY of Georgia, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. PRICE of Georgia, Mr. AKIN, Mr. MARCHANT, Mrs. BLACKBURN, Mr. FLEMING, Mr. PITTS, Mr. MCCLINTOCK, Mr. JORDAN of Ohio, and Mr. LAMBORN.
H. Con. Res. 137: Ms. WATERS.
H. Con. Res. 198: Mr. DELAHUNT, Mr. WILSON of Ohio, Ms. HARMAN, and Mr. BURGESS.
H. Con. Res. 200: Mr. TONKO.
H. Res. 173: Mr. ARCURI and Mr. FILNER.
H. Res. 311: Mr. MCGOVERN and Mr. COHEN.
H. Res. 330: Ms. BORDALLO, Mr. KRATOVIL, Mr. JOHNSON of Georgia, Mr. ELLSWORTH, Mr. ROONEY, Mr. SMITH of Washington, Mrs. DAVIS of California, Mr. LANGEVIN, Mr. FRANKS of Arizona, Mr. OWENS, and Mr. MURPHY of New York.
H. Res. 510: Mr. SCHRADER.
H. Res. 569: Mr. CARNAHAN.
H. Res. 577: Mr. ARCURI.
H. Res. 886: Mr. ROONEY and Mr. SMITH of Nebraska.
H. Res. 950: Mr. COHEN.
H. Res. 1026: Mr. BURGESS.
H. Res. 1033: Mr. HOEKSTRA, Mr. SESTAK, Mr. TIM MURPHY of Pennsylvania, and Mr. SOUDER.
H. Res. 1053: Mr. HASTINGS of Florida, Mr. GENE GREEN of Texas, and Mr. BRALEY of Iowa.
H. Res. 1055: Mr. BRADY of Pennsylvania.
H. Res. 1090: Mr. COHEN.
H. Res. 1091: Mr. TONKO.
H. Res. 1099: Ms. BORDALLO, Mr. WALZ, Mr. SESTAK, Mrs. DAHLKEMPER, Mr. BACA, Mr. COOPER, Ms. CASTOR of Florida, Ms. SCHWARTZ, Mr. MARSHALL, Ms. HIRONO, Mr. LANGEVIN, Mr. TAYLOR, Ms. LORETTA SANCHEZ of California, Mr. HODES, Mr. MICHAUD, Mr. KIND, Ms. BEAN, Mr. SMITH of Nebraska, Mr. DEFAZIO, and Mr. BRADY of Pennsylvania.
H. Res. 1116: Mr. HONDA, Mr. GENE GREEN of Texas, Ms. BALDWIN, Mr. WU, Mr. SCHIFF, Mr. LANGEVIN, Mr. KENNEDY, Mr. WAXMAN, Ms. SCHWARTZ, Mr. KILDEE, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. RYAN of Ohio, Ms. SHEA-PORTER, Mr. CASTLE, Mr. STARK, Mr. COLE, Mr. SPRATT, Mr. COBLE, Ms.CASTOR of Florida, and Ms. RICHARDSON.
H. Res. 1122: Mr. CHANDLER and Mr. WU.
H. Res. 1123: Mr. KLINE of Minnesota and Mr. PAULSEN.
H. Res. 1128: Mr. ROGERS of Kentucky, Mr. LAMBORN, Ms. JACKSON LEE of Texas, Mr. PAYNE, Mr. GENE GREEN of Texas, Ms. LEE of California, Mr. COSTA, and Mr. KLEIN of Florida.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4529: Mr. PAULSEN.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, THURSDAY, MARCH 4, 2010 No. 30

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.

God of all grace, in the darkness of our limited knowledge, we turn to You for light. Illuminate the path of our Senators so that they may glorify You. Teach them to test all things by their conscience and always strive to do what is right. In these challenging times, strengthen their weakness, bring courage for cowardice and invincible faith for doubts. May they so live that their actions can withstand the scrutiny and judgment of posterity.

We pray in Your great 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 4, 2010.

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, the Senate will resume consideration of the tax extenders legislation. Today, we will continue to work through the remaining amendments to the bill. Senators will be notified when votes are scheduled. There should be some this morning.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE

Mr. MCCONNELL. Madam President, the American people are asking us to start over on health care. They are asking us to scrap the massive bills Democrats have been trying to force on them. They want us to focus on cost instead. That has been their clear message now for over a year. But yesterday Democrats in Washington said they know better. The President and his allies in Congress made up their minds to turn aside any pretense of bipartisanship and plow ahead on a partisan bill—a partisan bill, by the way, that Americans don't want. In a last-ditch effort to get their way, they have staked themselves to a flawed vision of reform over the wishes of the public. What is that vision? It is a vision of health care whereby the Federal Government would become more involved in the health care decisions of every man, woman, and child in America; where small businesses get hit with new job-killing taxes; where Medicare is slashed for millions of seniors, insurance premiums go up, and Federal taxpayers are required, for the first time ever, to cover the cost of abortions.

The administration and its allies in Congress have tried repeatedly to jam this vision of health care through Congress without success. Now they are doubling down. They have one more tool in their arsenal, and they are deploying it. Meanwhile, the American people are watching all this in utter disbelief. Americans do want reform, but they don't want this. They are fed up because the longer Democrats cling to their flawed vision of reform, the longer Americans have to wait for the reforms they really want, the longer they will have to wait for us to focus on jobs and the economy.

The President did a very good job of laying out the problem yesterday. But the heart of the problem, as he himself described it, is the high cost of care, and the simple fact is, the bill he wants doesn't lower cost. On the contrary, the administration's own experts say the Democratic plan increases cost. This alone should be reason enough to start all over and put together a list of commonsense, step-by-step reforms that will actually lower cost.

The good news is we already have the list. At last week's health care summit at the White House, both parties acknowledged a handful of reforms on which all of us could agree. That is where we should start, on the things on which we agree.

Unfortunately, even before the summit began, Democrats were already intent on pushing the same old version they were pushing before the summit by any means possible. They couldn't get the old version over the finish line, even with all the backroom deals, the kickbacks, and the buy-offs, so sometime after the Massachusetts election,

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

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they hatched a plan to win over wavering Democrats in the House by promising to use some legislative sleight of hand that will only require a slim partisan majority in the Senate. This is outrageous on two counts—first, because the method they are proposing has never been used on such a sweeping piece of legislation; second, because Americans have already told us, loudly and clearly, they don't want this partisan approach. What about public opinion do our friends in the majority not understand? The American people are saying loudly and clearly they don't want us to do this.

What is worse, many of the same Democrats who are now pushing this party-line vote are on record as being foursquare against it for major legislation such as this. Here is what one senior Democratic Senator had to say about party-line votes on major legislation only a few years ago:

> I've never passed a single bill worth talking about that didn't have as a lead co-sponsor a Republican. And I don't know of a single piece of legislation that has ever been adopted here that didn't have a Republican and a Democrat in the lead. That's because we need to sit down and work with each other. The rules of this institution have required that—that's why we exist.

I couldn't agree more. Americans expect big bills to command big majorities. That is why this is not a fight between Democrats and Republicans; it is a fight between Democrats inside the beltway and their constituents beyond it.

There is a better way. There is a better path to reform that none of us will regret. It is time to listen to the American people. It is time to work together on the kinds of step-by-step reforms they are asking for. Americans aren't stupid. They know the option they are being presented with—the option of some massive bill or nothing. That is a false choice.

So let's drop the partisan plan. Let's drop this unsalvageable bill, and let's start over.

I yield the floor.

RESERVATION OF LEADER TIME

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

TAX EXTENDERS ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 4213, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Pending:

> Baucus amendment No. 3336, in the nature of a substitute.
>
> Sessions amendment No. 3337 (to amendment No. 3336) to reduce the deficit by establishing discretionary spending caps.
>
> Landrieu modified amendment No. 3335 (to amendment No. 3336) to amend the Internal Revenue Code of 1986 to extend for 2 years the low-income housing credit rules for buildings in the GO Zones, and for other purposes.
>
> Reid (for Murray) amendment No. 3356 (to amendment No. 3336) to provide funding for summer employment for youth.
>
> Coburn amendment No. 3358 (to amendment No. 3336) to require the Senate to be transparent with taxpayers about spending.
>
> Baucus (for Webb/Boxer) amendment No. 3342 (to amendment No. 3336) to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive 2009 bonuses received from certain major recipients of Federal emergency economic assistance, to limit the deduction allowable for such bonuses.
>
> Stabenow amendment No. 3382 (to amendment No. 3336) to amend the Internal Revenue Code of 1986 to allow companies to utilize existing alternative minimum tax credits to create and maintain American jobs through new domestic investments.
>
> Feingold/Coburn amendment No. 3368 (to amendment No. 3336) to provide for the rescission of unused transportation earmarks and to establish a general reporting requirement for any unused earmarks.
>
> Brown (MA) amendment No. 3391 (to amendment No. 3336) to provide for a 6-month employee payroll tax rate cut.
>
> Burr amendment No. 3389 (to amendment No. 3336) to provide Federal reimbursement to State and local Governments for a limited sales, use, and retailers' occupation tax holiday, and to offset the cost of such reimbursements.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Madam President, we are now on our fourth day of consideration of this important legislation to create jobs and extend vital safety net and tax provisions. This legislation would prevent millions of Americans from falling through the safety net. It would extend vital programs that were extended on a short-term basis earlier this year. It would put cash into the hands of Americans who would spend it quickly, boosting economic demand. It would extend critical programs and tax incentives that create jobs.

This is the legislation that will help half a million workers who lose their jobs nationwide to get help paying for their health insurance under COBRA. This is the legislation that will help nearly 40 million Medicare beneficiaries and nearly 9 million TRICARE beneficiaries keep access to their doctors. This is the legislation that will help 400,000 Americans get unemployment insurance benefits.

This is urgent legislation. We must enact it soon.

We had a productive day yesterday. We disposed of six amendments and rejected a point of order against the bill. As I count it, there are about 10 amendments pending. Those amendments are the underlying substitute amendment, Senator SESSIONS' amendment to impose discretionary spending caps, Senator LANDRIEU's amendment on the GO Zones, Senator MURRAY's amendment on summer employment for youth, Senator COBURN's amendment on transparency, Senator WEBB's amendment on executive bonuses, Senator STABENOW's amendment on AMT credits, a Feingold-Coburn amendment to rescind unused transportation earmarks, an amendment by Senator BROWN of Massachusetts on a payroll tax holiday, and Senator BURR's amendment on a sales tax holiday.

Before Senators offer additional amendments, we need to start processing the pending amendments. I have been advised there will be objection to setting aside the pending amendments for Senators to offer additional amendments until we have addressed some of the pending amendments.

Some of the amendments appear to me to be the sort of thing we could adopt by voice vote, and we are exploring that possibility in connection with at least two of them. On amendments that require a rollcall vote, I am hopeful we can schedule a number of votes starting at 2 p.m. this afternoon to dispose of several amendments. Then we will continue to process the pending amendments throughout the day.

I thank all Senators for their cooperation.

SUPPORTING FULL IMPLEMENTATION OF THE COMPREHENSIVE PEACE AGREEMENT IN SUDAN

Mr. BAUCUS. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 274, S. Res. 404.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 404) supporting full implementation of the Comprehensive Peace Agreement and other efforts to promote peace and stability in Sudan, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAUCUS. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 404) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 404

> Whereas violent civil conflict between North and South in Sudan raged for 21 years,

resulting in the deaths of an estimated 2,000,000 people and displacement of another 4,000,000 people;

Whereas the signing of the Comprehensive Peace Agreement (CPA) by the National Congress Party (NCP) and Sudan People's Liberation Movement (SPLM) on January 9, 2005, brought a formal end to that civil war;

Whereas the United States Government, particularly through the efforts of the President's Special Envoy for Sudan Jack Danforth, worked closely with the parties, the mediator, General Lazaro Sumbeiywo, the members of the Intergovernmental Authority on Development (IGAD), and the United Kingdom and Norway to bring about the CPA;

Whereas the CPA established a 6-year interim period during which the Government of Sudan would undertake significant democratic reforms and hold national elections, and at the end of which the South would hold a referendum on self-determination, with the option to forge an independent state;

Whereas, while the parties have made progress on several parts of the CPA, limited national government reforms have been made and several key issues remain outstanding, notably border demarcation, resolution of the census dispute, and certain preparations for the 2011 referenda for southern Sudan and Abyei;

Whereas the NCP's delay and refusal to follow through on some of its commitments under the CPA has fueled mistrust and suspicion, increasing tensions between northern and southern Sudan;

Whereas research by the Small Arms Survey, published as recently as December 2009, shows that both sides are building up their security forces and covertly stockpiling weapons in anticipation of a possible return to civil war;

Whereas the Government of Southern Sudan continues to face a range of challenges and continues to struggle with problems of financial management, insufficient capacity, and a limited ability to provide security in parts of its territory, especially in the face of increasing inter-ethnic and communal violence;

Whereas humanitarian organizations and the United Nations report that more than 2,500 people were killed and an additional 350,000 displaced by inter-ethnic and communal violence within southern Sudan throughout 2009;

Whereas the Lord's Resistance Army, a brutal rebel group formed in northern Uganda, has reportedly resumed and increased attacks against civilians in southern Sudan, creating another security challenge in the region;

Whereas the Government of Southern Sudan and the United Nations Mission (UNMIS) have not taken adequate steps to address the rising insecurity and to protect civilians in southern Sudan;

Whereas, despite 5 years of peace, most of southern Sudan remains severely underdeveloped with communities lacking access to essential services such as water, health care, livelihood opportunities, and infrastructure;

Whereas Sudan is scheduled to hold national elections in April 2010, and the people of southern Sudan and Abyei are to hold their referendum on self-determination in January 2011 under the terms of the CPA;

Whereas the holding of these elections, Sudan's first multiparty elections in 24 years, could be a historic milestone for the country and a step toward genuine democratic transformation if the elections are fair and free and all communities are able to participate;

Whereas the existence of laws that grant powers to government security services in Sudan to arrest and detain citizens without charge and recent actions taken by the security forces to restrict freedom of speech and assembly by opposition parties have raised concerns that conditions may not exist for fair and free elections in Sudan;

Whereas the conflict in Darfur is still unresolved, the security situation remains volatile, and armed parties continue to commit humanitarian and human rights violations in the region, raising concerns that conditions may not exist for Darfurians to freely and safely participate in the elections; and

Whereas the security situation in the whole of Sudan has profound implications for the stability of neighboring countries, including Chad, the Central African Republic, the Democratic Republic of Congo, Eritrea, Ethiopia, Kenya, and Uganda: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the critical importance of preventing a renewed North-South civil war in Sudan, which would have catastrophic humanitarian consequences for all of Sudan and could destabilize the wider region;

(2) supports the efforts of President Barack Obama to reinvigorate and strengthen international engagement on implementation of the Comprehensive Peace Agreement (CPA);

(3) encourages all international envoys and representatives, including those of the permanent members of the United Nations Security Council, IGAD, the African Union, and the United Nations, to work closely together and coordinate their efforts to bolster the peace accord;

(4) calls on the parties in Sudan—

(A) to comply fully with their commitments under the CPA;

(B) to refrain from actions that could escalate tensions in the run-up to the 2011 referendum;

(C) to work expeditiously to resolve outstanding issues of the agreement; and

(D) to begin negotiations to resolve post-referenda issues, including resource allocation and citizenship rights in the case of separation;

(5) calls on the Government of National Unity to amend or repeal laws and avoid any further actions that would unduly restrict the freedom of speech and assembly by opposition parties or the full participation of communities, including those in Darfur, in the upcoming national elections;

(6) encourages the international community and the United Nations to engage with local populations to provide assistance for elections in Sudan and popular consultations while also closely monitoring and speaking out against any actions by the Government of Sudan or its security forces to restrict or deny participation in a credible elections process;

(7) calls on the Government of Southern Sudan to work with the assistance of the international community to design and begin implementing a long-term plan for security sector reform that includes the transformation of the army and police into modern security organs and the training of all security forces in human rights and civilian protection;

(8) urges the United Nations Security Council to direct and assist the UNMIS peacekeepers to better monitor and work to prevent violence in southern Sudan and to prioritize civilian protection in decisions about the use of available capacity and resources;

(9) supports increased efforts by the United States Government, other donors, and the United Nations to assist the Government of Southern Sudan to improve its governing capacity, strengthen its financial accountability, build critical infrastructure, and expand service delivery;

(10) urges the President to work with the permanent members of the United Nations Security Council, other governments, and regional organizations at the highest levels to develop a coordinated multilateral strategy to promote peaceful change and full implementation of the CPA; and

(11) encourages the President and other international leaders to strategize and develop contingency plans now for all eventualities, including in the event that the CPA process breaks down or large-scale violence breaks out in Sudan before or after the 2011 referendum, as well as for longer term development in the region following the referendum.

RECOVERY, REHABILITATION, AND REBUILDING OF HAITI

Mr. BAUCUS. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 275, S. Res. 414.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 414) expressing the sense of the Senate on the recovery, rehabilitation, and rebuilding of Haiti following the humanitarian crisis caused by the January 12, 2010, earthquake in Haiti.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAUCUS. Madam President, I further 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 the measure be printed in the RECORD.

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

The resolution (S. Res. 414) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 414

Whereas on January 12, 2010, Haiti suffered an earthquake measuring 7.0 on the Richter scale, the greatest natural disaster in Haiti's history, which—

(1) devastated Port-au-Prince and the surrounding areas;

(2) killed more than 100,000 people;

(3) injured hundreds of thousands more people; and

(4) left many hundreds of thousands of people homeless;

Whereas Haiti, which is the poorest country in the Western Hemisphere—

(1) has an estimated 54 percent of its population living on less than $1 per day;

(2) has approximately 120,000 people living with HIV;

(3) had 29,333 new cases of Tuberculosis in 2007; and

(4) has nearly 400,000 children living in orphanages;

Whereas despite these challenges, cautious signs of developmental progress and stability were beginning to emerge in Haiti prior to the earthquake;

Whereas although initial recovery efforts must continue to assist the people of Haiti struggling to secure basic necessities, including food, water, health care, shelter, and electricity, Haiti cannot afford to only focus on its immediate needs;

Whereas various United States and international assessments indicate that the next priority for the Government of Haiti should be to repair the country's basic infrastructure, including its schools, roads, hospitals, telecommunications infrastructure, and government buildings;

Whereas Haiti's leaders have advocated that—

(1) reconstruction should not follow the inefficient practices of the past; and

(2) Haitians should be given the opportunity to accelerate and implement long planned reforms and new ways of doing business in every sector;

Whereas Haiti enjoys several advantages that can facilitate its rebuilding, including—

(1) people committed to education and hard work;

(2) duty-free, quota-free access to United States markets;

(3) a large pool of low-cost labor;

(4) a large, hardworking North American diaspora sending money back to Haiti; and

(5) regional neighbors who are peaceful, prosperous, and supportive of Haiti's success;

Whereas international experience from rebuilding other countries recovering from natural disaster confirms that—

(1) stability and security are essential preconditions to longer-term development; and

(2) economic development and political reform should relieve poverty and foster governance and social justice;

Whereas employment is essential to breaking the vicious cycle of poverty, corruption, insecurity, and loss of faith in democracy;

Whereas the Haitian people, like all people, deserve the income and dignity that gainful employment provides;

Whereas, in addition to providing emergency assistance and relief, the Government of Haiti must grapple with the longer-term issue of how to provide permanent, sustainable shelter to an estimated 1,000,000 Haitians displaced by the earthquake;

Whereas, the impact of natural disaster on Haiti is—

(1) exacerbated by weak building codes and poor infrastructure; and

(2) more fundamentally the result of an impoverished state unable to provide most of its people with minimal public services, including security, clean water, shelter, electricity, health care, and education;

Whereas assistance to Haiti should be delivered in a manner that enhances, not diminishes, the ability of the state to provide services to its people;

Whereas the Haitian state should be rebuilt with communities in a central role in the national recovery process led by the Government of Haiti, so that foreign assistance upholds and empowers Haitian mayors, local councils, and municipalities in areas outside of Port-au-Prince; and

Whereas international donors and nongovernmental organizations, which have a responsibility to support the Government of Haiti in its rebuilding efforts, should not supplant the ability of local institutions and the government to manage resources and provide essential services: Now, therefore, be it

Resolved, That the Senate—

(1) urges the United States Government and the international community to provide resources, manpower, and technical assistance to support the Government of Haiti's leadership of international assistance efforts and to conduct a comprehensive post-disaster needs assessment that will focus on—

(A) social sector services, including access to, and delivery of, basic services, including—

(i) health care delivery, including reinstating disrupted care and addressing new needs;

(ii) all levels of education, including ensuring access to lessons as quickly as possible;

(iii) social support for communities;

(iv) improving the welfare of children; and

(v) recognition of the importance of gender equality and the role of women as economic guardians;

(B) population resettlement, including services and sustainable livelihoods to support new communities and settlements;

(C) stable and democratic governance, ensuring that the Government of Haiti will appropriately steward state resources through a process embracing transparency, civic participation, political moderation, and institutional accountability;

(D) economic sustainability, emphasizing employment generation, macroeconomic stability, and market economy sustainability;

(E) security, ensuring legitimate state efforts to prevent and respond to crime, especially violence, and instilling public order and confidence in Haitian security forces; and

(F) rule of law, developing a just legal framework that—

(i) is accountable;

(ii) provides access to justice; and

(iii) ensures public order;

(2) encourages the United States Government and the international community to support the leadership of the Government of Haiti and key nongovernmental and private sector Haitian stakeholders to create a comprehensive national strategy for recovery and development that will—

(A) be led by the Government of Haiti;

(B) address the findings from the needs assessment conducted under paragraph (1);

(C) coordinate new resources flowing into Haiti;

(D) channel such resources in concrete and specific ways towards key sectoral objectives identified by the Government of Haiti and its people;

(E) take feasible steps to recognize and rectify the social injustice of poverty, and decrease the vulnerability of the poor, through job creation, the provision of health care, the provision of safe shelter and settlements, food security, and education;

(F) place communities at the center of the rebuilding process, by employing local labor and consulting local leaders and communities for their experience and vision;

(G) encourage rebuilding and development of programs that are environmentally sustainable and respectful and restorative of Haiti's natural resources;

(H) work with the Government of Haiti and the international community to reduce the risk of future disasters, including floods and hurricanes, through the relief and recovery efforts focusing on the most vulnerable communities; and

(I) address the difficult issues related to land use, land tenure, the need for land for reconstruction, and land price escalations;

(3) applauds the international community's response to the preliminary appeal for assistance made at Montreal, Canada, on January 25, 2010;

(4) affirms that—

(A) the international donors conference for Haiti, which will be held in New York on March 22–23, 2010, is an opportunity for Haiti to accelerate and implement long-planned projects and priorities in key infrastructural, economic, and social sectors outlined in a comprehensive national strategy;

(B) large-scale international assistance provides significant leverage to promote change and reform in Haiti; and

(C) the international community should be prepared to fully commit to the outcomes of the New York donors conference, including full disbursement and subsequent implementation;

(5) encourages international financial institutions and international organizations, including the United Nations and the World Bank, to continue their engagement and leadership in support of critical economic and security priorities, including—

(A) economic and social assistance programs;

(B) strengthening Haitian national institutions;

(C) security sector reform;

(D) ensuring fair and legitimate elections; and

(E) supporting political and governance reform;

(6) encourages the International Monetary Fund, the World Bank, and the Inter-American Development Bank, which hold the majority of Haiti's existing external debt obligations, to—

(A) work together to relieve Haiti of its external debt obligations to the multilateral community and bilateral lenders; and

(B) seek considerable new resources for Haiti without adding to Haiti's existing debt obligations, primarily through provision of grants; and

(7) urges the United States Government to ensure unity of effort by assigning a single person to—

(A) coordinate all aspects of United States assistance to Haiti; and

(B) work with Congress to responsibly ensure sufficient appropriations to facilitate the long-term and sustainable recovery, rehabilitation, and development of Haiti.

RECOGNIZING THE IMPORTANT PROGRESS MADE IN THE ESTABLISHMENT OF DEMOCRATIC INSTITUTIONS IN UKRAINE

Mr. BAUCUS. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 422 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 422) recognizing the important progress made by the people of Ukraine in the establishment of democratic institutions following the presidential runoff election on February 7, 2010.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAUCUS. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 422) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 422

Whereas adherence by Ukraine to democratic, transparent, and fair election standards has been necessary for full integration into the democratic community;

Whereas steps undertaken by Ukraine in recent years, including reform of election laws and regulations, the development of a pluralistic and independent press, and the establishment of public institutions that respect human rights and the rule of law, have enhanced Ukraine's progress toward democracy and prosperity;

Whereas the Organization for Security and Cooperation in Europe (OSCE) concluded that ''most OSCE and Council of Europe commitments were met'' with regard to the conduct of the run-off presidential election on February 7, 2010;

Whereas international monitoring groups concluded that prior elections in Ukraine on January 17, 2010, and in 2007, 2006, and 2004, were also generally in accordance with international election norms;

Whereas the United States has closely supported the people of Ukraine in their efforts to pursue a free and democratic future since the declaration of their independence in 1991;

Whereas the NATO Freedom Consolidation Act of 2007 (Public Law 110–17; 22 U.S.C. 1928 note), signed into law by President George W. Bush on April 9, 2007, recognized the progress made by Ukraine toward meeting the responsibilities and obligations for membership in the North Atlantic Treaty Organization (NATO) and designated Ukraine as eligible to receive assistance under the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note);

Whereas Ukraine has made steps toward integration within European institutions through a joint European Union–Ukraine Action Plan, as part of the European Neighbourhood Policy; and

Whereas the United States–Ukraine Strategic Partnership Commission was inaugurated by Secretary of State Hillary Clinton and Ukrainian Foreign Minister Petro Poroshenko on December 9, 2009: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the important progress made by the people of Ukraine in establishing democratic institutions and carrying out peaceful elections on January 17 and February 7, 2010;

(2) supports ongoing progress by Ukraine in addressing remaining challenges in the electoral processes as identified by the Organization for Security and Cooperation in Europe and other international election monitoring entities;

(3) encourages all parties to respect the independence and territorial sovereignty of Ukraine, as well as the full integration of Ukraine into the international democratic community;

(4) pledges further support for the development of a fully free and open democratic system, as well as a transparent free market economy, in Ukraine; and

(5) reaffirms its commitment to engage the Government of Ukraine in further development of bilateral cooperation through the United States–Ukraine Strategic Partnership Commission.

SCHOOL SOCIAL WORK WEEK

Mr. BAUCUS. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 426, and the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 426) designating the week of February 28 through March 7, 2010, as ''School Social Work Week''.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAUCUS. Madam President, I ask unanimous consent 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 the resolution be printed in the RECORD.

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

The resolution (S. Res. 426) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 426

Whereas the importance of school social work through the inclusion of school social work programs has been recognized in the current authorizations of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

Whereas school social workers serve as vital members of a school educational team, playing a central role in creating a positive school climate and vital partnerships between the home, school, and community to ensure student academic success;

Whereas school social workers are especially skilled in providing services to students who face serious challenges to school success, including poverty, disability, discrimination, abuse, addiction, bullying, divorce of parents, loss of a loved one, and other barriers to learning;

Whereas there is a growing need for local educational agencies to offer the mental health services that school social workers provide when working with families, teachers, principals, community agencies, and other entities to address emotional, physical, and environmental needs of students so that students may achieve behavioral and academic success;

Whereas, to achieve the goal of the No Child Left Behind Act of 2001 (Public Law 107–110) of helping all children reach their optimal levels of potential and achievement, including children with serious emotional disturbances, schools must work to remove the emotional, behavioral, and academic barriers that interfere with student success in school;

Whereas fewer than 1 in 5 of the 17,500,000 children in need of mental health services actually receive these services, and research indicates that school mental health programs improve educational outcomes by decreasing absences, decreasing discipline referrals, and improving academic achievement;

Whereas school mental health programs are critical to early identification of mental health problems and in the provision of appropriate services when needed;

Whereas the national average ratio of students to school social workers recommended by the School Social Work Association of America is 400 to 1; and

Whereas the celebration of ''School Social Work Week'' highlights the vital role school social workers play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 28 through March 7, 2010, as ''School Social Work Week'';

(2) honors and recognizes the contributions of school social workers to the success of students in schools across the Nation; and

(3) encourages the people of the United States to observe ''School Social Work Week'' with the appropriate ceremonies and activities that promote awareness of the vital role of school social workers, in schools and in the community as a whole, in helping students prepare for their futures as productive citizens.

CHILDREN'S DENTAL HEALTH MONTH

MULTIPLE SCLEROSIS AWARENESS WEEK

SUPPORTING THOSE AFFECTED BY THE NATURAL DISASTERS ON MADEIRA ISLAND

IRAQI PARLIAMENTARY ELECTIONS

READ ACROSS AMERICA DAY

Mr. BAUCUS. Madam President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions: S. Res. 434, S. Res. 435, S. Res. 436, S. Res. 437, and S. Res. 438.

The ACTING PRESIDENT pro tempore. There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. BAUCUS. Madam President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 434

Whereas several national dental organizations have observed February 2010 as Children's Dental Health Month;

Whereas Deamonte Driver, a 12-year-old Marylander, died on February 25, 2007, of complications resulting from untreated tooth decay;

Whereas the passing of Deamonte Driver has led to increased awareness nationwide about the importance of access to high-quality, affordable preventative care and treatment for dental problems;

Whereas the primary purpose of Children's Dental Health Month is to educate parents, children, and the public about the importance and value of oral health;

Whereas Children's Dental Health Month showcases the overwhelmingly preventable nature of tooth decay and highlights the fact that tooth decay is on the rise among the youngest children in the Nation;

Whereas Children's Dental Health Month educates the public about the treatment of childhood dental caries, cleft-palate, oral facial trauma, and oral cancer through public

service announcements, seminars, briefings, and the pro bono initiatives of practitioners and academic dental institutions;

Whereas Children's Dental Health Month was created to raise awareness about the importance of oral health; and

Whereas Children's Dental Health Month is an opportunity for the public and health professionals to take action to prevent childhood dental problems and improve access to high-quality dental care: Now, therefore, be it

Resolved, That the Senate expresses support for Children's Dental Health Month and honors the life of Deamonte Driver.

S. RES. 435

Whereas multiple sclerosis can impact men and women of all ages, races, and ethnicities;

Whereas more than 400,000 people in the United States live with multiple sclerosis;

Whereas approximately 2,500,000 people worldwide have been diagnosed with multiple sclerosis;

Whereas it is estimated that between 8,000 and 10,000 children and adolescents are living with multiple sclerosis;

Whereas every hour of every day, someone is newly diagnosed with multiple sclerosis;

Whereas the exact cause of multiple sclerosis is still unknown;

Whereas the symptoms of multiple sclerosis are unpredictable and vary from person to person;

Whereas there is no laboratory test available that definitively defines a diagnosis for multiple sclerosis;

Whereas multiple sclerosis is not genetic, contagious, or directly inherited, but studies show that there are genetic factors that indicate that certain individuals are susceptible to the disease;

Whereas multiple sclerosis symptoms occur when an immune system attack affects the myelin in nerve fibers of the central nervous system, damaging or destroying it and replacing it with scar tissue, thereby interfering with, or preventing the transmission of, nerve signals;

Whereas in rare cases, multiple sclerosis is so progressive that it is fatal;

Whereas there is no known cure for multiple sclerosis;

Whereas the Multiple Sclerosis Coalition, an affiliation of multiple sclerosis organizations dedicated to the enhancement of the quality of life for all those affected by multiple sclerosis, recognizes and celebrates Multiple Sclerosis Awareness Week;

Whereas the mission of the Multiple Sclerosis Coalition is to increase opportunities for cooperation and provide greater opportunity to leverage the effective use of resources for the benefit of the multiple sclerosis community;

Whereas the Multiple Sclerosis Coalition recognizes and celebrates Multiple Sclerosis Awareness Week during 1 week in March every year;

Whereas the goals of Multiple Sclerosis Awareness Week are to invite people to join the movement to end multiple sclerosis, encourage everyone to do something to demonstrate a commitment to moving toward a world free of multiple sclerosis, and to acknowledge those who have dedicated their time and talent to help promote multiple sclerosis research and programs; and

Whereas in 2010, Multiple Sclerosis Awareness Week is recognized during the week of March 8th through March 14th: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Multiple Sclerosis Awareness Week;

(2) encourages States, territories, and possessions of the United States and local communities to support the goals and ideals of Multiple Sclerosis Awareness Week;

(3) encourages media organizations to participate in Multiple Sclerosis Awareness Week and help educate the public about multiple sclerosis;

(4) commends the efforts of the States, territories, and possessions of the United States and local communities that support the goals and ideals of Multiple Sclerosis Awareness Week;

(5) recognizes and reaffirms the commitment of the people of the United States to combating multiple sclerosis by promoting awareness about the causes and risks of multiple sclerosis, and by promoting new education programs, supporting research, and expanding access to medical treatment; and

(6) recognizes all people in the United States living with multiple sclerosis, expresses gratitude to their family members and friends who are a source of love and encouragement to them, and salutes the health care professionals and medical researchers who provide assistance to those living with multiple sclerosis and continue to work to find cures and improve treatments.

S. RES. 436

Whereas on February 20, 2010, a powerful storm hit Madeira Island, the largest of the islands that comprise the Madeira Autonomous Region of Portugal, resulting in a series of devastating flash floods and mudslides;

Whereas the storm caused boulders, trees, and earth to be hurled against buildings, carried away vehicles, and washed away roads and bridges on the south side of Madeira Island, an area that includes Funchal, the capital of the Madeira Autonomous Region;

Whereas 42 people have lost their lives, 151 people have received treatment for injuries at the main hospital in Funchal, and hundreds of people have been displaced;

Whereas the storm destroyed a large portion of the water and communication infrastructure on Madeira Island;

Whereas José Sócrates, the Prime Minister of Portugal, has promised ''all necessary aid'' to Madeira, and Alberto João Gonçalves Jardim, the President of the Madeira Autonomous Region, has consulted with European Commission President José Manuel Barroso to seek further assistance;

Whereas a Portuguese Navy frigate has dispatched troops to Madeira Island, with Portuguese divers and a medical team also arriving to offer emergency assistance;

Whereas the Government of Portugal has announced 3 days of national mourning for those who lost their lives in this disaster;

Whereas the United States is providing assistance through the Office of Foreign Disaster Assistance of the United States Agency for International Development;

Whereas there are approximately 400 citizens of the United States on Madeira Island, with United States officials continually working to ensure their safety and well-being; and

Whereas a community of approximately 1,500,000 Portuguese-Americans, strongly represented in the States of Rhode Island and Massachusetts, maintain deep and enduring ties with Portugal and Madeira Island: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of life and expresses its deepest condolences to the families of those killed and injured by floods and mudslides resulting from the storm that hit Madeira Island on February 20, 2010;

(2) expresses solidarity between the people of the United States and Madeira, recognizing the historical ties between Portuguese-Americans, Portugal, and the Madeira Autonomous Region; and

(3) applauds the courageous rescue efforts of fire, medical, and military personnel and other volunteers in response to the flooding and mudslides.

S. RES. 437

Whereas on February 27th, 2009, President Obama declared that the United States' ''clear and achievable goal'' is ''an Iraq that is sovereign, stable, and self-reliant'' and that the United States will achieve that goal by working ''to promote an Iraqi government that is just, representative, and accountable'';

Whereas in December 2009, Iraq's elected officials ended months of deadlock, passed a new election law, and scheduled parliamentary elections for March 7, 2010;

Whereas nearly 100,000 American soldiers, sailors, airmen and Marines continue to serve in Iraq, marking the United States' largest current overseas deployment;

Whereas Iraq's future sovereignty, stability, and democracy is threatened by serious internal and external challenges, including—

(1) continuing attempts by Al Qaeda in Iraq to perpetrate mass casualty terrorist attacks intended to paralyze the Iraqi state and reignite sectarian violence;

(2) some surrounding countries' malign and destabilizing interference in Iraq's internal affairs and their incomplete diplomatic recognition of Iraq;

(3) unresolved disputes over internal boundaries, including the City of Kirkuk;

(4) incomplete reintegration of Sunni Arab communities in Iraq; and

(5) ongoing incidents of civil and human rights abuses in a diverse, multiconfessional society;

Whereas while the United States appreciates the profound conviction of the Iraqi people to ensure that the Ba'ath party never returns to power in Iraq, the process by which scores of candidates have been disqualified from participating in the March 7, 2010 elections—

(1) has not met international standards of electoral transparency and fairness;

(2) was interpreted by many Iraqis as politically motivated; and

(3) risks diminishing participation in elections;

Whereas the United States has a clear, strong, and enduring national interest in helping the people of Iraq to establish a stable, representative, and democratic state;

Whereas the United States committed, in the Agreement Between the United States of America and the Republic of Iraq On the Withdrawal of United States Forces from Iraq and the Organization of Their Activities during Their Temporary Presence in Iraq (referred to in this resolution as the ''Status of Forces Agreement'') signed in November 2008, to redeploy—

(1) all combat forces from Iraqi cities by June 30, 2009; and

(2) all United States forces from Iraq by December 31, 2011;

Whereas United States combat forces successfully redeployed from Iraq's cities by June 30, 2009, in accordance with the Status of Forces Agreement, and are likely to early out further reductions in the number of United States military forces in Iraq during the months after the March 7, 2010 elections;

Whereas the United States and Iraq agreed in the Strategic Framework Agreement, also signed in November 2008, to ''continue to foster close cooperation concerning defense and security arrangements'';

Whereas the March 7, 2010 elections and the subsequent government formation process will mark a period of exceptional importance for the future of Iraq;

Whereas Iraq conducted provincial elections in January 2009 that were free from widespread violence and the results of which

were recognized as legitimate by the international community and the Iraqi people;

Whereas several of Iraq's main electoral blocs have committed to a Code of Conduct meant to ensure fair, transparent, and inclusive elections:

Now, therefore be it

Resolved, That the Senate—

(1) reaffirms the United States' strong commitment to building a robust, long-term partnership with Iraq that strengthens Iraq's security, stability, economy, and democracy;

(2) recognizes the United States' clear and enduring interest in partnering with the people of Iraq in building a stable, representative, successful, democratic state;

(3) urges the Administration—

(A) to devote continued, high-level attention and support for the people and Government of Iraq toward these goals, in particular during the critical months after the March 7, 2010 elections;

(B) to work with the international community to provide all necessary support for Iraqi elections, including technical support for Iraq's Independent High Electoral Commission and assistance for domestic and international monitoring;

(4) calls upon all parties within Iraq—

(A) to ensure that the March 7, 2010 parliamentary elections are free, fair, inclusive, and without violence or intimidation; and

(B) to refrain from rhetoric or actions that might undercut the legitimacy of such elections or inflame communal tensions;

(5) urges the countries surrounding Iraq—

(A) to refrain from exercising malign and destabilizing interference in Iraq's internal affairs; and

(B) to allow the people of Iraq to determine their own future;

(6) calls for the timely formation of an inclusive, effective, and representative new Iraqi government after the March 7, 2010 parliamentary elections;

(7) reaffirms that, while United States military forces redeploy from Iraq in the months after the March 7, 2010 elections, the United States must remain engaged in partnering with the people of Iraq to help them in building a stable, representative, and successful democratic state;

(8) expresses gratitude to the men and women of the United States Armed Forces, the Foreign Service, and other Federal Government agencies, for their service, sacrifices, and heroism in Iraq; and

(9) commends the people of Iraq for—

(A) the courage they have shown;

(B) the sacrifices they have endured; and

(C) the hard-won gains they have made in fighting terrorism, finding peace, and building democracy.

S. RES. 438

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107–110) and the Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and providing additional resources for reading assistance; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to use March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2, 2010, as ''Read Across America Day'';

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) honors the 13th anniversary of Read Across America Day;

(4) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of the commitment of the Senate to building a Nation of readers; and

(5) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. BAUCUS. Madam President, I yield the floor and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

TAX EXTENDERS ACT OF 2009—Continued

Mr. WICKER. Madam President, I ask unanimous consent that Senator BARRASSO and I and others be allowed to enter into a colloquy for the next 30 minutes.

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

Mr. WICKER. Thank you, Madam President.

I come from a background of having earlier been in the State senate and then, after that, the U.S. House of Representatives. Sometimes when I was a State legislator and it looked as though we were making a hash of legislation on the senate side, someone would say: Well, let's pass the bill anyway, and we will clean it up in conference. It was always tempting to send it to conference and hope that cooler heads would prevail and we would get a better work product. Sometimes that happened and worked out well, and sometimes it turned out that we didn't clean it up in conference.

I am reminded of that when I hear about what is being discussed and what now seems to be the clear plan for this Democratic majority and President Obama in moving forward with health care legislation. The House has passed a flawed bill with $½ trillion in cuts to Medicare, with huge mandates to the States, with tax increases—the largest increase, really, in entitlement big government, in my memory—and the Senate has passed its flawed version not only with those flaws I just mentioned in the House version but also special deals: a special deal for Nebraska, a special deal for Florida and Louisiana, and on and on and on. That is where we are now.

The plan now seems to be that this mistaken bill—the flawed bill the Senate passed on Christmas Eve—is now at the desk at the House of Representatives, and leadership over there is tempted to take that flawed product, pass it without any changes whatsoever, and send it to the President for his signature. The plan there is not the old legislative trick of we will clean it up in conference; the plan is we will clean it up in reconciliation.

As I mentioned, sometimes that works and sometimes it doesn't. The problem with cleaning it up in reconciliation is that if this Democratic scheme goes forward and we do that, we will not only have a bill in conference to be worked out where if a mistake is made we can vote against it in the end, we will have a statute.

The plan is for the President to sign this flawed Senate product with all the taxes, with all the mandates, with all the special deals and purchases, sign it into law, and then hope the Senate can correct all of those mistakes in reconciliation. If that scheme fails, we will be stuck with a very bad product, and it will be the law of the land and up to some future Congress to deal with. Certainly, it will be the key, top, paramount election issue for the next several months.

If the plan works, if the Democratic scheme works, we will still have this. Maybe the ''Louisiana purchase'' will be taken out, the ''Cornhusker kickback,'' the ''Gator Aid''—all of the special deals, and then we will have the President's additional taxes and additional Federal regulation that he has recently proposed. So when it is all said and done, even at their best, most optimistic predictions, we will have massive funding mandates to the States. We will have a $½ trillion cut to Medicare. We will have huge tax increases and a large new entitlement program.

The people don't want this. I heard a Democratic Member of the House of Representatives very articulately stating this on television just this morning. He said people must be out of their minds. This is wrong, according to this Member of the House of Representatives, a Democrat who says he has voted against it before, and he is not going to be one of those who is willing to change his mind.

So I don't want to spend the rest of this year with this flawed legislation as the only campaign issue. It may be our only choice. But I can assure everyone within the sound of my voice of this: If this scheme goes through, if the flawed Senate version is signed into law and we have this reconciliation debate, this will be the No. 1 issue, if not the only issue, and there will be devastation for my friends on the other side of the aisle if they persist in thumbing their noses at the American people and defying the clear will of the American people on this issue.

I am glad to be joined by my friend, Senator BARRASSO, a legislator in his own right with considerable experience, and a physician. So I am happy to hear the comments of my colleague from Wyoming.

Mr. BARRASSO. I thank the Senator very much.

I agree exactly with what the Senator has said because my experience has been very similar. I served 5 years in the State senate in Wyoming, and before that I was a physician practicing in Wyoming, taking care of so many families.

Just this Monday I was at the Wyoming Medical Center, the largest hospital in our State. It is a hospital where I have previously been chief of staff. What I hear from the people of Wyoming is, I am sure, what the Senator has heard from the people at home in Mississippi.

They say: Why don't you just stop and start over? It is not just the people from our States. In a recent CNN poll, 50 percent of all Americans say it is time to stop and start over. We do need health care reform, but we don't need this 2,700-page bill with all of the unintended consequences that may come with it, all of the new government boards and commissions, a program that cuts $500 billion from our seniors who depend upon Medicare for their health care, and raises taxes by another $500 billion.

The American people are saying stop and start over. They know we have good ideas. They listened to that summit last week that I was able to attend at the White House, and they have heard Republicans say to let people buy insurance across State lines. That will help 12 million more people get insurance today. They say let's deal with lawsuit abuse. That will help cut down the cost of these unnecessary tests which are done as defensive medicine.

The American people understand the value of allowing small businesses to join to help more effectively get down the cost of care. That is why half of all Americans say stop and start over. One in four say just stop. Only one in four Americans say, yes; pass the bill. So three and four do not want what the President seems to be wanting to shove through Congress and shove down the throats of the American people. The American people are incensed. That is what I heard in Wyoming this weekend, and I am sure that is what my colleague from Mississippi heard as well.

So the President made his speech yesterday, which seemed to be a new sales pitch, but it is for the same bill. It is why so many folks have said stop, start over, focus on ideas that we know will work. Give individuals as patients, as citizens, rights to make more choices that affect their own lives. Give them those opportunities. We don't need a government bureaucrat standing between the doctor and a patient. We don't need a government bureaucrat. We don't need an insurance bureaucrat.

I see my colleague, Senator COBURN, is on the Senate floor, another physician who has, as have I, fought against government bureaucrats and insurance company bureaucrats all for our patients because we need a patient-centered health care program, and we need health care reform, but we do not need this massive bill.

I also see my colleague from Florida has joined us. He knows we have positive ideas that will make a difference because we need to be focused also on the cost of care. People like the quality of care they are getting. They like the fact it is available. But the cost is what is affecting us. That is why Warren Buffett just on Monday has said we need to focus on cost. They need to take 2,000 pages of nonsense out of the bill and focus on getting the costs under control. And so many of the ideas that the Republicans have brought forth have focused specifically on that.

So I would ask my colleague from Florida, are there things he has heard as he has visited with his constituents and the people in his State that he might wish to add to this discussion right now?

Mr. LEMIEUX. I appreciate my colleague, Dr. BARRASSO, for referring that question to me.

Certainly, the people of Florida are concerned about this bill. They want their costs to go down. They thought the whole reason we were doing this health care bill was to address the skyrocketing costs of health care, which have gone up 130 percent on average over the past 10 years. But what we find out with this bill is not only does it not lower the cost of health insurance for Americans, some Americans are going to have to pay more.

So why would we undertake this huge enterprise of creating a $1 trillion new program, multitrillion dollars over time, a program that cuts $½ trillion out of health care for seniors, and raises taxes by $½ trillion, why would we undertake all of that if we weren't going to reduce the cost of health insurance for most Americans? That is what they think we are doing. They don't think we are creating some brand new entitlement program. They don't want us to do that. They want us to lower the costs.

So Republicans have put forward proposals, and some of them my colleague just mentioned: allowing insurance companies to sell across State lines, trying to get rid of junk lawsuits.

My wife Meike is pregnant with our fourth child. She goes and sees her doctor in Tallahassee, FL—not a big town. He is paying $120,000 a year in medical malpractice insurance. That affects not only the cost of care, but it also creates defensive medicine which runs up costs. We have some real, concrete, step-by-step solutions on our side of the aisle that will make things better and reduce the cost of health care.

One thing I have had the privilege of working on with Dr. COBURN is going after waste, fraud, and abuse. In the Medicare system, we know there is $60 billion a year—$60 billion—in waste, fraud, and abuse. My State of Florida, unfortunately, is the capital of this health care fraud. I will give my colleagues one statistic that I think says it all.

In Miami Dade County, we have 7 percent of the country's AIDS population. Yet reimbursements for health care for AIDS patients in Miami Dade County constitutes 83 percent of what is spent in the entire country. Now, why is that? It is because folks are committing fraud on the system. Health care providers in warehouses and strip shopping centers, or nonexistent offices at all—they are not providers; they are just scam artists running the codes, running these medical codes and submitting them to Medicare and Medicaid.

Why shouldn't the first thing we do be to fix the system we have, stop this bleeding of billions of dollars and put it back into Medicare and Medicaid which are programs that are going broke? The President is right. There is a health care emergency in this country, and the No. 1 emergency is Medicare and Medicaid, not creating a new program.

We should make sure that Medicare for seniors is viable. We should stop the waste, fraud, and abuse, and get the money back in Medicare. Then we should do the same thing for Medicaid. Once we have those programs more solvent and we meet the commitments we have already made, then we could take the step-by-step approach on trying to provide lower cost health insurance for people who have it and more access for people who do not.

We have offered solutions, but as we understand it, what is going to happen is they are going to take the Senate bill that was passed on a party-line vote in December on Christmas Eve, send it over to the House, and then try to convince the House Democrats they are going to have a makeup bill that is going to fix their problems and try to send that over here and make us vote on that on a simple majority, which is not what was intended by the rules.

I am new to the Senate, so I want to defer to my colleagues and perhaps the Senator from Oklahoma can speak to this point and whether that is appropriate to do, and also speak to the good step-by-step measures we have to combat the problems with health care.

Mr. COBURN. Madam President, I thank my colleague from Florida. I, along with Senator BARRASSO, attended the summit with the President. If I recall his words, we were going to take 4 to 6 weeks to see if we couldn't work out some compromises to get a bill the American people would accept but we also would accept.

Today marks a week since we had that summit. We had an announcement yesterday that it is time to quit talking, it is time to quit negotiating, and they are going to ram a bill through.

I think there is a big contrast. I appreciate what my colleagues have said. The problem in health care in America is not quality, it is cost. Whatever we do is going to expand the amount of dollars we spend on health care if we add people to it. But if we attack the cost, what we can do is add more people with no increase in cost.

The thing that denies somebody access to health care is not not having an

insurance policy, it is having a cost of the system that is unaffordable, whether you have insurance or not.

Malcolm Sparrow from Harvard said he believes 20 percent of all the billings in Medicare are fraudulent. That is over $100 billion a year. That is $100 billion just in Medicare. We have good indications there is $15 billion in fraud in New York City alone in Medicaid, in one city. Why would we not go after the fraud, which is the second largest component of wasted dollars in health care? Some of it the President has accepted. But the No. 1 cost that does not benefit anybody in this country is defensive medicine, and defensive medicine costs up to $250 billion a year.

Let me tell my colleagues why it is so bad and it is terrible for us to ignore that issue. It is not just that we spend money doing tests on patients. When we do tests on patients, we put them at risk. Let me give an example.

If you go to any emergency room in this country this summer on a weekend, you will see a kid in there who has gotten hit with a baseball. What the standard is now because of the legal system in this country is that child is going to be exposed to radiation from a CT scan, not because they need it but because the ER doctor needs it.

The standard of care should be, if you have reliable adults around the child and the child has no neurologic damage and neurologic signs, watching to see, an expectation in case some signs show up and then you return. But the legal system in this country has entrapped us where we do hundreds of thousands of CT scans on children that none of them need because they get hit with a baseball. The ones who have true neurologic changes do need it. The vast majority do not. There are billions of dollars in one summertime event that gets chewed up that is not there to take care of somebody at a level which they can afford because we have added that on to the cost, not because a patient needs it, because the system demands it because doctors have to protect themselves against untoward extortion lawsuits. To ignore that as a part of this bill says you are not going to go where the money is to cut the costs.

I will summarize very shortly. It is said that Republicans do not have any plans. We have not said that, the President has. Then when he acknowledges a plan, he acknowledges only one that covers 3 million. We have a plan. I have a plan. Senator BURR has a plan. Senator GREGG has a plan. Senator DEMINT has a plan. Senator ENZI has a plan. They all cover 20 million to 25 million more Americans. They do it by not raising taxes, not stealing money from Medicare, which has a $37 trillion unfunded liability over the near term. We do all that without increasing the cost. We get a true expansion of coverage without an increase in cost.

What we think would be the right thing to do is to center health care on patients, not the government. This plan has 898 new government programs. It has 1,695 times where the Secretary of HHS will write new regulations for health care. What do you think the consequence of complying with those regulations is going to be in terms of cost? We are adding more cost into the system that does not go to help anybody get well but become compliance costs.

We believe in patient centered, not government centered. We believe in expanding options available to patients—patients—not expanding government. We believe in increasing access, not increasing taxes on people. We believe in reducing costs, not quality.

The bill we are going to have before us, no matter what the shenanigans are to pass it, does not attack the underlying problem, and that is cost. Until we look at cost, we will never get out of the problems with Medicare, and we will never truly improve access for Americans.

I yield to my colleague.

Mr. WICKER. Madam President, I think Senator LEMIEUX and I agree on this point. We owe a debt of gratitude to our colleagues, our two physicians, for making it clear on national television over the course of 7½ hours last week that Republicans have positive ideas, ideas that will work and, frankly, ideas the American people believe in.

I am astonished that after we had such a clear demonstration of ideas not only that are popular, but ideas that need to be given a chance to work, the whole thrust of that 7½-hour discussion has been cast aside, and we are back at this proposal of passing the flawed bill with all of the mistakes that people on the other side of the aisle agree we have made and signing it into law before we do anything else.

I have some comments I want to make about what Senator COBURN called ''shenanigans,'' the reconciliation process.

Let me say this: ''Never intended for this purpose.'' ''An outrage.'' ''A nonstarter.'' ''I will not accept it.'' ''Ill advised.'' ''A real mistake.'' ''Not appropriate.'' ''Undesirable.'' Those are all comments of Democratic Members of the Senate about the concept of cramming this bill through and this procedure I have described and coming back with reconciliation. It is not simply a Republican objection. It is an objection where we have our Democratic colleagues on record.

I hope they will recall their words. I hope there is not some pressure that is going to be issued against my colleagues in the House and in the Senate to do something they do not believe in simply because someone in the White House wants it and is exerting pressure.

The comments I have read were all made by Democrats. I happen to agree with them. We have never under reconciliation attempted something of this magnitude and this substance. It would forever change the legislative process in the House and Senate of the United States if we begin with health care.

I will be happy to yield.

Mr. BARRASSO. If I may, one of the phrases the Senator used about using reconciliation was ''hijacking,'' hijacking the system, hijacking the way this works. That specific word was used by then-Senator Barack Obama when he was a Senator and very much opposed to this approach.

One of the other things he has said, when we talk about the $500 billion being cut from our seniors on Medicare, he talks about a program called Medicare Advantage. That is only a part of the area that is involved. For people on Medicare Advantage—and there are about 10 million of them—they know they are on it, and they like the program. There are some advantages. One is it actually works to help coordinate care. It works with preventive care. Those are things that are very important. But there are also cuts in Medicare for nursing homes, for payments to doctors, for home health care, which is a lifeline for people, for hospice care, for care at the end of someone's life. That is all going to get cut under these $500 billion of Medicare cuts.

Mr. COBURN. Will the Senator yield?

Mr. BARRASSO. Absolutely.

Mr. COBURN. The one problem with the $500 billion worth of cuts, if you read what the CBO said about that, they said it is highly unlikely Congress will ever effectuate those cuts. If that is true, then that means there is $500 billion in costs that are not accounted for. So, one, either you are going to undermine the trust fund and actually lessen the available funds for seniors today or you are not, and you are using a ruse and saying we are going to charge this to our children and grandchildren.

Having been in this body for 5 years, this body will not make those cuts. It will not do it.

I want to make one other point. It is this: We recognize there are difficulties in health care. We recognize that the No. 1 difficulty that is keeping somebody from getting care is the cost of care. This bill does nothing for that. I would go back and worry that when the President said we will look at this for 4 to 6 weeks and now we are less than a week later and he is ramming this through, what is it the American people want us to do? Do they want us to create another entitlement system when every entitlement system we have today is bankrupt and in creating that steal from the bankrupt entitlement systems we have today or do they want a commonsense approach that will go after the cost, that will lessen the cost of care for everybody in America because we will never solve the problem with Medicare and its unfunded liabilities and address the costs.

I see the Senator from Arizona is here, and I am glad he has shown up.

Mr. MCCAIN. Madam President, now that my two favorite doctors are on

the floor, I wish to refer them to and ask a question of both of them about a statement that the President just gave. He said:

> I believe it's time to give the American people more control over their own health insurance. I don't believe we can afford to leave life-and-death decisions about health care to the discretion of insurance company executives alone. I believe that doctors and nurses like the ones in this room should be free to decide what's best for their patients.

By the way, I hope from now on our doctors will wear white coats on the floor. It would be impressive to me. But that is neither here nor there.

Isn't it true that on page 982 there is created a new board of Federal bureaucrats—the Independent Payment Advisory Board, it is called—required to make binding recommendations to reduce the costs of the Medicare Program? How does that work if the President is saying give the American people more control and there is an independent payment advisory board that is making binding recommendations, I ask my two doctor friends.

Mr. COBURN. There are three very worrisome provisions in this bill. One is the Medicare Advisory Board that the Senator from Arizona just talked about that will decide what gets paid for and what does not, and Congress will either have to agree to it or agree to some other cuts.

The second is the Cost Comparative Effectiveness Panel which says: We do not care what is best for you, this is the cheapest; therefore, this is what you are going to get, which ignores the doctor-patient relationship in terms of what is best for you as an individual patient.

Finally, the Task Force on Preventive Services, which we saw during the debate in December, had recommended women under 50 not get mammograms because it was not ''cost-effective.'' When you look behind that data, it is 1 to 1,480 versus 1 to 1,460, versus 60 years and above, versus 40 to 50.

What happens is, you now have three government agencies that are going to step between the doctor and the patient when it comes to Medicare and Medicaid in this country, and actually it will fall over and they will mandate it on your own private coverage. That is very inconsistent in terms of saying you want doctors to be in control of health care but you have a bill that has three organizations in it that are designed to allow bureaucrats to make the decision on what your care is going to be.

Mr. MCCAIN. Madam President, I ask Dr. BARRASSO, if these provisions were operative at this time, how would that have affected his practice?

Mr. BARRASSO. Well, it would have affected me in several ways. It would have affected my life in that my wife Bobbi is a breast cancer survivor. She had a screening mammogram when she was in her forties—something this Task Force on Preventive Services says was unnecessary. If it hadn't been for that screening mammogram, her cancer would not have been detected. And by having the screening mammogram, which the American Cancer Society and others recommend for women in this country, and following the guidelines of the cancer society as opposed to this new government-mandated guideline, her cancer was detected. She has had three operations, several bouts of chemotherapy, and is alive today, a breast cancer survivor, 6 years later, because she did what scientists and what those who know what is best for patients recommended as opposed to what a government panel might have recommended trying to focus on their cost-effectiveness.

Mr. MCCAIN. So a patient comes to you with a certain orthopedic requirement that requires a certain level of treatment, and what does that do to you as a physician, as well as the patient?

Mr. BARRASSO. It puts the government between you and your patient, which is what you never want to have happen. As Dr. COBURN said, that is the wrong approach. It is not the way medicine has ever been practiced in America. It is not the way patients want it; it is not the way doctors want it. We don't want bureaucrats, whether government or insurance company bureaucrats, between doctors and patients.

As we saw at the health care summit on Thursday of last week, the President kept talking about covering people, health coverage, but he wants to put 15 million more people on Medicaid—a program where half the doctors don't see them because the government pays so little; a program where the Mayo Clinic, which the President has held up as a model for health care in America, says: We can't continue to see Medicaid patients from a number of States because we lose too much money. And now they have said the same with regard to Medicare. So when they are talking about $500 billion of cuts to Medicare, the Mayo Clinic, on January 1, said they can't handle additional Medicare patients because last year they lost, they said, $800 million by taking care of Medicare patients because the government pays so little.

Mr. MCCAIN. On the issue of coming between the doctor and the patient, this legislation, the 2,733 pages, has 159 new boards, bureaucracies, and programs created—159.

When the President says you will be able to choose your health care, how in the world does that in any way comport with the fact that it requires every American to buy health insurance whether they want to or not, which, to me, raises a fundamental question, a constitutional question. Where in the Constitution does it say that we require every American to have a health insurance policy?

Finally, I would say there were a lot of impressive statements made during the Blair House meeting. I thought, frankly, Dr. BARRASSO gave one of the most impressive ones I have heard. The perspective from practicing physicians is something that has all too often been absent from this debate.

I know my colleague paid attention when Congressman PAUL RYAN gave his statement as far as the budgetary implications and the costs to Americans. It has been reprinted in the Wall Street Journal this morning. In 5 or 6 minutes, I think he encapsulated what this legislation does in laying out, in his view, a true 10-year cost of $2.3 trillion. He points out the gimmickry, and one of them, of course—the elephant in the room—is that you have 10 years of tax increases for $½ trillion and 10 years of cuts and $½ trillion to pay for 6 years of spending. Now, where in the world would you have a program that you pay for 10 years in taxes and cuts in benefits and have 6 years of benefits? So the true cost, the true cost over 10 years without the budget gimmickry is $2.3 trillion, and things such as $72 billion in claims and money from the CLASS Act—the list goes on and on.

So what I would ask Dr. BARRASSO—we all trust the Congressional Budget Office. There is no doubt we all trust these people and their estimates, but their estimates are only as good as the proposals that are given to them. And I might add—again, I would request Dr. BARRASSO's comments on this—that the President's proposal that was online was really an 11-page statement, and the Congressional Budget Office said they could not give a cost estimate because they didn't have sufficient information. So it is very clear, when you delay revenues until the year 2016, that obviously has budgetary impacts.

Finally, I would ask Dr. BARRASSO to talk about this so-called doc fix which has been counted in the budget as reducing cost, and everybody knows we are not going to cut physician payments for treatment of Medicare patients. I think that would be an important one for Dr. BARRASSO to discuss because I think it really encapsulates the kind of budget gimmickry that has gone on in the formation of this legislation.

Mr. BARRASSO. Madam President, I ask unanimous consent to continue for an additional 5 minutes.

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

Mr. BARRASSO. Madam President, if I could, several things. There is a wonderful PAUL RYAN op-ed in today's Wall Street Journal, and I would recommend it to anyone to look at that because he specifically points out that the President's own chief Medicare actuary says the Senate and House bills are bending the cost curve up, making the costs go up, which is what you hear if you go to a town meeting in Arizona or in Wyoming. When you ask people: If this bill passes, will the cost of your own care go up, the hands go up. When you say: Well, how about the quality; will the quality of your care go down? Again, the hands go up. So that is a

continual concern of people all across America, which is why three-quarters of Americans have told CNN it is time to either just completely stop or stop and start over and only one-quarter of Americans support this proposal, because they realize this is going to do that.

The Senator from Arizona mentioned, and it was interesting, the 11 pages from the President. The gimmicks are still there. They may have taken out one of the gimmicks, but the spending gimmicks are there, plus the Louisiana purchase, the special carve-out for 800,000 people in Florida who are on Medicare Advantage. They are protected, but there are another 10 million Americans who will lose their Medicare Advantage.

Then the question came up of what we refer to as the ''doc fix.'' The way the numbers are moved around——

Mr. MCCAIN. For the benefit of our colleagues, could the Senator explain exactly what the doc fix means and how we got to it?

Mr. BARRASSO. Right now—and we just passed a 1-month extension the other night—Medicare is supposed to cut the fees for all doctors across the country by 21 percent. Seniors know Medicare underpays right now. As one of my colleagues in the State senate in Wyoming used to say, government is the biggest deadbeat payer because they do not even pay enough to cover the cost of the care that is delivered in our hospitals. With ambulances, they do not cover enough to pay for the gas to fill up the ambulances to go the long distances we have in Arizona or in Wyoming.

But right now, to deal with some promises that were made years ago, the fees for physicians should be cut 21 percent, according to Medicare. A number of years ago, they were supposed to cut it by 1 or 2 percent, and they said: Well, we will not cut it, but next year we will cut it by 4 percent and then next year 8 percent and then 10 percent. Well, now they have continued to kick the can down the road enough so that this year they are supposed to cut the fees for physicians by 21 percent.

Mr. MCCAIN. Which could not happen.

Mr. BARRASSO. It could not. According to the President's budget numbers and the way this bill is written and the financial gimmickry, they want to cut physician fees for Medicare by 21 percent and keep them frozen for the next 10 years. So it is cut and freeze for 10 years, and they use that as one of the additional financial gimmicks.

Well, if you do that to the doctors in the country, who are already reluctant to see Medicare patients because the payment is so low—the Mayo Clinic said they are not going to see new Medicare patients because the reimbursement at today's rates is so low—if you drop them 21 percent additionally at a time when the Congressional Budget Office says one-fifth of the hospitals and one-fifth of the doctors' offices in this country will be unable to continue to be solvent 10 years from now if this bill goes into place—we know without a question that we cannot allow that to happen. Congress knows that, the doctors know that, the American people know it. Everybody knows it except, apparently, the people writing the health care bill, who say: Oh, this is actually going to save money in the long run. When people look at this in an honest way, they know this is going to drive up the cost of care and make the quality of care for our American citizens go down.

Mr. MCCAIN. Madam President, I ask unanimous consent to have printed in the RECORD the Wall Street Journal piece authored by Congressman PAUL RYAN.

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

[From the Wall Street Journal]

DISSECTING THE REAL COST OF OBAMACARE

(By Paul D. Ryan)

(The following are remarks made by Congressman Paul Ryan of Wisconsin, the ranking Republican on the House Budget Committee, about the cost of the House and Senate health-care bills at President Obama's Blair House summit on health care, Feb. 25:)

Look, we agree on the problem here. And the problem is health inflation is driving us off of a fiscal cliff.

Mr. President, you said health-care reform is budget reform. You're right. We agree with that. Medicare, right now, has a $38 trillion unfunded liability. That's $38 trillion in empty promises to my parents' generation, our generation, our kids' generation. Medicaid's growing at 21 percent each year. It's suffocating states' budgets. It's adding trillions in obligations that we have no means to pay for . . .

Now, you're right to frame the debate on cost and health inflation. And in September, when you spoke to us in the well of the House, you basically said—and I totally agree with this—I will not sign a plan that adds one dime to our deficits either now or in the future.

Since the Congressional Budget Office can't score your bill, because it doesn't have sufficient detail, but it tracks very similar to the Senate bill, I want to unpack the Senate score a little bit.

And if you take a look at the CBO analysis—analysis from your chief actuary—I think it's very revealing. This bill does not control costs. This bill does not reduce deficits. Instead, this bill adds a new health-care entitlement at a time when we have no idea how to pay for the entitlements we already have.

Now let me go through why I say that. The majority leader said the bill scores as reducing the deficit $131 billion over the next 10 years. First, a little bit about CBO. I work with them every single day—very good people, great professionals. They do their jobs well. But their job is to score what is placed in front of them. And what has been placed in front of them is a bill that is full of gimmicks and smoke-and-mirrors.

Now, what do I mean when I say that? Well, first off, the bill has 10 years of tax increases, about half a trillion dollars, with 10 years of Medicare cuts, about half a trillion dollars, to pay for 6 years of spending.

Now, what's the true 10-year cost of this bill in 10 years? That's $2.3 trillion.

[The Senate bill] does [a] couple of other things. It takes $52 billion in higher Social Security tax revenues and counts them as offsets. But that's really reserved for Social Security. So either we're double-counting them or we don't intend on paying those Social Security benefits.

It takes $72 billion and claims money from the CLASS Act. That's the long-term care insurance program. It takes the money from premiums that are designed for that benefit and instead counts them as offsets.

The Senate Budget Committee chairman [Kent Conrad] said that this is a Ponzi scheme that would make Bernie Madoff proud.

Now, when you take a look at the Medicare cuts, what this bill essentially does [is treat] Medicare like a piggy bank. It raids a half a trillion dollars out of Medicare, not to shore up Medicare solvency, but to spend on this new government program.

. . . [A]ccording to the chief actuary of Medicare . . . as much as 20 percent of Medicare's providers will either go out of business or will have to stop seeing Medicare beneficiaries. Millions of seniors . . . who have chosen Medicare Advantage will lose the coverage that they now enjoy.

You can't say that you're using this money to either extend Medicare solvency and also offset the cost of this new program. That's double-counting.

And so when you take a look at all of this; when you strip out the double-counting and what I would call these gimmicks, the full 10-year cost of the bill has a $460 billion deficit. The second 10-year cost of this bill has a $1.4 trillion deficit.

. . . [P]robably the most cynical gimmick in this bill is something that we all probably agree on. We don't think we should cut doctors [annual federal reimbursements] 21 percent next year. We've stopped those cuts from occurring every year for the last seven years.

We all call this, here in Washington, the doc fix. Well, the doc fix, according to your numbers, costs $371 billion. It was in the first iteration of all of these bills, but because it was a big price tag and it made the score look bad, made it look like a deficit . . . that provision was taken out, and it's been going on in stand-alone legislation. But ignoring these costs does not remove them from the backs of taxpayers. Hiding spending does not reduce spending. And so when you take a look at all of this, it just doesn't add up.

. . . I'll finish with the cost curve. Are we bending the cost curve down or are we bending the cost curve up?

Well, if you look at your own chief actuary at Medicare, we're bending it up. He's claiming that we're going up $222 billion, adding more to the unsustainable fiscal situation we have.

And so, when you take a look at this, it's really deeper than the deficits or the budget gimmicks or the actuarial analysis. There really is a difference between us.

. . . [W]e've been talking about how much we agree on different issues, but there really is a difference between us. And it's basically this. We don't think the government should be in control of all of this. We want people to be in control. And that, at the end of the day, is the big difference.

Now, we've offered lots of ideas all last year, all this year. Because we agree the status quo is unsustainable. It's got to get fixed.

It's bankrupting families. It's bankrupting our government. It's hurting families with pre-existing conditions. We all want to fix this.

But we don't think that this is the . . . the solution. And all of the analysis we get proves that point.

Now, I'll just simply say this. . . . [W]e are all representatives of the American people. We all do town hall meetings. We all

talk to our constituents. And I've got to tell you, the American people are engaged. And if you think they want a government takeover of health care, I would respectfully submit you're not listening to them.

So what we simply want to do is start over, work on a clean-sheeted paper, move through these issues, step by step, and fix them, and bring down health-care costs and not raise them. And that's basically the point.

Mr. MCCAIN. Finally, Madam President, I find it incredibly cynical to tell the American people that the cost of this reform is going to be I believe $371 billion less than we all know it actually will be.

I ask Senator BARRASSO, if those cuts were ever enacted, what is the prospect of any of the overwhelming majority of doctors just saying: I am not going to treat Medicare patients.

Mr. BARRASSO. We are going to see that. We will see that across the board. I was at our hospital in Wyoming on Monday talking to physicians who take care of everyone, and they have great concerns because they say at that rate they can't afford to keep the doors open, if the Medicare cuts go through, the cuts the President says will have to go through if, in fact, he wants to hold up the numbers he continues to talk about.

Mr. MCCAIN. Well, I hope we will continue to be on the floor. Again, we need to talk about what the President said during his campaign about many things but including what I saw this morning on FOX News where he said you shouldn't govern with 50-plus-1 votes, that he was in opposition to that. I am sorry he does not remain in opposition to that.

I thank Dr. BARRASSO and the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, we are now on a bill to extend tax cuts, to extend certain payments for unemployment insurance, COBRA subsidies, and so forth. This is a jobs bill. This is a safety net extenders bill. This is not a health care bill.

Four Senators just spoke—I think there were four; six of them altogether—basically being very critical of the health care reform bill we passed in the Senate, very critical of the President's effort to pass health care reform. I think some of the misstatements made deserve a response.

The Senator from Mississippi called the Senate health care bill a massive tax increase. The Senator is simply mistaken. That is not correct. The health care reform legislation is, in fact, a major tax cut. It is not a tax increase but a major tax cut. The Senate passed a health care bill that provided more than $400 billion in tax cuts for Americans to buy health insurance—$400 billion in tax cuts. Those were tax credits given to Americans to buy health insurance. That sounds like a tax cut to me. This is the largest tax cut for individuals since the record tax cuts of 2001.

The junior Senator from Wyoming said: We need to stop and start all over again. Anyone who has paid any attention to the debate on health care reform for any amount of time knows the opportunity to pass health care reform comes around about once in a generation. It doesn't happen all the time. In fact, I think it was Teddy Roosevelt who first attempted to pass health care reform. So it has been 67 years.

We are on the cusp of passing major health care reform now. We all know health care reform must pass. Why? To address the Draconian cost increases that families, companies, and budgets are facing; to reform the health care insurance industry. If we do not do it now, don't reform health care now, believe me, this country is going to be digging itself into a pretty deep hole.

This comes along once in a lifetime. So a call to stop and start over again in reality is a call to kill health care reform. That is what that is. When you hear anybody saying let's stop and start all over again, really what they want to do is kill health care reform. That is the whole point of it all. Stopping and starting all over again sounds to me like nobody has paid any attention to where we are.

This Senator does not like to be partisan at all. Most Senators don't like to be partisan. But the fact is, the other side of the aisle never presented a comprehensive health care reform proposal. There was never an alternative. In my judgment, it was a disservice to the American people that the other side did not present anything that could be called comprehensive health care reform so we could debate it. The proposal offered by the Finance Committee and offered by the HELP committee, merged together into one, that was basically the Democratic version. There was an opportunity to debate that as well as debate the one offered by the other side, but they didn't ever offer one. Instead, what did they do? They just picked and tried to find holes and criticize.

It is easy to criticize; anything can be criticized. If you are halfway intelligent you can make any criticism that is inaccurate sound pretty good. That is basically what has happened, a constant barrage of criticism and very little good-faith effort to try to find a common solution.

There was an effort a while ago when Senator GRASSLEY and I and Senator ENZI, Senator CONRAD, and Senator SNOWE worked hard to try to find a solution. We worked for days and months. Frankly, to be totally candid about it, the other side decided it was better politics just to kill health care reform than it was to try to find a solution. That is why the three Republicans I was working with, frankly, had to withdraw. They withdrew because there was so much political pressure on them from their leadership to kill the bill.

Senator SNOWE stayed with us for a while, but even—I don't want to put words in Senator SNOWE's mouth or try to speak for her. She can decide what she wants. But even she came under tremendous pressure not to find a solution.

Any effort to start all over again is really a very thinly veiled call to kill health care reform.

Instead of passing health care reform, the Senator from Wyoming said he wanted a series of ideas. One idea he talked about is to allow people to buy health insurance across State lines. I am sure he did not really mean this, but if he thinks that is the sole solution to health care reform, I think most Americans who were denied coverage because of preexisting conditions, who face all kinds of problems from the health insurance industry, wouldn't agree with that. But, nevertheless, I might say the bill that passed the Senate does allow insurance to be sold across State lines—maybe not quite as freely as the opponents on the other side of the aisle would prefer, but we do allow insurance to be sold across State lines. Why? Because we want competition. We want people to choose. People should have the ability to choose what health insurance plan they want.

There is very little competition now. In many States maybe one or two companies dominate. There is very little competition. That is not right. Allowing insurance companies to sell across State lines will allow more competition, allow people a better choice, but it should be done in a way that is fair to the American public.

One of the big problems is, if companies are allowed to sell across State lines willy-nilly without some protections, I will tell you what is going to happen. It is going to be a race to the bottom. Insurance companies are going to race to find the State that has the lowest standards, and that is where they will set up and then they will sell across the country.

What that means is somebody who resides in a State that has pretty high standards but finds the only policies being sold are those sold by companies registered in a State with low standards is going to have very low-quality insurance.

What we want is fairness, evenhandedness, some balance so people are able to buy insurance freely and have their choice to buy insurance; which is to say, the basic approach the majority has taken in health insurance reform is to basically maintain the current system.

Today we spend about $2.4 or $2.5 trillion on health care. That is a total figure—about half public and half private. The half public is Medicaid, Medicare, Children's Health Insurance. That is about half. The other half is private; it is commercial insurance. That is the way it should be. That is our American way. We are not Canada. We are not Great Britain. We are not Sweden. We are not Japan. We are America. In America we have a system which is basically 50–50: half public, half private.

This legislation before us today maintains that allocation, maintains that ability for people to continue to buy private insurance. It maintains the ability for people to have more—in fact more choices, more competition, more opportunity to buy insurance, especially when the exchanges are set up.

I say to my good friend from Wyoming, who says: Gee, here is an idea. Why not let people buy insurance across State lines, we do that. We do allow people to buy across State lines, but that is after we have a level playing field. We want to make sure insurance sold across State lines is quality insurance, not insurance that is of very low quality. We also allow in the major legislation insurance to be sold across State lines when the exchange is set up.

The Senators from Wyoming and Oklahoma talked about something else. They talked about tort reform. I must say, when the Senator from Oklahoma, one who talks about tort reform, speaks—first of all, he said our bill ignores tort reform. That is not true. Our legislation does not ignore tort reform. Frankly, we begin with a series of steps. We begin to build, State-by-State, programs to try out some of the best ideas to address lawsuit reform in which, basically, States have the ability to try different measures. They can try courts, health courts; they can try something similar to workers comp or they can set up a system similar to tort reform—lawsuit reform in the State of Michigan. It is called ''sorry works.'' If it is a bad outcome, the hospital, the physician goes to the patient and says: I am sorry, it didn't work out. They have a long talk about it and negotiate out a settlement. If they reach an agreement, that is great. If they do not, then the statements used by the physician, if there is a subsequent suit, cannot be used. We do begin to go down the road of lawsuit reform in the major bill.

The Senator also talked about people joining to buy insurance in associations. I might say, again, our bill allows that. Our bill allows that and much more. When you hear people talk about the bill to join in association health plans, it is important to also point out to people that is quite restrictive. First of all, it is restrictive in the sense it is available only to members of that association. It is not available to other people. I think we want to make sure we set up pooling arrangements so all Americans have the availability of pooling.

In addition, who joins associations? The companies join them. What about the employees? The employees—the companies might be members of an association, pooling, but it might not be in the best interests of or what the employees want. It really cuts out employees.

The pooling we allow in our underlying bill is real pooling. It is honest-to-goodness pooling. Frankly, the real pooling will occur when the exchange is set up because then companies will be able to sell across lines in the insurance exchange and also where a lot more people will be involved, which will enable us to have the same benefits of pooling.

I might also say a point about the exchange. Right now, if you get on your computer, if you want to find the lowest airline ticket, what do you do? You go to Orbitz or you go to Expedia; you go to Travelocity, to these various outfits, and you look around and say: Oh, I like this fare. Oh, no, wrong day.

So you can shop online. That is basically what we are talking about in the insurance exchange. Just like Orbitz, just like Expedia, you get online and you can shop and you can find the right fares. It is going to be easier because we are requiring insurance forms to be standardized and much more simplified so people can understand the choices they are pursuing and make the choices they want.

I just want to make clear the Senate knows when the Senator from Wyoming talks about associations, he is really talking about pooling. Our underlying bill has pooling, and I think even better pooling.

The Senators from Oklahoma, Mississippi, and Wyoming expressed shock at the prospect of health care being addressed in a budget reconciliation process. The Senator from Oklahoma said the reconciliation process means ''ramming it through.''

What my colleagues fail to remember is that this body has used budget reconciliation 22 times. This is nothing new. And 17 of those times it was the Republican Party, controlling either the Congress or the White House, when reconciliation was used. Most of the time that we had reconciliation bills they included measures on health care. Health care is no stranger to the reconciliation process. I want to make that clear. Health care is no stranger to the reconciliation process.

I am not talking about just minor provisions in health care. The budget reconciliation was the process by which the Republican Senate passed the COBRA health insurance bill—under reconciliation, the Republican Senate passed it. COBRA, after all, stands for Consolidated Omnibus Budget Reconciliation Act of 1986.

The Senate used that process, reconciliation, to create the Children's Health Insurance Program in 1997. That was a very significant health insurance program created under reconciliation in 1997. So health care is no stranger to this reconciliation process. It is actually the exception when Congress has done health care reform outside of reconciliation. That is the real truth.

The Senator from Arizona questioned the constitutionality of requiring people to buy insurance. My colleagues want health care to be thrown out if these charges are true. The fact is, the vast majority of scholars who have considered the matter said the commerce clause and revenue clause in the Constitution give the Congress ample authority to address the responsibility of people to buy insurance. This has been addressed many times.

Certainly, somebody can trot out a law professor or somebody who can make a contrary claim. But our committee, the Finance Committee, looked at this issue very thoroughly. We searched out lots of law professors. We had to find out if this is constitutional, and the weight, the far weight of constitutional scholarship is, in fact, this is constitutional.

So when the Senators stand here and say it is not constitutional—they are entitled to their own opinions. That is fair. That is why we debate. But I might say, when one studies literature and quizzes constitutional law professors, the vast majority, the balance of opinion is that this is constitutional.

I might add that most States require people to buy auto insurance right now. Is that unconstitutional? Is that unconstitutional for the State to require purchase of liability insurance if you want to operate a car? I don't think so.

The Senator from Wyoming said our bill would bend the cost curve. He said the bill would raise health care costs. That is not true. Flatly, simply, categorically, positively not true. The nonpartisan Congressional Budget Office says the underlying bill would reduce the Federal Government's commitment to health care in the second 10 years—reduce. That does not sound like costs are going up.

Our bill, according to the Congressional Budget Office, would also cut costs for the taxpayer. First of all, the CBO said the legislation, the health care legislation reduced the deficit by $132 billion in the first 10 years and between $630 billion and $1.3 trillion in the second 10 years. That is a cut—cut deficits.

Let me just make a point there. We have large budget deficits, as the rest of the world knows. They have to be reduced.

Health care reform is a step toward reducing our fiscal deficits. It is a very significant step. As Peter Orszag said, the once head of the Congressional Budget Office, now head of OMB: The path to reducing our fiscal deficit situation is through health care reform.

We need health care reform to get budgets—family, company, and government—under control. To repeat, our bill, according to CBO, would cut costs to taxpayers, reduce deficits by $132 billion the first 10, the point I just made, and then about $1 trillion in the next 10.

To summarize, our bill provides real cost control. That is what is needed, real cost control. Our bill reforms incentives for the Tax Code to encourage smarter shopping for health insurance.

I might say, if this side over here wants us to stop and start all over again, what is going to happen? It means all those people today—and

there are millions of them—who are denied quality health insurance because of a preexisting condition will be unable to get good health insurance.

Basically, those who say, stop and start over are saying: We want you who cannot get good health insurance because of a preexisting condition to continue to not get good health insurance because of a preexisting condition. That is basically what they are saying. That is not right. That is not right at all.

It reminds me, too, of a fellow in my home State of Montana. A few years ago, I was talking to him and he said: MAX, I feel just awful. I have a small construction firm, I have six or seven people in my firm, and there is one person who has been with me for 20 or 30 years. My insurance company informed me my premiums are now going to go up 40 percent. I asked why. Because one of your long-time employees has a preexisting condition, and you have to either let him go—and then your rates will only go up 20 percent—or if you keep him, your rates are going to go up 40 percent.

That put this fellow, the owner of the firm, the guy I was talking to, in an untenable position. So what did he do? He shopped around. He looked and looked to try to find another insurance company that would not raise his premiums so much. Finally, he found one. His rates went up but not a full 40. I have forgotten how much they went up. But it was wrong for him to be in that position because he was not going to fire that person who was such a good person who had been with him for such a long period of time.

So our bill would begin reforming the way the government pays for health care. Right now the government pays for the number of services performed; our bill will begin to help the government pay for quality—a very important point. I think this is the real game changer, this is what is going to make a difference over time, is how we pay for health care. About 5, 6, 7 years from now, when these provisions kick in, we are going to be very happy we took the first step because that is what is going to make a big difference.

So I say my colleagues on the other side of the aisle threw a whole lot of criticisms at our bill just now, but because you say something does not mean it is true. Frankly, that is why I thought it important to stand and set the record straight because what they are saying is not true.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. Madam President, we have before us a number of issues. On the floor today is a jobs bill. It is a critically important bill because so many Americans are out of work, and we are trying to find ways to keep families together while they are unemployed, but also to provide health care, which is one of the first casualties of losing one's job. This bill also tries to help several States facing disasters by providing assistance on an emergency basis. It extends tax relief to individuals and businesses and helps workers to plan for their futures by helping businesses afford their pensions. It is a good bill. It should pass. Yesterday we had a series of amendments filed, eight different amendments. There are others that will be pending soon. I hope this particular bill will not be filibustered by the Republican side of the aisle. There ought to be at least bipartisan agreement that if we allow amendments on both sides and everybody gets their chance, at the end of the day we will actually vote for the bill. I am afraid, though, that we are facing another filibuster such as the Bunning filibuster on unemployment.

What that does is drag this out additional days, additional weeks. While the people of this country are impatient, if not angry, with Congress, unfortunately these filibusters from the other side of the aisle just add to the frustration. I hope the Republican leadership will join us now in a bipartisan effort to help create jobs. We need to have help for small businesses. Most of us understand that is the engine that will help bring us out of the recession. These small businesses, if they can stay in business and add an employee, can make a significant difference in terms of whether this recession is long or short. I hope the Republicans will decide to work with us in good faith on this jobs bill. It is in the best interest of all Americans, regardless of party. If we are going to get our country moving again—and we get moving again—we have to stop these filibusters such as the one that tied us up for 5 or 6 days over the weekend and literally cut off the unemployment checks for thousands of Americans who are out of work through no fault of their own.

We also have to look at the issue which is perhaps one of the major challenges facing us between now and the next few weeks, and that is the issue of health care. Yesterday the President came forward, after his health care summit, and said to Republican leaders: We will accept four major provisions you brought up at the health care summit in a good-faith effort to bring you into this conversation so that we can have a bipartisan bill, a good dialog, and a bipartisan vote.

Unfortunately, the President's gesture did not lead to this kind of Republican cooperation. It is never too late. I hope some will still consider joining us. I think they should understand the President believes, as I do, that there are good ideas coming from the other side of the aisle and that the sooner we can bring them into one bill for the good of the country, the better.

Only this morning, I received an e-mail from a member of my family. She told me about a situation in Texas where one of the workers at an office where she knows some people was diagnosed with a serious cancer and is now facing an extraordinary effort to save her life. Chemotherapy and radiation are going to be her lot in life for some time as she struggles with this dread disease which has affected the lives of so many of us and our families. It is going to cost about $5,000 a week for the therapy she needs to save her life.

She was notified not only of this diagnosis and the need for this extraordinary care, she was also notified that her health insurance had been canceled. It is a situation which, sadly, faces too many people. People who have paid their health insurance premiums for a lifetime find out when they need this health insurance the most, it is canceled for a variety of reasons. One of the most common is the argument of the insurance company that one has a preexisting condition which they failed to disclose. I saw a list recently of preexisting conditions. It is a very long list. It includes things which most people would be surprised to read. Did you have acne as a teenager? Is there an adopted child in your household? Things such as this are used by insurance companies to deny coverage to people. The health care reform bill we are working on wants to put an end to these outrageous practices by health insurance companies. It makes it clear that to deny coverage for a preexisting condition is going to become a thing of the past. I would say that any and all of us should take heart in knowing that protection will be there for us when we need it.

It also will stop health insurance companies from putting limits on the amount of money they will pay out. We know what happens when you pay $5,000 a week for cancer therapy. It runs into large amounts of money, and some insurance companies at some point just walk away from you.

We also try to expand the coverage of young people under health insurance. My wife and I raised three children. When they reached the age of 24, our family health insurance no longer covered them. We want to extend that to age 26. That will mean many young people who are coming out of college—out of work and looking for a job—will at least have the health insurance protection of their family while they are looking for their first job and their own health insurance protection. I think that is reasonable.

When some argue, as we have heard from the other side of the aisle, that we are really going too far and too fast when it comes to health insurance, I would say these basic facts I have given you are the realities that face Americans, and if we do not deal with these health insurance injustices, if we do not deal with this unfairness, then, frankly, we will continue to pay huge amounts for health insurance and it will not be there when you need it.

This week, the mayor of a downstate city in Illinois—Kankakee—told me that this city of 28,000 people, with 200 employees and an annual budget of $20 million, 10 percent of which goes for the health insurance for their employees, was rocked to learn they are not only facing a recession, which has cut back on city revenues, but they face an 83-percent increase in their health insurance premiums next year. They are going to try to negotiate with the health insurance company, increase the copays and deductibles individuals have to pay, cut the coverage. That is their only way out of this terrible situation.

But they are not alone. Blue Cross and Blue Shield's Anthem policies for individuals in California recently announced they were going to increase annual premiums by 39 percent. Another friend of our family was notified yesterday her insurance premiums are going up 35 percent next year.

How long can families and businesses deal with this? The answer is, not long at all. And the larger question is, What are we going to do about these health insurance companies? Most companies in America—virtually all companies in America, save two categories—are bound by antitrust laws. What it means is, if you make an automobile or provide a service, you are bound by laws in terms of fair competition. There are two exceptions. One exception is organized baseball. Do not ask me why, but it is. And the second one is insurance companies.

It started back in the 19th century when insurance companies said: We are not national companies. We are regulated and chartered by States. We do business in States. Therefore, national antitrust laws should not apply.

Then, in the 1940s, someone took note of the fact that insurance companies were now doing business across State lines and therefore involved in interstate commerce and should be subject to antitrust laws. A law was passed, which started here in the Senate, called McCarran-Ferguson, which exempted insurance companies from antitrust law.

What it means is that insurance companies—like no other companies in America—can literally collude and conspire on the premiums they charge. They can legally sit down and decide how much they will charge for life insurance, casualty insurance, medical malpractice insurance. It is legal because of this McCarran-Ferguson exception. They can also parcel out territory: Insurance company A is going to take over Los Angeles; insurance company B will do New York; insurance company C will focus on Chicago—perfectly legal under current law but perfectly wrong.

To allow this sort of thing to occur is to fly in the face of our free market capitalism and competition. I am heartened by a vote that took place just a week or so ago in the House of Representatives where the vote to repeal the McCarran-Ferguson Act received more than 400 votes—435—a strong bipartisan voice.

I spoke to Senator Patrick Leahy of Vermont, the chairman of our Senate Judiciary Committee, this morning and said: I hope you will call this bill soon in the Senate. We need to repeal this antitrust exemption for health insurance companies and medical malpractice carriers to stop this collusion when it comes to pricing and this allocation of markets which we do not allow for any other businesses. I think if we do that, it is going to create a more competitive atmosphere, so insurance companies will compete with one another. Consumers win if there is real competition. Currently, it is perfectly legal to stifle competition in insurance, to limit the availability of insurance, and to dictate prices by industry, not by company. That has to come to an end. I hope we can either include it in health care reform or pass it separately. We need to do that.

Another element on which we need to focus is these increased costs. How do we start to bring down the costs of health insurance? For those who suggest premiums are going to drop precipitously in the passage of this bill, they are just wrong. What we are trying to do is to slow the rate of growth, the steep climb in prices. We want to try to flatten it out. There are many reasons to do it. We know as a government we cannot deal with our deficit as a nation as long as health care costs are skyrocketing for Medicare and Medicaid and Veterans' Administration care and so many other areas where we provide health care. We also understand that States face the same budgetary pressures, and the increasing costs make it difficult for them, as well as for local governments, not to mention the impact on businesses and families.

We now estimate that some 50 million Americans have no health insurance. They are not the poorest of the poor—those people are covered many times by Medicaid—and they are not the fortunate ones like Members of Congress who have the best health insurance in America. Many times, they are people who get up and go to work every single day and their small businesses cannot afford to pay the premiums and, of course, their children at home who may be denied coverage just because the parent works in a place where health insurance is not available.

There are things we can and should do about this. This health care reform bill, when it is signed by the President, will say immediately that there will be a tax credit available for all businesses with fewer than 50 employees that offer health insurance to their employees. We understand a lot of people work for these small businesses. If the owners of the businesses are really trying to provide basic coverage for their employees, we want to help them. We want the Tax Code to help them. The same thing is true for individuals. If the amount of health insurance premium you need to pay exceeds a certain percentage of your income, you will be eligible for a tax credit.

The critics of this bill talk about how much it costs. Well, it is an expensive undertaking, but more than half of the money that is raised for this bill is used in tax breaks and tax cuts for businesses and individuals to help pay for their health insurance, trying to get people through this difficult time so they have coverage and can afford to pay for that coverage. That is an essential part of what we are trying to do with this health care reform bill.

We also create insurance exchanges. The idea behind an exchange is to bring together private insurance companies—private companies—that will compete with one another for your business. We know how this works in Congress because those of us who are Members of Congress are under the Federal Employees Health Benefits Program. For over 40 years, this program has offered to Federal employees and Members of Congress the option of health insurance bought on an exchange.

I think we are the luckiest people in America when it comes to health insurance. As Federal employees and Members of Congress, each year we have open enrollment. My wife and I take a look at the private plans available through the State of Illinois and choose what we think fits us best. We have nine different choices of private health insurance companies—companies that are competing for our business. If we do not like the way we were treated last year by our insurance carrier, come September we will change, and we can pick another carrier and see if the coverage is better.

This is something every Member of Congress currently has, but when we went to the health summit, some on the other side of the aisle argued that the creation of these exchanges was too much government. Well, if it is not too much government for their health insurance and my health insurance, why is it too much government when it comes to the people of this country? They are entitled to competition and choice from private insurance companies, just as we are as Senators and Members of the House of Representatives.

One other criticism that was said: Well, you know what is wrong with this bill, this bill will not allow us to buy insurance across State lines. Now, that is a way we can save some money.

That does not tell the story. This bill does allow the purchase of insurance across State lines, multistate compacts, multistate efforts to offer insurance, but with one important element: we establish in this bill the minimum standards for coverage.

Incidentally, that is exactly what we do with the Federal Employees Health Benefits Program. If you want to be one of the companies competing for the business of Senators, you have to offer

certain minimum protection. Some of it is based on State law, some by national standards. Why do we do that? Because many people cannot sit down and carefully go through every line and every page of an insurance policy and try to imagine whether the coverage is adequate.

I recall, years ago when I was an attorney working in the State senate in Springfield, IL, a case came to my attention where health insurance was being sold to expectant mothers—family health insurance—but it excluded coverage for newborn infants for the first 30 days. Think about that for a second. If you and your wife have a baby and the baby has an immediate, costly medical problem, this health insurance plan excluded you, would not pay for it. So we said, as a matter of law in Illinois, if you are going to cover mother and child, you cover that baby from the moment of birth. That is part of the law. Maybe you can buy a health insurance plan somewhere in America that does not have that coverage, but what is going to happen when you have that sick baby and huge medical costs? You may end up in bankruptcy court. You may end up on a government health insurance plan.

So we try to establish basic minimum standards for the health insurance that is offered across America. I think that is the only right way to deal with this issue that challenges us.

We also expand coverage for uninsured people in America. There are 50 million uninsured people in America. We would provide coverage for over 30 million of those 50 million people. These are people who literally have no health insurance at all. What happens when they get sick? They go to the hospital or to the doctor and they are treated. Who pays for it? The cost is shifted. The hospital cannot collect from them because they cannot pay for it, so the hospital increases the cost for those who are paying, those who have health insurance. We estimate the average family pays $1,000 a year in extra premiums—almost $100 a month—just to cover the uninsured. If we bring more people into insurance coverage, fewer charity cases will be at the hospital, fewer dollars in cost will be transferred to the policies of the rest of us who have health insurance. It is a good thing to bring more and more people under this tent of coverage.

The Republican proposal takes a look at those 50 million uninsured Americans, and instead of covering 30 million, as we do, they cover 3 million. That is a far cry from 30 million. If our bill passes, it will mean that the largest percentage of Americans will have health insurance in our history. That is a good thing for our Nation. It is a good thing for our medical system.

We also, in our bill, try to move forward to encourage new innovative and productive medical practices. One of them is wellness. We have met with companies that have come to us and said: When we incentivize our employees to be mindful of their weight, the food they eat, their cholesterol, their blood sugar, their blood pressure, and to stop smoking, it makes a dramatic difference. They feel healthier, they live longer, and they need less medical attention.

So we are creating incentives for wellness. For example, one of the things we do is provide, under Medicare, a free annual exam for every senior citizen so they will be able to come in and be checked out, so little problems will not become big problems. I think that is sensible and responsible.

We have to move toward more primary care. Across America, we have community health clinics. These clinics are primary care clinics in cities and small towns across America. For many people, they are the only source of primary medical care. This bill we will pass—I hope we will pass—will double the number of those clinics and increase the number of people working there. Is it a good idea? Well, it certainly sounds good. But it is also economically smart. Where do sick people go today if they have no health insurance and they do not have a regular doctor on their child has a fever of 106 degrees? We know where they go. They go to the emergency room and they wait in a queue and eventually get treatment and it costs a fortune, dramatically more than it would cost if they went to a local clinic or primary care physician. So we are trying to provide good care, affordable care, cost-efficient care, and reduce some of the costs within the system. I think that is a move in the right direction.

The same thing is true when it comes to Medicare. Some of our critics on the other side of the aisle have said: They are going to cut hundreds of billions of dollars out of Medicare, and the simple answer is, yes, because we believe there is money there that can be saved without compromising in any way the basic benefits of the Medicare Program. This program for seniors and the disabled across America has been a godsend for over 45 years. People live longer and they are healthier and they are more independent because Medicare is there. Social Security and Medicare have given to this modern retired generation things that others just dreamed of. There was a time—and I can remember it in my own family—when your grandparents, after they had quit working either because of retirement or because of physical health problems, ran out of money, and what did they do? They moved in with the family. It was not unusual. It happened in our family and others. Along came Social Security which said: We are going to have a check for you, a monthly check. You will not get rich on it, but you will be able to get by on it, in most cases, and you can live in your own place, independent, the way you want to. Medicare said: We will help pay for your health care bills as part of this. Right now, if we do nothing to Medicare, in a matter of 9 years it goes broke. It starts running in the red. Doing nothing is not an option. So our bill, the health care reform bill which we passed in the Senate and which the President supports, will add another 10 years of solvency to Medicare. That is essential.

How do we achieve this by making savings within Medicare? One of the ways is to look at how care is provided. I took a look at the average Medicare cost per recipient in some of the major cities in America. In my hometown of Springfield, IL, with two great hospitals and great doctors, it is about $7,600 a year for every Medicare recipient. If you go up to Chicago, it is $9,600 a year. Over in Rochester, MN, at the Mayo Clinic it is in the range of $7,600, $8,000 a year. But if you go down to Miami, FL, the average is $17,000 a year for each Medicare recipient. I will concede Miami may be a little bit more expensive than the other cities I mentioned but twice the cost? I don't think so.

There are savings we can find in the Medicare system and still provide quality care that seniors need and are entitled to. We have to find ways to do that. If we don't enter into this conversation, in very short order, we are going to see the Medicare system basically facing insolvency. That is one of the real realities we face.

How are we going to reach this goal politically? That has become a major item of discussion. The President made it clear yesterday he feels that after the supermajority vote in the Senate for health care reform, we need to move this to conclusion and it should face an up-or-down vote. Let me translate what that means. It means, if the House enacts the Senate health care reform bill, they can also turn to something called reconciliation. Reconciliation is a process that is used in both the House and the Senate to deal with budgetary questions. We have not invented it. It has been around for decades and it has been used some 22 different times. That, to me, is an indication that reconciliation is an accepted practice and procedure in the modern Congress. We have seen as well that the Republicans have used it more than half those times for issues that are important to them; issues important to many of us. Children's health insurance was enacted through reconciliation. The COBRA program for health insurance for the unemployed was enacted through reconciliation. President Bush's tax cuts were enacted through reconciliation. In addition, Newt Gingrich's Contract With America, parts of it were enacted through reconciliation. So we know it has been used.

Some of the people on the other side have argued it is unfair to use it to modify any basic health care reform. It is interesting the critics of the reconciliation process have voted for it many times. Out of the 17 opportunities to vote for reconciliation since he has been in the Senate, the Republican leader, Senator MCCONNELL, has voted 13 times out of 17 for reconciliation.

Senator GRASSLEY has had 20 occasions to vote for or against reconciliation. He has voted for it 18 times. Senator MCCAIN, 13 votes on reconciliation, he voted for 9 of them. Senator KYL, 11 opportunities to vote for reconciliation, and he voted for them every time. So these Republican Senators who are now saying there is something flawed or wrong or sneaky about this process have used it over and over to achieve legislative goals.

I have voted for it myself. We had some provisions relating to reform of student loans, for example, that I thought were good for families of students across America. Through reconciliation I voted for it. There is nothing sinister about it. It was right there. What it basically means is this: Under reconciliation, you can bring a bill to the floor and it cannot be filibustered. We all know what a filibuster means. We just went through one with the Senator from Kentucky, Mr. BUNNING, who put a hold on a bill, and for 5 days we couldn't vote for unemployment benefits for people across this country. Eventually, the Senator agreed to a vote and we moved forward on it. So that kind of procedure is allowed in the Senate.

It takes literally days, if not weeks, to work our way through the deadlines and schedules to get to a final vote. Reconciliation says we are going to set the delay tactics and obstruction aside and we are going to have a majority vote. We bring the issue to the floor, 20 hours of debate are equally divided, and then any Senator can offer an amendment for a vote. That can be abused too. I hope it isn't if we move to reconciliation. But at the end of the day, there is a majority vote, up or down. Fifty-one votes will be necessary, I believe, for this to pass, and we will see if we move forward on health care reform in this country.

I hope we do move forward. I hope, if we can't get cooperation on the Republican side of the aisle to tell us they will not use filibusters and delays and obstruction to help do reform, that we do it through the reconciliation process.

Health care reform and the cost of health care is an issue in my home State of Illinois which is topical. A recent press release is entitled ''Illinois consumers to pay up to 60 percent more'' on individual health insurance policies. Individual health insurance policy premiums are soaring in the State of Illinois. It says:

> Consumers in Illinois who lose their jobs and have no other option but to buy their own health insurance will get socked this year with premium increases of up to 60 percent, according to state records.
>
> That group of consumers has been growing, as the recession has created more uninsured Americans looking for ways to protect themselves and their families. Now, Illinois consumers will get a glimpse into just how wide-ranging rate increases among individual health plans can be. The data, obtained by the Tribune, also provide a window into the overall trend of premium increases at large and small employers.
>
> For the state's more than half-million consumers in individual health plans—

We are a State of 12 million—

> base rates will go up from 8.5 percent to more than 60 percent, according to state data. Base rates do not take into consideration health status, gender, age, place of residence and length of a policy—all factors that could affect the premiums further.
>
> The individual insurance market is relatively small compared to consumers who get their insurance through their employers, but it has become the fastest growing group in this economy.

I might add, that is going to happen as fewer and fewer businesses offer health insurance and people are on their own, people who might have their own medical history or history in the family that precludes an opportunity for this health insurance protection.

The Illinois director of insurance, Mike McRaith, says:

> This information is important because the individual market is where an increasing number of people fall when they lose their jobs and become unemployed. Individuals need insurance more and more and they are struggling to hang on to it now more than ever. Because fewer people are employed and fewer employers are offering health insurance, we would expect to see increased applications for individual health insurance.

When we hear from the other side of the aisle that we need to start over on this debate, it basically means to put an end to it. We are not going to start over. We have been at this for 15 months. We have had the most lengthy committee hearings in our history. The Senate Committee on Health, Education, Labor, and Pensions accepted 150 amendments from the Republican side of the aisle—150. Yet not a single Republican Senator would vote for the bill when it came out of committee. We have tried our best to not only have open and transparent hearings and an amendment process but to engage the other side of the aisle to bring forth their best ideas so we can try to put them together and do a package that does address the needs in America. But for those who say start over, end it, put it behind us, how do you ignore the obvious? The cost of health insurance is going through the roof. People know it, businesses know it, families know it, and we know it as a government. If we don't address this issue and address it openly and honestly, it will just get worse. That is something families understand and I think we all understand.

We have talked about jobs through the bill before us on the floor today. I happen to think health insurance is an important part of this conversation. When I met with some unemployed people in Chicago a couple months ago, I asked each one of them, and they were struggling to continue the health insurance for their family. I remember one mother who said: My problem is this. If I lose the health insurance I had where I worked, if I can't make these COBRA payments to keep up this health insurance and I am dropped, I don't think they are ever going to insure my diabetic son.

That is the reality of what people face. They lose costly health insurance, and they may never be able to find replacement. That reality needs to be addressed, and we can address it.

I sincerely hope many of my Republican colleagues will accept President Obama's invitation to join us in this effort. We can do this together, and we should. If we do it together, it will be a stronger bill and a better bill, but we can only invite our colleagues to the prom so many times and be turned down until we stop asking. This invitation was sincere yesterday. The President brought up four major elements Republicans have asked for and said we will include all of them in our health insurance reform bill. I hope they will join us in this effort. If they do not, we owe it to the American people to move forward, to make certain we are ending discrimination against people because of preexisting conditions; to make certain we are starting to bring down costs and increase choice and competition for small businesses and individuals; to bring into the coverage and protection of health insurance 30 million more Americans than we have today; to give Medicare another 10 years of longevity; to bring down the deficit in the process as health care costs start to come down. All these positive issues argue we need to get this job done.

I look forward to working toward that goal and getting it done in a matter of weeks and not months.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

AMENDMENT NO. 3337

Mr. INOUYE. Madam President, so often when Members come to the floor to offer simple amendments and describe their normal objectives, it sounds too good to be true. In my years in the Senate, I have found that when things are too good to be true, they usually are.

The amendment from the Senator from Alabama seeks to constrain discretionary spending at levels agreed to in last year's budget resolution. He says his intent is to cap spending for the next 4 years. We all understand that discretionary spending is likely to be frozen this year, as the President has proposed, but this proposal goes way beyond what the President of the United States recommended.

The President has proposed a modified spending freeze which caps non-security-related spending. The President allows growth in Homeland Security, but this amendment does not assume growth. The President does not put a cap on emergency spending, but this amendment would. The President has requested more than $700 billion in this budget for Defense, including the cost of war. This amendment only allocates $614 billion. Specifically, this amendment only allows $50 billion for the cost of overseas deployments. As such, it fails to fully cover the cost of the wars in Afghanistan and Iraq.

If we want to support our men and women deployed overseas, we will need

to get 60 votes. Does the Senate really want national defense to be a hostage to a 60-vote threshold?

The critical flaw in this amendment is that it fails to do anything serious about deficits. It fails to address the two principal reasons our fiscal order is out of balance. It is a fact that the growth in the debt has resulted primarily from unchecked mandatory spending and massive tax cuts for the rich. This amendment fails to respond to either one of these two problems. In short, the amendment is shooting at the wrong target.

Moreover, this amendment also wants to raise the threshold on discretionary spending increases to a 67-vote approval, allowing one-third of the Senate to dictate the majority. We already have a threshold of 60 votes required to increase spending for emergencies above the budget resolution. I, for one, cannot believe the Senate wants to let a mere one-third of the Senate dictate to the other two-thirds whether an emergency is a bona fide one. This is the wrong direction for this institution.

Mandatory spending has run wild in the last few years. Tax cuts for the rich have constrained revenues. But neither tax cuts nor tax increases nor mandatory spending would be subject to 67 votes.

The Senator from Alabama says this approach worked to balance the budget in the 1990s. That is only partially correct, and it is critical that my colleagues understand the difference.

In the 1990s, our budget summits produced an agreement to cap discretionary spending. But they also decreased the mandatory spending and increased revenues at the same time. It was only by getting an agreement in all three areas at the same time that we were able to achieve a balanced budget.

Let's be clear. Many of our colleagues on the other side of the aisle are happy to put a cap on discretionary spending, but they do not want to put policies in place to make certain we have enough revenues to reduce the deficit.

Any honest budget analyst will tell you we will never achieve a balanced budget just by freezing discretionary spending. We could eliminate all discretionary spending increases for defense, other security spending, nondefense, and still not balance the budget.

Moreover, if we freeze discretionary spending without reaching an agreement on mandatory spending and taxes, we will find it very difficult to get those who do not want to address revenues to compromise.

I wish to remind my colleagues that the administration has just announced it will create a deficit reduction commission to help us get our financial house in order. It will look at both revenue and spending and find the right balance to restore fiscal discipline. They will make their recommendations to the Congress, and the majority leader has committed that the recommendations of that commission will be brought to the Senate for a vote.

The commission will certainly not focus solely on discretionary spending. If we are going to cap discretionary spending, then we must have similar controls on revenues and mandatory spending.

The commission has been created precisely for this reason. Rather than rushing to address only one small portion of the issue, the Senate should await the judgment of the deficit reduction commission which will cover all aspects of the problem.

As chairman of the Appropriations Committee, I agree everyone should tighten their belts. The problem with this amendment is that all the tightening will be done on a small portion of spending, while revenues and mandatory spending will still be unchecked.

Each of us was elected to serve our constituents, but we do not necessarily agree on the best way of doing that. We have some Members who want to hold down government spending, and so they do not seek earmarks or other program increases on behalf of their constituents. I do not agree with them, but I respect their views.

We have others who believe the best way to represent their constituents is to seek earmarks on their behalf. But those who seek earmarks or other programmatic increases from the committee should recognize that funding those programs puts pressure to increase government spending, not cut it.

I, for one, believe it is inconsistent to insist on getting earmarks for our constituents and supporting other spending increases while at the same time mandating that we cut spending for discretionary programs.

Chairman BYRD once stated on the Senate floor that sooner or later every Member comes to the Appropriations Committee for help.

I note that last year, the Appropriations Committee received requests for earmarks from more than 90 Members of this body. The Senator from Alabama was among those seeking earmarks. For fiscal year 2010, the Senator requested earmarks totaling more than $400 million.

I ask my colleagues: How is the Appropriations Committee supposed to live within the tight constraints of these proposed spending limits over 5 years and still satisfy those earmarks?

I would also point out that like many other Senators, the Senator from Alabama has come to the floor on several occasions to seek additional billions of dollars in support of building a fence along our southwest border. The total cost of that fence is estimated to be around $8 billion. It would be virtually impossible to provide the billions required for this fence under the terms of the amendment offered by the Senator.

Other Senators have supported large program increases, such as adding $2.5 billion to continue the C–17 program. I have strongly supported continuing the C–17 program, but all Members should realize if the Senate wants to cut discretionary spending programs, such as the C–17, they are unlikely to continue to be funded.

We cannot have it both ways. We simply cannot get the funds we believe are essential for our constituents or support our programs which we believe are of national importance, such as the border fence or the C–17, at the same time as we cut discretionary spending. Each and every Member should think about the need for funding for their States, their constituents, and the Nation before they vote on this amendment.

The Senate rejected this flawed plan just 6 weeks ago. This amendment has not gotten any better in that intervening period. It is still shooting at the wrong target, and it fails to address the real causes of our deficits and national debt. It is not the same as the President's plan. Therefore, I urge my colleagues, once again, to vote no.

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

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

Mr. BROWN of Massachusetts. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Madam President, I was hoping I could address an amendment I have on the Senate floor today.

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

AMENDMENT NO. 3391

Mr. BROWN of Massachusetts. Madam President, I come to the floor of the Senate today to give my first speech as one of the Senators from Massachusetts.

First, let me say I am deeply honored to have been elected and to serve in this great and historic Chamber. In addition, I am pleased to have the opportunity to address my colleagues and the American people and other folks here watching us for the first time about legislation that I am offering. It is called the immediate tax relief for America's workers amendment.

Families in Massachusetts and across this great Nation are suffering through these tough economic times. One year after Congress passed the stimulus package, Americans are still struggling to pay their bills, to save money for college, and to buy groceries to put on their kitchen tables. But in Washington, the Federal Government is driving up our debt and creating government waste on projects that, in my opinion, do not create enough private sector jobs or provide immediate relief for the American workers.

The hundreds of billions of dollars that we have spent and continue to spend on the stimulus package have not created one new net job. Most

Americans believe Washington is not using the money effectively enough, especially while many Americans are suffering and needing immediate and real relief.

In fact, the Federal Government right now is sitting on approximately $80 billion of so-called stimulus funds that are either unused or unobligated to specific projects as of this date. That $80 billion in taxpayer money is stuck in what I consider a virtual Washington slush fund potentially used for special interest projects or so-called pork projects to which many of us personally object.

I believe and others believe it is time to put this money back to work immediately and put it into the pockets of hard-working Americans and American families so they can get what they need, so they can provide for their families, they can save for their future, and put real money back into the struggling economy.

Providing an immediate across-the-board tax relief for working families is not complicated economic policy. I think it is simple and common economic sense. Leaders on both sides of the aisle, from Presidents John F. Kennedy to Ronald Reagan, have often called for across-the-board tax cuts to put money immediately into people's pockets to help stimulate the economy. I also believe this is a perfect opportunity to do the very same thing. I believe individual citizens know better. People up here watching, they know better how to spend their own money than we do.

The immediate tax relief for America's workers amendment I am proposing would cut payroll taxes and have across-the-board tax relief for almost 130 million American workers. That number again, 130 million people in the American workforce, including more than 3 million people in Massachusetts, would have immediate relief.

Madam President, 130 million workers will receive that immediate and direct tax relief. By turning the estimated $80 billion in unobligated stimulus moneys, accounts, over to the American people, our workers would see their payroll taxes reduced by almost $100 per month, up to $500 per person, $1,000 per couple within a 6-month period. It could be implemented within 60 days.

Some people in Washington may not think $100 or $500 or $1,000 is a lot of money, but I can tell you; I know the value of a dollar. The people in my State know that is real money, that is money that can be put into their pockets immediately and spent to pay for oil, food, medical bills, everyday basic needs. The American people need this relief and they deserve it. Families would immediately get the help they need to pay their bills, and we would put real money back into the economy, helping start a true recovery.

Unlike tax cuts of years past, this one is paid for entirely. It will not increase the deficit and could be implemented, as I said, within 60 days. It would be paid for by using the roughly $80 billion in unused and unobligated stimulus funds that are currently sitting in a slush fund in Washington, DC. In my opinion, it does nothing—nothing—right now to stimulate the economy that is struggling, as we know it.

Not to do this, I believe, would be a mistake and a disservice to the people who pay the bills, and those are the American taxpayers.

Let me be clear: My amendment would not add one penny to our Federal deficit. Also, let me remind my colleagues in this Chamber that bipartisanship is a two-way street. It is not just a one-way street. The Senator has commented to me, as others have, that she appreciated my effort to reach across the aisle last week and help pass a jobs bill the majority leader was pushing to put people back to work not only in Massachusetts but in your State—in your State and every State in this country. I took some heat for it, but I held firm and looked at the bill with open eyes, as I told the majority leader and the minority leader and all my colleagues I would do. It wasn't perfect, but I felt it was a good first step.

So that effort of bipartisanship was evident with me last week. Many of my colleagues came up to me and said: What a nice new tone you set, Senator. We are proud you are here. We are happy to see that bipartisanship. Well, let me say that when I see a good idea, I plan on supporting it, whether it be a good Republican idea or a good Democratic idea. As long as it puts people back to work, as long as there is a way to get it paid for and it makes good sense for my State and the people of this country, I plan on voting for it, regardless of what special interest groups say, regardless of my party, and regardless of what anyone else says.

Here is our chance to show the American people the partisan bickering is now over. We can help them right now. We can actually have a bipartisan effort on this very important bill that will put money immediately into people's pockets in 60 days—up to $1,000 per couple. I know many people who could use that money right now. With so many people struggling, I personally don't feel it is time anymore for political gamesmanship. The time is now to do the people's business. I have always felt we can do better. The fact that I am here has sent a very strong message across this country. The people in my State and throughout the country who supported me in record numbers are saying: You know what, SCOTT, we can do better. When you get to Washington, work across party lines, get the engine going a little bit, and let's get the people's business done. So this is my first amendment—this amendment to the jobs bill—and it makes fiscal sense and it is something that has been done in the past. JFK and Ronald Reagan called for across-the-board tax cuts and it worked.

We have tried a whole host of other things—targeted tax breaks, a little here, a little there—so why don't we give it back to the American people and see what they can do with $1,000, see what they can do to stimulate the economy. Let's give them a chance. When the immediate tax relief for America's workers amendment comes to a vote, my colleagues will have a very clear choice: They can support a measure that will immediately put money back into their constituents' pockets and into the economy or they can go along with the business-as-usual approach in Washington and leave the $80 billion in unused stimulus money in that slush fund to be used years from now.

The money we are talking about is not allocated. It is hanging out there. It is unlikely we are going to put it back to reduce the deficit, so let's put it to work within 60 days so people can use it when the summertime comes, and they can go out and do whatever they want with it. We can go and create more of a bureaucracy, if we want, or more government jobs, but I have confidence in the American people that they will do what they have always done. They have always reached down and tightened their belts. They have made a difference. They are the folks who will help us get out of this struggling economy.

I am not going to point any fingers. I am not going to say it is their fault or their fault. I don't care whose fault it is. The bottom line is, I was sent for a reason—to deliver a message from the people of Massachusetts and the hundreds of thousands of people who supported me. The message is: We can do better. Let's get the economy going.

This is a simple amendment, and I am hopeful we are going to get bipartisan support. I can tell you it would be very easy to use procedural points of order to try to delay this particular amendment and allow it to get lost in the shuffle. That is very easy to do. We can do a procedural point of order to delay action on the economic emergency facing American workers. But, by golly, I am not going to do it. I am going to do everything I can do every single day to make sure I put as much money back into the American people's pockets to do what they do best—to save and to take care of their families. They can do what they have done for years; that is, to help stimulate this economy. After all, that is what the Chair was sent here to do and the rest of my colleagues were sent here to do. The people watching in the galleries and the people on TV expect us to do that, to get back to work and solve the problems.

Let's move on. This is a great opportunity to do that. I am hopeful I am going to get some support. I believe there may be others speaking, so I respectfully yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I appreciate the remarks of the junior

Senator from Massachusetts. He has come off the campaign trail, where he talked to thousands and thousands of people all over his State and heard from, I would guess, millions from around the country. We should listen to some of the things he is telling us because it strikes me that we, too often in this body, are a bit insulated, and we fail to see that people are asking us to make some changes in what we do when we think we have to continue to operate the way we have been operating.

But that is not what I am hearing at my townhall meetings. I don't know that anybody in this body, if they are listening in their townhall meetings, are hearing business as usual is what the people want us to do. What I am hearing is a great concern and expression of regret, and in some cases frustration and anger, over the amount of money we are spending and how recklessly we are doing it. I guess that is what I am here to talk about.

The bill Senator CLAIRE MCCASKILL and I are offering is a bipartisan bill. It had quite a bit of Democratic support last time. We came within just a few votes of reaching 60 votes and passing it, and I am hopeful today, with the alterations we have made, it will appeal to some of my Democratic colleagues and they will be able to support it now. I believe it will take quite a positive step in how we fund our government and how much debt we run up.

In the 1990s, an idea was placed into law that said the budgets we pass should have statutory language and should be made a part of statutory law. So we did that in the 1990s. We began to see, shortly after the passage of that, a containment of the surge and growth in spending. The growth was far more modest and, as a result, by the end of the 1990s we had a surplus.

President Clinton claimed great credit for that. I think sometimes he fails to recall the Congress acted, and ultimately it is Congress that has the power of the purse. No money can be spent that we don't authorize and appropriate. Nothing can be spent by the President or any other Cabinet person that Congress hasn't authorized and appropriated to be spent. Those are the facts.

This legislation would put what we call caps or limits on discretionary spending. That does not include entitlement spending, so not counting Social Security and Medicare and those kind of things. It is the discretionary accounts we have in the Senate. This amendment would put some limits on them—the limits we chose for the fiscal year 2011 through fiscal year 2014. This is the 2010 budget resolution we are now under, which was passed by our Democratic majority and supported by the President of the United States. It is his projections and our projections—the Congress's projections—for spending growth in the next 4 years. The budget resolution we passed allows for a 2-percent increase per year in both defense and nondefense spending. The caps in the amendment are exactly those we voted for in last year's budget.

Currently, we are not standing firm with the budgets we pass. We know that is a problem for us and we need to discipline ourselves. We have learned that from 1991 through 2002, the statutory caps on spending helped us contain spending. We did not surge discretionary spending as much as had been the case earlier. When it ended in 2002, the spending started back up again. Not only did it start up, it has now reached a level of growth the likes of which the country has never seen before. Last year, our total deficit for the year was $1,400 billion. This year it is going to be $1,400 billion or $1,500 billion when we end. We have never had anything like this before. How much we are spending and how little we are paying for what we spend is a stunning development.

This legislation would not impact the bills that have already passed. Some say: Well, you might try to contain the stimulus bill we passed. No, that has already passed and wouldn't be covered. None of the other bills that have passed would be covered. Indeed, as part of our discussion with our colleagues in the Senate about their concerns with the legislation the last time we voted on it—a few weeks ago—we exempted this year, and we are spending pretty substantially this year—well above our budget. So we had people say: Well, JEFF, I am concerned about this year. I want to spend more this year. But next year we have to get this house in order. Well, we are well into this year already, so my decision would be: OK, that is a request I will accept, and Senator MCCASKILL agreed. So now we are asking that this limit be placed beginning next fiscal year, instead of this fiscal year.

It is very similar to the plan proposed by President Obama in his State of the Union Message and his fiscal year 2011 budget. In fact, President Obama actually went further in saying he wanted to see a freeze on a lot of these accounts. Our bill would allow a 1-percent to 2-percent increase in spending in these accounts. He is saying a freeze would be better. So, JEFF, are you saying you want to spend more than the President? No. I think we should try, and I would be supportive of trying to maintain the freeze the President suggested. But I would say, based on our history and what we have seen from statutory caps, if we pass caps with this 1- to 2-percent increase, then we might be able to at least stay within that because last year our increases were 8 percent or more in spending. We all know we have to do better, and our budget says we will do better. So this amendment would give some strength to that.

The legislation specifies spending for defense and nondefense programs consistent with the budget resolution. It contains a $10 billion-per-year emergency fund, which fits in with the budget resolution. We have set aside $10 billion this year, and we should do at least that amount each year to ensure we have resources available if a genuine emergency arises and we need to respond to an emergency. So we would set that aside. This amendment requires a two-thirds vote of 67 Senators to waive the annual caps or the emergency $10 billion fund. That is stronger than we have had before. We have had a 60-vote cap. But we know we are spending at a very reckless rate. Contrary to what people say, we have had bipartisan support for all kinds of emergency spending, and there is usually 90 or 100 votes for hurricanes, earthquakes or similar things. At any rate, we think the 67 votes would say to this Senate that we are serious and there should be a legitimate reason that can be defended to waive the budget to spend more money. Also, it would say why don't we find money elsewhere within our budget, through efficiencies and other ideas, to contain that growth in spending and pay for some of it first before we send it to the credit card and add it to the debt?

This amendment does not apply the caps to spending for any military action. I know Senator INOUYE and others have raised the question will it deny soldiers in the field support. The caps would not apply to any military action in which the Congress has provided a declaration of war or authorization to utilize military force. That is, I think, the appropriate way to handle it. This amendment would be exempting those kinds of situations.

This is similar to what the President has called for and what Congress did throughout the 1990s with bipartisan support. This amendment has been evaluated by some of the best budget minds in America, independent groups that are respected. These experts understand the nature and problems of our Congress and how we tend to break our budgets instead of staying within them. They are terribly concerned about our spending; they are issuing reports, and many of them have endorsed us.

One of the best known groups is the Concord Coalition. They endorse the amendment. The Committee for a Responsible Federal Budget that includes former OMB, Office of Management and Budget, officials and Congressional Budget Office officials. They work together for responsible Federal budgets, and they support it. Citizens Against Government Waste; the National Taxpayers Union; the Heritage Foundation; Alice Rivlin, who was the first head of the Congressional Budget Office and was the head of the Office of Management and Budget under President Clinton and is now a Brookings Institute senior fellow—she supports it. As does Douglas Holtz-Eakin, former Director of the CBO under President Bush, who has spoken out on these issues.

This amendment is supported by a majority of the members of the Senate

Budget Committee the last time it was considered, and it gives the Budget Committee more ability to make sure their budget is not abridged and broken.

What about some questions and answers? Will this bill prevent the Federal Government from responding to legitimate purchases? The answer is no, it will not. We have $10 billion set aside anyway; it is set aside right upfront. The amount is included in our budget resolution from last year and that money can be utilized for any emergency.

Second, the emergency appropriations, for example after the 9/11 attack; the 2004 tsunami; Hurricane Katrina—all passed with overwhelming support in the Senate, 93-votes-plus each and every time. So this is far above the 67 votes. Not a single emergency natural disaster bill since the emergency designation was created in 1990—and there have been quite a few—has gotten less than 67 votes. To say it will deny us the right to respond to a legitimate emergency is incorrect.

Question: Would the Sessions-McCaskill bill prevent Congress from funding the missions in Iraq and Afghanistan? As I said, this threshold of 67 votes would not apply in cases ''of the defense budget authority if Congress declared war or authorizes the use of force.''

In addition, all emergency war supplementals for the global war on terrorism have received far more than 67 votes anyway.

Question: Would the Sessions-McCaskill bill prevent Congress from caring for veterans? That has been raised a good bit. The fiscal year 2010 budget resolution incorporates significant increases in funding for veterans, an 11-percent increase in fiscal year 2010, which built on large increases in fiscal years 2008 and 2009. In addition, a significant amount of veterans spending is mandatory. Entitlements and mandatory spending would not even be covered by this, just as Social Security and Medicare is not covered by it. Veterans programs have always enjoyed wide support in the Senate and I don't think there is any doubt that legitimate concerns for veterans would be properly addressed. It should be paid for whenever possible but, if we cannot do that, if we have a crisis for our veterans, I have no doubt there will be 67 votes to take care of the veterans' needs. In fact, the emergency supplemental for veterans' health care that came up in 2005 received 99 votes. Veterans funding, I think most of our Members believe, ought to displace less priority items.

There is a myth out there that the sponsors are saying this will balance the budget by focusing on nondefense discretionary spending and this is a small part of the budget. It is not the biggest part of the budget. And it is not going to balance the budget in itself. But the facts are this. First, the amendment caps growth in both defense and nondefense discretionary spending. Second, the sponsors have never claimed the amendment would balance the budget. We have to do a lot more than this. The President himself estimates that his 3-year freeze he proposed—spending not related to defense or veterans or foreign affairs—would result in a $250 billion savings over 10 years and that is real money.

This legislation has the potential to save hundreds of billions of dollars. If the choice is between 8 and 10-percent increases, as we have had in the last couple of years, and the 2-percent or so increase that would be allowed under this budget, it would save a lot more than $250 billion over a period of time.

I want to say how much I appreciate the support and leadership by Senator MCCASKILL on this matter. When we voted before, all Republicans but 1 and 17 Democrats voted for the legislation. I expect there is at least one more vote with our new Senator from Massachusetts. We have changed it to apply to next year and not this year. That should attract more support. I am hopeful that we could pass this. I think it would send a message to our colleagues and to those who appropriate the money here, that we are serious about staying within the budget limits. We are saying to the President, not only do we support you but we are going to create a mechanism where it is going to be harder to spend more than you proposed. We will send a message to the financial markets, which are wondering what we are doing here.

If you read the financial pages, people make statements on Wall Street that indicate they have no confidence we are going to reverse the trend we are on. In fact, the trend is so stunning it puts us on the road to tripling the national debt in 10 years—from 2008 with $5.8 billion in public debt held by people all over the world, including governments such as China, to 2013 with $11 trillion, to 2019 with $17 trillion—doubling in 5 years, tripling in 10 years.

I think we can do better. There is a lot of blame to go around and all of us deserve some of it. But we are in a position where I think we can make a difference today. This legislation, I believe, is a good step and would send a message throughout the world, to the financial markets, that Congress is beginning to take firm steps that would contain the growth of spending.

I am pleased to see my colleague from Missouri here. She has been a champion on this and integrity in spending in all areas. She challenges waste, fraud, and abuse. She understands more than most in our body that the money we have extracted from the American taxpayer should be spent very carefully in order to guarantee we get a quality benefit from it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. At the risk of predicting bipartisanship is going to break out at every corner of this place, I saw my friend was on the floor and I wanted to take a minute to come and talk about what this amendment represents on several levels. First, it is truly a bipartisan effort. My friend from Alabama, with whom I have worked closely on this amendment, is right. There is plenty of blame to go around and we spend a whole lot of time on the blame game on this floor. This is a moment we can get beyond that. This is a moment we can support our President, we can speak to fiscal accountability, which many of my friend who are in my party and many of my friends in the other party like to talk about. But there is the talk and then there is the walk. We have a lot of talk about fiscal accountability but so often we kind of do not want to walk the walk. This is a moment we can walk the walk.

The President wants to do this. In fact, as my friend pointed out, the President's spending freeze goes further than this amendment. It goes further than what we are proposing to do. This is not an unreasonable amendment. In fact, it leaves out emergency spending, which we have talked a lot about this year. It leaves out this year because of the kind of critical economic situation in which we find ourselves. It leaves out wartime spending for those conflicts the Congress has authorized. But everybody else is in the pool. Everybody else is in. We have to look at, over the board, the kind of spending freezes where 1 to 2 percent is enough in light of the deficit we are facing.

We are so close to passing this. We are so close. I am not sure if we succeed in passing it that confetti is going to drop from the sky or balloons are going to come down, but they should, because it will be a moment, maybe the first moment in a long time, that the American people, if they were paying close attention, would think to themselves: You know, maybe they get it, just maybe they get it.

If we fail to pass this modest, appropriate path to fiscal responsibility—if we fail to pass this, then I don't blame the people for whom I work. I do not blame them if they shake their heads in wonderment. What is it going to take? How much money are we going to pretend we have, year after year, handcuffing the greatness of this Nation? Because if we are honest about it, this Nation has been great for many reasons: our values, the strength of our military, but at the end of the day, this Nation has been great because we were an economic power. We were the country everyone looked to about how we did our economy, how we promoted entrepreneurs, how the free market lifted all boats. We will not be able to survive in economic greatness if we do not figure this out.

In fact, if we look over our shoulder right now, there are a couple of big guys coming up on us and they hold our debt. They hold our debt.

I know I have some fence sitters particularly on my side. I say to all the

fence sitters, this is not as aggressive as the President has laid out. Support your President. Freeze spending at a reasonable level, leaving out emergencies, leaving out wars that we have in fact signed off on in Congress, and let's get busy showing the American people once and for all that we get it.

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

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

AMENDMENT NO. 3389

Mr. BURR. Madam President, at 2 o'clock, I believe we are going to have a series of votes, roughly somewhere around 2 o'clock. One of them is going to be on amendment No. 3389, an amendment that I offered yesterday but chose not to speak on yesterday. I would like to take about 5 minutes just to share with my colleagues what the content of this amendment is.

In simple terms, it is a sales tax holiday amendment. I think we all agree, there is no partisan difference, that our economy is shut down; that we are in a period of anemic growth; and that with anemic growth there is no hope of reinflating employment. We are almost at a point where we need a shock and awe in our economy, something that gives confidence back to consumers, and, more importantly, to manufacturers of goods.

We have experienced, over the last several months, a replenishment of inventory of purchases that were made in the fourth quarter, predominantly because of the holidays. What we have seen since then is a decline in, or a stagnation of, retail sales. Once we get past this replenishment period, we are going to see manufacturers who look at their workforce, not with the intention of growing it but potentially of possibly shrinking it if things do not grow with the outlook.

I think we are at a point that there is not one silver bullet. I think it takes things such as tax credits to employers that help provide an avenue to bring on somebody new, but it requires something to go out the door.

So I think we have neglected in many ways two areas: one, the access to credit—and there are some bright minds in a bipartisan way working on that here—but also what do we do to stimulate economic activity.

Practically every State in the country, one time a year, at back-to-school time, announces they are going to have a sales tax holiday for the weekend limited to those items that are back-to-school items. Forget the fact that the week before there were probably 50 percent off signs, and nobody went to the store and took advantage of the 50 percent off for backpacks and pencils and paper.

All of a sudden, the no sales tax sign goes up for 2 days, and it is a mass consumer frenzy to try to buy those products while there is no sales tax. I cannot explain why. I can tell you it works.

In 2001, when we were in an economic downturn, we introduced something similar.

So what does my amendment No. 3389 do? It establishes a national tax holiday to provide a needed economic boost for small businesses and for consumers. The legislation would allow States to voluntarily choose to participate and suspend collection of sales taxes for a 10-day period to encourage greater sales.

The Federal Government, unlike in 2001, would share with States the economic cost that would be incurred in lost tax revenue during the tax suspension. The Federal share would be 75 percent of the taxes lost at the State and local level. This is cost sharing. We are going to ask the States to share at 25 percent in hopes that the increase in sales will more than make up for the 25-percent cost that States have incurred in the program.

This sales tax holiday would run for 10 days beginning the first Friday 30 days past enactment of the legislation. Now, why is that important? It is important because starting on the first Friday we get two weekend cycles in the 10-day sales tax holiday.

In my household it does not matter what day of the week it is, we will buy regardless. But there are many Americans who, because of their work schedules, because of their family schedules, the weekend is the only time they have access to do it. This legislation, I believe, would provide increased consumer confidence but, more importantly, stimulate economic activity, stimulate economic activity with tax credits for employers that begin to hire back, and match that with the capital that is needed by small businesses in the way of loans. I think all of a sudden we have a formula that we can turn this economy in the right direction. It may not be a plan to sustain it, but I think what we have to overcome is the lack of confidence of the American consumer right now.

The legislation would require the States to notify the Secretary of the Treasury within 30 days of enactment. Let me say for States, no later than 45 days after the end of the holiday, the Secretary of the Treasury would pay the participating States their 75 percent. Actually in the law it would say: You have 45 days to pay back. Hopefully, it would not be another Cash for Clunkers disaster that we had where the dealers were not reimbursed for the money they had out.

Again, let me just say, tax holidays have a successful track record at the State level. They have provoked strong retail consumer reaction. While they are still somewhat of a new phenomena, surveys and case studies are showing, and have shown, most shoppers view the sales tax holiday favorably. It is an important motivation to them to shop.

What do I have to go on to offer this legislation? I have actually talked to retailers. I have listened to them. I have asked them what would change this overnight. Without exception, they all point to one thing: Do a tax holiday and you will drastically change the number of people coming in our stores. You will drastically change how much they purchase.

This is not a tool where I am trying to create grotesque purchasing in this country. But I am trying to say to the American people, if we want to turn the economy around, if we want to start reinflating employment, it all starts with creating retail activity. We have an opportunity through this legislation to begin to create the retail activity that puts on a path to recovery.

I hope my colleagues in the next hour or so will consider this piece of legislation. I pay for it with unobligated stimulus money. Therefore, I readily expect a point of order on the Budget Act. So the likelihood is, we will not vote on this amendment, but we will vote on waiving the Budget Act. If we waive the Budget Act, that will tell you that we would then agree to this language, and then it would be up to the House to determine whether we have come up with a successful way to stimulate retail activities.

I thank my colleagues for their consideration.

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. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BAUCUS. Madam President, I ask unanimous consent that at 2:30 p.m. today the Senate proceed to vote with respect to the following amendments, with no amendments in order to the amendments on this list, prior to a vote in relation thereto; that prior to each vote listed here there be 2 minutes of debate equally divided and controlled in the usual form; and that after the first vote in the sequence, succeeding votes be limited to 10 minutes each; further, that the debate time until 2:30 p.m. be equally divided and controlled between the leaders or their designees: Stabenow amendment No. 3382, Brown amendment No. 3391, Burr amendment No. 3389, Sessions-McCaskill amendment No. 3337; further, that upon disposition of these four amendments, the Senate then proceed to executive session to consider Executive Calendar No. 609, the nomination of William Conley to be U.S. district judge for the Western District of Wisconsin; that once the nomination has been reported, the Senate then proceed to vote on the confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table, no further motions be in order, 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.

Mr. BAUCUS. Madam President, I yield such time as he desires to the Senator from Massachusetts.

AMENDMENT NO. 3403

Mr. KERRY. I thank the chairman of the Finance Committee and the manager of this bill.

I wanted to take just a few moments to talk about an amendment I have filed to extend the TANF emergency fund; that is, the Temporary Assistance to Needy Families Fund. I hope I can work with the majority leader, who is already working with us to work through some of the difficulties in terms of the overall funding levels, to hopefully have a vote on this at the earliest possible time.

We have the opportunity to extend a proven program that provides genuinely desperately needed assistance to the Nation's poorest families and their children, the people who are the most vulnerable to an economic downturn. I am joined by Senator SPECTER in offering this amendment to extend the Temporary Assistance to Needy Families Fund, the TANF as we call it, the emergency contingency fund, which was included in last year's economic stimulus legislation.

I am glad to say this policy is supported by Majority Leader REID, by Chairman BAUCUS, Senator SCHUMER, Senator FEINSTEIN, Senator SPECTER, and others. It is my understanding this amendment is fully offset. Senate Finance Chairman BAUCUS and Majority Leader REID have been integral to the development of this amendment. I am very grateful to them and their staff for the assistance they have given us and for their help on this important issue.

This is not the moment in our economic recovery effort to walk away from the neediest families in the country, from a successful program that has bolstered the safety net and created jobs for the unemployed. What my amendment does is simply extend a program that is already working, and working effectively. It extends a program that was specifically put into the economic stimulus package because it is so critical, so sustaining in support for these neediest families at a level where it is even harder to get jobs and break back into the recovery.

According to the Center on Budget and Policy Priorities, more than 30 States are currently using TANF emergency funds to create subsidized jobs. By this summer, these programs are going to have provided subsidies for more than 100,000 jobs. That number could grow substantially with more time and more money.

Let me just share with colleagues sort of the breadth of these kinds of things, some of the examples of the job placements that have been made and created by the TANF emergency fund range from administrative jobs: project management secretary, legal secretary, data entry clerks, merchandise listers, dispatchers, marketing sales, and so forth; construction: painters, laborers, installers, land development, general laborers, surveyors, and so forth; customer service: porters, cashiers, housekeeping, front desk clerks; food service: restaurant managers, catering managers, food preparation, food delivery; health care: medical billing, medical record clerk, receptionist, and so forth. There are maintenance jobs, production jobs, human service positions. It covers the full range of the American economy, and it makes a difference in communities to people's, literally sustainability, and to families being able to hold together and stick together.

Some States are using the TANF fund to extensively help offset higher basic assistance costs and to extend a variety of short-term emergency aid to struggling families, such as heating assistance, housing assistance, domestic violence services, and transportation help.

This amendment maintains the current policy of reimbursing States for 80 cents on every dollar spent on subsidized employment or basic assistance or short-term or emergency aid.

The amendment aids a fourth category of programs that can receive emergency funds, and those are work programs. As families continue to struggle to find jobs with the high unemployment that we are facing, this category has been added in order to give States new options for bolstering employment and job preparation.

Finally, this amendment would provide States with a maximum allocation for fiscal year 2011 equal to 25 percent of the State's annual TANF block grant.

I am pleased to say that Massachusetts has been one of the top five States in using these emergency funds. We have currently used 65 percent of our available funds. It does not mean we are using someone else's funds; those are the funds available to us. But it shows you that where the need is important and necessary what a difference it makes.

We are on track to draw down 100 percent of the emergency funds that are allowed under the Recovery Act by September of this year. We are using this fund to maintain key existing safety net programs for cash assistance, emergency housing, rental vouchers, job programs, and family services. This basic assistance helps the economy because the families receiving it spend virtually every cent of it in their local economy to immediately meet their basic needs.

A 1-year extension of the TANF emergency fund could provide us with an additional $60 to $108 million to accommodate the 10-percent TANF caseload increase we have seen since the start of the recession. I believe this is a fundamental continuation of the social contract that exists in this country where we have all come to understand that communities are sustained, an enormous difference is made in the lives of children particularly but in families, the neediest families in our country, many of whom have the hardest time finding jobs because they are at the bottom end of the entry level of job levels in many cases, and those are the jobs that have been lost the fastest and the quickest and they are the slowest to come back in many cases.

I am pleased to say this legislation is supported in a bipartisan way from bipartisan organizations, including the National Governors Association, the National Conference of State Legislators, the American Public Human Services Association, and the National Association of State TANF Administrators.

This fund has caused both direct job creation and has provided an enormous amount of necessary activity in local communities. A vote against this amendment would leave an awful lot of folks unemployed, low-income parents without work opportunities or without the vital assistance of basic necessities. I hope all colleagues will support the amendment when the time comes.

I suggest the absence of a quorum and ask unanimous consent that time under the quorum call be divided equally between both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WEBB. I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Virginia.

AMENDMENT NO. 3342

Mr. WEBB. Mr. President, I rise to speak about amendment No. 3342 which I have offered with respect to the legislation in question. There has been some confusion among my colleagues about what exactly is contained in this amendment which I introduced with Senator BOXER as an individual standalone bill previously and introduced in similar format here on this legislation.

I emphasize to my colleagues that this is a carefully drafted, one-shot amendment designed to give the American taxpayers a place on the upside of the recovery of the financial system that they, quite frankly, enabled. This amendment would provide a one-time 50-percent tax on bonuses that are above $400,000 of any initial bonus paid to executives of financial institutions that received a minimum of $5 billion in the TARP program. It is only for income that was generated through work in 2009 and compensated in 2010. This is a one-shot matter of fairness to balance out the rewards these financial institutions received which were enabled by the contributions of the American

taxpayer in the TARP program. We have had estimates that this amendment will recover for our economic system somewhere between $3.5 and $10 billion. I again emphasize that the American taxpayers did not create this economic crisis. They were required to bail out those people who did create it. They deserve to share in the upside, in the rewards they themselves enabled.

Paul Krugman, who is a Nobel Prize-winning economist, wrote in July of 2008 about his concern at the very inception of this economic crisis that we were moving toward a tendency in this country to socialize risk and individualize reward. In other words, whenever we create a situation where there is an economic challenge, the American taxpayers at large are expected to absorb the risk. But then when the reward comes in, only the executives, the people who were managing the financial system, are able to actually get the rewards.

This particular reward in this one-shot tax proposal has come about largely as the result of government intervention, as the result of working people having to put their money forward in order to bail out a financial system that had gone wrong. As a result, I believe, as a matter of equity, the reward should be shared with taxpayers who made it possible.

For those who had to vote on the TARP program on October 1, 2008, it was a very difficult vote and a defining moment in the Senate. We need to remind ourselves of what was going on at that point. We were called on a mass conference call in the Senate by the Secretary of the Treasury and Chairman Bernanke telling us that if we did not move $700 billion forward without a hearing, on an emergency basis, the world's economic systems were going to go into cataclysmic free fall.

I, like a lot of Members, struggled with that vote. I talked with as many people as I could across the philosophical spectrum of how the economy should work. I finally decided in favor of moving that money forward. At the same time, I laid down a set of principles. One is that we should look at executive compensation. Another is that we should look at reregulating the financial sector, on which Chairman BAUCUS has taken the lead. Another is that it would be vital, in terms of fairness, that we include the American taxpayer on the upside of any recovery. In other words, if the taxpayers were going to have to put money in when these troubled assets or toxic assets—whichever term people would like to use—couldn't find a value and were clogging up our economic system, clogging up our liquidity, once that situation was cleared and a value was placed on these amounts and the economy started to recover, a portion of that benefit should go to the taxpayers who had to put the money out.

There has been some talk about how with these companies—and we are only talking about 13 companies that got $5 billion or more—TARP money has been paid back. In some cases, a good bit of this money has been paid back. But I wish to make two points.

The first is, any moneys that were paid back were received at the earliest in midyear last year, 2009, meaning that taxpayer assistance to these companies was very much in effect. Quite frankly, among the 13 companies included in our amendment, most of the money has not been paid back.

I have had some questions here on the floor about whether this amendment discriminates against New York. Quite frankly, two of the largest companies with respect to bailout commitments are based in DC and in my own State of Virginia. This has nothing to do with regional disagreements or class envy of any sort. It is just a matter of how we ought to deal fairly with the way our taxpayers, our working people, had to step forward.

A second point in terms of the TARP money being paid back is that the extent of our government's obligation to these bailout companies is astronomical. It is beyond the $700 billion. This goes to Paul Krugman's point which he has made consistently since 2008 about continually socializing risk that is enabling these rewards and not giving a benefit to the people who largely took the risk.

The billions of dollars in bonuses being paid out are a direct result not only of the TARP bailout but also of generous Federal Reserve policies over the last year. We have seen near-zero interest rates, a discount window, and we have had the toxic assets bought by taxpayers. At the same time, these firms were able to borrow cheaply, to lend at a higher rate, to charge fees, and to leverage their bets into purely financial transactions.

If you examined a quarterly report to the Congress that came out in July of last year, they indicated that the true potential amount of support the Federal Reserve was providing these programs was in the neighborhood of $6.8 trillion. So these risk takers, these people who were managing at the top level in these companies did so at a time that they had enormous backup from the American taxpayer.

Andrew Cuomo, attorney general of New York, wrote a letter in January of this year to TARP recipients. In this letter, he made a couple of very important points that go to the intent of our legislation.

I ask unanimous consent to have the letter printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. WEBB. He writes:

> . . . the Office of the New York Attorney General has been conducting an inquiry into various aspects of executive compensation at many of our nation's largest financial institutions . . . [including] a review of compensation practices at the 2008 TARP-recipient banks.

He makes a very valid point at the end of his letter. And here, he is writing to a company that had paid back the initial TARP money.

He writes:

> . . . when you received TARP funding, your firm took on a new responsibility to taxpayers. While your firm has now paid the TARP money back——

Again, not all have; most of the money has not been paid back——

> it is not clear that your firm would have been in the same position now had you not received that TARP money.

We have all struggled with this issue. There have been many different approaches. In fact, Chairman BAUCUS has been out front on this issue in a number of different ways. I have in front of me the Compensation Fairness Act of 2009, which Chairman BAUCUS introduced last March, which was one attempt to address this issue of windfall profits bonuses. This legislation was sponsored by Senators GRASSLEY, SCHUMER, MENENDEZ, and others. Our bill is much narrower than this bill. This bill would tax bonuses of more than $50,000. Our bill taxes bonuses of more than $400,000. This bill would have taxed institutions that received more than $1 million. Ours requires $5 billion. This bill was retroactive and recurring in terms of the taxes. Ours is a one-shot, just on this 2009 amount of money that came in as a result or the benefits that came in as a result of our taxpayers stepping forward and putting $700 billion into the TARP program. Senator BROWN of Ohio has introduced legislation that would put a windfall profits tax on any bonus higher than $25,000.

Our amendment was inspired and designed based on a couple of previous writings and pieces of legislation, the first being the Baucus legislation, which was the starting point for it. The other was, I think, a very powerful article written in the Financial Times—one of the most conservative economic newspapers in the world—last November, by Martin Wolf. I am going to read some excerpts from this article. First, he said:

> Windfall taxes are a ghastly idea. . . . So why do I now find the idea of a windfall tax on banks so appealing? Well, this time, it does look different.
>
> First, all the institutions making exceptional profits do so because they are beneficiaries of unlimited state insurance for themselves and their counterparts. . . .
>
> Second, the profits being made today are in large part the fruit of the free money provided by the central bank, an arm of the state. . . .
>
> Third, the case for generous subventions is to restore the financial system—and so the economy—to health. It is not to enrich bankers. . . .
>
> Fourth, ordinary people can accept that risk takers receive huge rewards. But such rewards for those who have been rescued by the state and bear substantial responsibility for the crisis are surely intolerable. . . .
>
> Fifth. . . .''Windfall'' support should be matched by windfall taxes.

His proposal, which inspired the specifics of our amendment, was that there could be a ''one-off windfall tax on bonuses,'' a one-time windfall tax

on bonuses to equal the playing field in terms of this unique situation our country found itself in.

I wish to say to my fellow Members and to other people who are doing the hard work of keeping our economy strong, I respect what it takes to take on risk and get a reward. I respect the entrepreneurship that has strengthened our country throughout its history. But we also need to remember the working people in this country strongly and rightly believe they have borne the brunt of this economic crisis, and they just as strongly and rightly believe they are becoming the last to be rewarded, as we begin to recover from it.

Our taxpayers, our working people, rescued a financial system that was on the verge of collapse because of massive acts of bad judgment by the very companies that are now reaping huge bonuses from the government's intervention. It is not too much to ask those who have been fully compensated, and who have received in excess of a $400,000 bonus on top of their compensation, that they pay a one-time tax and share that excess on top of their $400,000 bonus in order to help make their rescuers a little more secure.

Mr. President, I yield the floor.

EXHIBIT 1

STATE OF NEW YORK,
OFFICE OF THE ATTORNEY GENERAL,
New York, NY, Jan. 11, 2010.

Re executive compensation investigation.

BANK OF AMERICA CORP.,
New York, NY.

DEAR MR. LIMAN: As you know, the Office of the New York Attorney General has been conducting an inquiry into various aspects of executive compensation at many of our nation's largest financial institutions. Our inquiry has included a review of compensation practices at the original 2008 TARP-recipient banks.

Last year, this Office conducted a review of bonuses to allow the public, and the industry, an opportunity to review all relevant information concerning compensation practices. This year, both the amount of bonus packages and the construction of such packages is relevant information to our inquiry.

Pursuant to our ongoing inquiry, please provide this Office with a detailed accounting regarding executive compensation at your firm for 2009. In particular. it is vital that you immediately provide us with any and all information concerning your firm's bonus pool and distribution information for the 2009 year.

In particular, please provide this Office with the following information:

1. A description of all bonus pools for 2009, including a description of the process by which the pools were or will be established.
2. A description of your bonus program to include cash, stock and other incentive breakdowns, vesting periods, clawback provisions, and any other provisions to tie compensation to performance and/or the long-term health of your firm, as well as a description of how the 2009 bonus structures differ from 2008.
3. A description of the process by which the bonus pools were or will be allocated and distributed, including any documents reflecting discussion of the allocation and distribution process and the justification thereof.
4. A description of how, if at all, the calculation and plans for allocation of the bonus pools have changed as a result of your firm's receipt of TARP funds and/or your firm's repayment of TARP funds.
5. For the years 2007, 2008, and 2009, a description of the bonuses awarded to employees receiving more than $250,000 in compensation. For this request, please include the allocation between cash and non-cash compensation and please provide a listing by amount of the 200 top bonuses awarded by your firm.
6. For 2009, the total value of bonuses awarded;
7. A description of how your bonus pool would have been impacted had you not received TARP funding in 2008 and/or 2009.
8. A chart and description of your institution's rate and/or magnitude of lending over the last 3 years—2007, 2008, and 2009. Please also include the relevant sizes of the businesses to which there has been lending.
9. For 2009, the number of employees who received any bonus with a value equal to or greater than (i) $1 million, (ii) $2 million and (iii) $3 million. ''Bonus'' includes cash, deferred cash, equity, options, restricted stock, performance or time vesting stock and performance priced options, restricted stock units, restricted stock award, stock appreciation right or any similar type of grant or award. Please include for each bonus the cash and non-cash allocation.
10. Identify all compensation consultants retained as part of the 2009 compensation process.
11. The number of employees employed at your firm on December 31, 2009.

We have copied the Board of Directors on this letter because we believe they should be involved in the response to our requests as the firm's top management likely has a significant interest in the compensation issues raised by our requests.

As we informed your firm last year, when you received TARP funding, your firm took on a new responsibility to taxpayers. While your firm has now paid the TARP money back, it is not clear that your firm would have been in the same position now had you not received that TARP money. Accordingly, we also ask that the Board inform us of the policies, procedures, and protections the Board has instituted that will ensure Board review of all such company expenditures going forward.

As recent government actions have created new issues of public accountability and as private sector financial institutions are grappling with the consequences of these actions, we believe the need for full disclosure and transparency are essential and this reporting will assist in that effort.

We ask that you provide the requested information by February 8, 2010.

Very truly yours,

ANDREW M. CUOMO,
Attorney General of the State of New York.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the time in all quorum calls prior to the vote at 2:30 p.m. be charged equally to both sides.

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

Mr. WEBB. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3358

Mr. COBURN. Mr. President, I am going to spend a few minutes talking about an amendment I have, No. 3358, which has already been pending, but I think, first, it is important for us to know that last year we borrowed $4 billion a day in this country. Mr. President, 43 cents out of every $1 the country spent at the Federal level was borrowed.

What does that mean? What that means is that over the next 10 years we are going to be paying $4.5 trillion in interest on the additional $9.8 trillion we are projected to spend that we do not have.

It was less than 3 weeks ago that this body passed a statute. Here is what the statute said: If you do not have the money to spend, then you have to cut something if you are going to spend new money.

As of last night, in the 3 weeks since we passed that bill, this body has said: That does not count. Time out. We are going to spend $120 billion over the next 10 years, but we are not going to pay for it.

That is why when that bill came through, to tell America we were going to finally get some fiscal discipline, we, as a minority, voted against it, because we knew it was not true. As a matter of fact, one of our newer Members wanted to vote for it, as I had in the past when I first got here because I believed what it meant was real.

The fact is, the pay-go rules are a ruse. Pay-go means: American people, you pay, and we will go spend it. Even more than that: What you don't pay, we will go spend anyhow and we will charge it to your children and your grandchildren.

So this amendment I am proposing to be a part of this tax extenders plan would require three things. It would require the Secretary of the Senate to post on the Web site the following three things: the total amount of spending, both discretionary and mandatory, passed by the Senate that has not been paid for. We have this big hullabaloo saying we are going to pay for it and then as soon as the hard choices come of getting rid of something that is a lower priority, we will not do it; we just charge it on the credit card. So this amendment would require us to post on our Web site all the spending we are doing that wasn't paid for. In other words, we are not going to tell America one thing and do another without at least being transparent in knowing we are complicit in not following our own law we passed that said you have to do this.

The second thing it would require is the total amount of spending authorized in new legislation as scored by the CBO. Because what routinely happens here, and what I have been rejected on over the last 5½ years, is that if you want to start a new program that is well intended to help people, one of the things we ought to do is get rid of the ones that aren't helping people, the

ones that aren't efficient, the ones that are a lower priority. In other words, we ought to have to do what every American family has been doing for the last 2 or 3 years as we have gone through this economic constriction, which is make hard choices. They put priorities on things. The fact is, we are going to have $120 billion inside of 3 weeks that we refuse to prioritize. We are just going to spend another $120 billion.

Finally, the third component of what I am asking for in this amendment is for us to put on the Senate Web site any new government programs we create. What are the new programs we create? That is transparency.

So this amendment is not a gimmick. It is not to try to make people look bad; it is to try to make sure the American people know what we are doing and can see what we are doing. It is also to make sure the American people know when we say one thing and then do another. It is to make sure the American people can see that the Senate has passed $120 billion worth of unpaid-for programs that we, in fact, directly charged to the next two generations, after we have passed a pay-go rule saying we will never do this. It is about credibility. It is about character. It is about honor. It is about fessing up, if you don't have the courage to make hard choices.

So it is very simple. Some of my colleagues think it is a gimmick. I don't think it is a gimmick. It is about being transparent with the truth about our lack of courage to make hard choices.

Ultimately, what is going to happen is the world financial system is going to force us into making hard choices. We all know that is coming. We are going to have a $1.6 trillion deficit this year. Forty-five cents out of every dollar we spend we are going to borrow against our children. When does it stop? When do we start making the difficult choices we were sent to make?

So my hope is that my colleagues will support this amendment and we will, in fact, be honest and transparent with the American people about what we are doing and how we are doing it and how we don't even follow our own rules. There is a Senate rule on pay-go, a budget rule, but now there is a statute. What we have done is, we have conveniently voted in the Senate that we are not going to honor the statute, we are not going to make the hard choices, and we are going to go on and spend the future of the generations who follow.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

NOMINATION OF WILLIAM CONLEY

Mr. KOHL. Mr. President, it is my pleasure to rise in support of William Conley's nomination to be district court judge for the Western District of Wisconsin. If confirmed, Mr. Conley will replace Judge Barbara Crabb, who is taking senior status after more than 30 years of distinguished service on the court.

Bill Conley will make an outstanding addition to the Federal bench. He rose from humble roots in the small town of Rice Lake, WI, to graduate with distinction from the University of Wisconsin. He went on to the law school at UW, graduating cum laude and Order of the Coif. Following law school, he clerked on the Seventh Circuit Court of Appeals for Judge Fairchild.

Bill Conley's career has prepared him well to be a Federal judge. He has practiced law for 25 years at the venerable Madison firm of Foley & Lardner. Throughout his career, he has earned a reputation as a skillful lawyer and top-notch litigator. He has represented a variety of national and international companies before State and Federal courts and has served as a mediator and arbitrator and helped parties resolve their disputes outside court.

One of Bill Conley's greatest strengths is his frequent representation of clients before the court to which he has been nominated. From this experience, he has gained a keen understanding of the court as well as the fairness and impartiality the administration of justice requires.

While managing a busy legal practice, Bill Conley has remained committed to using his legal talent for the benefit of the local community. He has devoted hundreds of hours to pro bono legal work, representing refugees, indigent defendants, and others who would otherwise not be able to afford legal representation. He has also been active with the Remington Center for Criminal Justice at the University of Wisconsin, as well as the Wisconsin Equal Justice Fund.

Despite the many hours his work demands, Bill Conley makes time for his family and is a devoted husband, father, brother, and son. In sum, he possesses all the best qualities we look for in a judge: legal acumen, diligence, humility, and integrity.

Bill Conley's nomination was the result of the work of the nonpartisan Wisconsin Federal Judicial Nominating Commission. For the past 30 years, Senators from Wisconsin, regardless of party, have used the Commission to select candidates for the Federal bench. This process ensures that a judge's qualifications are always our primary consideration and that politics are kept to a minimum.

Bill Conley's nomination proves, once again, that the process we use in Wisconsin ensures excellence. So it is no surprise that the American Bar Association found him to be ''unanimously well qualified'' and that the Judiciary Committee approved of his nomination without dissent.

When considering nominees for lifetime appointments for the Federal courts, we must satisfy ourselves that these nominees have substantial legal experience, are learned in the law, have the respect of their peers, and, most important of all, will be fair-minded and do justice without predisposition or bias. William Conley's experience and qualifications convince me he well exceeds these requirements.

I am confident Bill Conley will be a Federal judge we can be proud of and that he will serve the people of Wisconsin well.

Thank you very much. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. 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. BARRASSO. Mr. President, I ask that I be allowed to speak as in morning business.

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

NOMINATION OF ARTHUR ELKINS

Mr. BARRASSO. Mr. President, I rise today because the Senate Committee on Environment and Public Works will soon be meeting to discuss the nomination of Mr. Arthur Elkins to be the inspector general at the Environmental Protection Agency. I support Mr. Elkins moving out of committee, and to date he has truthfully answered all the questions I posed to him. Before the full Senate votes, I do have some additional questions based on a report I am releasing today.

As ranking member of the Subcommittee on Oversight in the Senate Environment and Public Works Committee, I care a great deal about ensuring oversight over the agencies within our jurisdiction, the most important of which is the EPA. Over the last few months, the minority on the subcommittee has compiled a report. The report is entitled ''The Status of Oversight: A Year of Lost Oversight.'' This report details the severe lack of oversight by the majority of the committee and the administration.

When the majority created the Subcommittee on Oversight, it was stated that they planned ''to use the subcommittee to explore ways to restore scientific integrity in the EPA, and other Federal agencies focused on the environment, and to strengthen environmental protections by once again making the regulatory process more transparent.'' I agree. One year later, as my report details, there have only been two subcommittee hearings, and, as the report concludes, ''The result of this is that the majority has let a year go by where they have failed to pursue their stated goals.''

Over the last year, my colleagues and I have requested a series of investigations and hearings into key matters related to whistleblowers being silenced, data being manipulated, and shadow czars holding meetings where nothing is put into writing to avoid Freedom of Information Act requests. We have asked for these hearings and investigations because we believe the public needs to have trust in their government.

At the beginning of this administration, Environmental Protection Agency Administrator Lisa Jackson herself stated unequivocally: ''The success of our environmental efforts depends on our earning and maintaining the trust of the public we serve.''

As this report demonstrates, this administration and the majority have shown little interest in pursuing these matters. Let me read to you the findings and recommendations of the report: In 2009, the Senate Environment and Public Works Committee majority chose not to conduct oversight over the relevant agencies within the executive branch. The lack of any oversight over the activities of the Federal agencies weakens the system of checks and balances and invites the potential for larger abuses. Action must be taken to investigate oversight issues from the last year, and further coordination within the committee regarding the oversight jurisdiction and responsibility is needed.

I believe that finally receiving a nominee for inspector general at EPA gives the public another opportunity to get to the truth about the issues raised in this report.

In his answers to my questions to date, Mr. Elkins has signaled that he is absolutely willing to chart a new course from where this administration and the majority have taken us.

When I asked: Do you believe it is the responsibility of the EPA inspector general to investigate instances where whistleblowers are silenced by their superiors at the Agency, he said yes.

When I asked: Will you pursue those instances, he said yes.

When I asked: Do you believe it is the responsibility of the EPA inspector general to investigate and report instances where scientific procedures at EPA are circumvented, he said yes.

When I asked: Will you investigate instances where agency employees are smeared publicly in the press by higher-ups in an agency or in the administration simply for providing their best advice and counsel, he said yes.

All of these things are not hypotheticals; they all occurred over the last year. My colleagues and I in the minority have asked for investigations into each of these instances by the majority and the administration. The response we have received each time has been a resounding no.

If the administration and the majority refuse to provide proper oversight, then someone else has to. That is why I plan to share this oversight report with Mr. Elkins, the nominee to be inspector general at the EPA. Before a floor vote, I will seek confirmation that he will give the matters I raise in this report due consideration. I am confident based on his response so far that he will answer in the affirmative. If so, we will have the sea change at the EPA that will restore the public's confidence in that Agency.

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

The PRESIDING OFFICER. Will the Senator withhold?

Mr. BARRASSO. I will.

AMENDMENT NO. 3382

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3382 offered by the Senator from Michigan, Ms. STABENOW.

Ms. STABENOW. Mr. President, I am pleased to speak on behalf of this amendment which was cosponsored by Senators HATCH, SCHUMER, CRAPO, SNOWE, SHERROD BROWN, ENZI, RISCH, and COLLINS.

This focuses on companies that continue to face significant challenges in raising capital for new investments. It would allow struggling companies that do not benefit from other incentives, such as the NOL carryback and others, to utilize existing AMT credits based on new investments they make in this year for equipment and so on to create jobs.

It encourages companies to invest and to allow companies to be able to receive a badly needed source of capital. This is very important for companies that will be in a position where they are not making a profit but are continuing to invest, to maintain their workforce, or grow their workforce, and need to be able to have a source of capital.

This is dollars they would be receiving at some point anyway, because when they become profitable, they are able to use the credits. We are going to allow them to use a portion, just 10 percent of those credits, to be able to invest in equipment——

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. And facilities to create jobs here.

I want to thank many businesses: the U.S. Chamber, the National Association of Manufacturers, the Association of Manufacturing Technology, the Equipment Manufacturers, Motor and Equipment Manufacturers, and many businesses that are in America working to make things, to bring back jobs. This is on behalf of all of them, and I would ask colleagues for their support.

The PRESIDING OFFICER. Who yields time in opposition?

Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3382) was agreed to.

AMENDMENT NO. 3391

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate prior to a vote in relation to amendment No. 3391, offered by the Senator from Massachusetts, Mr. BROWN.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Massachusetts. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROWN of Massachusetts. Mr. President, providing immediate across-the-board tax relief to working families is not complicated economic policy. It is simple and makes economic sense. Under my plan, almost 130 million workers will receive immediate and direct tax relief. If we took the estimated $80 billion in unobligated stimulus accounts today, money that is sitting there unused, in what I consider a stimulus slush fund, and gave it back to the American people, our workers could see their payroll taxes lowered by nearly $100 per month, saving them more than $500 over a 6-month period, and working couples could receive a tax cut worth more than $1,000.

This has been done before. JFK and Ronald Reagan called for across-the-board tax cuts to stimulate the economy and we can do that now. I moved last week for a bipartisan effort to get Washington working again. I reached out across party lines and made a sincere effort to stop business as usual to get the jobs done that the American people are demanding.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, as a former President used to say, ''There they go again.'' There they go again trying to cut back the Recovery Act. There they go again trying to scale back what CBO says is a proven success in creating jobs. They tried it with the Bunning amendment Tuesday, they tried it with the Thune amendment yesterday, they tried it with the Bunning amendment yesterday, they tried it with the Burr amendment yesterday. Each time the Senate rejected their attempt to raid the Recovery Act, and we should do the same again today.

The nonpartisan Congressional Budget Office said the Recovery Act created between 1 and 3 million full-time equivalent jobs. That is real job creation. Now is not the time to be scaling back job creation. I urge that we do not adopt this amendment.

I raise a point of order against section 103(d) of the pending amendment pursuant to section 403 of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010.

Mr. BROWN of Massachusetts. I move to waive the applicable section of the Budget Act with respect to my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 44, nays 56, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—44

Alexander	Crapo	LeMieux
Barrasso	DeMint	Lincoln
Bayh	Dodd	Lugar
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brown (MA)	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kerry	Wicker
Cornyn	Kyl	

NAYS—56

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

The PRESIDING OFFICER (Mr. FRANKEN). On this vote, the yeas are 44, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the emergency designation is removed.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I raise a point of order that the pending Brown amendment violates section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The point of order is sustained and the amendment falls.

AMENDMENT NO. 3389

Mr. BAUCUS. Mr. President, I believe the next amendment is the Burr amendment.

The PRESIDING OFFICER. Yes, there are now 2 minutes evenly divided before a vote with respect to the Burr amendment.

The Senator from North Carolina.

Mr. BURR. Mr. President, I will be very brief, and we can get on with this.

My amendment is very simple. In the spirit of trying to restart this economy, get Americans back to work, what this amendment does is create a 10-day tax holiday. It is voluntary for any State that wants to participate. It would start 30 days after enactment on the first Friday so that we incorporate two weekends of sales.

We introduced this in 2001 to handle the economic downturn. States do it every year for back-to-school time. It is proven to generate retail activity. Right now we need a shock and awe to this economy if we want to get Americans back to work.

I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, as Yogi Berra once said: ''It's deja vu all over again.'' That is where we are. We have had this amendment—not this precise amendment but many similar to it—many times, taking Recovery Act funds out.

Just to remind my colleagues, CBO says there are 1 million to 3 million jobs the stimulus bill has created. There is more yet in the recovery package to continue to create more jobs. Now is not the time to cut back on a proven job creator. Therefore, I urge that we do not adopt this amendment.

Mr. President, I raise a point of order that the pending Burr amendment violates section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(G)(3) of the statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 22, nays 78, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—22

Bennett	Graham	McCain
Bond	Grassley	McConnell
Brown (MA)	Hatch	Murkowski
Bunning	Inhofe	Snowe
Burr	Isakson	Thune
Chambliss	Johanns	Vitter
Coburn	LeMieux	
Collins	Lugar	

NAYS—78

Akaka	Durbin	Menendez
Alexander	Ensign	Merkley
Barrasso	Enzi	Mikulski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (NE)
Begich	Franken	Nelson (FL)
Bennet	Gillibrand	Pryor
Bingaman	Gregg	Reed
Boxer	Hagan	Reid
Brown (OH)	Harkin	Risch
Brownback	Hutchison	Roberts
Burris	Inouye	Rockefeller
Byrd	Johnson	Sanders
Cantwell	Kaufman	Schumer
Cardin	Kerry	Sessions
Carper	Klobuchar	Shaheen
Casey	Kohl	Shelby
Cochran	Kyl	Specter
Conrad	Landrieu	Stabenow
Corker	Lautenberg	Tester
Cornyn	Leahy	Udall (CO)
Crapo	Levin	Udall (NM)
DeMint	Lieberman	
Dodd	Lincoln	
Dorgan	McCaskill	
Voinovich	Webb	Wicker
Warner	Whitehouse	Wyden

The PRESIDING OFFICER. On this vote, the yeas are 22, the nays are 78. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained. The amendment falls.

AMENDMENT NO. 3337

There is now 2 minutes, evenly divided, on the Sessions amendment.

The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, this amendment is one of those opportunities where we get to walk the walk. There is an awful lot of talk about how we have to do something about spending. There is a lot of misinformation out there about this amendment.

First of all, it exempts emergencies. It exempts mandatory spending, such as UI and COBRA. It exempts our wars. It exempts emergency spending. It is less aggressive than the President's spending freeze that he has laid out for next year. It does not apply until the next fiscal year.

This is the moment we can walk the walk instead of just talking the talk and show the American people we get it. Two percent is not unreasonable in terms of increases every year when we look at the pile of debt we have to deal with in the coming decades.

I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, this amendment says one thing and does another. It says it will help control Federal spending, but it leaves mandatory spending off the table when that is the area of rampant growth over the past decade.

It also circumvents the Deficit Reduction Commission, which was created a few days ago to look at both spending and revenues by prematurely cutting discretionary spending, and it may require the Appropriations Committee to cut more than $100 billion from national defense.

I urge my colleagues to once again reject this amendment.

Mr. President, the pending amendment deals with matters within the Budget Committee jurisdiction. Accordingly, I raise a point of order that the pending amendment violates section 306 of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(G)(3) of the statutory Pay-As-You-Go

Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 59, nays 41, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—59

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bayh	Enzi	Nelson (NE)
Begich	Graham	Nelson (FL)
Bennet	Grassley	Pryor
Bennett	Gregg	Risch
Bond	Hagan	Roberts
Brown (MA)	Hatch	Sessions
Brownback	Hutchison	Shaheen
Bunning	Inhofe	Shelby
Burr	Isakson	Snowe
Cantwell	Johanns	Tester
Carper	Klobuchar	Thune
Chambliss	Kyl	Udall (CO)
Coburn	LeMieux	Vitter
Cochran	Lieberman	Voinovich
Collins	Lincoln	Warner
Corker	Lugar	Webb
Cornyn	McCain	Wicker
Crapo	McCaskill	

NAYS—41

Akaka	Feinstein	Merkley
Baucus	Franken	Mikulski
Bingaman	Gillibrand	Murray
Boxer	Harkin	Reed
Brown (OH)	Inouye	Reid
Burris	Johnson	Rockefeller
Byrd	Kaufman	Sanders
Cardin	Kerry	Schumer
Casey	Kohl	Specter
Conrad	Landrieu	Stabenow
Dodd	Lautenberg	Udall (NM)
Dorgan	Leahy	Whitehouse
Durbin	Levin	Wyden
Feingold	Menendez	

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 41.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

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

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

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

EXECUTIVE SESSION

NOMINATION OF WILLIAM M. CONLEY TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session to consider the following nomination:

The assistant legislative clerk read the nomination of William M. Conley, of Wisconsin, to be United States District Judge for the Western District of Wisconsin.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN) is necessarily absent.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 43 Ex.]

YEAS—99

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

NOT VOTING—1

Dorgan

The nomination was confirmed.

Mr. LEAHY. Madam President, the Senate has finally taken action on the nomination of Judge William Conley to be a U.S. district court judge in the Western District of Wisconsin. Judge Conley was reported by the Senate Judiciary Committee without objection last year, on December 10. That is almost 3 months ago. He has waited for this day for some time.

I had hoped that Mr. Conley's confirmation process would resemble those of Judge Christina Reiss of Vermont and Judge Abdul Kallon of Alabama. Those nominees received relatively prompt consideration by the Senate, and they should serve as a model for Senate action. Sadly, they are the exception rather than the rule. They show what the Senate could do, but does not. Time and again, noncontroversial nominees are delayed.

The Senate is far behind where we should be in helping to fill judicial vacancies. Vacancies have skyrocketed to more than 100 and more have been announced. We need to do better. The American people deserve better.

As with so many other nominations before the Senate, Judge Conley has waited an extraordinary amount of time to be confirmed. Instead of time agreements and the will of the majority, the Senate is faced with delays by Senate Republicans. Earlier this week we had to overcome Republican objection and a filibuster to obtain a vote on the nomination of Judge Barbara Keenan. She, too, was confirmed unanimously, 99 to zero. Yet Republicans would not agree to schedule a vote on her nomination. She was forced to wait four months after being reported by the Senate Judiciary Committee, and the Senate was required to end the Republican filibuster.

In addition to Judge Keenan and Judge Conley, there are 17 additional judicial nominations on the Senate Executive Calendar, all of which have been considered and favorably reported by the Senate Judiciary Committee. Thirteen of those judicial nominations received unanimous or strong bipartisan support in the Judiciary Committee. They should all be considered without further delay. Debate and votes should be scheduled on all of the judicial nominees being stalled. Those opposed by a minority should be debated and then receive a vote.

Only 16 Federal circuit and district court judges have been considered by the Senate so far during President Obama's 13 months in office. By this date during President Bush's first term, the Senate had confirmed 39 judicial nominees.

I remain very concerned about the new standard the Republican minority is applying to many of President Obama's district court nominees. Democrats never used this standard with President Bush's nominees, whether we were in the majority or the minority. In 8 years, the Judiciary Committee reported only a single Bush district court nomination by a party-line vote. That was the nomination of Leon Holmes, who was opposed not because of some litmus test, but because of his strident, intemperate, and insensitive public statements over the years. During President Obama's short time in office, not one, not two, but three district court nominees have been reported on a party-line vote. I hope this new standard does not become the rule for Senate Republicans.

In December, I made several statements in this chamber about the need for progress on the nominees reported by the Senate Judiciary Committee. I also spoke repeatedly to Senate leaders on both sides of the aisle and made the following proposal: Agree to immediate votes on those judicial nominees that are reported by the Senate Judiciary Committee without dissent, and agree to time agreements to debate and vote on the others. I reiterated my proposal earlier this week and do so, again, now: I urge Senate Republicans to reconsider their strategy of obstruction and allow prompt consideration of all 18 judicial nominees currently awaiting final Senate consideration. There is no need for these nominations to be dragged out week after week, month after month.

After 3 months of delay, today we finally considered the nomination of William Conley. Mr. Conley is a partner in the Madison, WI, office of Foley and Lardner, where he is widely recognized as a top antitrust and appellate lawyer. He has represented clients before the U.S. Supreme Court, the Wisconsin Supreme Court, and the Seventh Circuit, among others. Mr. Conley attended the University of Wisconsin, where he earned his B.A. and J.D. with honors. Mr. Conley also served as a law clerk for Judge Thomas Fairchild on the Seventh Circuit. I congratulate Judge Conley on his confirmation today. I look forward to the time when the 17 additional judicial nominees being stalled are released from the holds and objections that are preventing votes on them and their confirmations.

I, again, urge Senate Republicans to reconsider their strategy and allow prompt consideration of all 18 judicial nominees awaiting Senate consideration, not just William Conley of Wisconsin but also the following nominees: Jane Stranch of Tennessee, nominated to the Sixth Circuit; Judge Thomas Vanaskie of Pennsylvania, nominated to the Third Circuit; Judge Denny Chin of New York, nominated to the Second Circuit; Justice Rogeriee Thompson of Rhode Island, nominated to the First Circuit; Judge James Wynn of North Carolina, nominated to the Fourth Circuit; Judge Albert Diaz of North Carolina, nominated to the Fourth Circuit; Judge Edward Chen, nominated to the Northern District of California; and Justice Louis Butler, nominated to the Western District of Wisconsin; Nancy Freudenthal, nominated to the District of Wyoming; Denzil Marshall, nominated to the Eastern District of Arkansas; Benita Pearson, nominated to the Northern District of Ohio; Timothy Black, nominated to the Southern District of Ohio; Gloria M. Navarro, nominated to the District of Nevada; Audrey G. Fleissig, nominated to the Eastern District of Missouri; Lucy H. Koh, nominated to the Northern District of California; Jon E. DeGuilio, nominated to the Northern District of Indiana; and Tanya Walton Pratt, nominated to the Southern District of Indiana.

The PRESIDING OFFICER. A motion to reconsider is considered made and laid on the table. The President shall be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate returns to legislative session.

The Senator from New Hampshire.

TAX EXTENDERS ACT OF 2009—Continued

Mr. GREGG. Madam President, I understand the Senator from Illinois is planning to speak. I wish to speak after he completes his remarks. I ask unanimous consent he be recognized and then I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois.

Mr. BURRIS. Madam President, after I speak I ask unanimous consent that the Senator from Delaware be able to speak for a period of time.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. The Senator is speaking after me?

Mr. BURRIS. Yes, after the Senator from New Hampshire.

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

AMENDMENT NO. 3388

Mr. BURRIS. Madam President, I rise to speak on H.R. 4213. One amendment has already been dropped. I do plan to submit a second amendment. This amendment is dealing with the Recovery Act funds.

During my three terms as State comptroller of Illinois, I worked very hard to maintain accountability for the money we spent from our State. I have been contacted by my State officials, the various auditors, comptrollers, and treasurers, to say the stimulus money that is coming into the States is coming in and they have no funds to do all this transparency and accountability. I put an amendment on this bill to say that we should. I filed amendment No. 3388 which addresses currently underfunding the costs of tracking and reporting the stimulus money.

This measure would set aside up to one half of 1 percent of all existing stimulus funds and allow States and local governments to use this administrative expense reserve to distribute and track this money as it is received and spent. It would allow the American people to hold their representatives accountable and it would help ensure that every dollar is targeted effectively and spent wisely, without waste, fraud, or abuse.

Agreeing to this amendment will restore oversight to this process and will keep Americans on the road to economic recovery without incurring a dime of new spending.

In addition to restoring accountability, I believe we need to take an active role—as my second amendment would do, which I have not dropped yet; it is coming, though. It would deal with small businesses. I believe we should take an active role in supporting small and minority businesses because Main Street will be the engine of the American economic recovery. That is where jobs will be created. That is where the rubber meets the road—where we can turn this crisis around. That is why I am proud to offer another amendment which will require the Transportation Security Administration, the TSA, to award contracts to small businesses and disadvantaged businesses wherever and whenever possible. This amendment would ensure compliance with existing standards of government contracts and subcontracts and would keep dollars flowing into real communities rather than to the corporate treasuries.

By strengthening reporting standards and forcing participation goals for TSA projects, we can target Federal spending to the capable worker who has always been at the center of the American economic prosperity.

We are also saying we need these two amendments. They will strengthen and improve upon the key provisions of our jobs bill as well. I ask my friends in this Chamber to join me in renewing our commitment to transparency, honesty, and accountability. I ask them to stand for small businesses and minority subcontractors so we can make sure Main Street has a major share of our ongoing economic recovery.

The issue is the amendment to H.R. 4213 which would be the amendment No. 3388, and also the other amendment I am getting ready to drop which will deal with small and minority businesses.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I rise to go over, for the sake of the record and also for those people who may be listening and may be reading this dialog, where we stand relative to the health care debate. I think it is important for people to understand what has happened. There has been a lot of talk about a lot of different things, with reconciliation, the term ''reconciliation'' taking a front row seat.

What is happening here essentially is this. The House of Representatives is going to have to make a decision whether they want to pass the bill that passed here in the Senate. Remember, the bill that passed here in the Senate was a bill that was produced and delivered to the Senate on a Saturday afternoon, for all intents and purposes—the core of the bill, the managers' amendment. No amendments were allowed after that Saturday afternoon and a final vote was taken 3 days later on Christmas Eve.

It was a bill that expanded the size of the government by $2.5 trillion, when fully implemented. It was a bill that reduced Medicare by $1 trillion when fully implemented and was scored at $500 billion in the first 10-year tranche, by $1 trillion when fully implemented, and took those savings from Medicare, from Medicare recipients, and used them to fund a brandnew entitlement which had nothing to do with Medicare, it didn't involve the people who receive Medicare, and to extend dramatically an already existing entitlement called Medicaid.

It was a bill that basically said to small employers we are going to make it so darned expensive for you to keep the insurance you presently give to your employees that a lot of you are going to decide to throw up your hands, stop insuring your employees and send your employees down the street to something called an exchange. It was a bill that basically set up a structure

which would manage, in a very micromanaged way, the delivery of health care in this country from a top-down situation so essentially it put a bureaucrat between you and your doctor and you and your hospital.

It was a bill which was going to create so much new spending and grow the Government so much that we would now have, after this bill is fully implemented, the largest government, as a percentage of our gross national product, we have ever had at any time when we have not been engaged in a world war. Think about that. That bill takes the size of our government and grows it from its historic level, which is about 20 percent of GDP, up to around 25, 26, 27 percent of GDP when it is fully implemented. Most of that, although allegedly paid for—those paid-fors will never come to fruition because we know this Congress doesn't have the courage to stand up and raise taxes at those levels or cut spending at those levels. So most of that, in my opinion—and granted, this wasn't CBO's score because they had to take the statements as though Congress would do something such as cut Medicare by $1 trillion—most of those pay-fors would not come to fruition and therefore this would fall on the deficit and become debt our children would have to pay off.

In addition, it did nothing, absolutely nothing, about reducing the cost of health care in this country. In fact—again according to CBO—the cost of health care went straight up under this bill. A lot of Americans, also under this bill, would still not be insured because the estimate was 24 million, I believe, would still have no insurance, even after we had spent $2.5 trillion.

So this bill, in my opinion, was and is and remains a disaster from a fiscal standpoint, because it will so massively expand the size of the Federal Government and throw those costs onto our children's backs in the form of debt; and from a health care standpoint, because it will undermine, in my opinion, the delivery of health care. But more important, it doesn't do anything substantively to bend the out-year health care costs.

So now this bill, this giant bill on health care, this asteroid headed toward Earth, is sitting in the House of Representatives. They do not have the votes to pass it. Why? Because the American people have spoken. They spoke when they elected SCOTT BROWN in Massachusetts, they have spoken in polls across the country, and they have spoken in town meetings. They have spoken in letters to Senators and e-mails to Senators and House Members.

They are upset. They know this is bad policy. They know we cannot afford it, and they know we should not do it. So there are a lot of House Members who are a little queasy about voting for this bill. So what does the administration come up with and the House leadership, Speaker PELOSI? They have come up with this sidecar to this huge bill, and this sidecar is called reconciliation. It is a littler bill.

What is the purpose of this bill? The purpose of this bill is to go around to the different constituencies in the House, the different liberal constituencies in the House, ask them what they need to get their vote for the big bill, and then put it in this little bill. It is a purchasing process. It is a going-out-and-buying-votes process done behind closed doors, as this bill was.

This bill was designed in a back room. The big bill was designed in a back room. This is a back room, behind the back room, behind a hidden door, where they are negotiating with all of these folks: What do I need to do to get you to vote for this big bill, which nobody wants?

Someone says: Well, you have to spend more money, so they put in something that spends more money, or you have to raise taxes on somebody, so they put in a tax increase, or you have to change the benefit structure, so they change the benefit structure. They put all of these little changes, which are fairly significant but are nothing compared to the bigger bill, in this smaller bill called reconciliation.

Why did they choose that bill called reconciliation to do this—or why will they? Because under the Senate rules anything that comes across the floor of the Senate requires 60 votes to pass. It is called the filibuster. That is the way the Senate was structured.

The Senate was structured to be the place where bills which rushed through the House because they do not have rules that limit—they do have a lot of rules that limit debate and allow people to pass bills quickly, but they do not have any rule called the filibuster which allows people to slow things down.

Bills can rush through the House, and they come over here. Sometimes they are pretty bad ideas, and the Founding Fathers realized when they structured this government they wanted checks and balances. They do not want things being rushed through. They had seen the parliamentary system. They knew it did not work.

So they set up the Senate as the place, as George Washington described it, where you take the hot coffee out of the cup and you pour it into the saucer and you let it cool a little bit and make people look at it and make sure it is done correctly. So that is why we have the 60-vote situation over here to require that things that pass the Senate get thoughtful consideration.

Unfortunately, it was totally ignored—the 60 votes were not because 60 votes were used to override thoughtful consideration. But when the big bill was passed, it was done in a way that basically limited the ability of the Senate to debate it and to amend it.

But now they know they cannot go through that route again because they know there is no longer 60 votes on the other side of the aisle with the election of Senator BROWN, who was elected, in large part, because of people's outrage over what happened when they basically tried to jam the Senate, or did jam the Senate procedure, and did not allow amendments, did not allow a debate on the biggest piece of social policy and fiscal legislation in history—in my experience, in the history of my experience in the Congress, the big bill.

When they jammed us, jammed that thing through here on Christmas Eve, the American people got outraged. Senator BROWN made that point. As a result, people agreed with him in Massachusetts, and they elected him. So there are no longer 60 votes on that side of the aisle. They cannot use that railroad approach. So they decided to go back to an arcane Senate procedure called reconciliation and use that approach.

Under reconciliation, which is a Senate process, that is the only bill around here, the budget and reconciliation, that has the right to pass with 51 votes and a time limit on debate, and basically a time limit on debatable amendments, although not on amendments generally.

So this reconciliation is a hybrid vehicle in the Senate. And what is it? Well, reconciliation was structured so that when a budget passed the Senate, there would be a way for the Budget Committee to say to the committees that were supposed to adjust spending or adjust taxes in a way to meet the budget that they had to do it. So if your budget was coming out $10, $20, or $30 billion over where it was supposed to be, the reconciliation structure would say: Change the law to bring it back to where it is supposed to be.

It has been used around here on numerous occasions. I think 19 times reconciliation has been used since the Budget Act instituted reconciliation in 1976. But it has always been used for the purposes of adjusting issues which either, A, were bipartisan, or, B, were pretty much purely issues of adjusting numbers, numbers on the tax side, numbers on the spending side.

So of the 19 times that reconciliation has been used, every time except two times, reconciliation has been a bipartisan bill. Twice it was not bipartisan. Twice it was run through here on a partisan vote: once on the tax increases that President Clinton passed, and once on a reconciliation bill dealing with adjusting spending. I believe it was in 1985; otherwise, there has always been a bipartisan vote for the bill. So 89 percent of the time it has been bipartisan. It has always been, when it has been partisan, used for the purpose of making these numbers adjustments, not for the purpose of creating massive new policy that affects every American in very personal ways in the way they deal with their doctors and their hospitals and their health care treatment.

It was never conceived as a concept where the real legislation involving substantive issues of policies would be done. Tax rate adjustments have occurred under it. Absolutely. But when

you move tax rates from 39 to 35 percent, as the Bush tax cuts did, or tax capital gains from 20—I think they went from 25 percent to 15 percent—that is not a complex issue. That is just, you know, taxes are either going to go up or go down. It takes about 100 pages of actual legislative language. Everybody knows the issue. It is an up-or-down vote. Pretty clear.

In fact, in these instances, there were opposing positions presented, and in those issues, there was actually more than one—people of both parties voted for them. That is not like passing an entire rewrite of the health care system of America.

The health care system is 17 percent of our economy, one of the most complex issues we have to deal with. You pull a string over here, and a string 10,000 miles away is affected. It is just a matrix of exceptionally complicated interrelated issues with all sorts of policy language that is necessary.

So reconciliation was never conceived of, and its purpose was never to take on big policy like that. Big policy is supposed to be taken on the floor of the Senate in an open procedure where there is debate and there is amendments, and the amendments are debatable.

So reconciliation is certainly not the appropriate vehicle to use. But I think the point I am trying to make is that reconciliation is not the real game. I mean, after the House of Representatives—after they have gone around with this reconciliation bill and they bought up the votes they need and said to these people: Well, we will just fix that in reconciliation if you will just vote for the big bill—after that has happened and the big bill has passed, this $2.5 trillion monstrosity in spending and government dominance of the health care sector, after that is passed, the game is over. That is the law. I do not think there will be much incentive at all for the White House or my colleagues on the other side of the aisle to take up reconciliation. There certainly will not be any energy needed to pass it.

Because this big bill, which America basically rejects—every poll in America says it has a maximum of about 25 percent approval of that bill and somewhere around 60 to 70 percent disapproval, at different levels, ''strongly'' or ''fairly strongly''—that bill will have become law, and basically what we will have done, or what will have occurred, then, is we will have created a government program that is so large and so burdensome that it is very unlikely that this country will be able to pay for it. As we move into the out-years, our children are going to get these bills. In order to pay those bills, they are either going to have to have a massive event of inflation to pay for them or a massive tax increase. Either one of those events, of course, undermine the quality of life and the standard of living of the next generation.

In addition, of course, we are going to get a health care system which has become basically a ward of the government, for all intents and purposes, for the bureaucracy that is very dominant and that makes it very difficult for citizens to have the choices they need to develop a health care delivery system that is tailored to their needs.

A lot of small businesses will just simply give up on the idea of supplying health care. We also know, of course, that the health care prices will not come down but will continue to go up. So this is a really dangerous time. It is a time when the House of Representatives has to take a hard look at what actions it is going to take, obviously, and I am sure they will.

But they have to recognize that voting for that big bill and hoping that the Senate will bail them out with a little bill—well, I would take a second look at that. First, it will be hard to run a reconciliation bill across this floor and have it end up with the way it started out because of all of the points of order that will be available against it.

But, secondly, I am not sure there will be all that much energy to do it to begin with because once you pass the big bill, those who want to essentially dramatically expand our government, and in the end nationalize the health care system with a single-payer approach, will be well on their road to accomplishing those things.

There is not going to be a whole lot of energy to do much else. So I think it is important to understand that as much as reconciliation is an interesting and entertaining point of topic for discussion around here as to whether it is appropriate and whether—which I do not think it is under this type of scenario—and whether the reconciliation bill will actually survive the challenging on this floor from points of order, that is an interesting issue too.

That is not the question. The question is, is reconciliation even relevant once the big bill passes? I think it is probably not. So if I were a House Member depending on reconciliation, looking to that bill as the way that I am going to justify voting for this bigger bill, which is such a disaster, I would think twice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

RECOVERY ACT SUCCESS

Mr. KAUFMAN. Madam President, it has been just over a year since I took office and since President Obama was sworn in. I think it is a good time and appropriate to reflect on just how far we have come. A year ago, the Presiding Officer and I came into office in the midst of the worst economic crisis since the Great Depression.

We had been spiraling deeper and deeper into recession for over a year. Almost three-quarters of a million jobs were lost in the month of January 2009 alone. Our credit markets were frozen, major edifices of our economic landscape had collapsed or were tottering on the brink, from Lehman Brothers to General Motors. Alarms were still ringing. Emergency policies were thrown in to the breach, things were bad, and there was no way to know how much worse they were going to get. We were on the precipice.

We could have fallen into the abyss, if not for the extraordinary actions we took. Those actions saved us from another full-blown depression. We are still not out of the woods, of course. Although we have had some good news recently, too many families, too many communities have been hit hard by job losses and falling home values. But we are nevertheless beginning to see evidence that we are finally turning the corner as a nation. While things are still not good, they are no longer getting worse and, in some areas, we have actually seen real improvement. I wish to share with my colleagues some of that evidence.

Here I have a chart showing the Dow Jones industrial average since October 2008. We all know it is not always the best indicator of economic health, but since the downturn was precipitated by turmoil in our financial markets, I will start with this.

As you can see, the market bottomed out just weeks after the Recovery Act was enacted, and it has been climbing ever since. The chart clearly shows we stopped the free-fall, we stabilized the market, and we are allowing it to grow again.

Here is another chart showing the Purchasing Managers Index. This is a survey of purchasing managers who report whether business conditions are better than, the same as or worse than the previous month. A score of 50 means no change, so anything over that should mean the economy is expanding. Anything below indicates the economy is shrinking. In this chart, it is clear business confidence plummeted in the fall of 2008. Only four times in the postwar period has this index fallen so low and never in the last quarter century. We can see it was not until March of last year, right after the Recovery Act took effect, that manufacturing confidence began to return. With other data, we know this occurred as businesses began rebuilding inventories, confident they had weathered the cash crisis of the winter.

This next chart shows our GDP growth over the last 3 years, from the beginning of 2007 to the end of last year, the last date for which we have good data. I have added a smoothing line to show the trajectory our economy has taken. As you can see, in 2008, the bottom fell out. It wasn't until last spring that we began to restore order. I will not pretend 6.3 percent growth for one quarter is good enough for me. Without jobs, it isn't. But it is clearly better than what was happening 12 months ago.

My last two charts, which address jobs, tell the most important tale. We know from past experience that job growth lags behind economic recovery. This chart shows how long that took in

previous postwar recessions. In every single postwar recession, jobs have lagged the economic recovery, whether it is 1 month in July 1908 or 22 months in November 2001 and everything in between.

There is a reason for this. Businesses need to use up their existing capacity, and they need to feel confident in the economic climate before they start expanding again. This process can be especially painful following a financial collapse, where businesses and households are forced to pare down their savings and reduce their spending. By doing that, they tamp down economic recovery, reduce spending, and that is why jobs have been slower to return than anyone would like. Also remember, if you are running a company and you have laid off people, that is a very traumatic experience. You don't want to do that again. The worst situation of all is to start hiring people back and then have to lay them off again. Businesspeople, especially those who care, don't want to hire people back until they are sure they can offer them a job they can keep. Can you imagine putting somebody through this twice?

It is important to remember this lag. Economists suggest we may be around 8 months into economic recovery, and the jobs are coming. We are 8 months into economic recovery, and the jobs are coming. While the record of recent recoveries is a sobering one, the last chart I have shows the beginning of our good news. With announcements over recent weeks, we have seen that unemployment is stabilized and may even be turning around. We have staunched the bleeding. All those charts show things started picking up right after we passed the stimulus bill.

That is not the only thing we did. There were extraordinary efforts to stabilize the financial sector through direct assistance and low interest rates. But passage of the Recovery Act marked the beginning of the turnaround. That is indisputable, looking at the data. Passage of the Recovery Act marked the beginning of the economic turnaround. We cannot be satisfied until we have all our jobs back, until our economy is working for everyone. But one thing we know for sure is that without the Recovery Act, we would be a lot worse off.

I wish to stress, this will not be a smooth path back to a healthy economy. There will be good days and bad days, good news and bad news. But these indicators show we have turned the corner, thanks in no small way to Recovery Act money that is still going out. Nationally, nearly 2 million jobs have been saved or created by activities funded by the Recovery Act. This is not something I alone am claiming. Economic experts from Moody's, CBO, Macroeconomic Advisers and more are telling the same story. But that is not all the Recovery Act has done. It has also given a helping hand to millions of Americans out of work by expanding and extending unemployment insurance. Meanwhile, 95 percent of working Americans benefited from tax relief. Under the Recovery Act, 95 percent of all working Americans benefited from the tax relief.

State and local governments received badly needed fiscal relief that allowed them to maintain essential services, including health coverage for millions of Americans, and retain workers which kept cops on the beat and teachers in the classroom. We will never know how bad the economy would have been if we had not acted. That is the nature of things. But the charts I have shown all tell the very same story, of an economic free-fall that has been slowed, stopped, and reversed.

Do any of my colleagues believe we would be in a better situation today without the Recovery Act? The timeline is clear. The data are clear. The Recovery Act is what brought the economy back.

The challenge we faced 1 year ago was a roughly $2 trillion hole in the economy. Consumer spending, fully two-thirds of the whole economy, was in free-fall. Failing to plug the gap would have continued the free-fall or, just as badly, condemned us to a lost decade similar to what Japan saw in the 1990s. During 1990s, the Japanese did not come back with a major effort such as the Recovery Act, and they had GDP level for a decade. You can imagine what that did to revenues, their deficit, and their jobs. That is what we would have been condemned with, if we had not gone with the Recovery Act.

Let's tell the truth about how we got here. It is absolutely essential to remember what the situation was 1 year ago when the administration came into office, not to go back and go over things that happened in the past but to make sure we don't do it again and to understand what caused this recession. The circumstances we inherited at the end of 8 years of the prior administration were the worst we have seen in generations. When the Bush administration came to office in 2001, the Federal budget was not only balanced, it was in surplus, in surplus to the tune of $236 billion, the largest surplus in half a century. Remember that. That was not that long ago. We were actually debating how quickly we were going to be free of debt as a country. We were on a path to financial independence, able to save for retirement of the baby boom generation, able to set aside something for a rainy day. That was only 10 years ago.

Tragically, that inheritance was squandered. Instead of a surplus of $710 billion that was projected in 2001 for last fiscal year, 2009, we wound up with a $1.6 trillion deficit. I hear my friends on the other side talk about deficits. This $1.6 trillion deficit didn't just develop. It came out of the policies of the last 8 years.

Two major factors account for the bulk of this reversal of fortune. First were the economic and budget policies of the last administration which gave no thought to paying for tax cuts or spending increases. We just had a debate about paying for the $10 billion for an employment extension. But we actually passed tax cuts, Medicare, other things that were never paid for that were hundreds of billions of dollars, not $10 billion, hundreds of billions. Tax cuts primarily for the wealthy and the wars in Iraq and Afghanistan together accounted for more than $500 billion of the 2009 deficit and $7.1 trillion over the next decade and none of it was paid for.

Second, we had the regulatory failures which permitted, even encouraged, the financial excesses that brought our markets down. They not only permitted it; they encouraged it. There was a feeling you didn't have to do any kind of regulation, only self-regulation. Alan Greenspan himself said he was dismayed self-regulation didn't work. That financial collapse battered our economy, reducing revenues and increasing necessary spending on unemployment insurance, food stamps, and other support programs. Here we are on the floor debating unemployment insurance, food stamps, and other support programs, when in the previous administration, when Congress was controlled by the other side, they didn't talk about these issues that cost over $7.1 trillion. They were not funded. There was no funding for the Medicare prescription drug program. There was no funding for the tax cuts. It is true the budget for next year will not be as close to balance as we all would wish, but I believe that is because of the hand we were dealt.

The best way to bring the budget back into order over the long run is to grow our economy. This is something everybody in this building believes in. Our inheritance from the previous administration was tax cuts, overwhelmingly tilted toward those who were already well off, unfunded new entitlement programs, and two wars paid for with borrowed money. All these transformed our country's finances, leading us down the path to where we are now, potentially on the brink of fiscal ruin. Instead of saving for the future, we are borrowing billions from China, Japan and other countries and falling deeper into debt.

There are two kinds of deficits, and we have not done a good job explaining this. Economists will agree. There is the deficit you create in good times by profligate spending and tax cuts. That is one kind of deficit. When the economy is going well, you should be building surpluses. However, once you are in the hole, you have to get out of the hole, and that is a different kind of deficit. For that kind of deficit, you need to get the economy moving again because growth is the only way you are going to get out of the hole.

President Bush inherited a balanced budget, a vast fiscal surplus projected at the time to be $5.6 trillion over 10 years. Instead, he left office having added nearly $5 trillion to the national

debt. That is a swing of $10 trillion. That means the Bush years cost roughly $30,000 for each and every American. I hear people from the other side talk about the deficit. This was a $10 trillion swing starting just 10 years ago and going up 2 years ago. What amnesia. Take a look at what happened. What I am telling you are the facts. We can argue about policy but, in fact, we were in surplus and had a projected $5.6 trillion surplus when President Clinton left office. We ended up with a swing of $10 trillion, adding $5 trillion to the national debt. Those are facts. Senator Moynihan from New York used to say everybody is entitled to their opinion but not to the facts. The facts are, there was a $5.6 trillion projected surplus when President Bush took office, and we are left with a $5 trillion deficit. That adds up to $10 trillion. In fact, it adds up to $10.6 trillion.

I think those of us who supported the Recovery Act need to own up to our own mistake: We have done a lousy job of explaining why the Recovery Act was needed and how it is working. We are doing a good job explaining the Web sites, but we have not done the macroeconomic explanation of why you cannot have jobs come back until the economy comes back. You cannot have the economy come back without having the Recovery Act.

To start with, I will say I know it increases the deficit in the short term. I don't like it, but that was an unavoidable byproduct. The best long-term solution to our debt problems is not a little frugality that cuts down on growth. It is a robust, healthy, growing economy. That is why most economists believe—when I say ''most,'' I should say the vast majority—that in spite of the short-run deficit hit of the Recovery Act, it will bring us closer to fiscal balance over the long term.

I know some of my colleagues on the other side of the aisle will take issue with this statement. I would simply remind them it is economic growth—something they have talked about for years—and economic growth alone, that will get us out of our present mess.

There is another mistake we made. As we were diligently working to ensure accountability for the program—and we have done a great job of that; and that is important—and connected specific parts of the Recovery Act to specific jobs created, we have missed the forest for the trees in our explanation. We have lost track of the real objective: to jump-start the broader economy. That is where the jobs are going to come from—the main jobs.

While the Recovery Act itself has created or saved 2 million jobs—independent analysis confirms this—perhaps its most important impact has been the renewed confidence it has given to our economy. I absolutely totally, completely believe that. The jobs will come. The jobs will come. They always lag behind the economy. When the economy goes up, the jobs are not far behind.

The charts do not lie. We are rebounding. By returning faith to our consumer economy, the Recovery Act has had a much greater effect than the sum of its parts. To those who opposed the Recovery Act, I ask: What was your plan? Some said—and I presided and listened to the arguments—we should fill a $2 trillion hole in our economy with $200 billion. That was a plan doomed to failure. That is what the Japanese did, and they were faced with a decade of no growth.

Economists far and wide said that a $200 billion Recovery Act would have failed to halt a fall into depression. No reputable economists—none—said this would have taken us from where we were—where we were a year ago, with 730,000 jobs being lost—to a 6-percent growth in gross domestic product for the fourth quarter of last year.

We have come a long way in this past year. We have not come far enough yet. We have a long way to go. But I believe to move forward we must remember how bad things were when we began, just how deep a hole we were in, and we are pulling ourselves out of it now. The Recovery Act has done its job and will continue to do its job.

Madam President, I yield the floor.

AMENDMENT NO. 3354 TO AMENDMENT NO. 3336

(Purpose: To encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities)

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to lay aside the pending amendment and call up amendment No. 3354, and at the conclusion of my remarks that amendment No. 3354 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WHITEHOUSE. Thank you, Madam President.

My amendment, cosponsored by Senators SCHUMER, BINGAMAN, and MERKLEY, would authorize a series of new programs designed to encourage energy efficiency in homes. I am offering this amendment—based on S. 1379, the Energy Efficiency in Housing Act—to the job creation bill we are debating today because of the enormous potential of green housing to grow the economy, create jobs, and, of course, save energy.

Clean energy is the next big global industry. According to the U.S. Green Building Council, buildings account for 39 percent of all energy consumption and 38 percent of carbon dioxide emissions. Clearly, the housing sector must be a vital part of our energy efficiency efforts.

Venture capitalists and companies from Google to General Electric have testified before the Senate that this revolution—the clean energy revolution—could be even bigger than the digital revolution. The countries at the forefront of this clean energy revolution will be the economic powerhouses of the next century. Right now, the United States is at risk of falling behind in the race to lead this new economy.

Of the top 10 solar companies in the world, only one is from the United States. Of the top 10 wind power companies in the world, only two are from the United States.

When President Obama met with Senate Democrats a few weeks ago, he told us:

> China is not waiting, it is moving. Already the anticipation is that they will lap us when it comes to clean energy.

Well, we can do better than that. We are a country of innovators, a nation that has always sought to be on the cutting edge, always sought the new frontier. All we need is for the Congress to put the right policies in place to promote energy efficiency and encourage the growth of the green economy so our companies can compete head to head with their international competition.

My amendment is endorsed by over 35 groups, including Enterprise Community Partners, the Alliance for Healthy Homes, and the Local Initiatives Support Corporation. The U.S. Green Building Council has included it in its list of ''Top 10 Pieces of Green Building Legislation in the 111th Congress.''

These groups know that the provisions included in this legislation will boost the green housing sector in a number of different ways.

First, it would jump-start the market for green mortgages by directing HUD to develop incentives for buyers—such as reduced rates and greater lending ability—and by boosting the secondary green mortgage market.

Second, it would establish a revolving loan fund for States to carry out renewable energy activities, such as retrofits and incentives for green construction. It would also encourage the participation of community development organizations in our most hard-hit neighborhoods in the recession by authorizing a grant program that can be used to help those organizations train, educate, and support the workforce for these green energy, clean energy projects.

The final provision I will highlight would provide incentives for public housing entities to achieve substantial improvements in their own energy efficiency. I believe we can maximize energy efficiency savings when we can split the incentives between landlords and tenants. The landlords will take an interest in pursuing the clean energy initiatives because of the savings they can make from the upgrades, and the tenants can participate in the savings through their conservation efforts. It has to be joint to be at its most effective.

As we continue to debate ways to put Americans back to work, I encourage my colleagues to take a serious look at the green housing sector and at my amendment. I think it merits our attention. I hope it will have my colleagues' support on an appropriate bill

in the near future—I hope—and I speak on it today to put a spotlight on it so I have that opportunity.

I thank the Chair and thank my colleagues.

I yield the floor.

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. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The clerk will report the previous amendment.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. WHITEHOUSE], for himself, Mr. SCHUMER, Mr. BINGAMAN, and Mr. MERKLEY, proposes an amendment numbered 3354 to Amendment No. 3336.

(The amendment is printed in the RECORD of Tuesday, March 2, 2010, under ''Text of Amendments.'')

AMENDMENT NO. 3354 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, the amendment is withdrawn.

The Senator from Michigan.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate now proceed to executive session to consider the following nominations on the Executive Calendar: Calendar No. 560, the nomination of Terry Yonkers to be an Assistant Secretary of the Air Force; Calendar No. 563, the nomination of Frank Kendall to be Principal Deputy Under Secretary of Defense; Calendar No. 564, the nomination of Erin Conaton to be Under Secretary of the Air Force; Calendar No. 663, the nomination of Paul Oostburg Sanz to be General Counsel of the Department of the Navy; Calendar No. 664, the nomination of Malcolm O'Neill to be an Assistant Secretary of the Army; Calendar No. 665, the nomination of Jackalyne Pfannenstiel to be an Assistant Secretary of the Navy; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Terry A. Yonkers, of Maryland, to be an Assistant Secretary of the Air Force.

Frank Kendall III, of Virginia, to be Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.

Erin C. Conaton, of the District of Columbia, to be Under Secretary of the Air Force.

Paul Luis Oostburg Sanz, of Maryland, to be General Counsel of the Department of the Navy.

Malcolm Ross O'Neill, of Virginia, to be an Assistant Secretary of the Army.

Jackalyne Pfannenstiel, of California, to be an Assistant Secretary of the Navy.

Mr. LEVIN. Madam President, I thank the Presiding Officer.

I thank my colleagues and the leaders who have been involved in facilitating this. It is long overdue, but I want to thank my colleagues for at least helping to make this happen this afternoon. This will be good news for the Defense Department, good news for our troops. Again, I thank all who have been helpful in this regard.

I yield the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

TAX EXTENDERS ACT OF 2009—Continued

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

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

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 3080 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. SPECTER. Madam President, in the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BURRIS. Madam President, I ask unanimous consent to speak as in morning business.

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

HEALTH CARE REFORM

Mr. BURRIS. Madam President, my colleagues and I have spent much of last year debating the issue of health care reform. After nearly a century of false starts and broken promises, Democrats came to Congress determined to enact comprehensive reform. We were confident that this time we would not fall short as our predecessors had done; this time we would deliver the changes the American people have been demanding for so many years. But over the course of the debate an unfortunate pattern emerged, a pattern of obstructionism and delay and scare tactics designed to derail our efforts to make a difference.

My Democratic colleagues and I worked hard under President Obama's leadership to craft sweeping legislation, but our Republican friends were not interested in passing health care reform. They had no desire to take action and no plan of their own. Instead, they found every opportunity to stall, to clog up the Senate, and score political points by attacking those who supported our efforts. They spread misinformation about death panels and higher costs and rationing coverage even though they knew these things were not in our bill. But they kept repeating this bad information and repeating it until it finally started to take hold.

The ordinary folk who heard these distortions had no reason to believe their elected officials would try to misinform them, so they retained this bad information and they did exactly what our Republican friends wanted them to do—they got angry. They held rallies. They called their Senators and Representatives. They regurgitated the talking points that had been written for them by obstructionists and special interests and the insurance lobby.

As a result, our Republican friends succeeded in holding up our health reform bill. By misinforming the American people, they stirred up an opposition that was tailor made to create confusion and gridlock no matter how hard some people tried to explain the truth because the facts are these.

No Democratic health care proposal has ever included a so-called ''death panel.''

None of our legislation would result in rationing of any kind.

And, rather than driving costs up, as my Republican friends have argued, nonpartisan analysis consistently shows that the Senate bill would lower costs significantly.

It would reduce the deficit by more than $130 billion in the first 10 years, and almost $1 trillion in the decades after that.

In addition, our bill would extend health coverage to 31 million Americans.

It would prevent corporations from discriminating against their customers because of pre-existing conditions.

And it would reduce health premiums for individuals and families, to the tune of hundreds, or even thousands, of dollars per year, depending on income level.

From the very beginning of this debate, I have called for a bill that fulfills the three goals of a public option:

A bill that creates competition in the insurance market. A bill that gives us the tools to hold insurance companies accountable. A bill that will provide cost savings to millions of Americans.

I believe our current proposal can accomplish all of these things. This legislation is not perfect, but it represents

a major step in the right direction. So I would urge my Republican friends to thoroughly examine the legislation we have introduced. And I would ask that they fulfill the public trust that has been placed in them, by being honest with the American people. By building their arguments on facts, not misinformation, and offering constructive suggestions rather than partisan talking points.

We all agree that our health care system is badly broken. And we owe it to everyone in this country to have a vigorous national debate about how to fix it.

In spite of the obstructionism and the delays that we have seen from the other side over the last year, I remain confident that my colleagues and I can pass a comprehensive health reform bill in the coming weeks. We have come further than any Congress in history. So it is time to finish the job. In light of recent developments, I think it is more likely than ever that our efforts will be successful.

Just last week, President Obama invited a group of Republicans and Democrats to join him for an open conversation about health care reform. Millions of Americans watched on TV as leaders from the House, the Senate, and the executive branch laid out their respective ideas for reform.

Yes, we heard some partisan talking points from a few on the other side. But for the most part, both Republicans and Democrats seemed eager to engage in a real conversation. They challenged each other's ideas. They debunked some of the myths that have taken hold over the past year. In the end, I think we discovered that we share more common ground than many people thought.

So it is time to move forward. President Obama has announced that he is open to four specific Republican ideas that emerged from last week's health care summit. I share the President's support for these proposals, which include eliminating waste and fraud, funding demonstration grants, increasing Medicaid doctor reimbursements, and expanding health savings accounts. I hope that my colleagues on both sides of the aisle will give these ideas a hard look, so we can incorporate them into our existing legislation. And I hope that my Republican friends will recognize that, while our current bill is not perfect, it contains a number of things they can strongly support.

So let us end the obstructionism and the delays. Let's stop spreading misinformation, and continue the conversation that emerged from the President's health care summit. And once we have a final bill that incorporates some of these suggestions, let us have an up or down vote.

The American people are tired of hearing excuses. They are tired of watching some members of this chamber manipulate the rules to prevent us from taking action. That is not how this Senate is supposed to work. So, whether my colleagues support or oppose the final legislation, I hope they will have the courage to let it come to a vote, rather than hiding behind the threat of filibuster.

This debate has been going on for a year. And the American people have been calling for comprehensive reform for almost a century. So I think it is high time to move forward together. Let's get this done. Let's do it right. Let's do it now.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3356, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that the Murray amendment I offered on her behalf be the pending amendment.

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

Mr. REID. I ask unanimous consent that it be modified with the changes at the desk.

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

The amendment, as modified, is as follows:

At the end of subtitle C of title II, insert the following:

SEC. ___. 6-MONTH EXTENSION OF THE EMERGENCY CONTINGENCY FUND FOR STATE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAMS.

(a) IN GENERAL.—Section 403(c) of the Social Security Act (42 U.S.C. 603(c)) is amended—

(1) in paragraph (2)(A), by inserting '', and for the first 6 months of fiscal year 2011, $1,300,000,000,'' before ''for payment'';

(2) in paragraph (2)(B)—

(A) by inserting ''for fiscal year 2009'' after ''under subparagraph (A)''; and

(B) by inserting before the period the following: '', and may be used to make payments to a State during fiscal year 2011 with respect to expenditures incurred by such State during fiscal year 2009 or 2010. The amounts appropriated to the Emergency Fund under subparagraph (A) for the first 6 months of fiscal year 2011 shall be used to make grants to States during such months in accordance with the requirements of paragraph (3), and may be used to make payments to a State during the succeeding months of fiscal year 2011 and during fiscal year 2012 with respect to expenditures incurred by such State during the first 6 months of fiscal year 2011'';

(3) by striking paragraph (2)(C) and inserting the following:

''(C) LIMITATIONS.—

''(i) IN GENERAL.—In no case may the Secretary make a grant from the Emergency Fund for a fiscal year after fiscal year 2012.

''(ii) RESERVATION OF FUNDS.—Of the amounts appropriated to the Emergency Fund under subparagraph (A) for the first 6 months of fiscal year 2011, $500,000 shall be placed in reserve for use in the succeeding months of such fiscal year and in fiscal year 2012. Such amounts shall be used to award grants for any expenditures incurred by States after April 30, 2011.'';

(4) in clause (i) of each of subparagraphs (A), (B), and (C) of paragraph (3), by striking ''year 2009 or 2010'' and inserting ''years 2009, 2010, or the first 6 months of fiscal year 2011'';

(5) by adding at the end of paragraph (3) the following:

''(D) GRANT RELATED TO INCREASED EXPENDITURES FOR EMPLOYMENT SERVICES.—

''(i) IN GENERAL.—For each of the first 2 calendar quarters in fiscal year 2011, the Secretary shall make a grant from the Emergency Fund to each State that—

''(I) requests a grant under this subparagraph for the quarter; and

''(II) meets the requirement of clause (ii) for the quarter.

''(ii) EMPLOYMENT SERVICES EXPENDITURE REQUIREMENT.—A State meets the requirement of this clause for a quarter if the total expenditures of the State for employment services in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total such expenditures of the State in the corresponding quarter in the emergency fund base year of the State.

''(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the excess described in clause (ii).'';

(6) in paragraph (4), by striking ''and subsidized employment'' and inserting ''subsidized employment, and employment services'';

(7) in paragraph (5)—

(A) in the paragraph heading, by inserting ''ON PAYMENTS; ADJUSTMENT AUTHORITY'' after ''LIMITATION'';

(B) by striking ''The total amount'' and inserting the following:

''(A) IN GENERAL.—The total amount'';

(C) by inserting after ''grant'' the following: ''The total amount payable to a single State under subsection (b) and this subsection for the first 6 months of fiscal year 2011 shall not exceed 15 percent of the annual State family assistance grant.''; and

(D) by adding at the end the following:

''(B) ADJUSTMENT AUTHORITY.—The Secretary may issue a Program Instruction without regard to the requirements of section 553 of title 5, United States Code, specifying priority criteria for awarding grants to States for the first 6 months of fiscal year 2011 or adjusting the percentage limitation applicable under subparagraph (A) with respect to the total amount payable to a single State for such months, if the Secretary determines that the Emergency Fund is at risk of being depleted prior to April 30, 2011, or the Secretary determines that funds are available to accommodate additional State requests.''; and

(8) in paragraph (9)—

(A) in subparagraph (B)(i), by striking ''or 2008'' and inserting '', 2008, or 2009'';

(B) by adding at the end of subparagraph (B)(ii) the following:

''(IV) The total expenditures of the State for employment services, whether under the State program funded under this part or as qualified State expenditures.''; and

(C) by adding at the end the following:

''(D) EMPLOYMENT SERVICES.—The term 'employment services' means services designed to help an individual begin, remain, or advance in employment, as defined in program guidance issued by the Secretary (without regard to section 553 of title 5, United States Code).''.

(b) CONFORMING AMENDMENTS.—Section 2101 of division B of the American Recovery

and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) in subsection (a)(2)—

(A) by striking ''2010'' and inserting ''2011''; and

(B) by striking all that follows ''repealed'' and inserting a period; and

(2) in subsection (d)(1), by striking ''2010'' and inserting ''2011''.

(c) PROGRAM GUIDANCE.—The Secretary of Health and Human Services shall issue program guidance, without regard to the requirements of section 553 of title 5, United States Code, which ensures that the funds provided under the amendments made by this section for subsidized employment do not support any subsidized employment position the annual salary of which is greater than the median annual income for all participating jurisdictions.

SEC. ___. DEPARTMENT OF LABOR; EMPLOYMENT AND TRAINING ADMINISTRATION; TRAINING AND EMPLOYMENT SERVICES.

(a) ADDITIONAL AMOUNT.—There is appropriated for fiscal year 2010, for an additional amount for ''Training and Employment Services'' for activities under the Workforce Investment Act of 1998 (referred to in this section as the ''WIA''), $1,300,000,000. That amount is appropriated out of any money in the Treasury not otherwise appropriated. The amount shall be available for obligation for the period beginning on the date of enactment of this Act.

(b) ACTIVITIES.—Except as otherwise provided in subsection (c), of the amount made available under subsection (a), $1,300,000,000 shall be available for grants to States for youth activities, including summer employment for youth, which funds shall remain available for obligation through September 30, 2010, except that—

(1) no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA;

(2) for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities for fiscal year 2010 does not exceed $1,000,000,000;

(3) with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting ''age 24'' for ''age 21''; and

(4) the work readiness aspect of the performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds.

(c) ADMINISTRATION; MANAGEMENT; OVERSIGHT.—

(1) IN GENERAL.—An amount that is not more than 1 percent of the funds made available to the Department of Labor under subsection (a) may be used for the Federal administration, management, and oversight of the programs, activities, and grants, funded under subsection (a), including the evaluation of the use of such funds.

(2) PERIOD FOR OBLIGATION.—Funds designated for the purposes of paragraph (1), together with the funds described in section 801(b) of Division A of the American Recovery and Reinvestment Act of 2009, and the funds described in the matter under the heading ''SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)'', in the matter under the heading ''DEPARTMENTAL MANAGEMENT'' in title VIII of that division, shall be available for obligation through September 30, 2012.

SEC. ___. INTELLIGENT ASSIGNMENT IN ENROLLMENT AND RE-ASSIGNMENT OF CERTAIN INDIVIDUALS.

(a) IN GENERAL.—Section 1860D–1(b)(1) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)) is amended—

(1) in the second sentence of subparagraph (C), by inserting '', subject to subparagraph (D),'' before ''on a random basis''; and

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

''(D) INTELLIGENT ASSIGNMENT.—In the case of any auto-enrollment under subparagraph (C) or any re-assignment, no part D eligible individual described in such subparagraph shall be enrolled in or re-assigned to a prescription drug plan which does not meet both of the following requirements:

''(i) LOW COST.—The total cost under this title of providing prescription drug coverage under the plan is among the lowest 25th percentile of prescription drug plans under this part in the State.

''(ii) MEETS BENEFICIARY NEEDS.—The plan reasonably meets the needs of such part D eligible individuals as a group, as identified by the Secretary using criteria established by the Secretary.

In the case that no plan meets the requirements under clauses (i) and (ii) or that the plans which meet such requirements do not have sufficient capacity for the enrollment or re-assignment of such part D eligible individual in or to the plan, the part D eligible individual shall be enrolled in or re-assigned to a prescription drug plan under the enrollment process under subparagraph (C) (as in existence before the date of the enactment of this subparagraph).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect for enrollments and re-assignments effected on or after January 1, 2012.

SEC. __. ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 3507, subsection (g) of section 32, and paragraph (7) of section 6051(a) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 6012(a) is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 is amended by striking subsection (i).

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

AMENDMENT NO. 3417 TO AMENDMENT NO. 3336

Mr. REID. I am now going to call up amendment No. 3417, with the understanding that Senator ISAKSON will be allowed to call up his amendment.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. ENSIGN, Mrs. FEINSTEIN, Mr. HATCH, Mr. CRAPO, and Mrs. BOXER, proposes an amendment numbered 3417 to amendment No. 3336.

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

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

The amendment is as follows:

(Purpose: To temporarily modify the allocation of geothermal receipts)

At the end of title VI, add the following:

SEC. 6. ALLOCATION OF GEOTHERMAL RECEIPTS.

Nothwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

Mr. REID. Mr. President, there will be no more votes today or tomorrow. We are in the process of working on this bill. We do not have it all worked out. We think we can work it out so we can finish it with a couple votes Tuesday morning. We may have to invoke cloture, but we will make that determination. I think we will probably file cloture on it today or tomorrow.

The PRESIDING OFFICER. The Senator from Montana is recognized.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 3075 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Arizona.

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

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

AMENDMENT NO. 3427 TO AMENDMENT NO. 3336

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending business be set aside for the purposes of offering an amendment, and that, of course, the vote on the amendment be decided by the majority leader and the Republican leader.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. GRAHAM, proposes an amendment numbered 3427.

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

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

The amendment is as follows:

(Purpose: To prohibit the use of reconciliation to consider changes in Medicare)

At the appropriate place, insert the following:

SEC. _____. PROTECTING MEDICARE.

Section 310(g) of the Congressional Budget Act of 1974 (2 U.S.C. 641(g)) is amended by inserting before the period the following: ''or to the medicare program established by title XVIII of such Act''.

Mr. MCCAIN. Mr. President, the President of the United States and the majority in both Houses have now signaled that regardless of how clearly the American people oppose the pending legislation concerning health care in America, it will be attempted to be forced down their throats under the parliamentary process that is intended

for our Nation's budgetary matters, whether they want it or not.

This amendment that is pending would remove our important Medicare Program from the partisan procedural process known as budget reconciliation. We must protect the Medicare Program from being used as a piggybank to create the new health care entitlement proposed by Senator REID and President Obama. In addition to increasing taxes by $500 billion, the health care ''reform'' bill cuts $500 billion from Medicare to put the government in charge of a new $2.3 trillion health care entitlement that we can't afford.

My constituents in Arizona and Americans across the country know the partisan games that are being played here, and they are opposed to it. Our entitlement programs should not be the subject of reconciliation. In 1974, the Budget Act excluded Social Security from the 51-vote reconciliation process. That was intentional, by one of the major architects, ROBERT BYRD, one of the most revered Members of the Senate, who has also said that health care reform should not be the subject of reconciliation. That makes sense, because if you exclude Social Security because it is an entitlement program, then, obviously, Medicare should also be excluded. We have a crisis with our entitlement programs and they need to be reformed, but they shouldn't be subject to a 51-vote majority.

This amendment removes the Medicare Program from the reconciliation process. Medicare reforms need to be made, and this amendment doesn't affect that, but what the amendment says is that reforms to the Medicare Program should be treated differently just as the Social Security program is. A program as important as Medicare should not be cut or increased through a partisan 51-vote process. Something this important should be held to a higher standard and include bipartisan support.

Let me remind my colleagues of the view of then-Senator Obama in 2007 when we were considering the ''nuclear option.'' He said at that time:

> You've got to break out of what I call, sort of, the 50-plus-one pattern of presidential politics. Maybe you eke out a victory of 50-plus-one, then you can't govern. You know, you get Air Force One, I mean there are a lot of nice perks, but you can't deliver on health care. We're not going to pass universal health care with a 50-plus-one strategy.

On the use of reconciliation, then-Senator Obama went even further and said:

> You know, the Founders designed this system, as frustrating [as] it is, to make sure that there's a broad consensus before the country moves forward . . . And what we have now is a President who—

he was obviously referring to then-President Bush—

> . . . [h]hasn't gotten his way. And that is now prompting, you know, a change in the Senate rules that really I think would change the character of the Senate forever . . . And what I worry about would be you essentially still have two chambers—the House and the Senate—but you have simply majoritarian absolute power on either side, and that's just not what the founders intended.

I have been around this body for quite a while. Back a few years ago, when this side was in the majority and there was a movement toward the ''nuclear option''—in other words, 51 votes to confirm judges—I stood up as a member of the majority and said we should not erode the 60-vote majority rule that has prevailed here in the Senate for many years. At that time, that was not greeted on this side of the aisle, frankly, with approval by a lot of people. But what we did then was preserve the Senate tradition and process of 60 votes, and we should maintain that now.

Certainly, having been in the majority and in the minority, I understand the frustrations of the majority. But I think history will show there have been numerous occasions where the requirement for a 60-vote majority has prevented the Congress of the United States from acting at the will of the moment or the fancy or the issue; that when time passes and cooler heads prevail, the 60-vote majority prevented the Congress from acting in a way that would have been harmful to the United States of America and its citizens.

All of my other colleagues have also commented on this issue at different times, depending on whether they are in the majority or the minority. But I wish to point out again a fundamental fact of the way the Congress of the United States has done business in general, and the way the Senate of the United States has done business. We have never had in our history a major reform, whether it be the Civil Rights Act or whether it be the passage of Medicare, whether it be welfare reform or any other major reform made without a majority, and a significant majority, that was bipartisan in nature. That doesn't mean there was 100 percent, but there has always been, whenever major structural reforms have been made, a consensus that was a significant majority on both sides.

So as we have time after time on this floor, we will be coming to the floor every day, my colleagues and I, to urge the majority and the President of the United States to start over and sit down and work together.

Overwhelming majorities of the American people believe we should either stop or start over. Overwhelming majorities of the American people want us to reform the system. But they do not like this unsavory process of vote buying, and they certainly do not like the product.

We will continue to carry the message to our constituents and to the American people. I believe there is still sufficient time for the will of the American people to prevail.

Mr. President, the hour is late. I appreciate the patience of the Chair and his willingness to serve in the chair at this late hour, 7 o'clock at night. I appreciate him being here at this time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. LINCOLN. Mr. President, I ask unanimous consent that on my amendment No. 3416, Senator VOINOVICH be added as a cosponsor.

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

AMENDMENT NO. 3401 TO AMENDMENT NO. 3336

Mrs. LINCOLN. Mr. President, I ask to set aside the pending amendment and call up my other amendment, No. 3401.

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

The assistant legislative clerk read as follows:

> The Senator from Arkansas [Mrs. LINCOLN] proposes an amendment numbered 3401 to amendment No. 3336.

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

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

The amendment is as follows:

(Purpose: To improve a provision relating to emergency disaster assistance)

On page 75, line 4, strike ''excessive rainfall or related'' and insert ''drought, excessive rainfall, or a related''.

On page 76, line 1, insert ''fruits and vegetables or'' before ''crops intended''.

On page 76, line 13, strike ''90'' and insert ''112.5''.

Beginning on page 76, strike line 18 and all that follows through ''(4)'' on page 77, line 17, and insert ''(3)''.

On page 78, strike lines 3 through 7 and insert the following: ''not more than $300,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to a natural disaster affecting the 2009 crops, of which not more than—

(A) $150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of drought; and

(B) $150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of excessive rainfall or a related condition.

On page 78, lines 18 and 19, strike ''with excessive rainfall and related conditions''.

On page 78, line 21, strike ''2008'' and insert ''2009''.

On page 79, lines 4 and 5, strike ''under this subsection'' and insert ''for counties described in paragraph (1)(B)''.

On page 80, between lines 3 and 4, insert the following:

(5) PROHIBITION.—An eligible specialty crop producer that receives assistance under this subsection shall be ineligible to receive assistance under subsection (b).

On page 80, line 4, strike ''(5)'' and insert ''(6)''.

On page 87, between lines 4 and 5, insert the following:

(h) HAY QUALITY LOSS ASSISTANCE PROGRAM.—

(1) DEFINITION OF DISASTER COUNTY.—In this subsection:

(A) IN GENERAL.—The term ''disaster county'' means a county included in the geographic area covered by a qualifying natural disaster declaration for flooding that occurred during the period beginning on May 1, 2009, and ending on December 31, 2009.

(B) EXCLUSION.—The term ''disaster county'' does not include—

(i) a contiguous county; or

(ii) a county that had less than a 10-percent loss in the quality of the 2009 crop of hay, as determined by the Secretary.

(2) ASSISTANCE.—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to provide assistance to eligible producers of the 2009 crop of hay that suffered quality losses in a disaster county due to flooding that occurred during the period beginning on May 1, 2009, and ending on December 31, 2009.

(3) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to receive assistance under this subsection, a producer shall certify to the Secretary that the average quality loss of the producer meets or exceeds the approved quality adjustment for hay due to flooding at harvest.

(B) EVIDENCE.—

(i) IN GENERAL.—In making the certification described in subparagraph (A), the producer shall provide to the Secretary reliable and verifiable evidence of the quality loss and the production of the producer.

(ii) LACK OF EVIDENCE.—If evidence described in clause (i) is not available, the Secretary shall use—

(I) in the case of unavailable quality loss evidence, documentation provided by the Cooperative Extension Service, State Department of Agriculture, or other reliable sources, including institutions of higher education, buyers, and cooperatives, as to the extent of quality loss in the disaster county; and

(II) in the case of unavailable production evidence, the county average yield, as determined by the Secretary.

(4) DETERMINATION OF PAYMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of assistance provided under this subsection to an eligible producer shall equal the product obtained by multiplying, as determined by the Secretary—

(i) the quantity of hay harvested by the eligible producer;

(ii) a quality adjustment that is equal to the difference between—

(I) the average price per ton for average quality hay; and

(II) the average price per ton for poor quality hay due to flooding; and

(iii) 65 percent.

(B) LIMITATION.—The maximum amount that an eligible producer may receive under this subsection is $40,000.

(5) RELATIONSHIP TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(6) ADJUSTED GROSS INCOME LIMITATION.—A person or legal entity with an average adjusted gross nonfarm income that exceeds the amount described in section 1001D(b)(1)(A) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)(1)(A)) shall be ineligible to receive benefits under this subsection.

(7) DIRECT ATTRIBUTION.—In carrying out this subsection, the Secretary shall apply section 1001(e) of the Food Security Act of 1985 (7 U.S.C. 1308(e)).

On page 87, line 5, strike ''(h)'' and insert ''(i)''.

On page 89, line 15, insert ''for the purchase, improvement, or operation of the poultry farm'' after ''lender''.

On page 89, strike line 24 and insert the following:

(j) STATE AND LOCAL GOVERNMENTS.—Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting ''(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)'' before the period at the end.

(k) ADMINISTRATION.—

On page 90, line 4, insert ''and the amendment made by this section'' after ''section''.

On page 90, line 7, insert ''and the amendment made by this section'' before ''shall be''.

On page 91, line 1, strike ''$15,000,000'' and insert ''$10,000,000''.

Mrs. LINCOLN. Mr. President, I want to let my colleagues know that we have worked in a bipartisan way on the underlying amendment, and we worked in a bipartisan way to see how we could make these modifications to bring $30 million of additional savings to the overall bill.

I look forward to working to complete this bill. I think we have a great opportunity to create jobs and to look to the future to how we can put our economy back on track in this country and put people back to work with some of the great ideas and great opportunities that exist in the underlying bill.

Mr. GRASSLEY. Mr. President, I want to resolve a dispute that arose on the floor earlier this morning.

There were differing opinions on whether the Senate-passed health care reform bill cuts taxes or raises taxes.

During the month-long floor debate on health care reform—ending with a final vote on Christmas Eve—I took to the floor on five occasions to address this question.

Let me top-line it for my Senate colleagues and my friends in the media.

According to the Joint Committee on Taxation, only about 7 percent of Americans would actually receive the government subsidy for health insurance under the Senate-passed health care reform bill.

The remaining 93 percent of Americans would not be eligible for a tax benefit under the bill.

How can a person receive a tax cut if they do not receive a tax benefit?

Here is another powerful statistic that every policymaker needs to know: While only about 7 percent of Americans under $200,000 would actually receive the subsidy for health insurance, 25 percent of Americans under $200,000 would see their taxes go up.

This is even after taking into account the government subsidy.

This means that for every one middle class family that would receive the government subsidy, three middle class families would pay higher taxes.

Again, this is all according to the Joint Committee on Taxation, the nonpartisan experts.

Now, let's get to specifics. JCT tells us that in 2019 a little more than 13 million individuals, families, and single parents would receive the government subsidy for health insurance.

JCT also tells us that the total number of tax filers in 2019 would be 176 million.

That means that out of 176 million individuals, families, and single parents only 13 million of them would receive a government subsidy for health insurance.

That is only about 7 percent of tax filers.

Let me repeat that. Only about 7 percent of Americans will benefit from the subsidy for health insurance.

I have a pie chart here so my friends can see.

You can see here, out of 176 million tax returns, around 13 million of them get the government subsidy for health insurance.

This means that 163 million individuals, families, and single parents or 93 percent of all tax returns receive no tax benefit under the Reid bill.

So what does this mean?

It means that there is a small beneficiary class under the Reid bill—about 7 percent of Americans.

And a very large nonbeneficiary class—93 percent of Americans.

Is this nonbeneficiary class affected in other ways?

Yes. While one group of Americans in this class would be unaffected—another group of Americans will see their taxes go up.

And this group won't have a tax benefit to offset their new tax liability.

That means that these Americans will be worse off under the Reid bill. What happened to their ''net tax cut''?

What they will see instead is a net tax increase.

JCT data backs up this claim.

Specifically, based on JCT data, in 2019, 42 million individuals, families, and single parents with income under $200,000 will see their taxes go up.

This is even after taking into account the subsidy for health insurance.

Again, this is on a net basis.

Now, if we were to identify (1) those Americans who are not eligible to receive the tax credit and (2) those whose taxes go up before they see some type of tax reduction from the subsidy, this number climbs to 73 million.

I have a chart here that illustrates this: The first bar illustrates what we have already established, but looks at Americans earning less than $200,000. Here, 13 million individuals, families, and single parents would receive the subsidy.

The middle bar shows the net tax increase number of 42 million Americans under $200,000.

Finally, when we identify those Americans who get no benefit under the bill—and those Americans who see a tax increase—we find there are 73 million individuals, families, and single parents under $200,000 in this category.

I want to close by referring to a final chart that illustrates the winners and losers under the Reid bill.

What we see here is that there is a group of Americans who clearly benefit under the bill from the government subsidy for health insurance.

This group, however, is relatively small—about 7 percent of Americans.

There is another much larger group of Americans who are seeing their taxes go up. This group is not benefiting from the government subsidy.

Also, there is another group of taxpayers who are generally unaffected.

But, JCT tells us that this group may be affected by other tax increases like the cap on FSAs or the individual mandate penalty tax.

The bottom-line is this. My Democratic friends (1) cannot say that all taxpayers receive a tax cut and (2) cannot say that the Reid bill does not raise taxes on middle-income Americans.

JCT tells us differently.

No one can dispute the data.

VOTE EXPLANATION

Mr. ISAKSON. Mr. President, I was unavoidably detained during rollcall vote No. 36 on the motion, motion to waive section 403(a) of S. Con. Res. 13, 111th Congress, re: Sanders amendment No. 3353 as modified; rollcall No. 37 on the motion to table, motion to table Bunning amendment No. 3360; rollcall vote No. 38 on the motion to table, motion to table Bunning amendment No. 3361; and rollcall vote No. 39 on the motion, motion to waive Budget Act points of order re: Baucus amendment No. 3336.

Had I been present I would have voted ''nay'' for rollcall vote No. 36; ''nay'' for rollcall vote No. 37; ''nay'' for rollcall vote No. 38; and ''nay'' for rollcall vote No. 39 and ask that the CONGRESSIONAL RECORD reflect that.

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

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

AMENDMENTS NOS. 3406, 3349 AND 3346, AS MODIFIED, EN BLOC

Mr. REID. I ask unanimous consent that it be in order for the Senate to consider en bloc the following amendments with no amendments in order to the amendments; that once the amendments have been reported by number, and modified, if applicable, the amendments be agreed to en bloc, and the motions to reconsider be laid upon the table, en bloc: amendment No. 3406, amendment No. 3349, and that the amendment No. 3346 be modified with the changes at the desk.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 3406

(Purpose: To make technical changes)

On page 91, line 13, strike ''$354,000,000'' and insert ''$560,000,000''.

On page 92, line 19, strike ''February'' and insert ''March''.

On page 92, after line 20, add the following:

(3) EFFECTIVE DATE FOR LOAN GUARANTEES.—The amendment made by paragraph (2) shall take effect on February 27, 2010.

AMENDMENT NO. 3349

(Purpose: To clarify the effective date of section 244)

On page 73, line 21, after the second period insert the following: ''The amendment made by this section shall be considered to have taken effect on February 28, 2010.''.

AMENDMENT NO. 3346, AS MODIFIED

(Purpose: To improve title V)

On page 161, line 13, strike ''**SEC. 501.**'' and insert ''**SEC. 500.**''.

On page 166, line 24, strike ''March 1, 2010'' and insert ''May 1, 2010''.

On page 169, line 3, strike ''February 28, 2010'' and insert ''March 28, 2010''.

On page 169, line 18, strike ''May 3, 2010'' and insert ''July 1, 2010''.

On page 184, line 2, strike ''February 28, 2010'' and insert ''March 28, 2010''.

On page 233, line 5, strike ''February 28, 2010'' and insert ''March 28, 2010''.

On page 234, lines 1 and 2, strike ''February 28, 2010'' and insert ''March 28, 2010''.

On page 234, lines 3 and 4, strike ''March 1, 2010'' and insert ''March 29, 2010''.

On page 234, line 23, strike ''180 days'' and insert ''210 days''.

On page 244, lines 16 and 17, strike ''180 days'' and insert ''210 days''.

On page 245, line 19, strike ''180 days'' and insert ''210 days''.

On page 267, strike lines 5 through 16, and insert the following:

SEC. 537. EFFECTIVE DATE; NONINFRINGEMENT OF COPYRIGHT.

(a) EFFECTIVE DATE.—Unless specifically provided otherwise, this title, and the amendments made by this title, shall take effect on February 27, 2010, and with the exception of the reference in subsection (b), all references to the date of enactment of this Act shall be deemed to refer to February 27, 2010, unless otherwise specified.

(b) NONINFRINGEMENT OF COPYRIGHT.—The secondary transmission of a performance or display of a work embodied in a primary transmission is not an infringement of copyright if it was made by a satellite carrier on or after February 27, 2010, and prior to enactment of this Act, and was in compliance with the law as in existence on February 27, 2010.

MORNING BUSINESS

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

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

HONORING OUR ARMED FORCES

STAFF SERGEANT JOHN A. REINERS

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of SSG John A. Reiners. Sergeant Reiners, a member of the 1st Battalion, 12th Infantry Regiment, 4th Infantry Division at Fort Carson, CO, died on February 13, 2010. Sergeant Reiners was serving in support of Operation Enduring Freedom in Kandahar, Afghanistan, when he was killed by an improvised explosive device that detonated while he was on patrol. He was 24 years old.

A native of Lakeland, FL, Sergeant Reiners and his family moved to Fort Carson in 2009 when he was assigned to the 4th Infantry Division. Sergeant Reiners joined the Army in July 2004. He served bravely during two tours in Iraq, before being deployed to Afghanistan in November of last year.

During 5½ years of service, Sergeant Reiners distinguished himself through his courage, dedication to duty, and willingness to take on any challenge—no matter how dangerous. Commanders recognized his extraordinary bravery and talent, bestowing on Sergeant Reiners numerous awards and medals, including the Purple Heart, the Army Commendation Medal, two Army Achievement Medals, the Army Good Conduct Medal, and the National Defense Service Medal. He also attended Ranger School in 2007, where he earned the prestigious Ranger Tab.

Sergeant Reiners worked on the front lines of battle, patrolling the most dangerous areas of Zhari district in Kandahar. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. His friends recall Sergeant Reiners saying that Army boot camp was too easy. Most of all, they remember his devotion to his wife, his son, and his country.

Mark Twain once said, ''The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time.'' Sergeant Reiners' service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived without fear.

At substantial personal risk, he braved the chaos of combat zones throughout Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Sergeant Reiners will forever be remembered as one of our country's bravest.

To Sergeant Reiners' mother Ronna, his father Gregory, his wife Casey, his son Lex, and all his friends and family—I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in John's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

LAS VEGAS ASIAN CHAMBER OF COMMERCE

Mr. ENSIGN. Mr. President, I rise today to commemorate the beginning of an exciting chapter for the Las Vegas Asian Chamber of Commerce. For more than 20 years, this group of entrepreneurial southern Nevadans has worked together to provide resources

and promote economic growth in the Asian community. Today, they will install the first woman to be president of their esteemed organization. Vida Chan Lin steps into this role—respected by her peers and energized by her passion for furthering the goals of the Las Vegas Asian Chamber of Commerce.

While this leadership role is a new opportunity for Ms. Lin, her lifetime of experience has prepared her to take on this role. As a child, she was exposed to running a business as she saw firsthand the daily challenges and joys in the restaurants her family owned. She then found great satisfaction in the insurance industry where she continued to exceed expectations and eventually start her own company.

Ms. Lin has always balanced her business drive and success with her commitment to community service. She has been an instrumental force behind the Las Vegas Asian Chamber of Commerce for many years. Her ability to bring people together, develop innovative programming, and mentor young leaders has helped ensure the long-term success of the Asian Chamber well beyond just her tenure.

She has been recognized by countless organizations for her business acumen and her heartfelt commitment to public service. I am proud to congratulate Vida Lin on this special day, and I wish her great success in the coming term of her presidency.

49TH ANNIVERSARY OF THE PEACE CORPS

Mr. CHAMBLISS. Mr. President, I rise today to congratulate the Peace Corps on the occasion of its 49th anniversary.

Since the Peace Corps' inception in 1961, nearly 200,000 Americans have volunteered to live and work in developing countries around the globe in an effort to help provide stability and progress.

Through aiding in education, community development, business development, health awareness and food security, these volunteers are improving lives and communities and making them better places to live and thrive.

It is this selfless dedication to helping people and communities help themselves that has strengthened ties between America and the world.

I am proud to say that 155 Georgians are serving as volunteers with the Peace Corps, including a former staffer of mine, Rebecca Riccitello, who is working in Ghana.

My home State of Georgia has a long history with the Peace Corps. Former U.S. Senator Paul Coverdell of Georgia devoted much of his time to the Peace Corps, and served as its director in the late eighties. During his tenure, the World Wise Schools Program was founded, which connects students in the United States with Peace Corps volunteers around the world.

Peace Corps volunteers engage in real, meaningful work and truly make a difference in individual lives around the world. I commend them for their efforts on our nation's behalf, and I am pleased to recognize the Peace Corps and all those who help the organization help others in America's name.

ADDITIONAL STATEMENTS

TRIBUTE TO GEORGE WIDMAN

• Mr. CONRAD. Mr. President, today I offer my congratulations and warm regards to George Widman, the ''Candy Man'' of Grand Forks, on the momentous occasion of his 90th birthday.

Throughout his life, George Widman has been an example of what it means to be a great North Dakotan and a great American. Growing up in the Great Depression taught George the value of hard work, something he has never forgotten. To this day, George and his wife Betty work 6 days a week at Widman's Candy Store in downtown Grand Forks.

George demonstrated his lifelong patriotism through his service in World War II. During that war, he served as a naval A1C aviation mechanic on the USS *Bunker Hill* aircraft carrier from 1942 until it was hit by kamikazes in 1945. The ship suffered the loss of 346 men, but, miraculously, George survived.

After the war, George returned home to work in the family business. Sixty years later, Widman's Candy Store is best known for its Chippers—Red River Valley potato chips covered in delicious Red River Valley chocolate. They are truly a treat. They have become famous not only in North Dakota but in Washington, DC, with fans at the White House, in the office of the Vice President, at the Pentagon, and here in the Senate.

To me, the story that best defines George and Betty is how they responded to the 1997 flood that devastated the city of Grand Forks. After their store was destroyed by the floodwaters that took out most of Grand Forks, George offered Betty the opportunity to rebuild anywhere in the world. They chose Grand Forks.

Ten years ago, George said his secret to longevity was ''lots of candy.'' Today, it is my pleasure and honor to wish George a wonderful 90th birthday. He is representative of the best of North Dakota, and he has my respect and admiration. I can never forget George's birthday, because it is my birthday too. Happy 90th, George, and here's to many more! •

TRIBUTE TO DORIS THOM

• Mr. FEINGOLD. Mr. President, today I am very pleased to recognize the accomplishments of Doris Thom, a Wisconsinite from my hometown of Janesville who has blazed a trail for women's rights, and shown a tremendous commitment to public service, throughout her 90 years. I have known Doris for many years, and I greatly admire the many contributions she has made to Janesville. She is a good friend who has shown outstanding leadership in her community. I am also grateful for the excellent work of her granddaughter Sara Thom-Agress, who worked in my Washington, DC, office.

Doris's life story is one of great determination and outstanding achievement. Working at Gilman Engineering in Janesville during World War II, she received the U.S. Army and Navy ''E'' for Excellence Award for her work to produce emergency landing gear for fighter planes, and served as the first woman on the Executive Committee for Machinists Local 1266.

Her life has been a series of firsts for women in Janesville, particularly during her years at the General Motors' Fisher Body Plant. There she served as the first woman committee member of United Auto Workers Local 95, and then the first woman to sit on the executive board of Local 95. She also opened doors for women at the plant when she filed a successful grievance after being denied a transfer from a traditionally female line at the plant to an all-male one. Her grievance resulted in all of the plant's jobs being open to women for the first time.

All the while, as Doris was breaking new ground for women in Janesville, she was raising a family and making countless other contributions to her community and her state. Among many other activities, Doris served on the Wisconsin Governor's Commission on the Status of Women from 1971 to 1975.

I am very pleased to recognize Doris's many achievements, and send her my warmest wishes as she celebrates her 90th birthday. I thank her for everything she has done for our shared hometown, and for women in Wisconsin and nationwide. •

RECOGNIZING THE ARKANSAS DEPARTMENT OF VETERANS AFFAIRS

• Mrs. LINCOLN. Mr. President, I would like to take a moment to thank the director of the Arkansas Department of Veterans Affairs and members of his staff for attending to the medical needs of MAJ James E. Gibson.

Back in January of this year, I received a letter from Mrs. Barbara-lea Gibson Wright of Bull Shoals, AR. Barbara wrote to me, soliciting help in extending her sincere gratitude to the Arkansas Department of Veterans Affairs for tending to the medical needs of her father with unfailing diligence until his unfortunate passing. Major Gibson was wounded in Omaha Beach back in 1944, and passed away at the age of 90 in 2009. Although he lost the use of his right arm, Army doctors and nurses brought him back from the brink of death on multiple occasions. Major Gibson eventually retired and was able to live a long and prosperous life with his wife and children thanks to the superior medical attention he

received from the Arkansas Department of Veterans Affairs.

In fiscal year 2009, there were more than 3 million Americans receiving VA disability compensation, with 41,000 of them receiving service in the State of Arkansas. The VA works tirelessly to address the needs of the American public, whether through times of peace, times of war, or times of grief.

It is important that we recognize the accomplishments and extend our sincere thanks to the Arkansas Department of Veterans Affairs for not only a job well done, but for the men and women in desperate need of great service so evidently shown for Major Gibson. They make the State of Arkansas proud.●

TRIBUTE TO STEVE COLE AND FRANK ADAMS

● Mrs. LINCOLN. Mr. President, today I congratulate Arkansas State Representative Steve Cole of Lockesburg for being named the new chancellor of Cossatot Community College. He replaces retiring Chancellor Frank Adams, both of whom have dedicated their careers to inspiring and training students to become our next generation of Arkansas leaders.

Cossatot Community College is a pillar of the communities it serves. With campuses in DeQueen, Ashdown and Nashville, the college serves nearly 1,500 students in western Arkansas. The college offers technical certificates in 7 programs, certificates of proficiency in 13 programs, and 5 associate's degree programs.

Both Representative Cole and Chancellor Adams have played an integral role in the development and success of Cossatot Community College.

Since 2007, Representative Cole has served as vice chancellor and dean of academics. He has also served as a faculty member and administrator for the past 13 years. Representative Cole is a dedicated public servant in the Arkansas State Legislature, representing Howard and Sevier Counties.

Chancellor Adams will retire on June 30 after 18 years at Cossatot. He led the college into the UA system in 2001 and spearheaded the development of satellite campuses in Ashdown and Nashville.

I salute Representative Cole and Chancellor Adams for their leadership, and for their efforts to inspire the next generation of leaders. The knowledge and training that the students at Cossatot Community College receive today are the tools that will carry them for the rest of their lives.●

RECOGNIZING THE 2010 ARKANSAS AGRICULTURE HALL OF FAME INDUCTEES

● Mrs. LINCOLN. Mr. President, today I congratulate the 2010 inductees to the Arkansas Agriculture Hall of Fame for their significant contributions to Arkansas agriculture, as well as community and economic development. The Arkansas Agriculture Hall of Fame is sponsored by the Arkansas State Chamber of Commerce and Arkansas Farm Bureau.

This year's recipients are a distinguished group, comprised of Arkansas leaders in beef cattle, conservation, crop production, and extension efforts.

Philip Alford Jr. of Lewisville, Lafayette County, is a founding member of the Arkansas Cattlemen's Association. He introduced stocker cattle grazing operations and, by organizing drainage districts, helped convert thousands of acres of nonproductive bottomland into productive crop and pasture land.

Devoe Bollinger of Horatio, Sevier County, led the effort to eradicate brucellosis from cattle herds in the State. Bollinger's career has been devoted to improving the image of the cattle rancher. He served three terms on the Arkansas Livestock and Poultry Commission, two of those as chairman.

Mark Bryles of Blytheville, Mississippi County, led a significant increase of cotton acreage while serving as an extension agent in Mississippi County. His career as an agent with the University of Arkansas Division of Agriculture Cooperative Extension Service spanned 35 years, 22 of those in Mississippi County. He has received numerous awards for his leadership, innovation and service.

Jack Jones of Pottsville, Pope County, helped create the LeadAR program in Arkansas. Jones is a second-generation farmer and rancher from Pope County and has given much of his adult life serving the State's largest industry. He spent 24 years on the Arkansas Farm Bureau board of directors, 17 of those as vice president.

Leonard Sitzer of Weiner, Poinsett County, developed one of the most successful rice farming operations in northeast Arkansas. Sitzer's life is a testament to hard work, dedication, and leadership. With only a 10th-grade education, he returned from duty in World War II to build one of the most successful rice farming operations in Poinsett County. He spent 33 years on the Riceland Foods board of directors.

Mr. President, as a seventh-generation Arkansan and farmer's daughter and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our Arkansas farmers. Agriculture is the backbone of Arkansas's economy, creating more than 270,000 jobs in the State and providing $9.1 billion in wages and salaries. In total, agriculture contributes roughly $15.9 billion to the Arkansas economy each year.

I salute this year's inductees to the Arkansas Agriculture Hall of Fame and all Arkansas farmers and ranchers for their hard work and dedication.●

RECOGNIZING KING'S HILL INN

● Ms. SNOWE. Mr. President, today I wish to honor a Maine small business that has patriotically devoted itself to giving members of our Nation's military a relaxing surprise by providing Maine soldiers home from the warfront with a comforting night's stay in the picturesque western Maine town of Paris. Opened by Janice and Glenn Davis in 1999, the King's Hill Inn is a beautiful Victorian inn surrounded by scenic mountains and lakes in historic and peaceful Oxford County. And for Maine soldiers who have just returned from a theater of war, the King's Hill Inn simply promises ''. . . the best, quietest night's sleep with their loved one, far from the cold battlefield.''

This historic inn got its start in 1998 when Janice and Glenn Davis bought and restored the farm property, which was the 1811 birthplace of Horatio King, who served as Postmaster General under President James Buchanan. The rural town of Paris, frequently known as the home of King and Hannibal Hamlin, President Abraham Lincoln's first Vice President and a prominent Maine political figure, is also recognized for its panoply of natural wonders, many of which are accessible from King's Hill Inn. From the inn, guests can experience much of Maine's serene landscape which includes the beautiful Oxford Hills region, the exciting Saco River, as well as area mines that celebrate Maine's gem and mineral concentrations. The inn offers guests six stunning suites, each with a unique and charming setting—perfect for a weekend getaway.

To give back to our Nation's bravest men and women who have served overseas, the King's Hill Inn offers a free overnight stay with a complimentary breakfast for each Maine soldier returning from the warfront and his or her significant other. In addition, the Davises offer a 28-percent discount to ''all military personnel stationed around the world'' in honor of their 28-year-old son CAPT Aaron Davis, a member of the U.S. Air Force who has served in Afghanistan. The Davises also work with various local business owners wishing to make donations of their own to the soldiers spending the night at the King's Hill Inn, including restaurants offering a free dinner and florists providing beautiful floral arrangements.

After experiencing firsthand how difficult it was to part with her son when he was leaving to serve a year in the war in Afghanistan, Janice realized how such departures would be even more heartbreaking for the spouses of active-duty military personnel. Her objective in offering this magnanimous promotion is to provide soldiers with ''. . . that escape from the war front and that reunification with their spouse or loved one. My goal is that it will start a grassroots effort right here in Western Maine that will spread all the way to California, where my son is.''

The King's Hill Inn has truly offered a noble gift to our servicemen and women who have sacrificed so much for

the people of our great Nation. I am hopeful that this gracious altruism will be mirrored in the actions of other businesses, small and large, wishing to make a positive difference for some of the most deserving members of our communities. I offer my sincerest thanks to the the Davises for their compassionate and philanthropic support of our military personnel and offer my best wishes for the future success of King's Hill Inn.●

MESSAGES FROM THE HOUSE

At 10:54 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2968. An act to make certain technical and conforming amendments to the Lanham Act.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4247. An act to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes.

At 11:57 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2554. An act to reform the National Association of Registered Agents and Brokers, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 236. A concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

At 5:19 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2554. An act to reform the National Association of Registered Agents and Brokers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4247. An act to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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–4888. A communication from the Chief of Research and Analysis, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Commodity Supplemental Food Program (CSFP): Amendment Removing Priority Given to Women, Infants, and Children before the Elderly in Program Participation'' (RIN0584–AD93) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4889. A communication from the Deputy Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Exclusion of Certain Military Pay From Deemed Income and Resources'' (RIN0960–AF97) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Finance.

EC–4890. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's report entitled ''Report to Congress on a Plan for an Indian Head Start Study''; to the Committee on Indian Affairs.

EC–4891. A communication from the Deputy Chief of the Regulatory Products Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Professional Conduct for Practitioners: Rules, Procedures, Representation, and Appearances'' (RIN1601–AA58) received in the Office of the President of the Senate on March 1, 2010; to the Committee on the Judiciary.

EC–4892. A communication from the President and Chief Scout Executive, Boy Scouts of America, transmitting, pursuant to law, the organization's 2009 annual report; to the Committee on the Judiciary.

EC–4893. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Grand Junction, CO'' ((RIN2120–AA66) (Docket No. FAA–2009–0941)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4894. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Graford, TX'' ((RIN2120–AA66) (Docket No. FAA–2009–0927)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4895. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Hinesville, GA'' ((RIN2120–AA66) (Docket No. FAA–2009–0960)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4896. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Area Navigation (RNAV) Route Q–108; Florida'' ((RIN2120–AA66) (Docket No. FAA–2009–0885)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4897. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Civil Penalties'' (RIN2127–AK40) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4898. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Occupant Crash Protection'' (RIN2127–AK57) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4899. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Requirements and Procedures for Consumer Assistance to Recycle and Save Program'' (RIN2127–AK67) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4900. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Door Locks and Door Retention Components'' (RIN2127–AK60) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4901. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Insurer Reporting Requirements; List of Insurers Required to File Reports'' (RIN2127–AK46) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4902. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft; Modifications to Rules for Sport Pilots and Flight Instructors With a Sport Pilot Rating'' ((RIN2120–AJ10) (Docket No. FAA–2007–29015)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4903. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Filtered Flight Data'' ((RIN2120–AI79) (Docket No. FAA–2006–26135)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4904. A communication from the Senior Regulation Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Alcohol Testing Form and Drug and Alcohol Management Information Systems Form Updates'' (RIN2105–AD84) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4905. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Procedures for Non-Evidential Alcohol Screening Devices'' (RIN2105–AD64) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4906. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Transportation Workplace Drug and Alcohol Testing Programs: State Laws Requiring Drug and Alcohol Rule Violation Information'' (RIN2105–AD67) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4907. A communication from the Assistant Chief Counsel for General Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pipeline Safety: Administrative Procedures, Address Updates, and Technical Amendments'' (RIN2137–AE29) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4908. A communication from the Assistant Chief Counsel for General Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Miscellaneous Packaging Amendments'' (RIN2137–AD89) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4909. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (36); Amdt. No. 3359'' (RIN2120–AA65) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4910. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (84); Amdt. No. 3360'' (RIN2120–AA65) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4911. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (42); Amdt. No. 3361'' (RIN2120–AA65) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4912. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A310 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0717)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4913. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca Arriel 2S1 Turboshaft Engines'' ((RIN2120–AA64) (Docket No. FAA–2009–0568)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4914. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; SICLI Halon 1211 Portable Fire Extinguishers as Installed on Various Airplanes and Rotorcraft'' ((RIN2120–AA64) (Docket No. FAA–2010–0126)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4915. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0070 and 0100 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0793)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4916. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–201, –202, –203, –223, –243, –301, –302, –303, –321, –322, –323, –341, –342, and –343 Series Airplanes; Model A340–211, –212, –213, –311, –312, and –313 Series Airplanes; and Model A340–541 and –642 Airplanes '' ((RIN2120–AA64) (Docket No. FAA–2009–0782)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4917. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0912)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4918. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model AS332L1, AS332L2, and EC225LP Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2009–1146)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 38. A bill to establish a United States Boxing Commission to administer the Act, and for other purposes (Rept. No. 111–157).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

Arthur Allen Elkins, Jr., of Maryland, to be Inspector General, Environmental Protection Agency.

*Sandford Blitz, of Maine, to be Federal Cochairperson of the Northern Border Regional Commission.

*Earl F. Gohl, Jr., of the District of Columbia, to be Federal Cochairman of the Appalachian Regional Commission.

*William Charles Ostendorff, of Virginia, to be a Member of the Nuclear Regulatory Commission for the remainder of the term expiring June 30, 2011.

*William D. Magwood, IV, of Maryland, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2015 .

*William D. Magwood, IV, of Maryland, to be a Member of the Nuclear Regulatory Commission for the remainder of the term expiring June 30, 2010.

*George Apostolakis, of Massachusetts, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2014.

*Marilyn A. Brown, of Georgia, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2012.

*William B. Sansom, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2014.

*Neil G. McBride, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2013.

*Barbara Short Haskew, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2014.

By Mr. LEAHY for the Committee on the Judiciary.

Gloria M. Navarro, of Nevada, to be United States District Judge for the District of Nevada.

Jon E. DeGuilio, of Indiana, to be United States District Judge for the Northern District of Indiana.

Audrey Goldstein Fleissig, of Missouri, to be United States District Judge for the Eastern District of Missouri.

Lucy Haeran Koh, of California, to be United States District Judge for the Northern District of California.

Tanya Walton Pratt, of Indiana, to be United States District Judge for the Southern District of Indiana.

Dawn Elizabeth Johnsen, of Indiana, to be an Assistant Attorney General.

*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. BENNET:

S. 3071. A bill to provide for a freeze on the pay of Members of Congress and appropriations for certain congressional offices until there are sufficient improvements in the national unemployment rate, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROCKEFELLER:

S. 3072. A bill to suspend, during the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Ms. KLOBUCHAR, Mr. BROWN of Ohio, Mr. FRANKEN, Ms. STABENOW, and Mr. DURBIN):

S. 3073. A bill to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes; to the Committee on Environment and Public Works.

By Mr. BURR (for himself, Mr. VITTER, Mr. THUNE, Mr. COBURN, Mr. ISAKSON, and Mr. JOHANNS):

S. 3074. A bill to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 3075. A bill to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL:

S. 3076. A bill to direct the Secretary of the Interior to conduct studies of natural soundscape preservation in the National Park Service; to the Committee on Energy and Natural Resources.

By Mr. CORNYN (for himself, Mr. ROBERTS, Mr. ISAKSON, and Mrs. HUTCHISON):

S. 3077. A bill to authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States, to require the Secretary of Homeland Security to review visa applications before adjudication, and to provide for the immediate dissemination of visa revocation information; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. WHITEHOUSE, Mr. REED, and Mr. SANDERS):

S. 3078. A bill to provide for the establishment of a Health Insurance Rate Authority to establish limits on premium rating, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY (for himself, Mr. PRYOR, Mr. BROWN of Ohio, Ms. STABENOW, Mr. SANDERS, and Mr. CARDIN):

S. 3079. A bill to assist in the creation of new jobs by providing financial incentives for owners of commercial buildings and multifamily residential buildings to retrofit their buildings with energy efficient building equipment and materials and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER (for himself, Mr. CASEY, and Mr. BROWN of Ohio):

S. 3080. A bill to provide for judicial determination of injury in certain cases involving dumped and subsidized merchandise imported into the United States, and for other purposes; to the Committee on Finance.

By Mr. McCAIN (for himself, Mr. LIEBERMAN, Mr. INHOFE, Mr. BROWN of Massachusetts, Mr. WICKER, Mr. CHAMBLISS, Mr. LEMIEUX, Mr. SESSIONS, and Mr. VITTER):

S. 3081. A bill to provide for the interrogation and detention of enemy belligerents who commit hostile acts against the United States, to establish certain limitations on the prosecution of such belligerents for such acts, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. BINGAMAN, Mr. ROCKEFELLER, and Ms. MIKULSKI):

S. Res. 434. A resolution expressing support for Children's Dental Health Month and honoring the memory of Deamonte Driver; considered and agreed to.

By Mr. CASEY (for himself, Ms. SNOWE, Mr. LAUTENBERG, Mr. DORGAN, Mr. SPECTER, Mr. KERRY, Mr. BEGICH, Mr. MENENDEZ, Mr. BAYH, and Mr. DODD):

S. Res. 435. A resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week; considered and agreed to.

By Mr. WHITEHOUSE (for himself, Mr. KERRY, Mr. REED, and Mr. BROWN of Massachusetts):

S. Res. 436. A resolution expressing support for the people affected by the natural disasters on Madeira Island; considered and agreed to.

By Mr. KERRY (for himself, Mr. McCAIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. CASEY, Mr. GRAHAM, and Mr. KAUFMAN):

S. Res. 437. A resolution expressing the sense of the Senate regarding the positive effect of the upcoming Iraqi parliamentary elections on Iraq's political reconciliation and democratic institutions; considered and agreed to.

By Mr. REED (for himself and Ms. COLLINS):

S. Res. 438. A resolution designating March 2, 2010, as ''Read Across America Day''; considered and agreed to.

By Mr. ENSIGN:

S. Res. 439. A resolution recognizing the exemplarily service, devotion to country, and selfless sacrifice of Special Warfare Operators 2nd Class Matthew McCabe and Jonathan Keefe and Special Warfare Operator 1st Class Julio Huertas in capturing Ahmed Hashim Abed, one of the most-wanted terrorists in Iraq, and pledging to continue to support members of the United States Armed Forces serving in harm's way; to the Committee on Armed Services.

By Mr. BENNET:

S. Res. 440. A resolution improving the Senate cloture process; to the Committee on Rules and Administration.

By Mrs. BOXER (for herself, Ms. COLLINS, Mrs. SHAHEEN, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mrs. MURRAY, Mrs. HUTCHISON, Mr. DURBIN, Mrs. LINCOLN, Mr. LAUTENBERG, Mr. UDALL of Colorado, Mr. BURRIS, Mrs. GILLIBRAND, Ms. STABENOW, and Ms. LANDRIEU):

S. Res. 441. A resolution recognizing the history and continued accomplishments of women in the Armed Forces of the United States; considered and agreed to.

By Mr. DURBIN (for himself, Mr. CARDIN, Mr. WICKER, Mr. LUGAR, and Mr. BYRD):

S. Res. 442. A resolution congratulating the people of the Republic of Lithuania on the Act of the Re-Establishment of the State of Lithuania, or Act of March 11, and celebrating the rich history of Lithuania; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Ms. MURKOWSKI):

S. Res. 443. A resolution honoring the life and service of Enrique ''Kiki'' Camarena; considered and agreed to.

By Mr. REID (for himself and Mr. McCONNELL):

S. Res. 444. A resolution to authorize testimony and legal representation in City of Vancouver v. Galloway; considered and agreed to.

By Mr. REID (for himself and Mr. McCONNELL):

S. Res. 445. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs; considered and agreed to.

ADDITIONAL COSPONSORS

S. 384

At the request of Mr. LUGAR, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 384, a bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 448

At the request of Mr. SPECTER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 448, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 704

At the request of Mr. BURR, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 704, a bill to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 828, a bill to amend the Energy Policy Act of 2005 to provide loan guarantees for projects to construct renewable fuel pipelines, and for other purposes.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1579

At the request of Mr. BYRD, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1579, a bill to amend the Wild Free-Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, and for other purposes.

S. 1674

At the request of Mr. WYDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 2760

At the request of Mr. UDALL of New Mexico, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2760, a bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans.

S. 2786

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2786, a bill to amend titles 18 and 28 of the United States Code to provide incentives for the prompt payments of debts owed to the United States and the victims of crime by imposing late fees on unpaid judgments owed to the United States and to the victims of crime, to provide for offsets on amounts collected by the Department of Justice for Federal agencies, to increase the amount of special assessments imposed upon convicted persons, to establish an Enhanced Financial Recovery Fund to enhance, supplement, and improve the debt collection activities of the Department of Justice, to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers, and for other purposes.

S. 2895

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2895, a bill to restore forest landscapes, protect old growth forests, and manage national forests in the eastside forests of the State of Oregon, and for other purposes.

S. 2977

At the request of Mr. GRAHAM, the names of the Senator from Massachusetts (Mr. BROWN) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 2977, a bill to prohibit the use of Department of Justice funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001 terrorist attacks.

S. 2982

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2982, a bill to combat international violence against women and girls.

S. 3008

At the request of Mr. CORNYN, the name of the Senator from Oklahoma (Mr. COBURN) was withdrawn as a cosponsor of S. 3008, a bill to establish a program to support a transition to a freely elected, open democracy in Iran.

S. 3028

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3028, a bill to amend title XVIII of the Social Security Act to eliminate the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare program.

S. 3040

At the request of Mr. LUGAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3040, a bill to amend the Richard B. Russell National School Lunch Act to provide children from rural areas with better access to meals served through the summer food service program for children and certain child care programs.

S. 3047

At the request of Mr. ISAKSON, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 3047, a bill to terminate the Internal Revenue Code of 1986, and for other purposes.

S.J. RES. 27

At the request of Mr. DEMINT, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S.J. Res. 27, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

S. RES. 409

At the request of Mr. FEINGOLD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 409, a resolution calling on members of the Parliament in Uganda to reject the proposed ''Anti-Homosexuality Bill'', and for other purposes.

S. RES. 433

At the request of Mrs. SHAHEEN, the names of the Senator from Maine (Ms. SNOWE), the Senator from Delaware (Mr. KAUFMAN), the Senator from Illinois (Mr. DURBIN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. Res. 433, a resolution supporting the goals of ''International Women's Day''.

AMENDMENT NO. 3337

At the request of Mr. SESSIONS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 3337 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3341

At the request of Mr. WARNER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 3341 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3342

At the request of Mr. WEBB, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Washington (Mrs. MURRAY), the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 3342 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3351

At the request of Mr. REED, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Maine (Ms. COLLINS) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 3351 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3354

At the request of Mr. WHITEHOUSE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 3354 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3366

At the request of Mr. LEMIEUX, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 3366 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3368

At the request of Mr. FEINGOLD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 3368 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3371

At the request of Mr. ROCKEFELLER, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of amendment No. 3371 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3375

At the request of Mr. DORGAN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Ohio (Mr. BROWN), the Senator from Iowa (Mr. HARKIN), the Senator from Michigan (Mr. LEVIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 3375 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3377

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 3377 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3380

At the request of Mr. NELSON of Florida, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of amendment No. 3380 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3391

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 3391 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3393

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of amendment No. 3393 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3395

At the request of Mrs. LINCOLN, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Georgia (Mr. ISAKSON) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 3395 intended to be proposed to H. R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3396

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of amendment No. 3396 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3397

At the request of Mr. ROCKEFELLER, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 3397 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Mr. VOINOVICH, Ms. KLOBUCHAR, Mr. BROWN, of Ohio, Mr. FRANKEN, Ms. STABENOW, and Mr. DURBIN):

S. 3073. A bill to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes; to the Committee on Environment and Public Works.

Mr. LEVIN. Today, I introduced the Great Lakes Ecosystem Protection Act as co-chair of the Great Lakes Task Force with Senator GEORGE VOINOVICH and several of our colleagues here in the Senate and in the House. This bill is important for our efforts to protect and restore the Great Lakes now and for future generations. The Great Lakes are vital not only to Michigan but to the nation. Roughly 1/10 of the U.S. population lives in the Great Lakes basin and depends daily on the lakes. The Great Lakes provide drinking water to 40 million people in the U.S. and Canada. They provide the largest recreational resource for their 8 neighboring States. They form the largest body of freshwater in the world, containing roughly 18 percent of the world's total. Only the polar ice caps contain more freshwater. They are critical for our economy by helping move natural resources to the factory and to move products to market.

While the environmental protections that were put in place in the early 1970s have helped the Great Lakes make strides toward recovery, a 2003 GAO report made clear that there is much work still to do. That report stated: ''Despite early success in improving conditions in the Great Lakes Basin, significant environmental challenges remain, including increased threats from invasive species and cleanup of areas contaminated with toxic substances that pose human health threats.'' More recently, many scientists reported that the Great Lakes are exhibiting signs of stress due to a combination of sources, including toxic contaminants, invasive species, nutrient loading, shoreline and upland land use changes, and hydrologic modifications. A 2005 report from a group of Great Lakes scientific experts states that ''historical sources of stress have combined with new ones to reach a tipping point, the point at which ecosystem-level changes occur rapidly and unexpectedly, confounding the traditional relationships between sources of stress and the expected ecosystem response.''

Asian carp represents a massive threat and a number of important actions are required to deal with it. The zebra mussel, an aquatic invasive species, caused $3 billion in economic damage to the Great Lakes from 1993 to 2003. In 2000, 7 people died after pathogens entered the Walkerton, Ontario drinking water supply from the lakes. In May of 2004, more than 10 billion gallons of raw sewage and storm water were dumped into the Great Lakes. In that same year, more than 1,850 beach closures in the Great Lakes. Each summer, Lake Erie develops a 6,300 square mile dead zone. There is no appreciable natural reproduction of lake trout in the lower four lakes. More than half of the Great Lakes region's original wetlands have been lost, along with 60 percent of the native forests. Wildlife habitat has been destroyed, diminishing opportunities necessary for fishing, hunting and other forms of outdoor recreation.

These problems have been well known for several years, and this bill is an effort to address those problems. First, the bill authorizes the President's Great Lakes Restoration Initiative, a multi-agency effort, which provides the needed federal funds to federal programs as well as non-federal partners through grants.

Building on past success, there are a number of programs that need to be authorized and reauthorized in federal law. For instance, the bill authorizes the Great Lakes Interagency Task Force, established by Executive Order in 2004, so that the many federal agencies operating in the Great Lakes will coordinate with each other. Restoring the Great Lakes involves many stakeholders including the Federal Government, states, cities, tribes and others, and Congress needs to be sure that the Federal agency efforts are in order.

The bill also reauthorizes and expands the Great Lakes Legacy program which has been extremely successful and has cleaned up about 900,000 cubic yards of contaminated sediments at Areas of Concern throughout the Great Lakes. This is a partnership program which requires a non-federal cost-share to address the legacy of contaminated sediment in our region. The Legacy program expires at the end of 2010.

The bill reauthorizes the EPA's Great Lakes National Program Office which has been and will continue to be a key to moving forward with Great Lakes protection and restoration. This office has been the lead in renegotiating the Great Lakes Water Quality Agreement, implementing the Great Lakes Legacy program, and implementing its own grant program.

Finally, the Great Lakes region needs a process for advising the EPA and other Federal agencies on Great Lakes matters. While there have been various advisory groups that have been pulled together over the years, there has never been a standing advisory entity, and that has been a gap in the governance and management of the Great Lakes. This bill authorizes a new advisory group to provide expertise to the EPA on goals and priorities for Great Lakes restoration and protection.

The Great Lakes are a unique American treasure. We are but their temporary stewards. We must be good stewards by doing all we can to ensure that the Federal Government meets its ongoing obligation to protect and restore the Great Lakes.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 3075. A bill to withdraw certain Federal land and interests in that land from location, entry, and patent under

the mining laws and disposition under the mineral and geothermal leasing laws; to the Committee on Energy and Natural Resources.

Mr. BAUCUS. Mr. President, today I rise to talk about one of the most magnificent, the most inspiring places on Earth, the Flathead region of Montana. The landscape in this area is so vast, so unique, it is hard to put into words. But let me feebly attempt to describe the aura of colors you see as the Sun rises over the deep blue of Lake McDonald. Words cannot capture the joyful screams of families shooting down the Middle Fork of the Flathead through rapids with names like ''Bone Crusher'' and ''Could be Trouble.''

Words cannot do justice to the awe that comes from almost touching Montana's legendary Big Sky at the top of Heavens Peak. The Flathead region, there is nothing like it. It is the crown of the continent. It is God's country. It is Montana.

There is one particular area of this region that holds a special place in my heart; that is, the North Fork of the Flathead River. When I was a freshman Member of the House of Representatives, I took a hike with my friends, Jack Stanford and Ric Hauer, to the top of Mount Harding.

Mount Harding is a little ways from the Flathead River, but this hike captured the feelings I have for the area. Thirty-five years ago, I still remember that hike, and I am not alone.

Similar to everyone who ventures into the Flathead, every Montanan, every American, every Canadian, everyone who happens to be touched by the beauty of this place could not help but be stunned by the beauty of a place carved by glaciers a millennia ago and still untouched by modern development.

That day on the Flathead, each of us knew we must do everything we could to protect this one-of-a-kind landscape for our children and our children' children. I would say, at that time, 35 years ago as a Member of the House, very proudly enacted the first multiyear environmental impact statement baseline study so we could assess what future impacts might be in the area, whether it was Federal, State, private or from British Columbia, just north, whatever it might be, so we knew what we had to do to protect the area.

That promise has not always been easy to keep. Back then, I was so determined to protect this area, I flew up to Toronto and met with a fellow named Ron Sadler. Rod Sadler was president of Sage Creek.

I was like a young lawyer, armed with tons of questions and depositions, and kept asking him—I kept asking him all these questions: What is your intention here? What is your intention there? This is such a special place. He is like: Why are you asking me all those questions?

I explained: This is so special, I am going to do everything I can to protect it. The reason is because of the potential mining across the border, the place where all the water and the pollution would flow south into the North Fork of the Flathead. All the environmental degradation from that flowed south, but all the economic benefit would flow north. So, for me, I will not let this happen. I said to myself: I am going to protect this as much as I possibly can.

For decades, the Flathead has been threatened by mining proposals in British Columbia. Over the years, coal mining, coalbed methane extraction, and gold mining have all been successfully beaten back. It has been a coordinated effort, one I am very proud to be a part of, to help protect the area. We have been working so hard.

Finally, the Premier of British Columbia made a historic decision. He persuaded his Parliament to pass a resolution to protect and prevent any mining development in the North Fork. He made that on the eve of the Olympics. The Olympics—Mount Whistler and that part, the southern part of British Columbia, he made that decision just before the Olympics. I was overjoyed. I called him up, and I said: Mr. Premier, I cannot tell you how happy I am that you have done this. It means so much to Montanans, and we will do our part too.

That is when I told him my plan. My plan, the legislation Senator TESTER and I introduced today, will ban future mining, oil and gas, and coalbed methane development on the American side of the border; that is, in the Flathead National Forest, a portion of the North Fork watershed which is over 90 percent federally owned. Senator TESTER and I have also pledged to work to retire the existing leases to protect this area once and for all.

Many folks know about a book written by Norman McLean. Norman McLean wrote a story about Montana entitled ''A River Runs Through It.'' Though McLean's story focuses on another Montana river, the Blackfoot, also very special, I think the final line from his book resonantes here as well. This is what McLean wrote:

> Eventually, all things merge into one, and a river runs through it. The river was cut by the world's great flood, and runs over rocks from the basement of time. . . . I am haunted by waters.

I am very proud to be here today to introduce the North Fork Watershed Protect Act and ask my colleagues to join me in preserving these waters and the land that surrounds them so that every generation across the country, across the world, has the privilege of being so haunted by Montana's waters.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. WHITEHOUSE, Mr. REED, and Mr. SANDERS):

S. 3078. A bill to provide for the establishment of a Health Insurance Rate Authority to establish limits on premium rating, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation to create a Health Insurance Rate Authority and rate review process to protect American consumers from unfair health insurance rate increases.

This legislation is based on an amendment I filed during the health reform debate. While it was not included in the reform legislation that passed the Senate, I strongly believe consumers need additional protections from insurance company abuses now.

I am pleased that President Obama has included it in his health reform proposal, and I look forward to continuing to work with the administration to see that this bill becomes law.

This bill ensures that all American consumers are protected by a rate review process, not just those in states with aggressive laws.

This legislation requires companies to submit justifications for unreasonable increases in premiums, using a process that will be established by the Secretary, in conjunction with States.

The bill gives the Secretary of HHS authority to deny or modify premium increases or other rate increases, like deductibles, that are found to be unjustified. State Insurance Commissioners will retain this power in states in which they have sufficient authority and capability.

To help the Secretary with this process, the legislation establishes a Health Insurance Rate Authority as an advisory body for all the Secretary's rate review responsibilities.

Health insurance companies continue to demonstrate their willingness to slap consumers with astronomical increases in their health insurance rates.

Anthem Blue Cross has notified thousands of Californians that they will face rate increases of as much as 39 percent. Meanwhile, WellPoint, the corporate parent of Anthem Blue Cross, earned a $4.7 billion profit in 2009.

I find this unbelievable. Imagine the typical family, or individual, trying to find the money to pay 39 percent more for health care coverage. Especially during these difficult economic times, with so much uncertainty. Meanwhile, the health insurance company is doing better than ever.

I would like to share a few of the letters and comments I have received from Californians that vividly describe what these increases mean to them.

Arthur Hirsch, 63, and his wife Eileen have had Blue Cross for 30 years. They live in Laguna Beach and own a small business. They recently received notice that their monthly premiums would increase from $787 per month to $1,035 per month. Arthur said he was told that he could raise his annual deductible to $5,000 or higher to keep the premium increases down. But he said he fears he is stuck with the policy. He said: ''I can't leave my assets and my family uncovered. If something happens . . . well that's what insurance is about.''

A Monterey, CA couple recently found out their premiums with Anthem

Blue Cross will increase 36 percent—from $734 a month to $998 a month. They own an antique print business. The economy has hurt sales—their 2008 gross household income was $42,000, and they don't expect their income will increase much in 2009 or 2010. More than 25 percent of their household income goes toward premiums—far more than their mortgage. They are wondering if they should go into debt, use the equity in their home or withdraw money from their retirement accounts to pay for the rate hikes. Because of pre-existing conditions, the woman is a breast cancer survivor, they don't believe they can get a more affordable policy elsewhere.

A family of four from Pacific Palisades, California, has a $5,000 per person deductible. They pay $917 per month premiums for the family—$11,000 per year. Their insurance plus out of pocket expenses were more than 25 percent of the family's gross income for each of the past 2 years and no member of the family ever satisfied the deductible. They just received notice that their premium will go up 38 percent, to $1,263 per month. Anthem offered this family another deal: increase premium payments just 10 percent to $1,011 a month if the family agrees to an increased deductible of $7,500 per person. The father in the family hasn't had a checkup in 6 years. He's 56 years old.

This is not how our system should function.

In some States, insurance commissioners have the authority to review health insurance rates and increases, and block the rates that are found to be unjustified. According to a 2008 Families USA report, 33 States have some form of a prior approval process for premium increases.

The same report describes several notable successes among states that use this process, including: Regulators in North Dakota were able to reduce 37 percent of the proposed rate increases filed by insurers.

Maryland used their State laws to block a 46 percent premium increase after a company charged artificially low rates for 2 years. The decision was upheld in court.

New Hampshire regulators were able to reduce a proposed 100 percent rate increase to 12.5 percent.

But in other States, including California, insurance commissioners do not have this ability. Instead, my State's insurance commissioner has had to ask Anthem/Blue Cross to delay its proposed increase in premiums. He has no authority to order this delay.

Some States have laws like this on the books, but do not have sufficient resources to review all the rate changes that insurance companies propose.

Consumers deserve full protection from unfair rate increases, no matter where they live.

This legislation ensures that all Americans have some level of basic protection. The bill is based in part on a provision included in the Senate's version of health reform legislation, which required insurance companies to submit justifications and explain increases in premiums. They must submit these justifications to the Secretary of Health and Human Services, and they must make these justifications available on their website.

The bill asks the National Association of Insurance Commissioners to produce a report, detailing the rate review laws and capabilities in all 50 States. The Secretary of HHS will then use these findings to determine which States have the authority and capability to undertake sufficient rate reviews to protect consumers.

In States where Insurance Commissioners have authority to review rates, they will continue to do so.

In States without sufficient authority or resources, the Secretary of HHS will review rates, and take any appropriate action to deny unfair requests.

This could mean blocking unjustified rate increases, or requiring rebates, if an unfair increase is already in effect.

This will provide all American consumers with another layer of protection from an unfair premium increase.

The amendment would also require the Secretary of Health and Human Services to establish a Health Insurance Rate Authority as part of the process in the bill that enables her to monitor premium costs.

The Rate Authority would advise the Secretary on insurance rate review and would be composed of seven officials that represent the full scope of the health care system including: at least two consumers; at least one medical professional; and one representative of the medical insurance industry.

The remaining members would be experts in health economics, actuarial science, or other sectors of the health care system.

The Rate Authority will also issue an annual report, providing American consumers with basic information about how insurance companies are behaving in the market. It will examine premium increases by State, as well as medical loss ratios, reserves and solvency of companies, and other relevant behaviors.

This data will give consumers better information, enabling them to make better choices and avoid purchasing plans from companies that do not provide them the best value for their dollar.

This concern about premium increases stems from the fact that we are the only industrialized nation that relies heavily on a for-profit medical insurance industry to provide basic health care. I believe, fundamentally, that all medical insurance should be not for profit.

The industry is focused on profits, not patients. It is heavily concentrated, leaving consumers with few alternatives when their premiums do increase.

As of 2007, just two carriers—WellPoint and UnitedHealth Group—had gained control of 36 percent of the national market for commercial health insurance.

Since 1998, there have been more than 400 mergers of health insurance companies, as larger carriers have purchased, absorbed, and enveloped smaller competitors.

In 2004 and 2005 alone, this industry had 28 mergers, valued at more than $53 billion. That is more merger activity in health insurance than in the 8 previous years combined.

Today, according to a study by the American Medical Association, more than 94 percent of American health insurance markets are highly concentrated, as characterized by U.S. Department of Justice guidelines. This means these companies could raise premiums or reduce benefits with little fear that consumers will end their contracts and move to a more competitive carrier.

In my State of California just two companies, WellPoint and Kaiser Permanente, control more than 58 percent of the market. In Los Angeles, the top two carriers controlled 62 percent of the market as of 2008.

Record levels of market concentration have helped generate a record level of profit increases.

Between 2000 and 2007, profits at 10 of the largest publicly-traded health insurance companies soared 428 percent—from $2.4 billion in 2000 to $12.9 billion in 2007.

The CEOs at these companies took in record earnings. In 2007, these 10 CEOs made a combined $118.6 million.

The CEO of CIGNA took home $25.8 million.

The CEO of Aetna took home $23 million.

The CEO of UnitedHealth took home $13.2 million and the CEO of WellPoint took home $9.1 million.

Even last year, a time of enormous economic distress for average Americans, was a good year for the health insurance industry. According to Health Care for America Now!, the 5 largest health insurers—WellPoint, United Health, Humana, Cigna, Aetna—saw profits increase 56 percent from 2008 to 2009, from $7.7 billion to $12.1 billion. Only Aetna saw their profits decrease.

Yet we see insurance companies like Anthem/Blue Cross, owned by Well Point, increasing consumer premiums.

Frankly, I would go further than this legislation if I could: I believe the health insurance industry should be non-profit. There is no reason that any company or shareholder should make a penny off of basic health care coverage for our citizens.

But we do have a system that heavily relies on for-profit insurance companies. Regardless of the outcome of the broader debate on health care reform, that is unlikely to change.

So this bill becomes very necessary. Premiums are increasing every day, and people in many states have no recourse, and no way to know if a particular increase is unfair.

This cannot continue. I urge my colleagues to join me in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3078

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 ''Health Insurance Rate Authority Act of 2010''.

SEC. 2. ENSURING THAT CONSUMERS GET VALUE FOR THEIR DOLLARS.

(a) IN GENERAL.—Part C of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–91 et seq.) is amended by adding at the end the following:

''SEC. 2793. ENSURING THAT CONSUMERS GET VALUE FOR THEIR DOLLARS.

''(a) INITIAL RATE REVIEW PROCESS.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT.—The Secretary, in conjunction with States, shall establish a uniform process for the review, beginning with the 2011 plan year, of potentially unreasonable increases in rates for health insurance coverage, which shall include premiums.

''(B) ELECTRONIC REPORTING.—The process established under subparagraph (A) shall include an electronic reporting system established by the Secretary through which health insurance issuers shall—

''(i) report to the Secretary and State insurance commissioners the information requested by the Secretary pursuant to this subsection; and

''(ii) submit data to the uniform data collection system in accordance with paragraph (6)(A).

''(C) AUTHORITY OF STATES.—Nothing in subparagraph (A) or (B) shall be construed to prohibit a State from imposing additional requirements on health insurance issuers with respect to increases in rates for health insurance coverage, including with respect to reporting information to a State.

''(2) JUSTIFICATION AND DISCLOSURE.—The process established under paragraph (1) shall require health insurance issuers to submit to the Secretary and the relevant State a justification for a potentially unreasonable rate increase prior to the implementation of the increase. Such issuers shall prominently post such information on their Internet websites. The Secretary shall ensure the public disclosure of information on such increases and justifications for all health insurance issuers.

''(3) HEALTH INSURANCE RATE AUTHORITY.—

''(A) IN GENERAL.—The Secretary shall establish a Health Insurance Rate Authority (referred to in this paragraph as the 'Authority') to be composed of 7 members to be appointed by the Secretary, of which—

''(i) at least 2 members shall be a consumer advocate with expertise in the insurance industry;

''(ii) at least 1 member shall be an individual who is a medical professional;

''(iii) at least 1 member shall be a representative of health insurance issuers; and

''(iv) such remaining members shall be individuals who are recognized for their expertise in health finance and economics, actuarial science, health facility management, health plans and integrated delivery systems, reimbursement of health facilities, and other related fields, who provide broad geographic representation and a balance between urban and rural members.

''(B) ROLE.—In addition to the other duties of the Authority set forth in this subsection, the Authority shall advise and make recommendations to the Secretary concerning the Secretary's duties under this subsection.

''(4) CORRECTIVE ACTION FOR UNREASONABLE RATE INCREASES.—

''(A) IN GENERAL.—Pursuant to the procedures set forth in this paragraph, the Secretary or the relevant State insurance commissioner shall—

''(i) in accordance with the process established under paragraph (1), review potentially unreasonable increases in rates and determine whether such increases are unreasonable; and

''(ii) take action to ensure that any rate increase found to be unreasonable under clause (i) is corrected, through mechanisms including—

''(I) denial of the rate increase;

''(II) modification of the rate increase;

''(III) ordering rebates to consumers; or

''(IV) any other actions that correct for the unreasonable increase.

''(B) REQUIRED REPORT; DEFINITION.—The Secretary shall ensure that, not later than 6 months after the date of enactment of this section, the National Association of Insurance Commissioners (referred to in this section as the 'Association'), in conjunction with States, or other appropriate body, will provide to the Secretary and the Authority—

''(i) a report on—

''(I) State authority to review rates and take corrective action in each insurance market, and methodologies used in such reviews;

''(II) rating requests received by the State in the previous 12 months and subsequent actions taken by States to approve, deny, or modify such requests; and

''(III) justifications by insurance issuers for rate requests; and

''(ii)(I) a recommended definition of unreasonable rate increase, which shall consider a lack of actuarial justification for such increase; and

''(II) other recommended definitions for the purposes of carrying out this subsection.

''(C) DETERMINATION OF WHO CONDUCTS REVIEWS FOR EACH STATE.—Using the report submitted pursuant to subparagraph (B), the Secretary shall determine not later than 1 year after the date of enactment of this section and periodically thereafter—

''(i) for which States the State insurance commissioner shall undertake the actions described in subparagraph (A)—

''(I) based on the Secretary's determination that the State has sufficient authority and capability to deny rates, modify rates, provide rebates, or take other corrective actions; and

''(II) as a condition of receiving a grant under subsection (c)(1); and

''(ii) for which States the Secretary shall undertake the actions described in subparagraph (A), in consultation with the relevant State insurance commissioner, based on the Secretary's determination that such States lack the authority and capability described in clause (i).

''(D) TRANSITION PERIOD.—Until the Secretary makes the determinations described in subparagraph (C), the relevant State insurance commissioner shall, as a condition of receiving a grant under subsection (c)(1), carry out the actions described in subparagraph (A) to the extent permissible under State law.

''(5) PRIORITIZING POTENTIALLY UNREASONABLE RATE INCREASES FOR REVIEW.—The Secretary or the relevant State insurance commissioner may prioritize—

''(A) rate increases that will impact large numbers of consumers;

''(B) rate reviews requested from States, if applicable; and

''(C) rate reviews in the individual and small group markets.

''(6) ANNUAL REPORT.—

''(A) UNIFORM DATA COLLECTION SYSTEM.—The Secretary, in consultation with the Association and the Authority, shall develop, and may contract with the Association to operate, a uniform data collection system for new and increased rate information, which shall include information on rates, medical loss ratios, consumer complaints, solvency, reserves, and any other relevant factors of market conduct.

''(B) PREPARATION OF ANNUAL REPORT.—Using the data obtained in accordance with subparagraph (A), the Authority shall annually produce a single, aggregate report on insurance market behavior, which includes at least State-by-State information on rate increases from one year to the next, including by health insurance issuer and by market and including medical trends, benefit changes, and relevant demographic changes.

''(C) DISTRIBUTION.—The Authority shall share the annual report described in subparagraph (B) with States, and include such report in the information disclosed to the public.

''(b) CONTINUING RATE REVIEW PROCESS.—As a condition of receiving a grant under subsection (c)(1), a State, through the applicable State insurance commissioner, shall provide the Secretary with information about trends in rate increases in health insurance coverage in premium rating areas in the State, in accordance with the uniform data collection system established under subsection (a)(6)(A).

''(c) GRANTS IN SUPPORT OF PROCESS.—

''(1) RATE REVIEW GRANTS.—The Secretary shall carry out a program to award grants to States beginning with fiscal year 2010 to assist such States in carrying out subsection (a), including—

''(A) in reviewing and, if appropriate under State law, approving or taking corrective action with respect to rate increases for health insurance coverage; and

''(B) in providing information to the Secretary under subsection (b).

''(2) FUNDING.—

''(A) IN GENERAL.—There is authorized to be appropriated to the Secretary $250,000,000, to be available for expenditure for grants under paragraph (1).

''(B) ALLOCATION.—The Secretary shall establish a formula for determining the amount of any grant to a State under this subsection. Under such formula—

''(i) the Secretary shall consider the number of plans of health insurance coverage offered in each State and the population of the State; and

''(ii) no State qualifying for a grant under paragraph (1) shall receive more than $5,000,000 for a grant year.

''(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount authorized under subsection (c)(2), there are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2010 and such sums as may be necessary for each subsequent fiscal year.''.

(b) ENFORCEMENT.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended—

(1) in section 2722—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''and section 2793'' after ''this part''; and

(ii) in paragraph (2), by inserting ''or section 2793'' after ''this part''; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting ''and section 2793'' after ''this part''; and

(ii) in paragraph (2), by inserting ''or section 2793'' after ''this part'' each place such term appears; and

(2) in section 2761—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''and section 2793'' after ''this part''; and

(ii) in paragraph (2)—

(I) by inserting ''or section 2793'' after ''set forth in this part''; and

(II) by inserting ''and section 2793'' after ''the requirements of this part''; and

(B) in subsection (b)—

(i) by inserting ''and section 2793'' after ''this part''; and

(ii) by inserting ''and section 2793'' after ''part A''.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

By Mr. MERKLEY (for himself, Mr. PRYOR, Mr. BROWN of Ohio, Ms. STABENOW, Mr. SANDERS, and Mr. CARDIN):

S. 3079. A bill to assist in the creation of new jobs by providing financial incentives for owners of commercial buildings and multifamily residential buildings to retrofit their buildings with energy efficient building equipment and materials and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MERKLEY. Mr. President, I rise today to introduce legislation to help create jobs and lower energy bills for businesses and multi-family residences. This bill would create a program called Building Star, designed to promote energy-saving commercial building renovations through rebates and low-cost financing options.

I believe, as do many of my colleagues, that energy efficiency should be a central component of our national energy policy because energy efficiency creates jobs, reduces our dependence on foreign oil, and reduces the pollution of our air and water. Central to the program we are proposing today is its ability to help businesses afford the upfront costs of energy-efficient renovations by helping state and local programs offer low-interest loans that can be paid back through savings on energy bills.

As we take action to put Americans back to work, we need to set our sights on programs that provide the biggest bang for our buck in terms of immediate job creation and set our economy up for future growth. Clean energy is not only the next great growth industry, but it's an engine for job creation today. Energy-efficiency programs like Building Star will put Americans to work in construction and manufacturing and save small businesses money as we strive for American energy independence.

I would like to thank Senator PRYOR for his leadership on this bill as well as Senators STABENOW, BROWN, and SANDERS in joining the push for a commonsense idea that can create jobs right away and pave the way for future growth in America's clean energy industry.

I would also like to recognize Senator WARNER's great leadership in developing Home Star, a parallel program that offers energy-efficiency assistance to homeowners. I am proud to stand with my forward-thinking colleagues, Senator BINGAMAN and Senator SANDERS in supporting Home Star and I look forward to continued discussions about how we can maximize the economic benefits of these valuable programs.

I would like to focus for a moment on the immediate positive impact that Building Star will have on our economy.

Building Star would begin creating jobs immediately and is projected to create as many as 150,000 jobs in some of the economy's hardest-hit sectors including construction, manufacturing, and distribution over the next 2 years.

Building Star will stimulate new jobs in the 55,000 construction and manufacturing firms that deal in building, mechanical and low-slope roof insulation, windows, and window films. Eighty-six percent of these firms are small businesses employing less than 20 people.

Building Star will maximize Federal investment by leveraging $2 to $3 in private investment for every Federal dollar spent, making it an excellent model for a public-private partnership and maximizing resource efficacy.

In addition, Building Star is expected to save building owners more than $3 billion annually on their energy bills by reducing enough peak electricity demand to avoid the need for 33 300-Megawatt power plants.

It will also reduce the pollution that contributes to climate change by 21 million metric tons each year, or the equivalent of nearly 4 million cars' emissions, according to the American Council for an Energy-Efficient Economy.

I urge my colleagues to recognize the outstanding opportunity that energy-efficiency renovations offer in putting Americans back to work, saving money for our working families, and moving us toward energy independence.

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. 3079

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 ''Building Star Energy Efficiency Act of 2010''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ASHRAE.—The term ''ASHRAE'' means the American Society of Heating, Refrigerating and Air-Conditioning Engineers.

(2) BUILDING ENVELOPE INSULATION.—The term ''building envelope insulation'' means thermal insulation for a building envelope (other than a low slope roof), as defined in ASHRAE Standard 90.1–2007 or 2009 IECC, as appropriate.

(3) CHILLER TONNAGE DOWNSIZING.—The term ''chiller tonnage downsizing'' means the quantity by which the tonnage rating of a replaced chiller exceeds the tonnage rating of a qualified replacement chiller.

(4) CLIMATE ZONE.—The term ''climate zone'' means a climate zone specified in ASHRAE Standard 90.1–2007.

(5) COMMERCIAL BUILDING.—

(A) IN GENERAL.—The term ''commercial building'' means a building that—

(i) is located in the United States; and

(ii) was in existence on December 31, 2009.

(B) EXCLUSIONS.—The term ''commercial building'' does not include—

(i) a federally owned building; or

(ii) a residential building.

(6) DUCT.—The term ''duct'' means HVAC ducts with respect to which pressure testing has been performed and, if necessary, leakage remediated, in accordance with sections 503.2.7.1.2 and 503.2.7.1.3 of the 2009 IECC.

(7) DUCT INSULATION.—The term ''duct insulation'' means thermal insulation of a HVAC duct.

(8) HVAC.—The term ''HVAC'' means heating, ventilation, and air conditioning.

(9) IECC.—The term ''IECC'' means the International Energy Conservation Code.

(10) MECHANICAL INSULATION.—The term ''mechanical insulation'' means thermal insulation installed, in accordance with applicable Federal, State, and local law, on mechanical piping and mechanical equipment.

(11) MULTIFAMILY RESIDENTIAL BUILDING.—

(A) IN GENERAL.—The term ''multifamily residential building'' means a structure of 5 or more dwelling units that—

(i) is located in the United States; and

(ii) was in existence on December 31, 2009.

(B) EXCLUSION.—The term ''multifamily residential building'' does not include a federally owned building.

(12) NFRC.—The term ''NFRC'' means the National Fenestration Rating Council.

(13) PROGRAM.—The term ''program'' means the Building Star Energy Efficiency Rebate Program of 2010 established under section 3.

(14) QUALIFIED BOILER.—The term ''qualified boiler'' means a new natural gas-fired, oil-fired, or wood or wood pellet boiler that—

(A) has a capacity of not less than 300,000, and not more than 5,000,000, Btu per hour;

(B) replaces an operational boiler in a commercial building or multifamily residential building; and

(C) meets or exceeds—

(i) in the case of a natural gas-fired boiler, 90 percent thermal efficiency;

(ii) in the case of an oil-fired boiler, 85 percent thermal efficiency; and

(iii) in the case of a wood or wood pellet boiler, 75 percent thermal efficiency.

(15) QUALIFIED BUILDING ENVELOPE INSULATION.—The term ''qualified building envelope insulation'' means the installation or repair of building envelope insulation to meet or exceed ASHRAE Standard 90.1–2007 or 2009 IECC in a commercial building or multifamily residential building.

(16) QUALIFIED ENERGY AUDIT.—The term ''qualified energy audit'' means an ASHRAE Level II energy audit or equivalent of a commercial building or multifamily residential building that is designed to identify all cost-effective energy efficiency measures.

(17) QUALIFIED ENERGY-EFFICIENT BUILDING OPERATION AND MAINTENANCE TRAINING.—The term ''qualified energy-efficient building operation and maintenance training'' means—

(A) the training of a superintendent or operator of a commercial building or multifamily residential building; and

(B) resultant—

(i) Level 1 or Level 2 Building Operator Certification for commercial building operators; or

(ii) certification as a Multifamily Building Operator by the Building Performance Institute for residential building operators.

(18) QUALIFIED ENERGY MONITORING AND MANAGEMENT SYSTEM.—The term ''qualified energy monitoring and management system'' means a system that—

(A) is installed in a commercial building or multifamily residential building;

(B) uses a combination of computers, computer software, control equipment, and instrumentation to monitor and manage or submeter the energy use of a building, such as heating, ventilation, air conditioning, and lighting;

(C) provides reporting of information to the building owner or operator to enable refinement of building operation and energy usage; and

(D) is covered by a service contract with a duration of not less than 1 year for system monitoring or maintenance, including all maintenance recommended by the equipment manufacturer.

(19) QUALIFIED EXTERIOR LIGHTING.—The term ''qualified exterior lighting'' means exterior lighting that—

(A) replaces operational exterior lighting at a commercial building or multifamily residential building; and

(B) achieves a reduction of 20 percent or more in annual energy use as compared to the lighting that was replaced, as determined in accordance with section 3(c)(7)(B).

(20) QUALIFIED FURNACE.—The term ''qualified furnace'' means a new natural gas furnace or a wood or wood pellet furnace that—

(A) replaces an operational furnace in a commercial building or multifamily residential building;

(B) in the case of natural gas, meets or exceeds 90 percent thermal efficiency; and

(C) in the case of a wood or wood pellet furnace, meets or exceeds 75 percent thermal efficiency.

(21) QUALIFIED HIGH-EFFICIENCY WINDOW FILMS AND SCREENS.—The term ''qualified high-efficiency window films and screens'' means window films and screens that—

(A) are permanently affixed to windows or window frames in a commercial building or multifamily residential building;

(B) have a Luminous Efficacy (which is Visible Light Transmittance, as certified to NRFC standards divided by SHGC) of 1.1 or greater; and

(C) have a SHGC that meets or is better than the applicable requirements of the following table (as certified to NFRC standards):

Climate Zones	1	2	3	4	5	6	7	8
SHGC	.25	.25	.25	.40	.40	.40	.45	.45

(22) QUALIFIED HVAC TESTING, BALANCING, AND DUCT SEALING.—The term ''qualified HVAC testing, balancing, and duct sealing'' means work performed in a commercial building or multifamily residential building by individuals with an ANSI-accredited certification in HVAC testing—

(A) to pressure-test HVAC ducts;

(B) to balance air flow; and

(C) to identify all leaking ducts and remediate the leakage to the appropriate leakage class, in accordance with sections 503.2.7.1.2 and 503.2.7.1.3 of the 2009 IECC.

(23) QUALIFIED INTERIOR LIGHTING.—The term ''qualified interior lighting'' means new interior lighting that—

(A) replaces operational interior lighting in a commercial building or multifamily residential building; and

(B) achieves an installed power reduction of 25 percent or more as compared to the installed power of the lighting that was replaced, as determined in accordance with section 3(c)(6)(B).

(24) QUALIFIED LOW SLOPE ROOF INSULATION.—The term ''qualified low slope roof insulation'' means a retrofit that—

(A) adds new insulation to a roof on a commercial building or multifamily residential building if the roof insulation is entirely above deck, as defined in ASHRAE Standard 90.1–2007 or 2009 IECC; and

(B) meets or exceeds the R-values for the applicable climate zone in the following table:

Climate Zones	1	2	3	4	5	6	7	8
R-Value	20	25	25	25	25	30	35	35

(25) QUALIFIED MECHANICAL INSULATION.—The term ''qualified mechanical insulation'' means the installation or repair of mechanical or duct insulation to meet or exceed ASHRAE Standard 90.1–2007 or 2009 IECC in a commercial building or multifamily residential building.

(26) QUALIFIED REPLACEMENT CHILLER.—The term ''qualified replacement chiller'' means a water-cooled chiller that—

(A) is certified to meet efficiency standards effective on January 1, 2010, as defined in table 6.8.1c in Addendum M to Standard 90.1–2007 of ASHRAE; and

(B) replaces a chiller that—

(i) was installed before January 1, 1993;

(ii) uses chlorofluorocarbon refrigerant; and

(iii) until replaced by a new chiller, has remained in operation and used for cooling a commercial building.

(27) QUALIFIED RETRO COMMISSIONING STUDY.—The term ''qualified retro commissioning study'' means a commissioning study of building energy systems that is—

(A) conducted consistent with the guidelines in the Retro Commissioning Guide for Building Owners prepared for—

(i) the Environmental Protection Agency; or

(ii) the document entitled ''California Commissioning Guide: Existing Buildings'' published by the California Commissioning Collaborative; and

(B) performed by a service provider with—

(i) an ASHRAE Commissioning Process Management Professional certification; or

(ii) a Building Commissioning Association Certified Commissioning Professional certification.

(28) QUALIFIED SERVICE ON COOLING SYSTEMS.—

(A) IN GENERAL.—The term ''qualified service on cooling systems'' means periodic maintenance service on a central air conditioner that—

(i) is located in a commercial building or multifamily residential building; and

(ii) has a capacity of not less than 2 tons.

(B) INCLUSIONS.—The term ''qualified service on cooling systems'' includes—

(i) a cleaning of a condenser coil;

(ii) a check of system pressure;

(iii) an inspection and replacement of a filter;

(iv) an inspection and replacement of a belt;

(v) an inspection and repair of an economizer;

(vi) an inspection of a contractor;

(vii) an inspection of an evaporator;

(viii) an evaluation of a compressor ampere draw;

(ix) an evaluation of supply motor amp draw;

(x) an evaluation of a condenser fan amp draw;

(xi) an evaluation of liquid line temperature;

(xii) an evaluation of suction pressure and temperature;

(xiii) an evaluation of oil level and pressure;

(xiv) an inspection of low pressure controls and high pressure controls;

(xv) an evaluation of crankcase heater operation;

(xvi) a cleaning of chiller condenser tubes;

(xvii) a cleaning of chiller evaporator tubes; or

(xviii) a check, and if necessary, correction of a refrigerant charge and system airflow to conform to manufacturer specifications.

(29) QUALIFIED SERVICE ON SPACE HEATING EQUIPMENT.—

(A) IN GENERAL.—The term ''qualified service on space heating equipment'' means the periodic maintenance service on a boiler, unit heaters make-up air unit, heat pump, furnace, or industrial space heating equipment with forced or induced draft combustion that is located in a commercial or multifamily residential building.

(B) INCLUSIONS.—The term ''qualified service on space heating equipment'' includes—

(i) cleaning all heat exchange surfaces and checking and calibrating all system controls; and

(ii) combustion efficiency tests and stack temperature measurements conducted before and after the service.

(30) QUALIFIED UNITARY AIR CONDITIONER.—The term ''qualified unitary air conditioner'' means a new 3 phase unitary air conditioner that—

(A) replaces an operational air conditioner or heat pump in a commercial building or multifamily residential building; and

(B) meets or exceeds Consortium for Energy Efficiency Tier 1 efficiency standards as in effect on January 1, 2010.

(31) QUALIFIED UNITARY HEAT PUMP.—The term ''qualified unitary heat pump'' means a new 3 phase unitary heat pump that—

(A) replaces an operational air conditioner or heat pump in a commercial building or multifamily residential building; and

(B) meets or exceeds Consortium for Energy Efficiency Tier 1 level of efficiency as in effect on January 1, 2010.

(32) QUALIFIED VARIABLE SPEED DRIVE.—The term ''qualified variable speed drive'' means a new electronic variable speed drive that—

(A) is added to an operational motor in a—

(i) chilled water pump;

(ii) cooling tower fan;

(iii) fume hood exhaust or makeup fan;

(iv) hot water pump;

(v) exhaust fan;

(vi) chiller compressor; or

(vii) supply, return, or exhaust fan on a variable-air volume unit that is located in a commercial building or multifamily residential building and operates not less than 2,000 hours annually;

(B) is controlled automatically by a building automation system, process control system, or local controller driven by differential pressure, flow, temperature, or another variable signal; and

(C) incorporates a series reactor for power factor correction.

(33) QUALIFIED WATER HEATER.—The term ''qualified water heater'' means a new natural gas or electric storage water heater with a capacity of 75,000 Btu/hour or greater, or a tankless water heater with a capacity of 200,000 Btu/hour or greater, that replaces an operational water heater in a commercial building or multifamily residential building and meets or exceeds—

(A) in the case of a natural gas water heater, 90 percent thermal efficiency;

(B) in the case of an electric water heater—

(i) a 2.5 Coefficient of Performance; or

(ii) a 2.0 Energy Factor; and

(C) in the case of a wood or wood pellet water heater, 75 percent thermal efficiency.

(34) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(35) SHGC.—The term ''SHGC'' means the Solar Heat Gain Coefficient.

(36) TIER 1 QUALIFIED WINDOW.—The term ''tier 1 qualified window'' means a new window that—

(A) replaces an existing window in a commercial building or multifamily residential building; and

(B) meets or is better than—

(i) the applicable U-factor and SHGC requirements (both certified to NFRC standards) in the following table:

Climate Zones	1	2	3	4	5	6	7	8
U-Factor	.57	.57	.40	.35	.35	.35	.35	.35
SHGC	.25	.25	.25	.40	.40	.40	.45	.45

; and

(ii) in the case of a window with impact-rated glazing in climate zone 1, a U-factor of 1.20.

(37) TIER 2 QUALIFIED WINDOW.—The term ''tier 2 qualified window'' means a new window that—

(A) replaces an existing window in a commercial building or multifamily residential building; and

(B) meets or is better than—

(i) the applicable U-factor and SHGC requirements (both certified to NFRC standards) in the following table:

Climate Zones	1	2	3	4	5	6	7	8
U-Factor	.32	.32	.30	.30	.30	.30	.30	.30
SHGC	.25	.25	.25	.26	.26	.35	.45	.45

; and

(ii) in the case of a window with impact-rated glazing in climate zone 1, a U-factor of 1.20.

SEC. 3. BUILDING STAR PROGRAM.

(a) ESTABLISHMENT.—There is established in the Department of Energy a program to be known as the ''Building Star Energy Efficiency Rebate Program of 2010'' under which the Secretary, in accordance with this section, shall issue rebates to building owners to offset a portion of the cost of purchasing and installing qualifying equipment or materials or undertaking qualifying services to enhance the energy efficiency of existing commercial buildings and multifamily residential buildings.

(b) REBATES FOR BUILDING ENVELOPE ENERGY EFFICIENCY MEASURES.—Rebates for the purchase and installation of qualifying insulation, windows, and qualified high-efficiency window films and screens in commercial or multifamily residential buildings shall be available in the following amounts:

(1) BUILDING ENVELOPE INSULATION.—For qualified building envelope insulation, a rebate of $0.60 per square foot of insulated area.

(2) LOW SLOPE ROOFING INSULATION.—For qualified low slope roofing insulation, a rebate of $0.80 per square foot of insulated roof area over conditioned space.

(3) MECHANICAL INSULATION.—For qualified mechanical insulation, rebates shall be the amounts specified in the following table:

Piping and Equipment Applications	Rebate
2″ Iron Pipe Size and below	$2.50 per equivalent lineal foot
2″ to 12″ Iron Pipe Size	$5.00 per equivalent lineal foot
Above 12″ Iron Pipe Size and equipment	$5.00 per square foot
HVAC Duct Applications	$1.00 per square foot

(4) WINDOWS.—

(A) TIER 1 QUALIFIED WINDOWS.—For Tier 1 qualified windows, a rebate of $150 per window.

(B) TIER 2 QUALIFIED WINDOWS.—For Tier 2 qualified windows, a rebate of $300 per window.

(5) HIGH-EFFICIENCY WINDOW FILMS AND SCREENS.—For qualified high-efficiency window films and screens, a rebate of $1.00 per square foot of treated glass enclosing a mechanically conditioned space.

(c) REBATES FOR ELIGIBLE EQUIPMENT INSTALLATION.—Rebates for the purchase and installation of qualifying new energy efficient equipment in commercial buildings or multifamily residential buildings shall be available in the following amounts:

(1) BOILERS.—For qualified boilers, rebates shall be the amounts specified in the following table:

Boiler Fuel	Rebate
Natural Gas-fired	$10 per thousand Btu per hour capacity
Oil-fired	$3 per thousand Btu per hour capacity
Wood or wood pellet boiler	$____ per thousand Btu per hour capacity

(2) FURNACES.—For qualified furnaces, rebates of $5 per thousand Btu per hour of capacity.

(3) WATER HEATERS.—For qualified water heaters, rebates shall be the amounts specified in the following table:

Energy Source	Rebate
Natural Gas	$8 per thousand Btu per hour capacity
Electricity	$20 per thousand Btu per hour of heat pump capacity
Wood or wood pellet water heater	$____ per thousand Btu per hour capacity

(4) UNITARY AIR CONDITIONERS AND HEAT PUMPS.—For qualified unitary air conditioners and qualified unitary heat pumps, rebates shall be the amounts specified in the following table:

Efficiency Level	Rebate
Consortium on Energy Efficiency Tier 1 efficiency standards (as in effect on January 1, 2010).	$100 per ton cooling capacity
Consortium on Energy Efficiency Tier 2 efficiency standards (as in effect on January 1, 2010).	$200 per ton cooling capacity

(5) VARIABLE SPEED DRIVES FOR MOTORS.—For qualified variable speed drives, rebates shall be the amounts specified in the following table:

Power Controlled (horsepower)	Rebate Level
<10 hp	$120/hp
10–100 hp	$80/hp
>100 hp	$40/hp

(6) INTERIOR LIGHTING.—

(A) IN GENERAL.—For qualified interior lighting, subject to subparagraphs (B) and (C), rebates based on reduced lighting power shall be the amounts specified in the following table:

25% or greater reduction in installed lighting power (as adjusted)	$0.25 per square foot of illuminated floor area affected
40% or greater reduction in installed lighting power (as adjusted)	$0.50 per square foot of illuminated floor area affected

(B) CALCULATION.—Reductions in installed lighting power resulting from installation of qualified interior lighting shall be calculated by determining the difference between—

(i) the product obtained by multiplying—

(I) the quantity of installed power (kW) for existing interior lighting; and

(II) the applicable control factor; and

(ii) the product obtained by multiplying—

(I) the quantity of installed power (kW) of the replacement interior lighting system; and

(II) the applicable control factor.

(C) CONTROL FACTORS.—For purposes of subparagraph (B), control factors for installed lighting controls shall be—

(i) for manual dimming controls, 0.9;

(ii) for occupancy sensors, 0.9;

(iii) for programmable multilevel dimming controls, 0.9;

(iv) for programmable multilevel dimming controls with programmable time scheduling, 0.85; and

(v) for daylight dimming controls, 0.75.

(7) EXTERIOR LIGHTING.—

(A) IN GENERAL.—For qualified exterior lighting, subject to subparagraphs (B) and (C), rebates based on reduced energy usage shall be the amounts specified in the following table:

20% or greater reduction in calculated annual energy usage	$0.40 per kWh reduction in calculated annual energy usage
40% or greater reduction in calculated annual energy usage	$1.00 per kWh reduction in calculated annual energy usage

(B) CALCULATION.—Reductions in annual energy usage resulting from installation of qualified exterior lighting shall be calculated by determining the difference between—

(i) the product obtained by multiplying—

(I) the quantity of installed power (kW) for existing exterior lighting;

(II) 4,000 operating hours per year; and

(III) the applicable control factor; and

(ii) the product obtained by multiplying—

(I) the quantity of installed power (kW) of the replacement exterior lighting system;

(II) 4,000 operating hours per year; and

(III) the applicable control factor.

(C) CONTROL FACTORS.—For purposes of subparagraph (B), control factors for installed lighting controls shall be—

(i) for 7-day time controls (with a provision for holiday schedule) if lighting is switched off a minimum of 4 hours per night, 0.75;

(ii) for motion sensors if lighting power is reduced by at least 40 percent after no activity has been detected for at least 20 minutes, 0.75; and

(iii) for remote monitoring and multilevel lighting controls, 0.60.

(8) QUALIFIED REPLACEMENT CHILLERS.—

(A) IN GENERAL.—For qualified replacement chillers, rebates shall be the sum of—

(i) the product obtained by multiplying—

(I) $150; and

(II) the tonnage rating of the replaced chiller; and

(ii) if all chilled water distribution pumps connected to the qualified replacement chiller include variable frequency drives, the product obtained by multiplying—

(I) $100; and

(II) any chiller tonnage downsizing.

(B) AUDITS.—As a condition of receiving a rebate for a qualified replacement chiller, an audit with requirements determined by the Secretary (not later than 45 days after the date of enactment of this Act) shall be performed on a building prior to installation of the qualified replacement chiller that identifies cost-effective energy-saving measures, particularly measures that could contribute to chiller tonnage downsizing.

(d) REBATES FOR ELIGIBLE ENERGY EFFICIENCY SERVICES.—Rebates for qualifying services to enhance the energy efficiency of commercial or multifamily residential buildings shall be available in the following amounts:

(1) ENERGY AUDIT AND RETRO COMMISSIONING STUDY.—

(A) IN GENERAL.—For qualified energy audits or qualified retro commissioning studies, subject to subparagraph (B), a rebate equal to the lesser of—

(i) $0.05 per square foot of audited or commissioned building space; or

(ii) 50 percent of the cost of the audit or study.

(B) AVOIDANCE OF DUPLICATION.—Rebates shall not be made for energy audits and retro commissioning studies under subparagraph (A) for the same building.

(2) ENERGY-EFFICIENT BUILDING OPERATIONS AND MAINTENANCE TRAINING.—For qualified energy-efficient building operation and maintenance training, a rebate of $2,000 per individual trained and certified.

(3) SERVICE ON SPACE HEATING EQUIPMENT.—For qualified service on space heating equipment, a rebate of $100 per unit serviced.

(4) SERVICE ON COOLING SYSTEMS.—For qualified service on cooling systems, a rebate equal to the lesser of—

(A) $2 per ton of nameplate capacity of the serviced cooling system; and

(B) 50 percent of the total service cost.

(5) ENERGY MONITORING AND MANAGEMENT SYSTEMS.—

(A) INSTALLATION.—For qualified energy monitoring and management systems installed in a commercial building or multifamily residential building that have analog controls (pneumatic or electronic), or if no control system exists, a rebate equal to the lesser of—

(i) $0.45 per square foot of building space covered by the qualified energy monitoring and management system; or

(ii) 50 percent of the total installation and commissioning costs.

(B) UPGRADING.—For upgrading an existing energy monitoring and management system in a commercial building or multifamily residential building to add submetering to all major individual loads, such as heating, ventilation, air conditioning, and lighting, a rebate equal to the lesser of—

(i) $0.15 per square foot of building space covered by the energy management system, or

(ii) 50 percent of the total installation cost.

(6) HVAC TESTING, BALANCING, AND DUCT SEALING.—For qualified HVAC testing, balancing, and duct sealing, a rebate of $0.75 per square foot of duct surface tested, balanced, and if necessary, sealed.

(e) ADMINISTRATION.—

(1) ELIGIBILITY PERIOD.—A rebate issued under the program shall be provided only in connection with qualifying equipment installations or services provided during the period beginning on the date of enactment of this Act and ending on December 31, 2011.

(2) COMBINATION WITH OTHER INCENTIVES.—The availability or use of a Federal, State, local, utility, or other incentive for any qualifying equipment installation or service shall not affect eligibility for rebates under the program.

(3) ADDITIONAL FEES.—A dealer, equipment installer, or service provider may not charge a person purchasing goods or services any additional fees associated with applying for a rebate under the program.

(4) LIMITATION ON TOTAL REBATES ISSUED.—The total value of rebates issued under the program may not exceed the amounts made available for the program.

(5) MAXIMUM REBATE.—The amount of any rebate paid to an applicant for any qualified measure under this section shall be the lesser of—

(A) the amount determined under subsection (b), (c), or (d); or

(B) ½ of the cost actually incurred by the applicant building owner to complete the measure that is eligible for the rebate.

(f) IMPLEMENTATION.—Notwithstanding section 553 of title 5, United States Code, not later than 30 days after the date of enactment of this Act, the Secretary shall, in consultation with the Secretary of the Treasury, establish rules and procedures to implement the program, including rules and procedures for—

(1) building owners or designees to submit applications (including forms) that—

(A) specify the proposed measures that qualify for a rebate and the total rebate requested; and

(B) require that the work be completed by licensed contractors or service providers in compliance with all applicable Federal, State and local building codes and standards;

(2) the Secretary—

(A) to consider applications; and

(B) to the extent that the Secretary determines that proposed measures will qualify for rebates under this section if undertaken and that there are sufficient uncommitted

funds to carry out the program, to issue confirmations to applicants that rebates will be made if proposed measures are completed;

(3) an applicant—

(A) to certify, following completion of the measures identified in the application, that the measures undertaken qualify for rebate under this section; and

(B) to complete the measures described in the application, and submit a certification, not later than—

(i) 180 days after the date of receipt of a confirmation; or

(ii) in the case of a qualified replacement chiller, 360 days after the date of receipt of a confirmation;

(4) appropriate verification by the Secretary of eligibility for a rebate prior to payment;

(5) verification and payment of rebates by electronic transfer of funds or other means that ensure that the payment occurs not later than 30 days after the date of submission of certification that measures described in the application have been completed;

(6) certification by the installer, as part of the certification under paragraph (3), that any refrigerants, toxic materials, and other hazards have been removed and disposed of in accordance with all applicable Federal, State, and local laws;

(7) field inspections by the Federal Government of at least 10 percent of the projects for which rebates are received under the program; and

(8) compliance monitoring and enforcement.

(g) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person who knowingly makes a false or misleading statement in an application or certification under this section shall be liable to the United States for a civil penalty in an amount equal to not more than the higher of—

(A) $15,000 for each violation; or

(B) the amount that is equal to 3 times the value of any associated rebate received under this section.

(2) ADMINISTRATION.—In carrying out this subsection, the Secretary—

(A) may assess and compromise penalties described in paragraph (1);

(B) may require from any entity the records and inspections necessary to carry out the program; and

(C) shall consider the severity of the violation and the intent and history of the person committing a violation in determining the amount of a penalty.

(h) INFORMATION TO BUILDING OWNERS, SERVICE PROVIDERS, AND EQUIPMENT INSTALLERS.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall make available on an Internet website and through other means determined by the Secretary, information about the program, including information on—

(A) how to determine whether particular efficiency measures are eligible for a rebate;

(B) how to participate in the program, including how to apply for rebates; and

(C) the equipment and services meeting the requirements of the program.

(2) UPDATING.—The Secretary shall update, as appropriate, the information required under paragraph (1).

(i) REPORT TO CONGRESS.—Not later than 60 days after the termination date described in subsection (e)(1), the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the efficacy of the program, including—

(1) a description of program results, including—

(A) the total number and value of rebates issued for installation of new energy efficient equipment by category of equipment;

(B) the total number and value of rebates issued for services rendered by category of service; and

(C) the geographic distribution of activities for which rebates were issued;

(2) an estimate of the overall increase in energy efficiency as a result of the program, expressed in terms of percentage improvement by—

(A) type of equipment;

(B) total annual energy savings; and

(C) total annual greenhouse gas reductions; and

(3) an estimate of the overall jobs created and economic growth achieved as a result of the program.

SEC. 4. STATE-BASED FINANCING ASSISTANCE FOR COMMERCIAL BUILDING RETROFITS.

(a) DEFINITIONS.—In this section:

(1) BUILDING STAR ENERGY RETROFIT PROGRAM.—The term ''Building Star energy retrofit program'' means the Building Star energy retrofit program established under section 3.

(2) ELIGIBLE PARTICIPANT.—The term ''eligible participant'' means a building owner, apartment complex owner, residential cooperative association, or condominium association that—

(A) meets the eligibility requirements established by a qualified loan program delivery entity designated by the building owner; and

(B) receives financial assistance from the qualified loan program delivery entity to carry out energy efficiency or renewable energy improvements to an existing building in accordance with the Building Star energy retrofit program established under section 3.

(3) PROGRAM.—The term ''program'' means the Building Star Energy Efficiency Loan Program established under subsection (b).

(4) QUALIFIED LOAN PROGRAM MECHANISM.—The term ''qualified loan program mechanism'' means a loan program that is—

(A) administered by a qualified program delivery entity; and

(B) principally funded—

(i) by funds provided by or overseen by a State; or

(ii) through the energy loan program of the Federal National Mortgage Association.

(5) QUALIFIED PROGRAM DELIVERY ENTITY.—The term ''qualified program delivery entity'' means a State, political subdivision of a State, tribal government, energy utility, natural gas utility, nonprofit or community-based organization, energy service company, retailer, or any other qualified entity that—

(A) meets the eligibility requirements of this section; and

(B) is approved by the State that administers the program in the State.

(b) ESTABLISHMENT.—The Secretary shall establish a Building Star Energy Efficiency Loan Program under which the Secretary shall make grants to States to support financial assistance provided by qualified program delivery entities for making, to existing buildings, energy efficiency and renewable energy improvements that qualify under the Building Star energy retrofit program.

(c) ELIGIBILITY OF QUALIFIED PROGRAM DELIVERY ENTITIES.—To be eligible to participate in the program, a qualified program delivery entity shall—

(1) offer a financing product under which eligible participants may pay over time for the cost to the eligible participant (after all applicable Federal, State, local, and other rebates or incentives are applied) of making improvements described in section 3;

(2) require all financed improvements to be performed by contractors in a manner that meets minimum standards that are at least as stringent as the standards established under section 3; and

(3) establish standard underwriting criteria to determine the eligibility of program applicants, which criteria shall be consistent with commercially recognized best practices applicable to the form of financial assistance being provided (as determined by the designated entity administering the program in the State).

(d) ALLOCATION.—In making funds available to States for each fiscal year under this section, the Secretary shall use the formula used to allocate funds to States to carry out State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(e) QUALIFIED PROGRAM DELIVERY ENTITIES.—Before making a grant to a State under this section, the Secretary shall require the Governor of the State to provide to the Secretary a letter of assurance that the State—

(1) has 1 or more qualified program delivery entities that meet the requirements of this section;

(2) has established a qualified loan program mechanism that—

(A) includes a methodology to ensure credible energy savings or renewable energy generation;

(B) incorporates an effective repayment mechanism, which may include—

(i) on-utility-bill repayment;

(ii) tax assessment or other form of property assessment financing;

(iii) municipal service charges;

(iv) energy or energy efficiency services contracts;

(v) energy efficiency power purchase agreements; or

(vi) alternative contractual repayment mechanisms that have been demonstrated to have appropriate risk mitigation features; and

(3) will provide, in a timely manner, all information regarding the administration of the program as the Secretary may require to permit the Secretary to meet the reporting requirements of subsection (h).

(f) USE OF GRANT FUNDS.—Grant funds made available to States under the program may be used to support financing products offered by qualified program delivery entities to eligible participants, by providing——

(1) interest rate reductions;

(2) loan loss reserves or other forms of credit enhancement;

(3) revolving loan funds from which qualified program delivery entities may offer direct loans; or

(4) other debt instruments or financial products necessary—

(A) to maximize leverage provided through available funds; and

(B) to support widespread deployment of energy efficiency and renewable energy finance programs.

(g) USE OF REPAYMENT FUNDS.—In the case of a revolving loan fund established by a State described in subsection (f)(3), a qualified program delivery entity may use funds repaid by eligible participants under the program to provide financial assistance for additional eligible participants to make improvements described in subsection (b) in a manner that is consistent with this section or other such criteria as are prescribed by the State.

(h) PROGRAM EVALUATION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a program evaluation that describes—

(1) how many eligible participants have participated in the program;

(2) how many jobs have been created through the program, directly and indirectly;

(3) what steps could be taken to promote further deployment of energy efficiency and renewable energy retrofits;

(4) the quantity of verifiable energy savings, renewable energy deployment, homeowner energy bill savings, and other benefits of the program; and

(5) the performance of the programs carried out by qualified program delivery entities under this section, including information on the rate of default and repayment.

SEC. 5. FEDERAL FINANCING ASSISTANCE FOR COMMERCIAL BUILDING RETROFITS.

(a) IN GENERAL.—Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

''(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment, including financing programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment.''.

(b) CREDIT SUPPORT FOR FINANCING PROGRAMS.—Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) CREDIT SUPPORT FOR FINANCING PROGRAMS.—

''(1) IN GENERAL.—In the case of programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment described in subsection (a)(4), the Secretary may—

''(A) offer loan guarantees for portfolios of debt obligations; and

''(B) purchase or make commitments to purchase portfolios of debt obligations.

''(2) TERM.—Notwithstanding section 1702(f), the term of any debt obligation that receives credit support under this subsection shall require full repayment over a period not to exceed the lesser of—

''(A) 30 years; and

''(B) the projected weighted average useful life of the measure or system financed by the debt obligation or portfolio of debt obligations (as determined by the Secretary).

''(3) UNDERWRITING.—The Secretary may—

''(A) delegate underwriting responsibility for portfolios of debt obligations under the subsection to financial institutions that meet qualifications determined by the Secretary; and

''(B) determine an appropriate percentage of loans in a portfolio to review in order to confirm sound underwriting.

''(4) ADMINISTRATION.—Subsections (c) and (d)(3) of section 1702 shall not apply to loan guarantees made under this subsection.''.

(c) TERMINATION OF EFFECTIVENESS.—The authority provided by this section and the amendments made by this section terminates effective on the date that is 2 years after the date of enactment of this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this Act and the amendments made by this Act $6,000,000,000 for the period of fiscal years 2010 and 2011, to remain available until expended, of which—

(1) not less than $600,000,000 or 10 percent of the amount made available for a fiscal year (whichever is less) shall be used to carry out the financing program established under section 4; and

(2) not more than $360,000,000 or 6 percent of the amount made available for a fiscal year (whichever is less) shall be used to administer this Act and the amendments made by this Act.

By Mr. SPECTER (for himself, Mr. CASEY, and Mr. BROWN, of Ohio):

S. 3080. A bill to provide for judicial determination of injury in certain cases involving dumped and subsidized merchandise imported into the United States, and for other purposes; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Unfair Foreign Competition Act of 2010. This legislation provides a private right of action for domestic manufacturers injured by illegal subsidization and dumping of foreign products into U.S. markets. These anticompetitive, predatory trade practices steal jobs from our workers, profits from our companies, and growth from our economy.

Job creation and job retention in this country depend in large part on our ability to enforce existing trade laws. At a time when unemployment remains at nearly 10 percent and our economic future is at stake, it becomes even more important that we focus on trade priorities which too long have been sacrificed for foreign policy and defense interests.

The latest trade numbers demonstrate that the U.S. trade deficit with China in November 2009 was $20.2 billion. Over the years, imports from China have exceeded our imports by a staggering $208.6 billion. This is not evidence that American manufacturers cannot produce goods efficiently or compete with foreign markets; rather, it is evidence of unlawful behavior on the part of China. Such behavior is tantamount to international banditry, and it must not be tolerated.

In the current environment, I believe it is necessary for an injured industry to have an opportunity to go into Federal court and seek enforcement of our country's trade laws.

My legislation addresses two specific types of illegal trade practices: dumping, which occurs when a foreign producer sells a product in the United States at a price that is below the producer's sales price in its home market or at a price which is lower than its cost of production, and subsidizing, which occurs when a foreign government provides financial assistance to benefit the production, manufacture, or exportation of a good.

Under current law, the International Trade Commission and the Department of Commerce conduct antidumping and countervailing duty investigations and 5-year reviews under title VII of the Tariff Act of 1930. U.S. industries may petition the ITC and Commerce for relief from dumped and subsidized imports. If Commerce finds that an imported product is dumped or subsidized and the ITC finds that the petitioning industry is materially injured or threatened with material injury, an antidumping duty order or countervailing duty order will be imposed to offset the dumping or subsidies.

Because current administrative remedies have not been consistently and effectively enforced, I am introducing private right of action legislation to enforce the law. My legislation would allow petitioners to choose between the ITC and their local U.S. district court for the injury determination phase of their investigation. Doing so gives injured domestic producers the opportunity as private plaintiffs to control the litigation in seeking enforcement of our trade laws. If injury is found, U.S. Customs and Border Protection would then assess duties on future importation of the article in question. The legal standard for determining dumping margins, established by the Commerce Department, would remain unchanged.

This legislation is similar to legislation I have introduced as far back as 1982 when I originally sought injunctive relief. But this bill has been modified to comply with World Trade Organization rules.

In December 2004, the United States took action to comply with WTO rulings on the Antidumping Act of 1916 which provided a private cause of action and criminal penalties for dumping by prospectively repealing the act. The United States also took action in February 2006 to comply with WTO rulings on the Continued Dumping and Subsidy Offset Act which requires the distribution of collected antidumping and countervailing duties to petitioners and interested parties in the underlying trade proceedings. In both cases, the WTO panel found that U.S. law allowed an impermissible specific action against dumping and subsidization.

The legislation I introduce today has been adapted to these changes in law and allows for a determination of injury in accordance with our international obligations. Aggressive policy measures, such as this legislation, are necessary to prevent foreign producers—China in particular—from causing a major crisis for our domestic producers.

In testimony before the ITC earlier this year, I noted that we have a complicated relationship with China. I was one of 15 Senators who opposed China's entrance into the WTO in 2000. With China's economy still widely under state direction and characterized by dubious trade practices, I believed Chinese membership in the WTO would present a likelihood of trade distortion and market disruption. And that is why I voted against it in 2000.

Congress heeded some of the concerns which I and others expressed and inserted a China-specific safeguard provision under section 421 of the Trade Act. But such a safeguard is only as effective as the President's willingness to enforce it. Seven petitions have been filed under section 421 since its inception. Of these, the ITC has made an affirmative determination of injury in five cases. Yet only one determination, handed down in the most recent Chinese tires case, has been upheld by the President. Despite overwhelming evidence to support the ITC's findings of

injury, President Bush rejected all four previous petitions for relief on the ground that providing import relief was not in the economic interest of the United States. Since President Bush's decision, countless jobs in my State and across the country have been lost and the trade deficit has widened. It is difficult to understand how providing import relief was not in our economic interest.

President Obama's decision to uphold the ITC rulings in the Chinese tires case last year is a step in the right direction, but much more needs to be done to ensure that domestic industries enjoy the protection afforded to them by existing trade laws.

While it is my hope that this administration and future administrations will evaluate trade remedies objectively in terms of economic consequences, this act will provide a valuable tool for the domestic industry. I ask my colleagues on both sides of the aisle to join me in supporting this legislation.

The enforcement of trade laws should not be a partisan issue. To those who decry our enforcement mechanisms as unabashedly protectionist, let me be clear. I believe in free trade. International trade and open markets are crucial to the economic prosperity of this country. But the essence of free trade is selling goods at a price equal to the cost of production and a reasonable profit. When one country engages in dumping or subsidization at the expense of other countries, it is the antithesis of free trade.

Let me remind those who criticize our domestic safeguards that President Ronald Reagan, a staunch advocate of open markets, signed into law agreements limiting the imports of autos and steel and pushed for the Plaza Accord in 1985 which raised the value of the yen and made Japanese imports more expensive. President Reagan understood that free trade did not mean wholly unfettered, unregulated trade. Free trade does not mean turning a blind eye to illegal and unsavory practices committed by our trading partners.

I have argued that enforcement of our trade laws is critical to ensuring that our domestic manufacturers have a fair opportunity of competing with foreign producers. But even the most stringent enforcement will be insufficient to fully counter the effects of substandard labor, trade, and environmental practices, particularly those practiced by China. The safeguard measures the United States negotiated in advance of China's entry into the WTO were designed to limit the destructive effects of surging Chinese imports on domestic producers. As a result, China's succession to the WTO accelerated a ''race to the bottom'' in wages and environmental quality.

Given these factors, in addition to China's mixed record on providing market access to the United States and its failure to provide protection of U.S. intellectual property rights, I urge that the Congress reexamine our trade agreement the United States signed with China and, if necessary, seek to withdraw permanent normal trade relations status from China. Such a withdrawal would be a serious measure, but we must be willing to demonstrate that we are serious about holding China to its international commitments.

When the United States granted most-favored-nation status to China in 2000, we lost our ability to demand that China play by the rules. We may have to regain this leverage if we are to maintain an equitable trading relationship with China and keep our domestic industry strong.

As President Obama recently noted in his remarks at the Senate Democratic Conference, the United States is home to some of the most innovative, skilled, and efficient workers in the world. But advances in efficiency and innovation by our producers cannot make up for the unfair advantage held by countries that engage in illegal trade practices. Our industries can compete if the playing field is level, but if foreign exporters are not held accountable, and can freely undercut American producers with dumped goods and government subsidies, this country's economic future will be at risk. We must take a stand and we must do it now.

By Mr. McCAIN (for himself, Mr. LIEBERMAN, Mr. INHOFE, Mr. BROWN of Massachusetts, Mr. WICKER, Mr. CHAMBLISS, Mr. LEMIEUX, Mr. SESSIONS, and Mr. VITTER):

S. 3081. A bill to provide for the interrogation and detention of enemy belligerents who commit hostile acts against the United States, to establish certain limitations on the prosecution of such belligerents for such acts, and for other purposes; to the Committee on the Judiciary.

Mr. McCAIN. Mr. President, I rise to introduce legislation that sets forth a clear, comprehensive policy for the detention, interrogation and trial of enemy belligerents who are suspected of engaging in hostilities against the U.S. This legislation seeks to ensure that the mistakes made during the apprehension of the Christmas Day bomber, such as reading him a Miranda warning, will never happen again and put Americans' security at risk.

Specifically, this bill would require unprivileged enemy belligerents suspected of engaging in hostilities against the U.S. to be held in military custody and interrogated for their intelligence value by a ''high value detainee'' interagency team established by the President. This interagency team of experts in national security, terrorism, intelligence, interrogation and law enforcement will have the protection of U.S. civilians and civilian facilities as their paramount responsibility and experience in gaining actionable intelligence from high value detainees.

These experts must, to the extent it is possible to do so, make a preliminary determination whether the detainee is an unprivileged enemy belligerent within 48 hours of a detainee being taken into custody. The experts then must submit their determination to the Secretary of Defense and the Attorney General after consultation with the Director of National Intelligence, the Director of the Federal Bureau of Investigation, and the Director of the Central Intelligence Agency. The Secretary of Defense and the Attorney General make a final determination and report it to the President and the appropriate committees of Congress. In the case of any disagreement between the Secretary of Defense and the Attorney General, the President will make the final call.

A key provision of this bill is that it would prohibit a suspected enemy belligerent from being provided with a Miranda warning and being told he has a right to a lawyer and a right to refuse to cooperate. I believe that an overwhelming majority of Americans agree that when we capture a terrorist who is suspected of carrying out or planning an attack intended to kill hundreds if not thousands of innocent civilians, our focus must be on gaining all the information possible to prevent that attack or any that may follow from occurring. Under these circumstances, actionable intelligence must be our highest priority and criminal prosecution must be secondary.

Additionally, the legislation would authorize detention of enemy belligerents without criminal charges for the duration of the hostilities consistent with standards under the law of war which have been recognized by the Supreme Court. Importantly, if a decision is made to hold a criminal trial after the necessary intelligence information is obtained, the bill mandates trial by military commission where we are best able to protect U.S. national security interests, including sensitive classified sources and methods, as well as the place and the people involved in the trial itself.

It should come as no comfort to any American that nearly 8½ years after the attacks of 9/11 we still don't have a clear mechanism, legal structure, and implementing policy for dealing with terrorists who we capture in the act of trying to bring about attacks on the U.S. and our national security interests at home and abroad. What we saw with the Christmas Day bomber was a series of missteps and staggering failures in coordination among the most senior members of the administration's national security officials that have continued to be compounded by administration apologists who still don't seem to understand that repeating the same mistakes that were made in 2001 and 2002 is going to lead to the deaths of many more Americans.

The vast majority of Americans understand that what happened with the Christmas Day bomber was a near catastrophe that was only prevented by

sheer luck and the courage of a few of the passengers and crew. A wide majority of Americans also realize that allowing a terrorist to be interrogated for only 50 minutes before he is given a Miranda warning and told he can obtain a lawyer and stop cooperating is not sufficient.

Let me be clear about where I think the fault lies with our current policy. I believe that the local FBI agents who were involved with investigating the Detroit attack are patriotic Americans who are experts in the field of law enforcement. I hold the FBI in the highest regard and believe they set the standard for law enforcement professionalism not only in the U.S., but internationally. But it is impossible for FBI field agents to know all the information that is available to the U.S. intelligence community worldwide during the first 50 minutes of interrogation of a suspected terrorist. We must ensure that the broad range of expertise that is available within our government is brought to bear on such high-value detainees. This bill mandates such coordination and places the proper focus on getting intelligence to stop an attack, rather than allowing law enforcement and preparing a case for a civilian criminal trial to drive our response.

Deliberate mass attacks that intentionally target hundreds of innocent civilians is an act of war and should not be dealt with in the same manner as a robbery. We must recognize the difference. If we don't, our response will be hopelessly inadequate. We should not be providing suspected terrorists with Miranda warnings and defense lawyers. Instead, the priority and focus must be on isolating and neutralizing the immediate threat and collecting intelligence to prevent another attack.

In closing, let me say that I hope that Congress and the administration support this legislation as part of a comprehensive solution for detaining, interrogating and prosecuting suspected enemy belligerents. However, there is a lot more work that must be done. I am continuing to work with Senator GRAHAM, Senator LIEBERMAN, and others to address other crucial aspects of detainee policy.

As part of that effort, I believe we must establish a system for long-term detention of terrorists who are too dangerous to release, but who cannot be tried in a civilian court. While the law of war authorizes detention until the end of hostilities—something the Supreme Court has recognized and which is reinforced in this bill—I believe that a review system for the long-term detention of detainees should be set out in law. Additionally, both the U.S. District Court for the District of Columbia and the D.C. Circuit Court have urged Congress to provide uniform guidelines to apply in the habeas corpus cases that have been brought by detainees. Currently, the outcomes in the Guantanamo detainee habeas cases are inconsistent because of different interpretations of novel questions of law the judges face in applying habeas to wartime prisoners for the first time in our history. I will continue to work on a bipartisan basis to improve this process to obtain better, more uniform results. I do not believe that we will have addressed all the necessary detainee policy challenges until we do so, and my efforts will not stop until we have addressed all the detainee issues in a comprehensive fashion.

While other detainee policy challenges remain, I believe the handling of the Christmas Day bomber—including the law enforcement focus and the decision to read a Miranda warning after only 50 minutes of interrogation—demand that Congress and the administration first address the issue which is most crucial to our national security. For that reason, we must have a clear policy, legal foundation, and mechanism for the detention, interrogation and trial of enemy belligerents who are suspected of engaging in hostilities against the U.S. I hope my colleagues will join me in supporting this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 434—EXPRESSING SUPPORT FOR CHILDREN'S DENTAL HEALTH MONTH AND HONORING THE MEMORY OF DEAMONTE DRIVER

Mr. CARDIN (for himself, Ms. COLLINS, Mr. BINGAMAN, Mr. ROCKEFELLER, and Ms. MIKULSKI) submitted the following resolution, which was considered and agreed to:

S. RES. 434

Whereas several national dental organizations have observed February 2010 as Children's Dental Health Month;

Whereas Deamonte Driver, a 12-year-old Marylander, died on February 25, 2007, of complications resulting from untreated tooth decay;

Whereas the passing of Deamonte Driver has led to increased awareness nationwide about the importance of access to high-quality, affordable preventative care and treatment for dental problems;

Whereas the primary purpose of Children's Dental Health Month is to educate parents, children, and the public about the importance and value of oral health;

Whereas Children's Dental Health Month showcases the overwhelmingly preventable nature of tooth decay and highlights the fact that tooth decay is on the rise among the youngest children in the Nation;

Whereas Children's Dental Health Month educates the public about the treatment of childhood dental caries, cleft-palate, oral facial trauma, and oral cancer through public service announcements, seminars, briefings, and the pro bono initiatives of practitioners and academic dental institutions;

Whereas Children's Dental Health Month was created to raise awareness about the importance of oral health; and

Whereas Children's Dental Health Month is an opportunity for the public and health professionals to take action to prevent childhood dental problems and improve access to high-quality dental care: Now, therefore, be it

Resolved, That the Senate expresses support for Children's Dental Health Month and honors the life of Deamonte Driver.

SENATE RESOLUTION 435—SUPPORTING THE GOALS AND IDEALS OF MULTIPLE SCLEROSIS AWARENESS WEEK

Mr. CASEY (for himself, Ms. SNOWE, Mr. LAUTENBERG, Mr. DORGAN, Mr. SPECTER, Mr. KERRY, Mr. BEGICH, Mr. MENENDEZ, Mr. BAYH, and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 435

Whereas multiple sclerosis can impact men and women of all ages, races, and ethnicities;

Whereas more than 400,000 people in the United States live with multiple sclerosis;

Whereas approximately 2,500,000 people worldwide have been diagnosed with multiple sclerosis;

Whereas it is estimated that between 8,000 and 10,000 children and adolescents are living with multiple sclerosis;

Whereas every hour of every day, someone is newly diagnosed with multiple sclerosis;

Whereas the exact cause of multiple sclerosis is still unknown;

Whereas the symptoms of multiple sclerosis are unpredictable and vary from person to person;

Whereas there is no laboratory test available that definitively defines a diagnosis for multiple sclerosis;

Whereas multiple sclerosis is not genetic, contagious, or directly inherited, but studies show that there are genetic factors that indicate that certain individuals are susceptible to the disease;

Whereas multiple sclerosis symptoms occur when an immune system attack affects the myelin in nerve fibers of the central nervous system, damaging or destroying it and replacing it with scar tissue, thereby interfering with, or preventing the transmission of, nerve signals;

Whereas in rare cases, multiple sclerosis is so progressive that it is fatal;

Whereas there is no known cure for multiple sclerosis;

Whereas the Multiple Sclerosis Coalition, an affiliation of multiple sclerosis organizations dedicated to the enhancement of the quality of life for all those affected by multiple sclerosis, recognizes and celebrates Multiple Sclerosis Awareness Week;

Whereas the mission of the Multiple Sclerosis Coalition is to increase opportunities for cooperation and provide greater opportunity to leverage the effective use of resources for the benefit of the multiple sclerosis community;

Whereas the Multiple Sclerosis Coalition recognizes and celebrates Multiple Sclerosis Awareness Week during 1 week in March every year;

Whereas the goals of Multiple Sclerosis Awareness Week are to invite people to join the movement to end multiple sclerosis, encourage everyone to do something to demonstrate a commitment to moving toward a world free of multiple sclerosis, and to acknowledge those who have dedicated their time and talent to help promote multiple sclerosis research and programs; and

Whereas in 2010, Multiple Sclerosis Awareness Week is recognized during the week of March 8th through March 14th: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Multiple Sclerosis Awareness Week;

(2) encourages States, territories, and possessions of the United States and local communities to support the goals and ideals of Multiple Sclerosis Awareness Week;

(3) encourages media organizations to participate in Multiple Sclerosis Awareness Week and help educate the public about multiple sclerosis;

(4) commends the efforts of the States, territories, and possessions of the United States and local communities that support the goals and ideals of Multiple Sclerosis Awareness Week;

(5) recognizes and reaffirms the commitment of the people of the United States to combating multiple sclerosis by promoting awareness about the causes and risks of multiple sclerosis, and by promoting new education programs, supporting research, and expanding access to medical treatment; and

(6) recognizes all people in the United States living with multiple sclerosis, expresses gratitude to their family members and friends who are a source of love and encouragement to them, and salutes the health care professionals and medical researchers who provide assistance to those living with multiple sclerosis and continue to work to find cures and improve treatments.

SENATE RESOLUTION 436—EXPRESSING SUPPORT FOR THE PEOPLE AFFECTED BY THE NATURAL DISASTERS ON MADEIRA ISLAND

Mr. WHITEHOUSE (for himself, Mr. KERRY, Mr. REED, and Mr. BROWN of Massachusetts) submitted the following resolution; which was considered and agreed to:

S. RES. 436

Whereas on February 20, 2010, a powerful storm hit Madeira Island, the largest of the islands that comprise the Madeira Autonomous Region of Portugal, resulting in a series of devastating flash floods and mudslides;

Whereas the storm caused boulders, trees, and earth to be hurled against buildings, carried away vehicles, and washed away roads and bridges on the south side of Madeira Island, an area that includes Funchal, the capital of the Madeira Autonomous Region;

Whereas 42 people have lost their lives, 151 people have received treatment for injuries at the main hospital in Funchal, and hundreds of people have been displaced;

Whereas the storm destroyed a large portion of the water and communication infrastructure on Madeira Island;

Whereas José Sócrates, the Prime Minister of Portugal, has promised ''all necessary aid'' to Madeira, and Alberto João Gonçalves Jardim, the President of the Madeira Autonomous Region, has consulted with European Commission President José Manuel Barroso to seek further assistance;

Whereas a Portuguese Navy frigate has dispatched troops to Madeira Island, with Portuguese divers and a medical team also arriving to offer emergency assistance;

Whereas the Government of Portugal has announced 3 days of national mourning for those who lost their lives in this disaster;

Whereas the United States is providing assistance through the Office of Foreign Disaster Assistance of the United States Agency for International Development;

Whereas there are approximately 400 citizens of the United States on Madeira Island, with United States officials continually working to ensure their safety and well-being; and

Whereas a community of approximately 1,500,000 Portuguese-Americans, strongly represented in the States of Rhode Island and Massachusetts, maintain deep and enduring ties with Portugal and Madeira Island: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of life and expresses its deepest condolences to the families of those killed and injured by floods and mudslides resulting from the storm that hit Madeira Island on February 20, 2010;

(2) expresses solidarity between the people of the United States and Madeira, recognizing the historical ties between Portuguese-Americans, Portugal, and the Madeira Autonomous Region; and

(3) applauds the courageous rescue efforts of fire, medical, and military personnel and other volunteers in response to the flooding and mudslides.

SENATE RESOLUTION 437—EXPRESSING THE SENSE OF THE SENATE REGARDING THE POSITIVE EFFECT OF THE UPCOMING IRAQI PARLIAMENTARY ELECTIONS ON IRAQ'S POLITICAL RECONCILIATION AND DEMOCRATIC INSTITUTIONS

Mr. KERRY (for himself, Mr. MCCAIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. CASEY, Mr. GRAHAM, and Mr. KAUFMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 437

Whereas on February 27th, 2009, President Obama declared that the United States' ''clear and achievable goal'' is ''an Iraq that is sovereign, stable, and self-reliant'' and that the United States will achieve that goal by working ''to promote an Iraqi government that is just, representative, and accountable'';

Whereas in December 2009, Iraq's elected officials ended months of deadlock, passed a new election law, and scheduled parliamentary elections for March 7, 2010;

Whereas nearly 100,000 American soldiers, sailors, airmen and Marines continue to serve in Iraq, marking the United States' largest current overseas deployment;

Whereas Iraq's future sovereignty, stability, and democracy is threatened by serious internal and external challenges, including—

(1) continuing attempts by Al Qaeda in Iraq to perpetrate mass casualty terrorist attacks intended to paralyze the Iraqi state and reignite sectarian violence;

(2) some surrounding countries' malign and destabilizing interference in Iraq's internal affairs and their incomplete diplomatic recognition of Iraq;

(3) unresolved disputes over internal boundaries, including the City of Kirkuk;

(4) incomplete reintegration of Sunni Arab communities in Iraq; and

(5) ongoing incidents of civil and human rights abuses in a diverse, multiconfessional society;

Whereas, while the United States appreciates the profound conviction of the Iraqi people to ensure that the Ba'ath party never returns to power in Iraq, the process by which scores of candidates have been disqualified from participating in the March 7, 2010 elections—

(1) has not met international standards of electoral transparency and fairness;

(2) was interpreted by many Iraqis as politically motivated; and

(3) risks diminishing participation in elections;

Whereas the United States has a clear, strong, and enduring national interest in helping the people of Iraq to establish a stable, representative, and democratic state;

Whereas the United States committed, in the Agreement Between the United States of America and the Republic of Iraq On the Withdrawal of United States Forces from Iraq and the Organization of Their Activities during Their Temporary Presence in Iraq (referred to in this resolution as the ''Status of Forces Agreement'') signed in November 2008, to redeploy—

(1) all combat forces from Iraqi cities by June 30, 2009; and

(2) all United States forces from Iraq by December 31, 2011;

Whereas United States combat forces successfully redeployed from Iraq's cities by June 30, 2009, in accordance with the Status of Forces Agreement, and are likely to carry out further reductions in the number of United States military forces in Iraq during the months after the March 7, 2010 elections;

Whereas the United States and Iraq agreed in the Strategic Framework Agreement, also signed in November 2008, to ''continue to foster close cooperation concerning defense and security arrangements'';

Whereas the March 7, 2010 elections and the subsequent government formation process will mark a period of exceptional importance for the future of Iraq;

Whereas Iraq conducted provincial elections in January 2009 that were free from widespread violence and the results of which were recognized as legitimate by the internationally community and the Iraqi people;

Whereas several of Iraq's main electoral blocs have committed to a Code of Conduct meant to ensure fair, transparent, and inclusive elections:

Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the United States' strong commitment to building a robust, long-term partnership with Iraq that strengthens Iraq's security, stability, economy, and democracy;

(2) recognizes the United States' clear and enduring interest in partnering with the people of Iraq in building a stable, representative, successful, democratic state;

(3) urges the Administration—

(A) to devote continued, high-level attention and support for the people and Government of Iraq toward these goals, in particular during the critical months after the March 7, 2010 elections;

(B) to work with the international community to provide all necessary support for Iraqi elections, including technical support for Iraq's Independent High Electoral Commission and assistance for domestic and international monitoring;

(4) calls upon all parties within Iraq—

(A) to ensure that the March 7, 2010 parliamentary elections are free, fair, inclusive, and without violence or intimidation; and

(B) to refrain from rhetoric or actions that might undercut the legitimacy of such elections or inflame communal tensions;

(5) urges the countries surrounding Iraq—

(A) to refrain from exercising malign and destabilizing interference in Iraq's internal affairs; and

(B) to allow the people of Iraq to determine their own future;

(6) calls for the timely formation of an inclusive, effective, and representative new Iraqi government after the March 7, 2010 parliamentary elections;

(7) reaffirms that, while United States military forces redeploy from Iraq in the months after the March 7, 2010 elections, the United States must remain engaged in partnering with the people of Iraq to help them in building a stable, representative, and successful democratic state;

(8) expresses gratitude to the men and women of the United States Armed Forces,

the Foreign Service, and other Federal Government agencies, for their service, sacrifices, and heroism in Iraq; and

(9) commends the people of Iraq for—

(A) the courage they have shown;

(B) the sacrifices they have endured; and

(C) the hard-won gains they have made in fighting terrorism, finding peace, and building democracy.

SENATE RESOLUTION 438—DESIGNATING MARCH 2, 2010, AS ''READ ACROSS AMERICA DAY''

Mr. REED (for himself and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 438

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107–110) and the Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and providing additional resources for reading assistance; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to use March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2, 2010, as ''Read Across America Day'';

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) honors the 13th anniversary of Read Across America Day;

(4) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of the commitment of the Senate to building a Nation of readers; and

(5) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 439—RECOGNIZING THE EXEMPLARY SERVICE, DEVOTION TO COUNTRY, AND SELFLESS SACRIFICE OF SPECIAL WARFARE OPERATORS 2ND CLASS MATTHEW McCABE AND JONATHAN KEEFE AND SPECIAL WARFARE OPERATOR 1ST CLASS JULIO HUERTAS IN CAPTURING AHMED HASHIM ABED, ONE OF THE MOST-WANTED TERRORISTS IN IRAQ, AND PLEDGING TO CONTINUE TO SUPPORT MEMBERS OF THE UNITED STATES ARMED FORCES SERVING IN HARM'S WAY

Mr. ENSIGN submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 439

Whereas in September 2009, Special Warfare Operators 2nd Class Matthew McCabe and Jonathan Keefe and Special Warfare Operator 1st Class Julio Huertas successfully captured Ahmed Hashim Abed, one of the most-wanted terrorists in Iraq;

Whereas Ahmed Hashim Abed is the alleged planner of the March 21, 2004, ambush of a supply convoy in Fallujah, Iraq, which resulted in the brutal killing of 4 Blackwater security contractors;

Whereas Ahmed Hashim Abed evaded capture in Iraq for more than 5 years until his capture by the 3 Navy SEALs;

Whereas Special Warfare Operators 2nd Class Matthew McCabe and Jonathan Keefe and Special Warfare Operator 1st Class Julio Huertas are exceptional sailors who accomplished their mission in the finest tradition of the Navy SEALs and the United States Armed Forces while defending their country and protecting the citizens of Iraq;

Whereas the capture of Ahmed Hashim Abed serves as an important reminder that the United States is still engaged in a Global War on Terror; and

Whereas it is because of the efforts of these courageous Navy SEALs and other members of the Armed Forces that Americans continue to be free: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the exemplarily service, devotion to country, and selfless sacrifice of Special Warfare Operators 2nd Class Matthew McCabe and Jonathan Keefe and Special Warfare Operator 1st Class Julio Huertas; and

(2) pledges to continue to support members of the United States Armed Forces serving in harm's way.

SENATE RESOLUTION 440—IMPROVING THE SENATE CLOTURE PROCESS

Mr. BENNET submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 440

Whereas the Senate rules regarding cloture serve the legitimate purpose of protecting the rights of the minority;

Whereas the Senate has never been intended to operate solely on the basis of majority rule; and

Whereas the Senate rules should not be abused for the purpose of delaying or otherwise preventing the business of the Senate: Now, therefore, be it

Resolved,

SECTION 1. MOTIONS TO PROCEED.

Paragraph 2 of rule VIII of the Standing Rules of the Senate is amended to read as follows:

''2. All motions to proceed to the consideration of any matter shall be determined without debate, except motions to proceed to a proposal to change the Standing Rules which shall be debatable.''.

SEC. 2. PROCESS FOR ENDING THE DEBATE.

(a) MOTION TO REDUCE TIME FOR CLOTURE PETITION TO RIPEN.—The first sentence of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting after ''but one'' the following: ''(unless by two-thirds affirmative vote of the Senators duly chosen and sworn the Senate has agreed to a motion to reduce time)''.

(b) ALLOWING FOR A MOTION TO REDUCE TIME POSTCLOTURE.—The fourth undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking the second and third sentences and inserting: ''The thirty hours may be increased or decreased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators present and voting, and any such time thus agreed upon shall be equally divided and controlled by the Majority and Minority Leaders or their designees. However, only one motion to reduce or extend time, specified above, may be made in any one calendar day.''.

(c) MINORITY MUST VOTE IN THE NEGATIVE, OR ELSE CLOTURE IS INVOKED.—The second undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking ''And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn'' and inserting ''And if that question is decided in the affirmative and there are not negative votes by at least forty-one hundredths of the Senators duly chosen and sworn''.

(d) ENCOURAGING BIPARTISAN NEGOTIATIONS AND BIPARTISAN COALITION BUILDING.—Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following:

''In the event that 3 attempts to bring the debate to a close on any particular measure, motion, other matter pending before the Senate, or the unfinished business, have not received the requisite number of votes to bring the debate to a close under this paragraph, then for any subsequent attempt to bring the debate to a close on that particular measure, motion, other matter pending before the Senate, or the unfinished business, the threshold required of those voting in the negative in order to prevent the debate from coming to a close shall be 45 hundredths of the Senators duly chosen and sworn, unless at least one of the Senators present and voting in the negative, caucuses with the party of the Majority Leader, in which case the threshold required of those voting in the negative in order to prevent the debate from coming to a close shall remain 41 hundredths of the Senators duly chosen and sworn. If there is one member of the Majority voting to maintain the filibuster for purposes of the preceding sentence maintaining the threshold for blocking cloture at 41 hundredths, the threshold shall be raised to 45 hundredths if 3 of those voting in the affirmative to bring debate to a close caucus with the party of the Minority Leader. For purposes of this undesignated paragraph, only those Senators permitted to caucus with the party of the Majority Leader, by the Majority Leader, shall be considered to caucus with the party of the Majority Leader. The Majority Leader shall request that a list of Senators caucusing with the party of the Majority Leader be listed in the Congressional Record, and any time that the Majority Leader shall regard composition of such list as having changed, the Majority Leader shall request that a new and updated list be printed in the Congressional Record.''.

SEC. 3. HOLDS.

The Standing Rules of the Senate are amended by inserting at the end the following:

''RULE XLV

''PROCESS FOR HOLDS

''1. A Senator who provides notice either to leadership or during open public debate in the full Senate of intention to object to proceeding to a motion or matter shall disclose the objection in the Congressional Record not later than 2 session days after the date of such notice. Upon the placement of the disclosure of objection in the Congressional Record, the Senate shall only continue to recognize the objection if the objection is raised as provided in this paragraph at least by one Senator who caucuses with the party of the Majority Leader and by one Senator who caucuses with the party of the Minority Leader. Under no circumstance shall a particular objection to a nomination be recognized for more than 30 days.

''2. If a second objection is raised to a nomination, no additional time beyond the 30-day limit of the first objection to the nominee shall be in order unless the second objection is raised by both at least one Senator who caucuses with the party of the Majority Leader but who did not raise the first objection, and also at least one Senator who caucuses with the party of the Minority Leader but who did not raise the first objection.

''3. In this rule, the term 'with the party of the Majority Leader' has the same meaning as in rule XXII. The process for determining what Senator caucuses with the party of the Minority Leader under this rule shall be at the discretion of the Minority Leader but shall follow the analogous rule XXII process.''.

SENATE RESOLUTION 441—RECOGNIZING THE HISTORY AND CONTINUED ACCOMPLISHMENTS OF WOMEN IN THE ARMED FORCES OF THE UNITED STATES

Mrs. BOXER (for herself, Ms. COLLINS, Mrs. SHAHEEN, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mrs. MURRAY, Mrs. HUTCHISON, Mr. DURBIN, Mrs. LINCOLN, Mr. LAUTENBERG, Mr. UDALL of Colorado, Mr. BURRIS, Mrs. GILLIBRAND, Ms. STABENOW, and Ms. LANDRIEU, Mr. BYRD, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 441

Whereas women of diverse ethnic, religious, socioeconomic, and racial backgrounds have made extraordinary contributions to each service of the Armed Forces;

Whereas today women volunteer to serve the Nation and distinguish themselves in the active and reserve components of the Army, Marine Corps, Navy, Air Force and Coast Guard;

Whereas the contributions of generations of women have contributed to the collective success of women in military service and the freedom and security of the United States;

Whereas women have served with honor, courage, and a pioneering spirit in every major military campaign in the history of the United States since the Revolutionary War;

Whereas Dr. Mary E. Walker was the first, and remains the only, woman awarded the Medal of Honor for her contributions to military medicine and selfless actions during the Civil War;

Whereas the role of women expanded during World War I, with women serving as medical professionals and telephone operators and in other support roles that were critical to the war effort;

Whereas, during World War II, women served in every military service and in every theater and received awards for their gallantry, including four Silver Stars;

Whereas the Women's Armed Services Integration Act of 1948 (62 Stat. 356, chapter 449) established permanent positions and granted veterans benefits for women in the Armed Forces and allowed women to serve during the Korean War as regular members of the military;

Whereas, during the Vietnam War, roughly 7,500 women served in the Armed Forces in Southeast Asia as Nurse Corps officers and in other vital capacities where they saved lives and supported their fellow service members;

Whereas, in 1976, the service academies first admitted women, and in 1980, the first women graduated from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Coast Guard Academy;

Whereas women were assigned to the first gender-integrated units during the 1980s, with women serving alongside men in Operation Urgent Fury in Grenada and Operation Just Cause in Panama;

Whereas an unprecedented 40,000 women deployed as uniformed members of the Armed Forces in support of Operations Desert Storm and Desert Shield;

Whereas, in 1991, Congress repealed laws prohibiting women from flying combat missions and in 1993 repealed the restriction on women serving on combat vessels;

Whereas, on June 16, 2005, Sergeant Leigh Ann Hester, an Army National Guard Military Police Soldier, became the first woman to receive the Silver Star since World War II for exceptional valor during an ambush on her convoy in Iraq;

Whereas, on November 14, 2008, General Ann Dunwoody became the first woman in the military to achieve the rank of four-star general;

Whereas, according to the Department of Defense, there are currently 203,375 women on active duty in the Armed Forces, many of whom have been deployed in harm's way;

Whereas, as of January 2, 2010, 104 military women have lost their lives in Operation Iraqi Freedom and 20 military women have lost their lives in Operation Enduring Freedom;

Whereas, as of February 6, 2010, 616 military women have been wounded in action in Iraq, and 50 military women have been wounded in action in Afghanistan;

Whereas, according to the Department of Veterans Affairs, as of February 1, 2010, there were 1,824,000 women veterans of the Armed Forces;

Whereas women help make the military of the United States the finest in the world by serving frequent and lengthy deployments under the most difficult conditions;

Whereas women in the Armed Forces frequently balance the rigors of a military career with the responsibilities of maintaining a healthy family;

Whereas women serving in combat theaters have been exposed to the same hazards and harsh conditions as male service members, and have sustained grave injuries and have given their lives in service to our Nation;

Whereas all service members, both men and women, deserve fair compensation for service related injuries, proper health care and rehabilitation, and the respect of a grateful Nation for their selfless service, sacrifice, and loyalty; and

Whereas women have made our Nation safer and more secure, while representing the values that we hold dear: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the contributions of women to our national defense and their importance in the rich history of the United States;

(2) celebrates the role that women have played in securing our Nation and defending our freedom;

(3) recognizes the unique challenges that women have overcome to expand the role of women in military service;

(4) agrees that programs available for women service members and veterans should be strengthened and enhanced, including for those who are dealing with invisible wounds of war; and

(5) strongly encourages the people of the United States to honor women veterans who have served our Nation and to elevate their stature in our national conscience.

SENATE RESOLUTION 442—CONGRATULATING THE PEOPLE OF THE REPUBLIC OF LITHUANIA ON THE ACT OF THE RE-ESTABLISHMENT OF THE STATE OF LITHUANIA, OR ACT OF MARCH 11, AND CELEBRATING THE RICH HISTORY OF LITHUANIA

Mr. DURBIN (for himself, Mr. CARDIN, Mr. WICKER, Mr. LUGAR, and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 442

Whereas the name ''Lithuania'' first appeared in European records in the year 1009, when it was mentioned in the German manuscript ''Annals of Quedlinburg'';

Whereas the February 16, 1918, Act of Independence of Lithuania led to the establishment of Lithuania as a sovereign and democratic State;

Whereas, under the German-Soviet Treaty of Friendship, Cooperation and Demarcation, on June 15, 1940, Lithuania was forcibly incorporated into the Soviet Union in violation of preexisting peace treaties;

Whereas, during 50 years of Soviet occupation of the Baltic States, Congress strongly, consistently, and on a bipartisan basis refused to legally recognize the incorporation of Latvia, Estonia, and Lithuania by the Soviet Union;

Whereas, on March 11, 1990, the Republic of Lithuania was restored and Lithuania became the first Soviet republic to declare independence;

Whereas, on September 2, 1991, the United States Government formally recognized Lithuania as an independent and sovereign nation;

Whereas Lithuania has successfully developed into a free and democratic country, with a free market economy and respect for the rule of law;

Whereas Lithuania is a full and responsible member of the United Nations, the Organization for Security and Cooperation in Europe, the European Union, and the North Atlantic Treaty Organization;

Whereas Lithuania assumed Presidency of the Community of Democracies in September 2009, and will hold this position until 2011;

Whereas, in 2010, the United States Government and the Government of Lithuania celebrated 88 years of continuous diplomatic relations;

Whereas the United States Government welcomes and appreciates efforts by the Government of Lithuania to maintain international peace and stability in Europe and around the world by contributing to international civilian and military operations in Afghanistan, Iraq, Bosnia, Kosovo, and Georgia; and

Whereas Lithuania is a strong and loyal ally of the United States, and the people of Lithuania share common values with the people of the United States: Now, therefore, be it

Resolved, That the Senate hereby—

(1) congratulates the people of the Republic of Lithuania on the occasion of the Act of the Re-Establishment of the State of Lithuania;

(2) commends the Government of Lithuania for its success in implementing political and economic reforms, for establishing political, religious, and economic freedom, and for its commitment to human rights;

(3) recognizes the close and enduring relationship between the United States Government and the Government of Lithuania; and

(4) calls on the President to continue to build on the close and mutually beneficial

relations the United States has enjoyed with Lithuania since the restoration of the full independence of Lithuania.

SENATE RESOLUTION 443—HONORING THE LIFE AND SERVICE OF ENRIQUE ''KIKI'' CAMARENA

Mrs. FEINSTEIN (for herself and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 443

Whereas, 25 years ago, in March 1985, Drug Enforcement Administration (DEA) Special Agent Enrique ''Kiki'' Camarena made the ultimate sacrifice fighting drugs;

Whereas Special Agent Camarena, an 11-year veteran special agent of the DEA, was kidnapped, tortured, and murdered in the line of duty while engaged in the battle against illicit drugs;

Whereas Special Agent Camarena joined the DEA in June 1974, as an agent with the Calexico, California District Office;

Whereas Special Agent Camarena was assigned to the Fresno District Office in September 1977, and transferred to the Guadalajara Resident Office in July 1981;

Whereas on February 7, 1985, when leaving the Guadalajara Resident Office to join his wife, Geneva, for lunch, Special Agent Camarena was surrounded by 5 armed men and forced into a car, which sped away;

Whereas February 7, 1985, was the last time anyone, other than his kidnappers, would see Special Agent Camarena alive;

Whereas the body of Special Agent Camarena was discovered on March 5, 1985, on a ranch approximately 60 miles southeast of Guadalajara, Mexico;

Whereas to date, 22 individuals have been indicted in Los Angeles, California for their roles in the Camarena murder, including high ranking government officials, cartel drug lords, lieutenants, and soldiers;

Whereas of the 22 individuals indicted in Los Angeles, 8 have been convicted and are imprisoned in the United States, 6 have been incarcerated in Mexico and are considered fugitives with outstanding warrants issued in the United States, 4 are believed deceased, 1 was acquitted at trial, and 3 remain fugitives believed to be residing in Mexico;

Whereas an additional 25 individuals were arrested, convicted, and imprisoned in Mexico for their involvement in the Camarena murder;

Whereas the men and women of the DEA will continue to seek justice for the murder of Special Agent Camarena;

Whereas during his 11 year career with the DEA, Special Agent Camarena received 2 Sustained Superior Performance Awards, a Special Achievement Award, and, posthumously, the Administrator's Award of Honor, the highest award granted by the DEA;

Whereas prior to joining the DEA, Special Agent Camarena served 2 years in the Marine Corps, as well as serving as a fireman in Calexico, a police investigator, and a narcotics investigator for the Imperial County Sheriff Coroner;

Whereas Red Ribbon Week, which has been nationally recognized since 1988, is the oldest and largest drug prevention program in the Nation, reaches millions of young people each year, and is celebrated annually October 23 through October 31, was established to help preserve the memory of Special Agent Camarena and to further the cause for which he gave his life, the fight against the violence of drug crime and the misery of addiction; and

Whereas Special Agent Camarena will be remembered as an honorable and cherished public servant and his sacrifice should be a reminder every October during Red Ribbon Week of the dangers associated with drug use and drug trafficking: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its appreciation for the profound dedication and public service of Enrique ''Kiki'' Camarena;

(2) tenders its deep sympathy and appreciation to his wife, Geneva, to his 3 children, Enrique, Daniel, and Erik, and to his family, friends, and former colleagues of the Drug Enforcement Administration;

(3) encourages communities and organizations throughout the United States to commemorate the sacrifice of Special Agent Camarena through the promotion of drug-free communities and participation in drug prevention activities which show support for healthy, productive, and drug-free lifestyles; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the family of Enrique ''Kiki'' Camarena.

SENATE RESOLUTION 444—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN CITY OF VANCOUVER V. GALLOWAY

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 444

Whereas, in the case of City of Vancouver v. Galloway, Cr. No. 171555V, pending in Clark County District Court in Vancouver, Washington, the prosecution has requested testimony from Allison Creagan-Frank and Bethany Works, former employees of the office of Senator Patty Murray;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent present or former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Allison Creagan-Frank, Bethany Works, and any other employee of Senator Murray's office from whom testimony may be required, are authorized to testify in the case of City of Vancouver v. Galloway, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Allison Creagan-Frank, Bethany Works, and any other employee of Senator Murray's office from whom testimony may be required, in connection with the testimony authorized in section one of this resolution.

SENATE RESOLUTION 445—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 445

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into how politically powerful foreign officials, their relatives and close associates have used the services of United States professionals and financial institutions to bring large amounts of suspect funds into the United States to advance their interests and to circumvent United States anti-money laundering and anti-corruption safeguards;

Whereas, the Subcommittee has received a request from a federal law enforcement agency for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into how politically powerful foreign officials, their relatives and close associates have used the services of United States professionals and financial institutions to bring large amounts of suspect funds into the United States to advance their interests and to circumvent United States anti-money laundering and anti-corruption safeguards.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3402. Mr. LEMIEUX submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 3403. Mr. KERRY (for himself, Mr. SPECTER, Mr. SCHUMER, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3404. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3405. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3406. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3407. Mr. INOUYE (for himself, Mr. DORGAN, Mr. BYRD, Mr. LAUTENBERG, Mr. FRANKEN, Mr. TESTER, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3408. Mr. BINGAMAN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3409. Mr. BROWN, of Ohio submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3410. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3411. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3412. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3413. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3414. Mr. BURRIS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3415. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3416. Mrs. LINCOLN (for herself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3417. Mr. REID (for himself, Mr. ENSIGN, Mrs. FEINSTEIN, Mr. HATCH, Mr. CRAPO, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3418. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3419. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3420. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3421. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3422. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3423. Mr. BROWNBACK (for himself, Mr. ROBERTS, Ms. CANTWELL, Mr. ENSIGN, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3424. Mrs. HAGAN (for herself, Mr. BURR, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3425. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3426. Mr. REID (for Mr. LEVIN) proposed an amendment to the resolution S. Res. 372, designating March 2010 as ''National Autoimmune Diseases Awareness Month'' and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research.

SA 3427. Mr. MCCAIN (for himself and Mr. GRAHAM) proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SA 3428. Mr. ROCKEFELLER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3402. Mr. LEMIEUX submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1968 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. _____. MODIFICATIONS TO RUM COVER-OVER PROGRAM.

(a) IN GENERAL.—Section 7652 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(h) DISTRIBUTION OF RUM TAXES BETWEEN PUERTO RICO AND THE VIRGIN ISLANDS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of subsections (a)(3)(B), (b)(3)(B), and (e)(2), the amount to be divided between and covered into the treasury of any applicable territory under this subsection shall bear the same ratio to the total amount covered into the treasuries of all applicable territories under subsection (a)(3)(B), (b)(3)(B), or (e)(2), as the case may be, as the population of such applicable territory bears to the total combined population of all applicable territories.

''(2) TRANSITION RULE.—In the case of any calendar year before 2030, the amount to be divided between and covered into the treasury of any applicable territory under this subsection shall be equal to the sum of—

''(A) the amount which would be determined under subsection (a)(3)(B), (b)(3)(B), or (e)(2), as the case may be, with respect to such applicable territory before the date of the enactment of this subsection, plus

''(B) the product of—

''(i) the transition percentage, and

''(ii) the difference of—

''(I) the amount which would be determined under paragraph (1) for such calendar year if this paragraph did not apply, minus

''(II) the amount described in subparagraph (A).

''(3) DEFINITIONS AND OTHER RULES.—For purposes of this section—

''(A) APPLICABLE TERRITORY.—The term 'applicable territory' means Puerto Rico and the Virgin Islands.

''(B) POPULATION.—For purposes of paragraph (1), the respective populations of the applicable territories shall be determined on the basis of the most recent census estimate of the resident population of each released by the Bureau of the Census before the beginning of the calendar year.

''(C) TRANSITION PERCENTAGE.—

''(i) IN GENERAL.—The transition percentage for calendar year 2010 is 5 percent.

''(ii) SUBSEQUENT YEARS.—In the case of any calendar year beginning after 2010, the transition percentage shall the percentage (not to exceed 100 percent) equal to the sum of the transition percentage for the preceding calendar year plus 5 percentage points.''.

(b) CONFORMING AMENDMENTS.—

(1) SHIPMENTS FROM PUERTO RICO.—Paragraph (3) of section 7652(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) DEPOSIT OF INTERNAL REVENUE COLLECTIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), all taxes collected under the internal revenue laws of the United States on articles produced in Puerto Rico and transported to the United States (less the estimated amount necessary for payment of refunds and drawbacks), or consumed in the island, shall be covered into the treasury of Puerto Rico.

''(B) RUM.—All taxes collected under the internal revenue laws of the United States on rum (as defined in subsection (e)(3)) produced in Puerto Rico and transported to the United States (less the estimated amount necessary for payment of refunds and drawbacks), or consumed in the island, shall be divided between and covered into the treasuries of the applicable territories as provided in subsection (i).''.

(2) SHIPMENTS FROM THE VIRGIN ISLANDS.—Paragraph (3) of section 7652(b) of such Code is amended to read as follows:

''(3) DISPOSITION OF INTERNAL REVENUE COLLECTIONS.—

''(A) IN GENERAL.—The Secretary shall determine the amount of all taxes imposed by, and collected under the internal revenue laws of the United States on articles not described in subparagraph (B) which are produced in the Virgin Islands and transported to the United States. The amount so determined, plus the amounts determined with respect to the Virgin Islands under subparagraph (B) and subsection (a)(3)(B), less 1 percent of the total of such amounts and less the estimated amount of refunds or credits, shall be subject to disposition as follows:

''(i) The payment of an estimated amount shall be made to the government of the Virgin Islands before the commencement of each fiscal year as set forth in section 4(c)(2) of the Act entitled 'An Act to authorize appropriations for certain insular areas of the United States, and for other purposes', approved August 18, 1978 (48 U.S.C. 1645), as in effect on the date of the enactment of the Trade and Development Act of 2000. The payment so made shall constitute a separate fund in the treasury of the Virgin Islands and may be expended as the legislature may determine.

''(ii) Any amounts remaining shall be deposited in the Treasury of the United States as miscellaneous receipts.

If at the end of any fiscal year the total of the Federal contribution made under clause (i) with respect to the four calendar quarters immediately preceding the beginning of that fiscal year has not been obligated or expended for an approved purpose, the balance shall continue available for expenditure during any succeeding fiscal year, but only for

emergency relief purposes and essential public projects. The aggregate amount of moneys available for expenditure for emergency relief purposes and essential public projects only shall not exceed the sum of $5,000,000 at the end of any fiscal year. Any unobligated or unexpended balance of the Federal contribution remaining at the end of a fiscal year which would cause the moneys available for emergency relief purposes and essential public projects only to exceed the sum of $5,000,000 shall thereupon be transferred and paid over to the Treasury of the United States as miscellaneous receipts.

''(B) RUM.—The Secretary shall determine the amount of all taxes imposed by, and collected under the internal revenue laws of the United States on rum (as defined in subsection (e)(3)) produced in the Virgin Islands and transported to the United States. The amount so determined shall be divided between and covered into the treasuries of the applicable territories as provided in subsection (i).''.

(3) OTHER SHIPMENTS TO THE UNITED STATES.—Paragraph (2) of section 7652(e) of such Code is amended to read as follows:

''(2) DISTRIBUTION OF TAXES.—Such tax collections shall be divided between Puerto Rico and the Virgin Islands as provided in subsection (i). The Secretary shall prescribe by regulation the timing and methods for transferring such tax collections.''.

(c) PERMANENT EXTENSION OF INCREASED LIMITATION ON COVER OVER.—Paragraph (1) of section 7652(f) of the Internal Revenue Code of 1986 is amended by striking ''$10.50 ($13.25 in the case of distilled spirits brought into the United States after June 30, 1999, and before January 1, 2010)'' and inserting ''$13.25''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxes collected after the date of the enactment of this Act.

(2) LIMITATION ON COVER-OVER.—The amendment made by subsection (c) shall apply to distilled spirits brought into the United States after December 31, 2009.

SA 3403. Mr. KERRY (for himself, Mr. SPECTER, Mr. SCHUMER, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, insert the following:

SEC. __. 1-YEAR EXTENSION OF THE EMERGENCY CONTINGENCY FUND FOR STATE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAMS.

(a) IN GENERAL.—Section 403(c) of the Social Security Act (42 U.S.C. 603(c)) is amended—

(1) in paragraph (2)(A), by inserting '', and for fiscal year 2011, $2,500,000,000,'' before ''for payment'';

(2) in paragraph (2)(B)—

(A) by inserting ''for fiscal year 2009'' after ''under subparagraph (A)''; and

(B) by inserting before the period the following: '', and may be used to make payments to a State during fiscal year 2011 with respect to expenditures incurred by such State during fiscal year 2009 or 2010. The amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011 shall be used to make grants to States during such fiscal year in accordance with the requirements of paragraph (3), and may be used to make payments to a State during fiscal year 2012 with respect to expenditures incurred by such State during fiscal year 2011'';

(3) by striking paragraph (2)(C) and inserting the following:

''(C) LIMITATIONS.—

''(i) IN GENERAL.—In no case may the Secretary make a grant from the Emergency Fund for a fiscal year after fiscal year 2012.

''(ii) RESERVATION OF FUNDS.—Of the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011, $500,000 shall be placed in reserve for use in fiscal year 2012. Such amounts shall be used to award grants for any expenditures incurred by States after September 30, 2011.'';

(4) in clause (i) of each of subparagraphs (A), (B), and (C) of paragraph (3), by striking ''year 2009 or 2010'' and inserting ''years 2009 through 2011'';

(5) by adding at the end of paragraph (3) the following:

''(D) GRANT RELATED TO INCREASED EXPENDITURES FOR EMPLOYMENT SERVICES.—

''(i) IN GENERAL.—For each calendar quarter in fiscal year 2011, the Secretary shall make a grant from the Emergency Fund to each State that—

''(I) requests a grant under this subparagraph for the quarter; and

''(II) meets the requirement of clause (ii) for the quarter.

''(ii) EMPLOYMENT SERVICES EXPENDITURE REQUIREMENT.—A State meets the requirement of this clause for a quarter if the total expenditures of the State for employment services in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total such expenditures of the State in the corresponding quarter in the emergency fund base year of the State.

''(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the excess described in clause (ii).'';

(6) in paragraph (4), by striking ''and subsidized employment'' and inserting ''subsidized employment, and employment services'';

(7) in paragraph (5)—

(A) in the paragraph heading, by inserting ''ON PAYMENTS; ADJUSTMENT AUTHORITY'' after ''LIMITATION'';

(B) by striking ''The total amount'' and inserting the following:

''(A) IN GENERAL.—The total amount'';

(C) by inserting after ''grant'' the following: ''The total amount payable to a single State under subsection (b) and this subsection for fiscal year 2011 shall not exceed 25 percent of the annual State family assistance grant.''; and

(D) by adding at the end the following:

''(B) ADJUSTMENT AUTHORITY.—The Secretary may issue a Program Instruction without regard to the requirements of section 553 of title 5, United States Code, specifying priority criteria for awarding grants to States for fiscal year 2011 or adjusting the percentage limitation applicable under subparagraph (A) with respect to the total amount payable to a single State for such fiscal year, if the Secretary determines that the Emergency Fund is at risk of being depleted prior to September 30, 2011, or the Secretary determines that funds are available to accommodate additional State requests.''; and

(8) in paragraph (9)—

(A) in subparagraph (B)(i), by striking ''or 2008'' and inserting '', 2008, or 2009'';

(B) by adding at the end of subparagraph (B)(ii) the following:

''(IV) The total expenditures of the State for employment services, whether under the State program funded under this part or as qualified State expenditures.''; and

(C) by adding at the end the following:

''(D) EMPLOYMENT SERVICES.—The term 'employment services' means services designed to help an individual begin, remain, or advance in employment, as defined in program guidance issued by the Secretary (without regard to section 553 of title 5, United States Code).''.

(b) CONFORMING AMENDMENTS.—Section 2101 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) in subsection (a)(2)—

(A) by striking ''2010'' and inserting ''2011''; and

(B) by striking all that follows ''repealed'' and inserting a period; and

(2) in subsection (d)(1), by striking ''2010'' and inserting ''2011''.

SEC. __. INTELLIGENT ASSIGNMENT IN ENROLLMENT.

(a) IN GENERAL.—Section 1860D-1(b)(1)(C) of the Social Security Act (42 U.S.C. 1395w-101(b)(1)(C)) is amended by inserting after ''PDP region'' the following: ''or through use of an intelligent assignment process that is designed to maximize the access of such individual to necessary prescription drugs while minimizing costs to such individual and to the program under this part to the greatest extent possible. In the case the Secretary enrolls such individuals through use of an intelligent assignment process, such process shall take into account the extent to which prescription drugs necessary for the individual are covered in the case of a PDP sponsor of a prescription drug plan that uses a formulary, the use of prior authorization or other restrictions on access to coverage of such prescription drugs by such a sponsor, and the overall quality of a prescription drug plan as measured by quality ratings established by the Secretary''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect for contract years beginning with 2012.

SEC. __. ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 3507, subsection (g) of section 32, and paragraph (7) of section 6051(a) of the Internal Revenue Code of 1986 are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 6012(a) of the Internal Revenue Code of 1986 is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 of such Code is amended by striking subsection (i).

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SA 3404. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. ____. RURAL COMMUNITY GRANT APPLICATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, an eligible rural community may submit to the appropriate Federal official an application for a grant under an applicable Federal program.

(b) ELIGIBILITY.—To be eligible to submit an application under subsection (a), a rural community shall comply with the following:

(1) The community shall submit to the State in which the community is located, an application for a grant under an applicable Federal program. Such State shall forward all such applications to the appropriate Federal officials involved.

(2) The community shall provide assurances that the community will comply with the requirements otherwise applicable with respect to the grant under the applicable Federal program.

(3) The community shall comply with any other requirements applied by the appropriate Federal official.

(c) DEFINITIONS.—In this section:

(1) APPLICABLE FEDERAL PROGRAM.—The term ''applicable Federal program'' means a grant program that—

(A) is administered by a Federal department or agency;

(B) provides authority to award grants only on a Statewide (or territory-wide) basis; and

(C) is certified by the appropriate Federal official as being a program under which a rural community will be eligible to receive a grant under the authority provided under this section.

(2) APPROPRIATE FEDERAL OFFICIAL.—The term ''appropriate Federal official'' means a Federal official that is responsible for administering an applicable Federal program.

(3) RURAL COMMUNITY.—The term ''rural community'' has the meaning given such term by the State involved.

(d) REGULATIONS.—Each appropriate Federal official shall promulgate regulations with respect to the participation of eligible rural communities in any applicable Federal programs administered by each such official.

SA 3405. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 10 and 11, insert the following:

SEC. _____. REPLENISHMENT OF GENERAL FUND THROUGH RESCISSION OF CERTAIN STIMULUS FUNDS.

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116), from the amounts appropriated or made available under division A such Act (other than under title X of such division A), there is rescinded $36,000,000,000 of any remaining unobligated amounts. The Director of the Office of Management and Budget shall apply the rescission in a pro rata manner with respect to such amounts. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 3406. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, line 13, strike ''$354,000,000'' and insert ''$560,000,000''.

On page 92, line 19, strike ''February'' and insert ''March''.

On page 92, after line 20, add the following:

(3) EFFECTIVE DATE FOR LOAN GUARANTEES.—The amendment made by paragraph (2) shall take effect on February 27, 2010.

SA 3407. Mr. INOUYE (for himself, Mr. DORGAN, Mr. BYRD, Mr. LAUTENBERG, Mr. FRANKEN, Mr. TESTER, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—OTHER MATTERS

SEC. _____01. FUNDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR DISASTER RELIEF.

There are appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for the Department of Homeland Security under the heading ''DISASTER RELIEF'' under the heading ''FEDERAL EMERGENCY MANAGEMENT AGENCY'', $5,100,000,000, to remain available until expended: *Provided*, That of the amount appropriated under this section, up to $5,000,000 shall be transferred to the Department of Homeland Security under the heading ''OFFICE OF INSPECTOR GENERAL'' for audits and investigations relating to disasters.

SEC. _____02. BLACK FARMERS DISCRIMINATION LITIGATION.

(a) There is hereby appropriated to the Department of Agriculture, $1,150,000,000, to remain available until expended, to carry out the terms of a Settlement Agreement (''such Settlement Agreement'') executed in In re Black Farmers Discrimination Litigation, No. 08–511 (D.D.C.) that is approved by a court order that has become final and nonappealable, and that is comprehensive and provides for the final settlement of all remaining Pigford claims (''Pigford claims''), as defined in section 14012(a) of Public Law 110–246. The funds appropriated herein for such Settlement Agreement are in addition to the $100,000,000 in funds of the Commodity Credit Corporation (CCC) that section 14012 made available for the payment of Pigford claims and are available only after such CCC funds have been fully obligated. The use of the funds appropriated herein shall be subject to the express terms of such Settlement Agreement. If any of the funds appropriated herein are not used for carrying out such Settlement Agreement, such funds shall be returned to the Treasury and shall not be made available for any purpose related to section 14012, for any other settlement agreement executed in In re Black Farmers Discrimination Litigation, No. 08–511 (D.D.C.), or for any other purpose. If such Settlement Agreement is not executed and approved as provided above, then the sole funding available for Pigford claims shall be the $100,000,000 of funds of the CCC that section 14012 made available for the payment of Pigford claims.

(b) Nothing in this section shall be construed as requiring the United States, any of its officers or agencies, or any other party to enter into such Settlement Agreement or any other settlement agreement.

(c) Nothing in this section shall be construed as creating the basis for a Pigford claim.

(d) Section 14012 of Public Law 110–246 is amended by striking subsections (e), (i)(2) and (j), and redesignating the remaining subsections accordingly.

SEC. _____03. INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT ACT OF 2010.

(a) SHORT TITLE.—This section may be cited as the ''Individual Indian Money Account Litigation Settlement Act of 2010''.

(b) DEFINITIONS.—In this section:

(1) AMENDED COMPLAINT.—The term ''Amended Complaint'' means the Amended Complaint attached to the Settlement.

(2) LAND CONSOLIDATION PROGRAM.—The term ''Land Consolidation Program'' means a program conducted in accordance with the Settlement and the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) under which the Secretary may purchase fractionated interests in trust or restricted land.

(3) LITIGATION.—The term ''Litigation'' means the case entitled Elouise Cobell et al. v. Ken Salazar et al., United States District Court, District of Columbia, Civil Action No. 96–1285 (JR).

(4) PLAINTIFF.—The term ''Plaintiff'' means a member of any class certified in the Litigation.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) SETTLEMENT.—The term ''Settlement'' means the Class Action Settlement Agreement dated December 7, 2009, in the Litigation.

(7) TRUST ADMINISTRATION CLASS.—The term ''Trust Administration Class'' means the Trust Administration Class as defined in the Settlement.

(c) PURPOSE.—The purpose of this section is to authorize the Settlement.

(d) AUTHORIZATION.—The Settlement is authorized, ratified, and confirmed.

(e) JURISDICTIONAL PROVISIONS.—

(1) IN GENERAL.—Notwithstanding the limitation on jurisdiction of district courts contained in section 1346(a)(2) of title 28, United States Code, the United States District Court for the District of Columbia shall have jurisdiction over the claims asserted in the Amended Complaint for purposes of the Settlement.

(2) CERTIFICATION OF TRUST ADMINISTRATION CLASS.—

(A) IN GENERAL.—Notwithstanding the requirements of the Federal Rules of Civil Procedure, the court overseeing the Litigation may certify the Trust Administration Class.

(B) TREATMENT.—On certification under sub-paragraph (A), the Trust Administration Class shall be treated as a class under Federal Rule of Civil Procedure 23(b)(3) for purposes of the Settlement.

(f) ACCOUNTING/TRUST ADMINISTRATION FUND.—

(1) IN GENERAL.—Of the amounts appropriated by section 1304 of title 31, United States Code, $1,412,000,000 shall be deposited in the Accounting/Trust Administration Fund, in accordance with the Settlement.

(2) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be considered to be met for purposes of paragraph (1).

(g) TRUST LAND CONSOLIDATION.—

(1) TRUST LAND CONSOLIDATION FUND.—

(A) ESTABLISHMENT.—On final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the ''Trust Land Consolidation Fund''.

(B) AVAILABILITY OF AMOUNTS.—Amounts in the Trust Land Consolidation Fund shall be made available to the Secretary during the 10-year period beginning on the date of final approval of the Settlement—

(i) to conduct the Land Consolidation Program: and

(ii) for other costs specified in the Settlement.

(C) DEPOSITS.—

(i) IN GENERAL.—On final approval (as defined in the Settlement) of the Settlement, the Secretary of the Treasury shall deposit in the Trust Land Consolidation Fund $2,000,000,000 of the amounts appropriated by section 1304 of title 31, United States Code.

(ii) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be considered to be met for purposes of clause (i).

(D) TRANSFERS.—In a manner designed to encourage participation in the Land Consolidation Program, the Secretary may transfer, at the discretion of the Secretary, not more than $60,000,000 of amounts in the Trust Land Consolidation Fund to the Indian Education Scholarship Holding Fund established under paragraph 2.

(2) INDIAN EDUCATION SCHOLARSHIP HOLDING FUND.—

(A) ESTABLISHMENT.—On the final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund., to be known as the ''Indian Education Scholarship Holding Fund''.

(B) AVAILABILITY.—Notwithstanding any other provision of law governing competition, public notification, or Federal procurement or assistance, amounts in the Indian Education Scholarship Holding Fund shall be made available, without further appropriation, to the Secretary to contribute to an Indian Education Scholarship Fund, as described in the Settlement, to provide scholarships for Native Americans.

(3) ACQUISITION OF TRUST OR RESTRICTED LAND.—The Secretary may acquire, at the discretion of the Secretary and in accordance with the Land Consolidation Program, any fractional interest in trust or restricted land.

(4) TREATMENT OF UNLOCATABLE PLAINTIFFS.—A Plaintiff the whereabouts of whom are unknown and who, after reasonable efforts by the Secretary, cannot be located during the 5 year period beginning on the date of final approval (as defined in the Settlement) of the Settlement shall be considered to have accepted an offer made pursuant to the Land Consolidation Program.

(h) TAXATION AND OTHER BENEFITS.—

(1) INTERNAL REVENUE CODE.—For purposes of the Internal Revenue Code of 1986, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement—

(A) shall not be included in gross income; and

(B) shall not be taken into consideration for purposes of applying any provision of the Internal Revenue Code that takes into account excludable income in computing adjusted gross income or modified adjusted gross income, including section 86 of that Code (relating to Social Security and tier 1 railroad retirement benefits).

(2) OTHER BENEFITS.—Notwithstanding any other provision of law, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be treated for any household member, during the 1-year period beginning on the date of receipt—

(A) as income for the month during which the amounts were received; or

(B) as a resource,

for purposes of determining initial eligibility, ongoing eligibility, or level of benefits under any Federal or federally assisted program.

SEC. _____04. EMERGENCY DESIGNATIONS.

(a) IN GENERAL.—Each amount in this title is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) PAYGO.—Each amount in this title is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139).

SA 3408. Mr. BINGAMAN (for himself and Mrs. STABENOW) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. _____. EXPANSION OF QUALIFYING ADVANCED ENERGY PROJECT CREDIT.

(a) IN GENERAL.—Section 48C(d)(1)(B) is amended by striking ''$2,300,000,000'' and inserting ''$7,300,000,000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to allocations for applications submitted after December 31, 2009.

SA 3409. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. _____. EXPANSION OF QUALIFYING ADVANCED ENERGY PROJECT CREDIT.

(a) IN GENERAL.—Section 48C(d)(1)(B) is amended by striking ''$2,300,000,000'' and inserting ''$7,300,000,000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to allocations for applications submitted after December 31, 2009.

SEC. _____. EXCISE TAX ON BONUSES RECEIVED BY EMPLOYEES OF BUSINESSES RECEIVING TARP FUNDS.

(a) IN GENERAL.—Chapter 46 is amended by adding at the end the following new section:

''SEC. 4999A. BONUSES PAID BY TARP RECIPIENTS.

''(a) IN GENERAL.—In the case of any payment of compensation during 2010 in the nature of a bonus by a TARP recipient to any employee or former employee of such recipient, there is hereby imposed a tax equal to 50 percent of so much of such compensation as exceeds $50,000.

''(b) TAX PAID BY BONUS RECIPIENT.—The tax imposed by this section shall be paid by such employee or former employee.

''(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) TARP RECIPIENT.—The term 'TARP recipient' means any person who receives funds under title I of the Emergency Economic Stabilization Act of 2008.

''(2) EMPLOYEE.—The term 'employee' includes officers and executives.

''(3) ENTITIES ACQUIRED BY TARP RECIPIENTS.—If more than 50 percent of the equity interests in any person is acquired by a TARP recipient, such person shall be treated as a TARP recipient for purposes of this section and subsection (a) shall apply to applicable compensation paid by such person after the earlier of the date of such acquisition or the date that such acquisition is announced.

''(4) CERTAIN CONTROLLED GROUPS, ETC.—All employees who are treated as employed by a single employer under subsections (b), (c), or (m) of section 414 shall be treated as employed by a single employer for purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 46 is amended by adding at the end the following new item:

''Sec. 4999A. Bonuses paid by TARP recipients.''.

SA 3410. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 201 and insert the following:

SEC. 201. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''April 5, 2010'' each place it appears and inserting ''December 31, 2010'';

(B) in the heading for subsection (b)(2), by striking ''APRIL 5, 2010'' and inserting ''DECEMBER 31, 2010''; and

(C) in subsection (b)(3), by striking ''September 4, 2010'' and inserting ''May 31, 2011''.

(2) Section 2002(e) 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), is amended—

(A) in paragraph (1)(B), by striking ''April 5, 2010'' and inserting ''December 31, 2010'';

(B) in the heading for paragraph (2), by striking ''APRIL 5, 2010'' and inserting ''DECEMBER 31, 2010''; and

(C) in paragraph (3), by striking ''October 5, 2010'' and inserting ''June 30, 2011''.

(3) Section 2005 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. 444), is amended—

(A) by striking ''April 5, 2010'' each place it appears and inserting ''January 1, 2011''; and

(B) in subsection (c), by striking ''September 4, 2010'' and inserting ''June 1, 2011''.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''September 4, 2010'' and inserting ''May 31, 2011''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking ''and'' at the end; and

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

''(E) the amendments made by section 201(a)(1) of the American Workers, State, and Business Relief Act of 2010; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extension Act of 2010.

Strike section 211 and insert the following:

SEC. 211. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by section 3 of the Temporary Extension Act of 2010, is amended by striking ''March 31, 2010'' and inserting ''December 31, 2010''.

(b) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by subsection (b)(1)(C), is further amended by adding at the end the following:

''(18) RULES RELATED TO 2010 EXTENSION.—

''(A) ELECTION TO PAY PREMIUMS RETROACTIVELY AND MAINTAIN COBRA COVERAGE.—In the case of any premium for a period of coverage during an assistance eligible individual's 2010 transition period, such individual shall be treated for purposes of any COBRA continuation provision as having timely paid the amount of such premium if—

''(i) such individual's qualifying event was on or after April 1, 2010 and prior to the date of enactment of this paragraph, and

''(ii) such individual pays, by the latest of 60 days after the date of the enactment of this paragraph, 30 days after the date of provision of the notification required under paragraph (16)(D)(ii) (as applied by subparagraph (D) of this paragraph), or the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986, the amount of such premium, after the application of paragraph (1)(A).

''(B) REFUNDS AND CREDITS FOR RETROACTIVE PREMIUM ASSISTANCE ELIGIBILITY.—In the case of an assistance eligible individual who pays, with respect to any period of COBRA continuation coverage during such individual's 2010 transition period, the premium amount for such coverage without regard to paragraph (1)(A), rules similar to the rules of paragraph (12)(E) shall apply.

''(C) 2010 TRANSITION PERIOD.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'transition period' means, with respect to any assistance eligible individual, any period of coverage if—

''(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the American Workers, State, and Business Relief Act of 2010, and

''(II) paragraph (1)(A) applies to such period by reason of the amendments made by section 211 of the American Workers, State, and Business Relief Act of 2010.

''(ii) CONSTRUCTION.—Any period during the period described in subclauses (I) and (II) of clause (i) for which the applicable premium has been paid pursuant to subparagraph (A) shall be treated as a period of coverage referred to in such paragraph, irrespective of any failure to timely pay the applicable premium (other than pursuant to subparagraph (A)) for such period.

''(D) NOTIFICATION.—Notification provisions similar to the provisions of paragraph (16)(E) shall apply for purposes of this paragraph.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

In section 212, strike ''December 31, 2009'' and insert ''March 31, 2010''.

In section 231, strike ''this title'' and insert ''this Act''.

In section 241(1), strike ''March 1, 2010'' and insert ''March 31, 2010''.

In section 601(1), strike ''February 28, 2010'' and insert ''March 31, 2010''.

In section 601(2), strike ''March 1, 2010'' and insert ''April 1, 2010''.

SA 3411. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

After section 192, insert the following:

SEC. 193. EXTENSION OF SPECIAL ALLOWANCE FOR CERTAIN PROPERTY.

(a) IN GENERAL.—Section 15345(d)(1)(D) of the Food Conservation and Energy Act of 2008 (Public Law 110-246) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) CONFORMING AMENDMENT.—Section 15345(d)(1)(F) of such Act is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 15345 of the Food Conservation and Energy Act of 2008.

SA 3412. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FUNDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR DISASTER RELIEF.

There are appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for the Department of Homeland Security under the heading ''DISASTER RELIEF'' under the heading ''FEDERAL EMERGENCY MANAGEMENT AGENCY'', $5,100,000,000, to remain available until expended: *Provided*, That of the amount appropriated under this section, up to $5,000,000 shall be transferred to the Department of Homeland Security under the heading ''OFFICE OF INSPECTOR GENERAL'' for audits and investigations relating to disasters: *Provided further*, That this section is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)), and designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 3413. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 10 and 11, insert the following:

SEC. _____. MODIFICATION OF EFFECTIVE DATE OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) LEASES TO FOREIGN ENTITIES.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

''(5) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2009, with respect to leases entered into on or before March 12, 2004.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004, but shall not apply to any transaction that is the subject of a closing agreement under the provisions of section 7121 of the Internal Revenue Code of 1986 that is final as of the date of the enactment of this Act.

(c) NO INFERENCE.—Nothing in the amendment made by this section shall be construed to create an inference regarding the authority of the Internal Revenue Service to challenge transactions described in such amendment for taxable years beginning before January 1, 2010.

SA 3414. Mr. BURRIS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. 602. ENSURING CONTRACTING WITH SMALL BUSINESS CONCERNS AND DISADVANTAGED BUSINESS CONCERNS.

(a) DEFINITIONS.—In this section—

(1) the term ''Administration'' means the Transportation Security Administration;

(2) the term ''Assistant Secretary'' means the Assistant Secretary of Homeland Security, Transportation Security Administration;

(3) the terms ''HUBZone small business concern'', ''small business concern'', ''small business concern owned and controlled by service-disabled veterans'', and ''small business concern owned and controlled by women'' have the meanings given those terms under section 3 of the Small Business Act (15 U.S.C. 632); and

(4) the term ''small business concern owned and controlled by socially and economically disadvantaged individuals'' has the meaning given that term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

(b) REQUIREMENTS FOR PRIME CONTRACTS.—The Assistant Secretary shall include in each contract, valued at $300,000,000 or more, awarded for procurement of products or services acquired for the Administration—

(1) a requirement that the contractor shall submit to the Assistant Secretary and implement a plan for the award, in accordance with other applicable requirements, of subcontracts under the contract to small business concerns, including small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, small business concerns owned and controlled by service-disabled veterans, HUBZone small business concerns, small business concerns participating in the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), institutions of higher education receiving assistance under title III or V of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.; 1101 et seq.), and Native Corporations created pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and

(2) a requirement that the contractor shall submit to the Assistant Secretary, during performance of the contract, periodic reports describing the extent to which the contractor has complied with the plan submitted under paragraph (1), including a specification (by total dollar amount and by percentage of the total dollar value of the contract) of the value of subcontracts awarded at all tiers of subcontracting to small business concerns, institutions, and corporations referred to in paragraph (1).

(c) UTILIZATION OF ALLIANCES.—The Assistant Secretary shall seek to facilitate award of contracts by the Administration to teams of small business concerns, institutions, and corporations referred to in subsection (b)(1).

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than October 31 of each year, the Assistant Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a report on the award of contracts to small business concerns, institutions, and corporations referred to in subsection (b)(1) during the preceding fiscal year.

(2) CONTENTS.—Each report submitted by the Assistant Secretary under paragraph (1) shall—

(A) for contracts to small business concerns, institutions, and corporations referred to in subsection (b)(1) awarded during the preceding fiscal year, specify—

(i) the value of the contracts, by dollar amount and as a percentage of the total dollar value of all contracts awarded by the Administration in the fiscal year; and

(ii) the total dollar value of the contracts awarded to each of the categories of small business concerns, institutions, and corporations referred to in subsection (b)(1); and

(B) if the percentage specified under subparagraph (A)(i) is less than 25 percent, an explanation of—

(i) why the percentage is less than 25 percent; and

(ii) what will be done to ensure that the percentage for the following fiscal year will not be less than 25 percent.

SA 3415. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. ___. MULTIEMPLOYER PLAN CONTRIBUTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 45R. MULTIEMPLOYER PLAN CONTRIBUTION CREDIT.

''(a) GENERAL RULE.—For purposes of section 38, in the case of a qualified taxpayer, the multiemployer plan contribution credit for any taxable year is an amount equal to 50 percent of the taxpayer's qualified multiemployer plan contributions for the taxable year.

''(b) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED MULTIEMPLOYER PLAN CONTRIBUTION.—The term 'qualified multiemployer plan contribution' means the amount of contributions paid pursuant to a collective bargaining agreement by a qualified taxpayer to a qualified multiemployer plan for a taxable year.

''(2) QUALIFIED TAXPAYER.—The term 'qualified taxpayer' means any employer that is—

''(A) engaged primarily in the active conduct of the trade or business of carrying freight for unrelated third parties that was engaged in such trade or business on the date of enactment of the Motor Carrier Act of 1980; and

''(B) a party to—

''(i) the National Master Freight Agreement, or

''(ii) a collective bargaining agreement that includes terms substantially similar to the National Master Freight Agreement as in effect on April 1, 2008, or thereafter.

''(3) QUALIFIED MULTIEMPLOYER PLAN.—The term 'qualified multiemployer plan' means a defined benefit plan that is a multiemployer plan (as defined in section 414(f)).

''(c) NONINCLUSION OF INCREASED CONTRIBUTIONS.—A qualified taxpayer's qualified multiemployer plan contribution shall not include any amount attributable to an increase in the rate of contributions to a qualified multiemployer plan after September 1, 2009, except to the extent that such increase is required by the terms of a collective bargaining agreement in effect on April 1, 2008. For purposes of the preceding sentence, a subsequent amendment or extension of a collective bargaining agreement in effect on April 1, 2008 shall not result in an inclusion of any additional amount attributable to an increased rate of contributions for purposes hereof.

''(d) SPECIAL RULES.—

''(1) DISALLOWANCE OF DEDUCTION.—No deduction shall be allowed for that portion of the qualified multiemployer plan contributions for the taxable year which is equal to the credit determined under subsection (a).

''(2) AGGREGATION RULES.—All persons which are treated as a single employer under subsections (b) and (c) of section 414 shall be treated as a single taxpayer.

''(3) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year to the extent such taxpayer elects to have this section not apply with respect to all or a portion of the taxpayer's qualified multiemployer plan contribution for such taxable year.

''(e) TERMINATION.—This section shall not apply to contributions made after December 31, 2013.''.

(b) CREDIT TREATED AS PART OF BUSINESS CREDIT.—

(1) IN GENERAL.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking ''plus'' at the end of paragraph (34), striking the period at the end of paragraph (35), and inserting '', plus'', and by adding at the end the following new paragraph:

''(36) the multiemployer plan contribution credit determined under section 45R(a).''.

(2) SPECIAL RULES FOR CARRYBACK OF CREDIT.—

(A) IN GENERAL.—Section 39(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULES FOR MULTIEMPLOYER PLAN CONTRIBUTION CREDIT.—Notwithstanding subsection (d), in the case of the multiemployer plan contribution credit—

''(A) this section shall be applied separately from the business credit (other than the multiemployer plan contribution credit and the marginal oil and gas well production credit),

''(B) paragraph (1) shall be applied by substituting by substituting 'each of the 10 taxable years' for 'the taxable year' in subparagraph (A) thereof; and

''(C) paragraph (2) shall be applied—

''(i) by substituting '30 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

''(ii) by substituting '29 taxable years' for '20 taxable years' in subparagraph (B) thereof.''.

(B) CONFORMING AMENDMENT.—Section 39(a)(3)(A) of such Code is amended by inserting ''and the multiemployer plan contribution credit'' after ''marginal oil and gas well production credit''.

(3) TREATMENT UNDER ALTERNATIVE MINIMUM TAX.—

(A) IN GENERAL.—Section 38(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) MULTIEMPLOYER PLAN CONTRIBUTION CREDIT.—

''(A) IN GENERAL.—In the case of the multiemployer plan contribution credit—

''(i) this section and section 39 shall be applied separately with respect to such credit, and

''(ii) for purposes of applying paragraph (1) to such credit—

''(I) 10 percent of the tentative minimum tax shall be substituted for the tentative minimum tax under subparagraph (A) thereof, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed by subsection (a) for the taxable year (other than the multiemployer plan contribution credit).

''(B) MULTIEMPLOYER PLAN CONTRIBUTION CREDIT.—For purposes of this paragraph, the term 'multiemployer plan contribution credit' means the portion of the credit under subsection (a) which is attributable to the credit determined under section 45R.''.

(B) CONFORMING AMENDMENTS.—

(i) Section 38(c)(2)(A)(II) of such Code is amended by striking ''and the specified credits'' and inserting ''the specified credits, and the multiemployer plan contribution credit''.

(ii) Section 38(c)(3)(A)(II) of such Code is amended by striking ''and the specified credits'' and inserting ''the specified credits, and the multiemployer plan contribution credit''.

(iii) Section 38(c)(4)(A)(II) of such Code is amended by striking ''the specified credits'' and inserting ''the specified credits and the multiemployer plan contribution credit''.

(c) CONFORMING AMENDMENTS.—Subsection (c) of section 196 of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting '', and'', and by adding at the end the following new paragraph:

''(14) the multiemployer plan contribution credit determined under section 45R(a).''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 45R. Multiemployer plan contribution credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made to qualified multiemployer plans on or after January 1, 2010.

SA 3416. Mrs. LINCOLN (for herself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. ___. GRANTS FOR ENERGY EFFICIENT APPLIANCES IN LIEU OF TAX CREDIT.

In the case of any taxable year which includes the last day of calendar year 2009 or calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable.

SA 3417. Mr. REID (for himself, Mr. ENSIGN, Mrs. FEINSTEIN, Mr. HATCH, Mr. CRAPO, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the end of title VI, add the following:

SEC. 6___. ALLOCATION OF GEOTHERMAL RECEIPTS.

Nothwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and

rentals under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

SA 3418. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—SMALL BUSINESS JOB CREATION

SEC. 801. SHORT TITLE.

This title may be cited as the ''Small Business Job Creation Act of 2010''.

Subtitle A—Small Business Tax Reform

SEC. 811. EXTENSION OF INCREASE IN EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Subsection (b) of section 179 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''($125,000 in the case of taxable years beginning after 2006 and before 2011)'' in paragraph (1) and inserting ''($250,000 in the case of taxable years beginning after 2007 and before 2015)'',

(2) by striking ''($500,000 in the case of taxable years beginning after 2006 and before 2011)'' in paragraph (2) and inserting ''($800,000 in the case of taxable years beginning after 2007 and before 2015)'',

(3) by striking paragraphs (5) and (7), and

(4) by redesignating paragraph (6) as paragraph (5).

(b) EXTENSION OF EXPENSING OF COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of the Internal Revenue Code of 1986 is amended by striking ''2011'' and inserting ''2015''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 812. INCREASED EXCLUSION AND OTHER MODIFICATIONS APPLICABLE TO QUALIFIED SMALL BUSINESS STOCK.

(a) INCREASED EXCLUSION.—

(1) IN GENERAL.—Subsection (a) of section 1202 of the Internal Revenue Code of 1986 (relating partial exclusion for gain from certain small business stock) is amended to read as follows:

''(a) EXCLUSION.—Gross income shall not include 100 percent of any gain from the sale or exchange of qualified small business stock held for more than 4 years.''.

(2) RULE RELATING TO STOCK HELD AMONG MEMBERS OF CONTROLLED GROUP.—Subsection (c) of section 1202 of such Code is amended by adding at the end the following new paragraph:

''(4) STOCK HELD AMONG MEMBERS OF 25-PERCENT CONTROLLED GROUP NOT ELIGIBLE.—

''(A) IN GENERAL.—Stock of a member of a 25-percent controlled group shall not be treated as qualified small business stock while held by another member of such group.

''(B) 25-PERCENT CONTROLLED GROUP.—For purposes of subparagraph (A), the term '25-percent controlled group' means any controlled group of corporations as defined in section 1563(a)(1), except that—

''(i) 'more than 25 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

''(ii) section 1563(a)(4) shall not apply.''.

(3) CONFORMING AMENDMENTS.—

(A) Subsections (b)(2), (g)(2)(A), and (j)(1)(A) of section 1202 of such Code are each amended by striking ''5 years'' and inserting ''4 years''.

(B) The heading for section 1202 of such Code is amended by striking ''partial''.

(C) The item relating to section 1202 in the table of sections for part I of subchapter P of chapter 1 of such Code is amended by striking ''Partial exclusion'' and inserting ''Exclusion''.

(D) Section 1223(13) of such Code is amended by striking ''1202(a)(2),''.

(b) REPEAL OF MINIMUM TAX PREFERENCE.—

(1) IN GENERAL.—Subsection (a) of section 57 of the Internal Revenue Code of 1986 (relating to items of tax preference) is amended by striking paragraph (7).

(2) TECHNICAL AMENDMENT.—Subclause (II) of section 53(d)(1)(B)(ii) of such Code is amended by striking '', (5), and (7)'' and inserting ''and (5)''.

(c) REPEAL OF 28 PERCENT CAPITAL GAINS RATE ON QUALIFIED SMALL BUSINESS STOCK.—

(1) IN GENERAL.—Subparagraph (A) of section 1(h)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) collectibles gain, over''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1(h) of such Code is amended by striking paragraph (7).

(B)(i) Section 1(h) of such Code is amended by redesignating paragraphs (8), (9), (10), (11), (12), and (13) as paragraphs (7), (8), (9), (10), (11), and (12), respectively.

(ii) Sections 163(d)(4)(B), 854(b)(5), 857(c)(2)(D) of such Code are each amended by striking ''section 1(h)(11)(B)'' and inserting ''section 1(h)(10)(B)''.

(iii) The following sections of such Code are each amended by striking ''section 1(h)(11)'' and inserting ''section 1(h)(10)'':

(I) Section 301(f)(4).

(II) Section 306(a)(1)(D).

(III) Section 584(c).

(IV) Section 702(a)(5).

(V) Section 854(a).

(VI) Section 854(b)(2).

(iv) The heading of section 857(c)(2) is amended by striking ''1(h)(11)'' and inserting ''1(h)(10)''.

(d) INCREASE AGGREGATE ASSET LIMITATION FOR QUALIFIED SMALL BUSINESSES.—

(1) IN GENERAL.—Paragraph (1) of section 1202(d) of the Internal Revenue Code of 1986 (relating to qualified small business) is amended by striking ''$50,000,000'' each place it appears and inserting ''$100,000,000''.

(2) INFLATION ADJUSTMENT.—Section 1202(d) of such Code is amended by adding at the end the following new paragraph:

''(4) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2009, each of the $100,000,000 dollar amounts in paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $100.''.

(e) TREATMENT OF STOCK OWNED BY SMALL BUSINESS INVESTMENT COMPANIES.—Section 1202(c) of the Internal Revenue Code of 1986 (defining qualified small business stock) is amended by adding at the end the following new paragraph:

''(4) TREATMENT OF STOCK OWNED BY SMALL BUSINESS INVESTMENT COMPANIES.—Notwithstanding any other provision of this subsection or subsection (e), the term 'qualified small business stock' shall include stock of a corporation held by a small business investment company licensed and operating under the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) or held by a company engaged in the licensing process under such Act where the investment has been approved by the Small Business Administration.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section apply to stock issued after December 31, 2009.

(2) SPECIAL RULE FOR STOCK ISSUED BEFORE JANUARY 1, 2010.—The amendments made by subsections (a), (b), and (c) shall apply to sales or exchanges—

(A) made after December 31, 2009,

(B) of stock issued before such date,

(C) by a taxpayer other than a corporation.

Subtitle B—Access to Capital

SEC. 821. SHORT TITLE.

This subtitle may be cited as the ''Small Business Job Creation and Access to Capital Act of 2010''.

PART I—NEXT STEPS FOR MAIN STREET CREDIT AVAILABILITY

SEC. 822. SECTION 7(a) BUSINESS LOANS.

(a) AMENDMENT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking ''75 percent'' and inserting ''90 percent''; and

(B) in clause (ii), by striking ''85 percent'' and inserting ''90 percent''; and

(2) in paragraph (3)(A), by striking ''$1,500,000 (or if the gross loan amount would exceed $2,000,000'' and inserting ''$4,500,000 (or if the gross loan amount would exceed $5,000,000''.

(b) PROSPECTIVE REPEAL.—Effective January 1, 2011, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking ''90 percent'' and inserting ''75 percent''; and

(B) in clause (ii), by striking ''90 percent'' and inserting ''85 percent''; and

(2) in paragraph (3)(A), by striking ''$4,500,000'' and inserting ''$3,750,000''.

SEC. 823. MAXIMUM LOAN AMOUNTS UNDER 504 PROGRAM.

Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (i), by striking ''$1,500,000'' and inserting ''$5,000,000'';

(2) in clause (ii), by striking ''$2,000,000'' and inserting ''$5,000,000'';

(3) in clause (iii), by striking ''$4,000,000'' and inserting ''$5,500,000'';

(4) in clause (iv), by striking ''$4,000,000'' and inserting ''$5,500,000''; and

(5) in clause (v), by striking ''$4,000,000'' and inserting ''$5,500,000''.

SEC. 824. MAXIMUM LOAN LIMITS UNDER MICROLOAN PROGRAM.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(B)(iii), by striking ''$35,000'' and inserting ''$50,000'';

(2) in paragraph (3)—

(A) in subparagraph (C), by striking ''$3,500,000'' and inserting ''$5,000,000''; and

(B) in subparagraph (E), by striking ''$35,000'' each place that term appears and inserting ''$50,000''; and

(3) in paragraph (11)(B), by striking ''$35,000'' and inserting ''$50,000''.

SEC. 825. NEW MARKETS VENTURE CAPITAL COMPANY INVESTMENT LIMITATIONS.

Section 355 of the Small Business Investment Act of 1958 (15 U.S.C. 689d) is amended by adding at the end the following:

''(e) INVESTMENT LIMITATIONS.—

''(1) DEFINITION.—In this subsection, the term 'covered New Markets Venture Capital company' means a New Markets Venture Capital company—

''(A) granted final approval by the Administrator under section 354(e) on or after March 1, 2002; and

''(B) that has obtained a financing from the Administrator.

''(2) LIMITATION.—Except to the extent approved by the Administrator, a covered New Markets Venture Capital company may not acquire or issue commitments for securities under this title for any single enterprise in an aggregate amount equal to more than 10 percent of the sum of—

''(A) the regulatory capital of the covered New Markets Venture Capital company; and

''(B) the total amount of leverage projected in the participation agreement of the covered New Markets Venture Capital.''.

SEC. 826. ALTERNATIVE SIZE STANDARDS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

''(5) ALTERNATIVE SIZE STANDARD.—

''(A) IN GENERAL.—The Administrator shall establish an alternative size standard for applicants for business loans under section 7(a) and applicants for development company loans under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), that uses maximum tangible net worth and average net income as an alternative to the use of industry standards.

''(B) INTERIM RULE.—Until the date on which the alternative size standard established under subparagraph (A) is in effect, an applicant for a business loan under section 7(a) or an applicant for a development company loan under title V of the Small Business Investment Act of 1958 may be eligible for such a loan if—

''(i) the maximum tangible net worth of the applicant is not more than $15,000,000; and

''(ii) the average net income after Federal income taxes (excluding any carry-over losses) of the applicant for the 2 full fiscal years before the date of the application is not more than $5,000,000.''.

SEC. 827. SALE OF 7(a) LOANS IN SECONDARY MARKET.

Section 5(g) of the Small Business Act (15 U.S.C. 634(g)) is amended by adding at the end the following:

''(6) If the amount of the guaranteed portion of any loan under section 7(a) is more than $500,000, the Administrator shall, upon request of a pool assembler, divide the loan guarantee into increments of $500,000 and 1 increment of any remaining amount less than $500,000, in order to permit the maximum amount of any loan in a pool to be not more than $500,000. Only 1 increment of any loan guarantee divided under this paragraph may be included in the same pool. Increments of loan guarantees to different borrowers that are divided under this paragraph may be included in the same pool.''.

SEC. 828. ONLINE LENDING PLATFORM.

It is the sense of Congress that the Administrator of the Small Business Administration should establish a website that—

(1) lists each lender that makes loans guaranteed by the Small Business Administration and provides information about the loan rates of each such lender; and

(2) allows prospective borrowers to compare rates on loans guaranteed by the Small Business Administration.

PART II—SMALL BUSINESS ACCESS TO CAPITAL

SEC. 829. LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.

(a) REFINANCING.—Section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by adding at the end the following:

''(C) REFINANCING NOT INVOLVING EXPANSIONS.—

''(i) DEFINITIONS.—In this subparagraph—

''(I) the term 'borrower' means a small business concern that submits an application to a development company for financing under this subparagraph;

''(II) the term 'eligible fixed asset' means tangible property relating to which the Administrator may provide financing under this section; and

''(III) the term 'qualified debt' means indebtedness—

''(aa) that—

''(AA) was incurred not less than 2 years before the date of the application for assistance under this subparagraph;

''(BB) is a commercial loan;

''(CC) is not subject to a guarantee by a Federal agency;

''(DD) the proceeds of which were used to acquire an eligible fixed asset;

''(EE) was incurred for the benefit of the small business concern; and

''(FF) is collateralized by eligible fixed assets; and

''(bb) for which the borrower has been current on all payments for not less than 1 year before the date of the application.

''(ii) AUTHORITY.—A project that does not involve the expansion of a small business concern may include the refinancing of qualified debt if—

''(I) the amount of the financing is not more than 80 percent of the value of the collateral for the financing, except that, if the appraised value of the eligible fixed assets serving as collateral for the financing is less than the amount equal to 125 percent of the amount of the financing, the borrower may provide additional cash or other collateral to eliminate any deficiency;

''(II) the borrower has been in operation for all of the 2-year period ending on the date of the loan; and

''(III) for a financing for which the Administrator determines there will be an additional cost attributable to the refinancing of the qualified debt, the borrower agrees to pay a fee in an amount equal to the anticipated additional cost.

''(iii) FINANCING FOR BUSINESS EXPENSES.—

''(I) FINANCING FOR BUSINESS EXPENSES.—The Administrator may provide financing to a borrower that receives financing that includes a refinancing of qualified debt under clause (ii), in addition to the refinancing under clause (ii), to be used solely for the payment of business expenses.

''(II) APPLICATION FOR FINANCING.—An application for financing under subclause (I) shall include—

''(aa) a specific description of the expenses for which the additional financing is requested; and

''(bb) an itemization of the amount of each expense.

''(III) CONDITION ON ADDITIONAL FINANCING.—A borrower may not use any part of the financing under this clause for non-business purposes.

''(iv) LOANS BASED ON JOBS.—

''(I) JOB CREATION AND RETENTION GOALS.—

''(aa) IN GENERAL.—The Administrator may provide financing under this subparagraph for a borrower that meets the job creation goals under subsection (d) or (e) of section 501.

''(bb) ALTERNATE JOB RETENTION GOAL.—The Administrator may provide financing under this subparagraph to a borrower that does not meet the goals described in item (aa) in an amount that is not more than the product obtained by multiplying the number of employees of the borrower by $65,000.

''(II) NUMBER OF EMPLOYEES.—For purposes of subclause (I), the number of employees of a borrower is equal to the sum of—

''(aa) the number of full-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; and

''(bb) the product obtained by multiplying—

''(AA) the number of part-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; by

''(BB) the quotient obtained by dividing the average number of hours each part time employee of the borrower works each week by 40.

''(v) NONDELEGATION.—Notwithstanding section 508(e), the Administrator may not permit a premier certified lender to approve or disapprove an application for assistance under this subparagraph.

''(vi) TOTAL AMOUNT OF LOANS.—The Administrator may provide not more than a total of $4,000,000,000 of financing under this subparagraph for each fiscal year.''.

(b) PROSPECTIVE REPEAL.—Effective 2 years after the date of enactment of this Act, section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by striking subparagraph (C).

(c) TECHNICAL CORRECTION.—Section 502(2)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)(i)) is amended by striking ''subparagraph (B) or (C)'' and inserting ''clause (ii), (iii), (iv), or (v)''.

Subtitle C—Small Business Exporting

SEC. 831. SHORT TITLE.

This subtitle may be cited as the ''Small Business Export Enhancement and International Trade Act of 2010''.

SEC. 832. DEFINITIONS.

(a) DEFINITIONS.—In this subtitle—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''Associate Administrator'' means the Associate Administrator for International Trade appointed under section 22(a)(2) of the Small Business Act, as amended by this Act;

(3) the term ''Export Assistance Center'' means a one-stop shop referred to in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

(4) the term ''rural small business concern'' means a small business concern located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986; and

(5) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(t) SMALL BUSINESS DEVELOPMENT CENTER.—In this Act, the term 'small business development center' means a small business development center described in section 21.

''(u) REGION OF THE ADMINISTRATION.—In this Act, the term 'region of the Administration' means the geographic area served by a regional office of the Administration established under section 4(a).''.

(2) CONFORMING AMENDMENT.—Section 4(b)(3)(B)(x) of the Small Business Act (15

U.S.C. 633(b)(3)(B)(x)) is amended by striking ''Administration district and region'' and inserting ''district and region of the Administration''.

SEC. 833. OFFICE OF INTERNATIONAL TRADE.

(a) ESTABLISHMENT.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking ''SEC. 22. (a) There'' and inserting the following:

''SEC. 22. OFFICE OF INTERNATIONAL TRADE.

''(a) ESTABLISHMENT.—

''(1) OFFICE.—There''; and

(2) in subsection (a)—

(A) in paragraph (1), as so designated, by striking the period and inserting ''for the primary purposes of increasing—

''(A) the number of small business concerns that export; and

''(B) the volume of exports by small business concerns.''; and

(B) by adding at the end the following:

''(2) ASSOCIATE ADMINISTRATOR.—The head of the Office shall be the Associate Administrator for International Trade, who shall be responsible to the Administrator.''.

(b) AUTHORITY FOR ADDITIONAL ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking ''five Associate Administrators'' and inserting ''Associate Administrators''; and

(2) by adding at the end the following: ''One such Associate Administrator shall be the Associate Administrator for International Trade, who shall be the head of the Office of International Trade established under section 22.''.

(c) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following:

''(h) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—The Administrator shall ensure that—

''(1) the responsibilities of the Administration regarding international trade are carried out by the Associate Administrator;

''(2) the Associate Administrator has sufficient resources to carry out such responsibilities; and

''(3) the Associate Administrator has direct supervision and control over—

''(A) the staff of the Office; and

''(B) any employee of the Administration whose principal duty station is an Export Assistance Center, or any successor entity.''.

(d) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A)—

(1) by inserting ''the Administrator of'' before ''the Small Business Administration''; and

(2) by inserting ''through the Associate Administrator for International Trade, and'' before ''in cooperation with''.

(e) IMPLEMENTATION DATE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall appoint an Associate Administrator for International Trade under section 22(a) of the Small Business Act (15 U.S.C. 649(a)), as added by this section.

SEC. 834. DUTIES OF THE OFFICE OF INTERNATIONAL TRADE.

(a) AMENDMENTS TO SECTION 22.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) TRADE DISTRIBUTION NETWORK.—The Associate Administrator, working in close cooperation with the Secretary of Commerce, the United States Trade Representative, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and other relevant Federal agencies, small business development centers engaged in export promotion efforts, Export Assistance Centers, regional and district offices of the Administration, the small business community, and relevant State and local export promotion programs, shall—

''(1) maintain a distribution network, using regional and district offices of the Administration, the small business development center network, networks of women's business centers, the Service Corps of Retired Executives authorized by section 8(b)(1), and Export Assistance Centers, for programs relating to—

''(A) trade promotion;

''(B) trade finance;

''(C) trade adjustment assistance;

''(D) trade remedy assistance; and

''(E) trade data collection;

''(2) aggressively market the programs described in paragraph (1) and disseminate information, including computerized marketing data, to small business concerns on exporting trends, market-specific growth, industry trends, and international prospects for exports;

''(3) promote export assistance programs through the district and regional offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector; and

''(4) give preference in hiring or approving the transfer of any employee into the Office or to a position described in subsection (c)(9) to otherwise qualified applicants who are fluent in a language in addition to English, to—

''(A) accompany small business concerns on foreign trade missions; and

''(B) translate documents, interpret conversations, and facilitate multilingual transactions, including by providing referral lists for translation services, if required.'';

(2) in subsection (c)—

(A) by striking ''(c) The Office'' and inserting the following:

''(c) PROMOTION OF SALES OPPORTUNITIES.—The Associate Administrator'';

(B) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(C) by inserting before paragraph (2), as so redesignated, the following:

''(1) establish annual goals for the Office relating to—

''(A) enhancing the exporting capability of small business concerns and small manufacturers;

''(B) facilitating technology transfers;

''(C) enhancing programs and services to assist small business concerns and small manufacturers to compete effectively and efficiently against foreign entities;

''(D) increasing the ability of small business concerns to access capital;

''(E) disseminating information concerning Federal, State, and private programs and initiatives; and

''(F) ensuring that the interests of small business concerns are adequately represented in trade negotiations;'';

(D) in paragraph (2), as so redesignated, by striking ''mechanism for'' and all that follows through ''(D) assisting'' and inserting the following: ''mechanism for—

''(A) identifying subsectors of the small business community with strong export potential;

''(B) identifying areas of demand in foreign markets;

''(C) prescreening foreign buyers for commercial and credit purposes; and

''(D) assisting'';

(E) in paragraph (3), as so redesignated, by striking ''assist small businesses in the formation and utilization of'' and inserting ''assist small business concerns in forming and using'';

(F) in paragraph (4), as so redesignated—

(i) by striking ''local'' and inserting ''district'';

(ii) by striking ''existing'';

(iii) by striking ''Small Business Development Center network'' and inserting ''small business development center network''; and

(iv) by striking ''Small Business Development Center Program'' and inserting ''small business development center program'';

(G) in paragraph (5), as so redesignated—

(i) in subparagraph (A), by striking ''Gross State Produce'' and inserting ''Gross State Product'';

(ii) in subparagraph (B), by striking ''SIC'' each place it appears and inserting ''North American Industry Classification System''; and

(iii) in subparagraph (C), by striking ''small businesses'' and inserting ''small business concerns'';

(H) in paragraph (6), as so redesignated, by striking the period at the end and inserting a semicolon;

(I) in paragraph (7), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by inserting ''concerns'' after ''small business''; and

(II) by striking ''current'' and inserting ''up to date'';

(ii) in subparagraph (A), by striking ''Administration's regional offices'' and inserting ''regional and district offices of the Administration'';

(iii) in subparagraph (B) by striking ''current'';

(iv) in subparagraph (C), by striking ''current''; and

(v) by striking ''small businesses'' each place that term appears and inserting ''small business concerns'';

(J) in paragraph (8), as so redesignated, by striking and at the end;

(K) in paragraph (9), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''full-time export development specialists to each Administration regional office and assigning''; and

(II) by striking ''person in each district office. Such specialists'' and inserting ''individual in each district office and providing each Administration regional office with a full-time export development specialist, who'';

(ii) in subparagraph (B)—

(I) by striking ''current''; and

(II) by striking ''with'' and inserting ''in'';

(iii) in subparagraph (D)—

(I) by striking ''Administration personnel involved in granting'' and inserting ''personnel of the Administration involved in making''; and

(II) by striking ''and'' at the end;

(iv) in subparagraph (E)—

(I) by striking ''small businesses' needs'' and inserting ''the needs of small business concerns''; and

(II) by striking the period at the end and inserting a semicolon;

(v) by adding at the end the following:

''(F) participate, jointly with employees of the Office, in an annual training program that focuses on current small business needs for exporting; and

''(G) develop and conduct training programs for exporters and lenders, in cooperation with the Export Assistance Centers, the

Department of Commerce, small business development centers, women's business centers, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and other relevant Federal agencies;''; and

(vi) by striking ''small businesses'' each place that term appears and inserting ''small business concerns''; and

(L) by adding at the end the following:

''(10) make available on the website of the Administration the name and contact information of each individual described in paragraph (9);

''(11) carry out a nationwide marketing effort using technology, online resources, training, and other strategies to promote exporting as a business development opportunity for small business concerns;

''(12) disseminate information to the small business community through regional and district offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives authorized by section 8(b)(1), State and local export promotion programs, and partners in the private sector regarding exporting trends, market-specific growth, industry trends, and prospects for exporting; and

''(13) establish and carry out training programs for the staff of the regional and district offices of the Administration and resource partners of the Administration on export promotion and providing assistance relating to exports.'';

(3) in subsection (d)—

(A) by redesignating paragraphs (1) through (5) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(B) by striking ''(d) The Office'' and inserting the following:

''(d) EXPORT FINANCING PROGRAMS.—

''(1) IN GENERAL.—The Associate Administrator''; and

(C) by striking ''To accomplish this goal, the Office shall work'' and inserting the following:

''(2) TRADE FINANCE SPECIALIST.—To accomplish the goal established under paragraph (1), the Associate Administrator shall—

''(A) designate at least 1 individual within the Administration as a trade finance specialist to oversee international loan programs and assist Administration employees with trade finance issues; and

''(B) work'';

(4) in subsection (e), by striking ''(e) The Office'' and inserting the following:

''(e) TRADE REMEDIES.—The Associate Administrator'';

(5) by amending subsection (f) to read as follows:

''(f) REPORTING REQUIREMENT.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

''(1) a description of the progress of the Office in implementing the requirements of this section;

''(2) a detailed account of the results of export growth activities of the Administration, including the activities of each district and regional office of the Administration, based on the performance measures described in subsection (i);

''(3) an estimate of the total number of jobs created or retained as a result of export assistance provided by the Administration and resource partners of the Administration;

''(4) for any travel by the staff of the Office, the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel; and

''(5) a description of the participation by the Office in trade negotiations.'';

(6) in subsection (g), by striking ''(g) The Office'' and inserting the following:

''(g) STUDIES.—The Associate Administrator''; and

(7) by adding after subsection (h), as added by section 833 of this Act, the following:

''(i) EXPORT AND TRADE COUNSELING.—

''(1) DEFINITION.—In this subsection—

''(A) the term 'lead small business development center' means a small business development center that has received a grant from the Administration; and

''(B) the term 'lead women's business center' means a women's business center that has received a grant from the Administration.

''(2) CERTIFICATION PROGRAM.—The Administrator shall establish an export and trade counseling certification program to certify employees of lead small business development centers and lead women's business centers in providing export assistance to small business concerns.

''(3) NUMBER OF CERTIFIED EMPLOYEES.—The Administrator shall ensure that the number of employees of each lead small business development center who are certified in providing export assistance is not less than the lesser of—

''(A) 5; or

''(B) 10 percent of the total number of employees of the lead small business development center.

''(4) REIMBURSEMENT FOR CERTIFICATION.—

''(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall reimburse a lead small business development center or a lead women's business center for costs relating to the certification of an employee of the lead small business center or lead women's business center in providing export assistance under the program established under paragraph (2).

''(B) LIMITATION.—The total amount reimbursed by the Administrator under subparagraph (A) may not exceed $350,000 in any fiscal year.

''(j) PERFORMANCE MEASURES.—

''(1) IN GENERAL.—The Associate Administrator shall develop performance measures for the Administration to support export growth goals for the activities of the Office under this section that include—

''(A) the number of small business concerns that—

''(i) receive assistance from the Administration;

''(ii) had not exported goods or services before receiving the assistance described in clause (i); and

''(iii) export goods or services;

''(B) the number of small business concerns receiving assistance from the Administration that export goods or services to a market outside the United States into which the small business concern did not export before receiving the assistance;

''(C) export revenues by small business concerns assisted by programs of the Administration;

''(D) the number of small business concerns referred to an Export Assistance Center or a small business development center by the staff of the Office;

''(E) the number of small business concerns referred to the Administration by an Export Assistance Center or a small business development center; and

''(F) the number of small business concerns referred to the Export-Import Bank of the United States or to the Overseas Private Investment Corporation by the staff of the Office, an Export Assistance Center, or a small business development center.

''(2) JOINT PERFORMANCE MEASURES.—The Associate Administrator shall develop joint performance measures for the district offices of the Administration and the Export Assistance Centers that include the number of export loans made under—

''(A) section 7(a)(16);

''(B) the Export Working Capital Program established under section 7(a)(14);

''(C) the Preferred Lenders Program, as defined in section 7(a)(2)(C)(ii); and

''(D) the export express program established under section 7(a)(34).

''(3) CONSISTENCY OF TRACKING.—The Associate Administrator, in coordination with the departments and agencies that are represented on the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) and the small business development center network, shall develop a system to track exports by small business concerns, including information relating to the performance measures developed under paragraph (1), that is consistent with systems used by the departments and agencies and the network.''.

(b) TRADE DISPUTES.—The Administrator shall carry out a comprehensive program to provide technical assistance, counseling, and reference materials to small business concerns relating to resources, procedures, and requirements for mechanisms to resolve international trade disputes or address unfair international trade practices under international trade agreements or Federal law, including—

(1) directing the district offices of the Administration to provide referrals, information, and other services to small business concerns relating to the mechanisms;

(2) entering agreements and partnerships with providers of legal services relating to the mechanisms, to ensure small business concerns may affordably use the mechanisms; and

(3) in consultation with the Director of the United States Patent and Trademark Office and the Register of Copyrights, designing counseling services and materials for small business concerns regarding intellectual property protection in other countries.

(c) REPORT.—Not later than 60 days after the date of enactment of this Act, 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 on any travel by the staff of the Office of International Trade of the Administration, during the period beginning on October 1, 2004, and ending on the date of enactment of the Act, including the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel.

SEC. 835. EXPORT ASSISTANCE CENTERS.

(a) EXPORT ASSISTANCE CENTERS.—Section 22 of the Small Business Act (15 U.S.C. 649), as amended by section 834 of this Act, is amended by adding at the end the following:

''(k) EXPORT ASSISTANCE CENTERS.—

''(1) EXPORT FINANCE SPECIALISTS.—

''(A) MINIMUM NUMBER OF EXPORT FINANCE SPECIALISTS.—On and after January 1, 2010, the Administrator, in coordination with the Secretary of Commerce, shall ensure that the number of export finance specialists is not less than the number of such employees so assigned on January 1, 2003.

''(B) EXPORT FINANCE SPECIALISTS ASSIGNED TO EACH REGION OF THE ADMINISTRATION.—On and after the date that is 2 years after the date of enactment of this subsection, the Administrator, in coordination with the Secretary of Commerce, shall ensure that there are not fewer than 3 export finance specialists in each region of the Administration.

''(2) PLACEMENT OF EXPORT FINANCE SPECIALISTS.—

''(A) PRIORITY.—The Administrator shall give priority, to the maximum extent practicable, to placing employees of the Administration at any Export Assistance Center that—

''(i) had an Administration employee assigned to the Export Assistance Center before January 2003; and

''(ii) has not had an Administration employee assigned to the Export Assistance Center during the period beginning January 2003, and ending on the date of enactment of this subsection, either through retirement or reassignment.

''(B) NEEDS OF EXPORTERS.—The Administrator shall, to the maximum extent practicable, strategically assign Administration employees to Export Assistance Centers, based on the needs of exporters.

''(C) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the Administrator to reassign or remove an export finance specialist who is assigned to an Export Assistance Center on the date of enactment of this subsection.

''(3) GOALS.—The Associate Administrator shall work with the Department of Commerce, the Export-Import Bank of the United States, and the Overseas Private Investment Corporation to establish shared annual goals for the Export Assistance Centers.

''(4) OVERSIGHT.—The Associate Administrator shall designate an individual within the Administration to oversee all activities conducted by Administration employees assigned to Export Assistance Centers.

''(1) DEFINITIONS.—In this section—

''(1) the term 'Associate Administrator' means the Associate Administrator for International Trade described in subsection (a)(2);

''(2) the term 'Export Assistance Center' means a one-stop shop for United States exporters established by the United States and Foreign Commercial Service of the Department of Commerce pursuant to section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

''(3) the term 'export finance specialist' means a full-time equivalent employee of the Office assigned to an Export Assistance Center to carry out the duties described in subsection (e); and

''(4) the term 'Office' means the Office of International Trade established under subsection (a)(1).''.

(b) STUDY AND REPORT ON FILLING GAPS IN HIGH-AND-LOW-EXPORT VOLUME AREAS.—

(1) STUDY AND REPORT.—Not later than 6 months after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall—

(A) conduct a study of—

(i) the volume of exports for each State;

(ii) the availability of export finance specialists in each State;

(iii) the number of exporters in each State that are small business concerns;

(iv) the percentage of exporters in each State that are small business concerns;

(v) the change, if any, in the number of exporters that are small business concerns in each State—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced;

(vi) the total value of the exports in each State by small business concerns;

(vii) the percentage of the total volume of exports in each State that is attributable to small business concerns; and

(viii) the change, if any, in the percentage of the total volume of exports in each State that is attributable to small business concerns—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced; and

(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing—

(i) the results of the study under subparagraph (A);

(ii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the greatest volume of exports, based upon the most recent data available from the Department of Commerce;

(iii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the lowest volume of exports, based upon the most recent data available from the Department of Commerce; and

(iv) such additional information as the Administrator determines is appropriate.

(2) DEFINITION.—In this subsection, the term ''export finance specialist'' has the meaning given that term in section 22(l) of the Small Business Act, as added by this Act.

SEC. 836. INTERNATIONAL TRADE FINANCE PROGRAMS.

(a) LOAN LIMITS.—

(1) TOTAL AMOUNT OUTSTANDING.—Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended by striking ''$1,750,000, of which not more than $1,250,000'' and inserting ''$4,500,000 (or if the gross loan amount would exceed $5,000,000), of which not more than $4,000,000''.

(2) PARTICIPATION.—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking ''subparagraph (B)'' and inserting ''subparagraphs (B), (D), and (E)'';

(B) in subparagraph (D), by striking ''Notwithstanding subparagraph (A), in'' and inserting ''In''; and

(C) by adding at the end the following:

''(E) PARTICIPATION IN INTERNATIONAL TRADE LOAN.—In an agreement to participate in a loan on a deferred basis under paragraph (16), the participation by the Administration may not exceed 90 percent.''.

(b) WORKING CAPITAL.—Section 7(a)(16)(A) of the Small Business Act (15 U.S.C. 636(a)(16)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''in—'' and inserting ''—'';

(2) in clause (i)—

(A) by inserting ''in'' after ''(i)''; and

(B) by striking ''or'' at the end;

(3) in clause (ii)—

(A) by inserting ''in'' after ''(ii)''; and

(B) by striking the period at the end and inserting '', including any debt that qualifies for refinancing under any other provision of this subsection; or''; and

(4) by adding at the end the following:

''(iii) by providing working capital.''.

(c) COLLATERAL.—Section 7(a)(16)(B) of the Small Business Act (15 U.S.C. 636(a)(16)(B)) is amended—

(1) by striking ''Each loan'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), each loan''; and

(2) by adding at the end the following:

''(ii) EXCEPTION.—A loan under this paragraph may be secured by a second lien position on the property or equipment financed by the loan or on other assets of the small business concern, if the Administrator determines the lien provides adequate assurance of the payment of the loan.''.

(d) EXPORT WORKING CAPITAL PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(D), by striking ''not exceed'' and inserting ''be''; and

(2) in paragraph (14)—

(A) by striking ''(A) The Administration'' and inserting the following: ''EXPORT WORKING CAPITAL PROGRAM.—

''(A) IN GENERAL.—The Administrator'';

(B) by striking ''(B) When considering'' and inserting the following:

''(C) CONSIDERATIONS.—When considering'';

(C) by striking ''(C) The Administration'' and inserting the following:

''(D) MARKETING.—The Administrator''; and

(D) by inserting after subparagraph (A) the following:

''(B) TERMS.—

''(i) LOAN AMOUNT.—The Administrator may not guarantee a loan under this paragraph of more than $5,000,000.

''(ii) FEES.—

''(I) IN GENERAL.—For a loan under this paragraph, the Administrator shall collect the fee assessed under paragraph (23) not more frequently than once each year.

''(II) UNTAPPED CREDIT.—The Administrator may not assess a fee on capital that is not accessed by the small business concern.''.

(e) PARTICIPATION IN PREFERRED LENDERS PROGRAM.—Section 7(a)(2)(C) of the Small Business Act (15 U.S.C. 636(a)(2)(C)) is amended—

(1) by redesignating clause (ii) as clause (iii); and

(2) by inserting after clause (i) the following:

''(ii) EXPORT-IMPORT BANK LENDERS.—Any lender that is participating in the Delegated Authority Lender Program of the Export-Import Bank of the United States (or any successor to the Program) shall be eligible to participate in the Preferred Lenders Program.''.

(f) EXPORT EXPRESS PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by striking ''(32) INCREASED VETERAN'' and inserting ''(33) INCREASED VETERAN''; and

(2) by adding at the end the following:

''(34) EXPORT EXPRESS PROGRAM.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'export development activity' includes—

''(I) obtaining a standby letter of credit when required as a bid bond, performance bond, or advance payment guarantee;

''(II) participation in a trade show that takes place outside the United States;

''(III) translation of product brochures or catalogues for use in markets outside the United States;

''(IV) obtaining a general line of credit for export purposes;

''(V) performing a service contract from buyers located outside the United States;

''(VI) obtaining transaction-specific financing associated with completing export orders;

''(VII) purchasing real estate or equipment to be used in the production of goods or services for export;

''(VIII) providing term loans or other financing to enable a small business concern, including an export trading company and an export management company, to develop a market outside the United States; and

''(IX) acquiring, constructing, renovating, modernizing, improving, or expanding a production facility or equipment to be used in

the United States in the production of goods or services for export; and

''(ii) the term 'express loan' means a loan in which a lender uses to the maximum extent practicable the loan analyses, procedures, and documentation of the lender to provide expedited processing of the loan application.

''(B) AUTHORITY.—The Administrator may guarantee the timely payment of an express loan to a small business concern made for an export development activity.

''(C) LEVEL OF PARTICIPATION.—

''(i) MAXIMUM AMOUNT.—The maximum amount of an express loan guaranteed under this paragraph shall be $500,000.

''(ii) PERCENTAGE.—For an express loan guaranteed under this paragraph, the Administrator shall guarantee—

''(I) 90 percent of a loan that is not more than $350,000; and

''(II) 75 percent of a loan that is more than $350,000 and not more than $500,000.''.

(g) ANNUAL LISTING OF EXPORT FINANCE LENDERS.—Section 7(a)(16) of the Small Business Act (15 U.S.C. 636(a)(16)) is amended by adding at the end the following:

''(F) LIST OF EXPORT FINANCE LENDERS.—

''(i) PUBLICATION OF LIST REQUIRED.—The Administrator shall publish an annual list of the banks and participating lending institutions that, during the 1-year period ending on the date of publication of the list, have made loans guaranteed by the Administration under—

''(I) this paragraph;

''(II) paragraph (14); or

''(III) paragraph (34).

''(ii) AVAILABILITY OF LIST.—The Administrator shall—

''(I) post the list published under clause (i) on the website of the Administration; and

''(II) make the list published under clause (i) available, upon request, at each district office of the Administration.''.

(h) APPLICABILITY.—The amendments made by subsections (a) through (f) shall apply with respect to any loan made after the date of enactment of this Act.

SEC. 837. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''eligible small business concern'' means a small business concern that—

(A) has been in business for not less than the 1-year period ending on the date on which assistance is provided using a grant under this section;

(B) is operating profitably, based on operations in the United States;

(C) has demonstrated understanding of the costs associated with exporting and doing business with foreign purchasers, including the costs of freight forwarding, customs brokers, packing and shipping, as determined by the Associate Administrator;

(D) has in effect a strategic plan for exporting; and

(E) agrees to provide to the Associate Administrator such information and documentation as is necessary for the Associate Administrator to determine that the small business concern is in compliance with the internal revenue laws of the United States;

(2) the term ''program'' means the State Trade and Export Promotion Grant Program established under subsection (b);

(3) the term ''small business concern owned and controlled by women'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(4) the term ''socially and economically disadvantaged small business concern'' has the meaning given that term in section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 6537(a)(4)(A)); and

(5) the term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(b) ESTABLISHMENT OF PROGRAM.—The Associate Administrator shall establish a 3-year trade and export promotion pilot program to be known as the State Trade and Export Promotion Grant Program, to make grants to States to carry out export programs that assist eligible small business concerns in—

(1) participation in a foreign trade mission;

(2) a foreign market sales trip;

(3) a subscription to services provided by the Department of Commerce;

(4) the payment of website translation fees;

(5) the design of international marketing media;

(6) a trade show exhibition;

(7) participation in training workshops; or

(8) any other export initiative determined appropriate by the Associate Administrator.

(c) GRANTS.—

(1) JOINT REVIEW.—In carrying out the program, the Associate Administrator may make a grant to a State to increase the number of eligible small business concerns in the State that export or to increase the value of the exports by eligible small business concerns in the State.

(2) CONSIDERATIONS.—In making grants under this section, the Associate Administrator may give priority to an application by a State that proposes a program that—

(A) focuses on eligible small business concerns as part of an export promotion program;

(B) demonstrates success in promoting exports by—

(i) socially and economically disadvantaged small business concerns;

(ii) small business concerns owned or controlled by women; and

(iii) rural small business concerns;

(C) promotes exports from a State that is not 1 of the 10 States with the highest percentage of exporters that are small business concerns, based upon the latest data available from the Department of Commerce; and

(D) promotes new-to-market export opportunities to the People's Republic of China for eligible small business concerns in the United States.

(3) LIMITATIONS.—

(A) SINGLE APPLICATION.—A State may not submit more than 1 application for a grant under the program in any 1 fiscal year.

(B) PROPORTION OF AMOUNTS.—The total value of grants under the program made during a fiscal year to the 10 States with the highest percentage of exporters that are small business concerns, based upon the latest data available from the Department of Commerce, shall be not more than 50 percent of the amounts appropriated for the program for that fiscal year.

(4) APPLICATION.—A State desiring a grant under the program shall submit an application at such time, in such manner, and accompanied by such information as the Associate Administrator may establish.

(d) COMPETITIVE BASIS.—The Associate Administrator shall award grants under the program on a competitive basis.

(e) FEDERAL SHARE.—The Federal share of the cost of an export program carried out using a grant under the program shall be—

(1) for a State that has a high export volume, as determined by the Associate Administrator, not more than 65 percent; and

(2) for a State that does not have a high export volume, as determined by the Associate Administrator, not more than 75 percent.

(f) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of this Act, the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report, which shall include—

(A) a description of the structure of and procedures for the program;

(B) a management plan for the program; and

(C) a description of the merit-based review process to be used in the program.

(2) ANNUAL REPORTS.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the program, which shall include—

(A) the number and amount of grants made under the program during the preceding year;

(B) a list of the States receiving a grant under the program during the preceding year, including the activities being performed with grant; and

(C) the effect of each grant on exports by eligible small business concerns in the State receiving the grant.

(g) REVIEWS BY INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

(A) the extent to which recipients of grants under the program are measuring the performance of the activities being conducted and the results of the measurements; and

(B) the overall management and effectiveness of the program.

(2) REPORT.—Not later than September 30, 2012, the Inspector General of the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the review conducted under paragraph (1).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $15,000,000 for each of fiscal years 2010, 2011, and 2012.

(i) TERMINATION.—The authority to carry out the program shall terminate 3 years after the date on which the Associate Administrator establishes the program.

SEC. 838. RURAL EXPORT PROMOTION.

Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Commerce, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that contains—

(1) a description of each program of the Administration that promotes exports by rural small business concerns, including—

(A) the number of rural small business concerns served by the program;

(B) the change, if any, in the number of rural small business concerns as a result of participation in the program during the 10-year period ending on the date of enactment of this Act;

(C) the volume of exports by rural small business concerns that participate in the program; and

(D) the change, if any, in the volume of exports by rural small businesses that participate in the program during the 10-year period ending on the date of enactment of this Act;

(2) a description of the coordination between programs of the Administration and other Federal programs that promote exports by rural small business concerns;

(3) recommendations, if any, for improving the coordination described in paragraph (2);

(4) a description of any plan by the Administration to market the international trade

financing programs of the Administration through lenders that—

(A) serve rural small business concerns; and

(B) are associated with financing programs of the Department of Agriculture;

(5) recommendations, if any, for improving coordination between the counseling programs and export financing programs of the Administration, in order to increase the volume of exports by rural small business concerns; and

(6) any additional information the Administrator determines is necessary.

SEC. 839. INTERNATIONAL TRADE COOPERATION BY SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—

(1) by striking ''(2) The Small Business Development Centers'' and inserting the following:

''(2) COOPERATION TO PROVIDE INTERNATIONAL TRADE SERVICES.—

''(A) INFORMATION AND SERVICES.—The small business development centers''; and

(2) in paragraph (2)—

(A) in subparagraph (A), as so designated, by inserting ''(including State trade agencies),'' after ''local agencies''; and

(B) by adding at the end the following:

''(B) COOPERATION WITH STATE TRADE AGENCIES AND EXPORT ASSISTANCE CENTERS.—A small business development center that counsels a small business concern on issues relating to international trade shall—

''(i) consult with State trade agencies and Export Assistance Centers to provide appropriate services to the small business concern; and

''(ii) as necessary, refer the small business concern to a State trade agency or an Export Assistance Center for further counseling or assistance.

''(C) DEFINITION.—In this paragraph, the term 'Export Assistance Center' has the same meaning as in section 22.''.

SEC. 840. SMALL BUSINESS TRADE POLICY.

(a) NOTIFICATION BY USTR.—Not later than 90 days before the United States Trade Representative begins a negotiation with regard to any trade agreement, the United States Trade Representative shall notify the Administrator of the date the negotiation will begin.

(b) RECOMMENDATIONS.—Not later than 30 days before the United States Trade Representative begins a negotiation with regard to any trade agreement, the Administrator shall present to the United States Trade Representative recommendations relating to the needs and concerns of small business concerns that are exporters.

Subtitle D—Small Business Regulatory Reform

SEC. 841. SHORT TITLE.

This subtitle may be cited as the ''Job Impact Analysis Act of 2010''.

SEC. 842. FINDINGS.

Congress finds the following:

(1) A vibrant and growing small business sector is critical to the recovery of the economy of the United States.

(2) Regulations designed for application to large-scale entities have been applied uniformly to small businesses and other small entities, sometimes inhibiting the ability of small entities to create new jobs.

(3) Uniform Federal regulatory and reporting requirements in many instances have imposed on small businesses and other small entities unnecessary and disproportionately burdensome demands, including legal, accounting, and consulting costs, thereby threatening the viability of small entities and the ability of small entities to compete and create new jobs in a global marketplace.

(4) Since 1980, Federal agencies have been required to recognize and take account of the differences in the scale and resources of regulated entities, but in many instances have failed to do so.

(5) In 2009, there were nearly 70,000 pages in the Federal Register, and, according to research by the Office of Advocacy of the Small Business Administration, the annual cost of Federal regulations totals $1,100,000,000,000. Small firms bear a disproportionate burden, paying approximately 45 percent, or $7,647, more per employee than larger firms in annual regulatory compliance costs.

(6) The Federal Government should fully consider the costs, including indirect economic impacts and the potential for job creation and job loss, of proposed rules.

(7) It is the intention of Congress to amend chapter 6 of title 5, United States Code, to ensure that all impacts, including foreseeable indirect effects, of proposed and final rules are considered by agencies during the rulemaking process and that the agencies assess a full range of alternatives that will limit adverse economic consequences, enhance economic benefits, and fully address potential job creation or job loss.

(8) To the maximum extent practicable, the Director of the Congressional Budget Office should, in certain estimates the Director prepares with respect to bills or joint resolutions reported by congressional committees, estimate the potential job creation or job loss attributable to the bills or joint resolutions.

SEC. 843. JOB IMPACT STATEMENT FOR REPORTED BILLS AND JOINT RESOLUTIONS.

Section 424 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658c) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking ''and'' at the end;

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

(C) by adding at the end the following:

''(D) if the Director estimates that the total amount of direct costs of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $5,000,000,000 (adjusted annually for inflation), to the extent practicable, the potential job creation or job loss in State, local, and tribal governments as a result of the mandates.''; and

(2) in subsection (b)(2)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) if the Director estimates that the total amount of direct costs of all Federal private sector mandates in the bill or joint resolution will equal or exceed $5,000,000,000 (adjusted annually for inflation), to the extent practicable, the potential job creation or job loss in the private sector as a result of the mandates.''.

SEC. 844. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.

Section 601 of title 5, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7)(B), by striking the period at the end and inserting a semicolon;

(3) in paragraph (8)—

(A) by striking ''RECORDKEEPING REQUIREMENT.—The'' and inserting ''the''; and

(B) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(9) the term 'economic impact' means, with respect to a proposed or final rule—

''(A) any direct economic effect of the rule on small entities; and

''(B) any indirect economic effect on small entities, including potential job creation or job loss, that is reasonably foreseeable and that results from the rule, without regard to whether small entities are directly regulated by the rule.''.

SEC. 845. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

''(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

''(1) describing the reasons why action by the agency is being considered;

''(2) describing the objectives of, and legal basis for, the proposed rule;

''(3) estimating the number and type of small entities to which the proposed rule will apply;

''(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

''(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; and

''(6) estimating the additional cumulative economic impact of the proposed rule on small entities, including job creation and employment by small entities, beyond that already imposed on the class of small entities by the agency, or the reasons why such an estimate is not available.''; and

(2) by adding at the end the following:

''(d) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities—

''(1) not later than the date on which the agency submits a draft rule to the Office of Information and Regulatory Affairs at the Office of Management and Budget under Executive Order 12866, if that order requires such submission; or

''(2) if no submission to the Office of Information and Regulatory Affairs is so required, at a reasonable time prior to publication of the rule by the agency.''.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) by inserting ''detailed'' before ''description'' each place it appears;

(B) in paragraph (1), by striking ''succinct'';

(C) in paragraph (2)—

(i) by striking ''summary'' each place it appears and inserting ''statement''; and

(ii) by inserting ''(or certification of the proposed rule under section 605(b))'' after ''initial regulatory flexibility analysis'';

(D) in paragraph (3), by striking ''an explanation'' and inserting ''a detailed explanation'';

(E) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(F) by inserting after paragraph (2) the following:

''(3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the

proposed rule in the final rule as a result of the comments;''.

(2) PUBLICATION OF ANALYSIS ON WEB SITE, ETC.—Section 604(b) of title 5, United States Code, is amended to read as follows:

''(b) The agency shall—

''(1) make copies of the final regulatory flexibility analysis available to the public, including by publishing the entire final regulatory flexibility analysis on the Web site of the agency; and

''(2) publish in the Federal Register the final regulatory flexibility analysis, or a summary of the analysis that includes the telephone number, mailing address, and address of the Web site where the complete final regulatory flexibility analysis may be obtained.''.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

''(a) A Federal agency shall be deemed to have satisfied a requirement regarding the content of a regulatory flexibility agenda or regulatory flexibility analysis under section 602, 603, or 604, if the Federal agency provides in the agenda or regulatory flexibility analysis a cross-reference to the specific portion of an agenda or analysis that is required by another law and that satisfies the requirement.''.

(d) CERTIFICATIONS.—The second sentence of section 605(b) of title 5, United States Code, is amended by striking ''statement providing the factual'' and inserting ''detailed statement providing the factual and legal''.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

''§ 607. Quantification requirements

''In complying with sections 603 and 604, an agency shall provide—

''(1) a quantifiable or numerical description of the effects of the proposed or final rule, including an estimate of the potential for job creation or job loss, and alternatives to the proposed or final rule; or

''(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.''.

SEC. 846. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

''§ 610. Periodic review of rules

''(a) Not later than 180 days after the enactment of the Job Impact Analysis Act of 2010, each agency shall publish in the Federal Register and place on its Web site a plan for the periodic review of rules issued by the agency that the head of the agency determines has a significant economic impact on a substantial number of small entities. Such determination shall be made without regard to whether the agency performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant adverse economic impacts on a substantial number of small entities (including an estimate of any adverse impacts on job creation and employment by small entities). Such plan may be amended by the agency at any time by publishing the revision in the Federal Register and subsequently placing the amended plan on the Web site of the agency.

''(b) The plan shall provide for the review of all such agency rules existing on the date of the enactment of the Job Impact Analysis Act of 2010 within 10 years after the date of publication of the plan in the Federal Register and every 10 years thereafter and for review of rules adopted after the date of enactment of the Job Impact Analysis Act of 2010 within 10 years after the publication of the final rule in the Federal Register and every 10 years thereafter. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy and Congress.

''(c) Each agency shall annually submit a report regarding the results of its review pursuant to such plan to Congress and, in the case of agencies other than independent regulatory agencies (as defined in section 3502(5) of title 44, United States Code), to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the head of the agency made a determination of infeasibility under paragraph (5) or (6) of subsection (d) and a detailed explanation of the reasons for such determination.

''(d) In reviewing rules under such plan, the agency shall consider—

''(1) the continued need for the rule;

''(2) the nature of complaints received by the agency from small entities concerning the rule;

''(3) comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy;

''(4) the complexity of the rule;

''(5) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules;

''(6) the contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such calculations cannot be made and reports that determination in the annual report required under subsection (c);

''(7) the length of time since the rule has been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule; and

''(8) the current impact of the rule, including—

''(A) the estimated number of small entities to which the rule will apply;

''(B) the estimated number of small business jobs that will be lost or created by the rule; and

''(C) the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including—

''(i) an estimate of the classes of small entities that will be subject to the requirement; and

''(ii) the type of professional skills necessary for preparation of the report or record.

''(e) The agency shall publish in the Federal Register and on the Web site of the agency a list of rules to be reviewed pursuant to such plan. Such publication shall include a brief description of the rule, the reason why the agency determined that it has a significant economic impact on a substantial number of small entities (without regard to whether the agency had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.''.

SEC. 847. OFFICE OF ADVOCACY.

(a) IN GENERAL.—Section 203 of Public Law 94–305 (15 U.S.C. 634c) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(6) carry out the responsibilities of the Office of Advocacy under chapter 6 of title 5, United States Code.''.

(b) BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.—Title II of Public Law 94–305 (15 U.S.C. 634a et seq.) is amended by striking section 207 and inserting the following:

''SEC. 207. BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.

''(a) APPROPRIATION REQUESTS.—Each budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, shall include a separate statement of the amount of appropriations requested for the Office of Advocacy of the Small Business Administration, which shall be designated in a separate account in the General Fund of the Treasury.

''(b) ADMINISTRATIVE OPERATIONS.—The Administrator of the Small Business Administration shall provide the Office of Advocacy with appropriate and adequate office space at central and field office locations, together with such equipment, operating budget, and communications facilities and services as may be necessary, and shall provide necessary maintenance services for such offices and the equipment and facilities located in such offices.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title. Any amount appropriated under this subsection shall remain available, without fiscal year limitation, until expended.''.

SEC. 848. CLERICAL AMENDMENTS.

(a) HEADING.—The heading of section 605 of title 5, United States Code, is amended to read as follows:

''§ 605. Incorporations by reference and certifications''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following:

''605. Incorporations by reference and certifications.''; and

(2) by striking the item relating to section 607 and inserting the following:

''607. Quantification requirements.''.

Subtitle E—Other Provisions

SEC. 851. FUNDS FOR SBDCS.

(a) IN GENERAL.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Small Business Administration – Salaries and Expenses'', $50,000,000, to remain available until January 1, 2012, for grants to small business development centers under section 21 of the Small Business Act (15 U.S.C. 648) to provide targeted technical assistance to small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) seeking access to capital or credit, Federal procurement opportunities, energy efficiency audits to reduce energy bills, opportunities to export products or provide services to foreign customers, or other assistance.

(b) ALLOCATION.—

(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding the requirements of section 21(a)(4)(C)(iii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(iii)), the amount appropriated under subsection (a) shall be allocated under the formula under section 21(a)(4)(C)(i) of that Act.

(2) MINIMUM FUNDING.—The amount made available under this section to each State shall be not less than $325,000.

(3) TYPES OF USES.—Of the total amount of the grants awarded by the Administrator under this section—

(A) not less than 80 percent shall be used for counseling of small business concerns; and

(B) not more than 20 percent may be used for classes or seminars.

(c) NO NON-FEDERAL SHARE REQUIRED.—Notwithstanding section 21(a)(4)(A) of the Small Business Act (15 U.S.C. 648(a)(4)(A)), the recipient of a grant made using amounts appropriated under subsection (a) shall not be required to provide non-Federal matching funds.

(d) DISTRIBUTION.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall disburse the total amount appropriated under subsection (a).

SEC. 852. TEMPORARY WAIVER AUTHORITY FOR WOMEN'S BUSINESS CENTER PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Small Business Administration;

(2) the term ''recipient organization'' means an organization receiving financial assistance from the Administrator under the women's business center program; and

(3) the term ''women's business center program'' means the women's business center program under section 29 of the Small Business Act (15 U.S.C. 656).

(b) AUTHORITY.—Upon request by a recipient organization, and in accordance with this section, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under section 29(c) of the Small Business Act (15 U.S.C. 656(c)) for the technical assistance and counseling activities of the recipient organization carried out using financial assistance under the women's business center program.

(c) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this section, the Administrator shall consider—

(1) the economic conditions affecting the recipient organization;

(2) the impact a waiver under this section would have on the credibility of the women's business center program;

(3) the demonstrated ability of the recipient organization to raise non-Federal funds; and

(4) the performance of the recipient organization.

(d) LIMITATION.—The Administrator may not waive the requirement to obtain non-Federal funds under this section if granting the waiver would undermine the credibility of the women's business center program.

(e) TERMINATION.—The Administrator may not grant a waiver of the requirement to obtain non-Federal funds under this section on or after January 1, 2012.

SEC. 853. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EFFECTIVE DATE.

The amendment made by section 246(b)(2) of this Act shall take effect on February 27, 2010.

Subtitle F—Funding

SEC. 861. OFFSET.

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116), an amount equal to the total amount appropriated or made available under this title is rescinded on a pro rata basis from unobligated amounts appropriated or made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116).

SEC. 862. EMERGENCY DESIGNATION.

This title is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)). This title is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 3419. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. _____. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY.

(a) GENERAL RULES.—

(1) ROLLOVER OF AIRLINE PAYMENT AMOUNT.—If a qualified airline employee receives any airline payment amount and transfers any portion of such amount to a traditional IRA within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then such amount (to the extent so transferred) shall be treated as a rollover contribution described in section 402(c) of the Internal Revenue Code of 1986. A qualified airline employee making such a transfer may exclude from gross income the amount transferred, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(2) TRANSFER OF AMOUNTS ATTRIBUTABLE TO AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER TO ROTH IRA.—A qualified airline employee who made a rollover of an airline payment amount to a Roth IRA pursuant to section 125 of the Worker, Retiree, and Employer Recovery Act of 2008, may transfer to a traditional IRA all or any part of the Roth IRA attributable to such rollover, and the transfer to the traditional IRA will be deemed to have been made at the time of the rollover to the Roth IRA, if such transfer is made within 180 days of the date of the enactment of this Act. A qualified airline employee making such a transfer may exclude from gross income the airline payment amount previously rolled over to the Roth IRA, to the extent an amount attributable to the previous rollover was transferred to a traditional IRA, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(3) EXTENSION OF TIME TO FILE CLAIM FOR REFUND.—A qualified airline employee who excludes an amount from gross income in a prior taxable year under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of limitation under section 6511(a) (or, if later, April 15, 2011).

(b) TREATMENT OF AIRLINE PAYMENT AMOUNTS AND TRANSFERS FOR EMPLOYMENT TAXES.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an airline payment amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is excluded from the qualified airline employee's gross income under subsection (a).

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AIRLINE PAYMENT AMOUNT.—

(A) IN GENERAL.—The term ''airline payment amount'' means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007, and

(ii) in respect of the qualified airline employee's interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount.

The amount of such payment shall be determined without regard to any requirement to deduct and withhold tax from such payment under sections 3102(a) and 3402(a).

(B) EXCEPTION.—An airline payment amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) QUALIFIED AIRLINE EMPLOYEE.—The term ''qualified airline employee'' means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) TRADITIONAL IRA.—The term ''traditional IRA'' means an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) which is not a Roth IRA.

(4) ROTH IRA.—The term ''Roth IRA'' has the meaning given such term by section 408A(b) of such Code.

(d) SURVIVING SPOUSE.—If a qualified airline employee died after receiving an airline payment amount, or if an airline payment amount was paid to the surviving spouse of a qualified airline employee in respect of the qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted under section 125 of the Worker, Retiree and Employer Recovery Act of 2008, or under this section, to the same extent that the qualified airline employee could have done had the qualified airline employee survived.

(e) EFFECTIVE DATE.—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

SA 3420. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, strike lines 4 through 12, and insert the following:

''(3) CERTIFICATION BY CHIEF EXECUTIVE OFFICER.—No additional Federal funds shall be paid to a State as a result of this section with respect to a calendar quarter occurring during the 6-month period that begins on January 1, 2011, and ends on June 30, 2011, unless the chief executive officer of the State certifies to the Secretary not later than 45 days after the date of enactment of this paragraph, that—

''(A) the State will request and use such additional Federal funds; and

''(B) during the period that begins on such date of enactment and ends on June 30, 2011, the State will not eliminate any State employment position in which an individual is

employed on such date of enactment (other than a position held by an individual whose State employment is terminated for cause).'';

SA 3421. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, strike lines 4 through 12, and insert the following:

''(3) CERTIFICATION BY CHIEF EXECUTIVE OFFICER.—No additional Federal funds shall be paid to a State as a result of this section with respect to a calendar quarter occurring during the 6-month period that begins on January 1, 2011, and ends on June 30, 2011, unless the chief executive officer of the State certifies to the Secretary—

''(A) not later than 45 days after the date of enactment of this paragraph, that the State will request and use such additional Federal funds; and

''(B) on December 31, 2010, that the State has not passed any law on or after the date of enactment of this paragraph that will cause income, property, or sales tax rates in the State to increase during such 6-month period.'';

SA 3422. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. _____. PERMANENT EXTENSION OF ELECTIVE TAX TREATMENT FOR ALASKA NATIVE SETTLEMENT TRUSTS.

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset provisions) shall not apply to the provisions of, and amendments made by, section 671 of such Act (relating to tax treatment and information requirements of Alaska Native Settlement Trusts).

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective upon the date of enactment of this Act.

SA 3423. Mr. BROWNBACK (for himself, Mr. ROBERTS, Ms. CANTWELL, Mr. ENSIGN, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Rvenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION ____—FOOTWEAR

SEC. __01. SHORT TITLE.

This division may be cited as the ''Affordable Footwear Act of 2010''.

SEC. __02. FINDINGS.

Congress finds the following:

(1) Average collected duties on imported footwear are among the highest of any product sector, totaling approximately $1,700,000,000 during 2008.

(2) Duty rates on imported footwear are among the highest imposed by the United States Government, with some as high as the equivalent of 67.5 percent ad valorem.

(3) The duties currently imposed by the United States were set in an era during which high rates of duty were intended to protect production of footwear in the United States.

(4) Footwear produced in the United States supplies only about 1 percent of the total United States market for footwear. This production is concentrated in distinct product groupings, which are not affected by the provisions of this Act.

(5) Low- and moderate-income families spend a larger share of their disposable income on footwear than higher-income families.

(6) Footwear duties, which are higher on lower-price footwear, serve no purpose and are a hidden, regressive tax on those people in the United States least able to pay.

SEC. __03. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the reduction or elimination of duties on the importation of certain footwear articles would provide significant benefits to United States consumers, particularly lower-income families;

(2) there is no production in the United States of many footwear articles;

(3) the reduction or elimination of duties on such articles will not negatively affect manufacturing or employment in the United States; and

(4) the reduction or elimination of duties on such articles will result in reduced retail prices for consumers.

SEC. __04. TEMPORARY ELIMINATION OR REDUCTION OF DUTIES ON CERTAIN FOOTWEAR.

(a) DEFINITIONS.—The U.S. Notes to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following:

''20. For the purposes of headings 9902.64.25 through 9902.64.57 and any superior text thereto:

''(a) The term 'footwear for men' means footwear of American sizes 6 and larger for males and does not include footwear commonly worn by both sexes.

''(b) The term 'footwear for women' means footwear of American sizes 4 and larger, whether for females or of types commonly worn by both sexes.

''(c)(i) The term 'work footwear' means, in addition to footwear for men or footwear for women having a metal toe-cap, footwear for men or footwear for women that—

''(A) has outer soles of rubber or plastics;

''(B) is of a kind designed for use by persons employed in occupations such as those related to the agricultural, construction, industrial, public safety or transportation sectors; and

''(C) has special features to protect against hazards in the workplace (such as resistance to chemicals, compression, grease, oil, penetration, slippage or static build-up).

''(ii) The term 'work footwear' does not include the following:

''(A) sports footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like;

''(B) footwear designed to be worn over other footwear;

''(C) footwear with open toes or open heels; or

''(D) footwear (except footwear covered by heading 6401) of the slip-on type that is held to the foot without the use of laces or a combination of laces and hooks or other features.

''(d) The term 'house slippers' means footwear of the slip-on type designed solely for casual indoor use. The term 'house slippers' includes—

''(i) footwear with outer soles not over 3.5 mm in thickness, consisting of cellular rubber, non-grain leather or textile material;

''(ii) footwear with outer soles not over 2 mm in thickness consisting of polyvinyl chloride, whether or not backed; and

''(iii) footwear which, when measured at the ball of the foot, has sole components (including any inner and mid-soles) with a combined thickness not over 8 mm as measured from the outer surface of the uppermost sole component to the bottom surface of the outer sole and which, when measured in the same manner at the area of the heel, has a thickness equal to or less than that at the ball of the foot.

''(e) Textile materials attached, incorporated into, or which otherwise form part of, an outer sole of rubber or plastics shall be disregarded and the constituent material of outer sole shall be deemed to be rubber or plastics.''.

(b) AMENDMENTS TO HTS.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

''	9902.64.25	Vulcanized rubber lug boot bottoms for use in fishing waders (provided for in subheading 6401.92.90)	Free	No change	No change	On or before 12/31/2012
	9902.64.26	Vulcanized rubber footwear with molded soles, lasted uppers (not molded or injected) of more than 70 percent by weight natural rubber, valued over $35/pair, measuring in height from the bottom of the outer sole to the top of the upper over 19 cm, the foregoing designed to be used in lieu of, but not over, other footwear as a protection against water or cold or inclement weather (provided for in subheading 6401.92.90)	Free	No change	No change	On or before 12/31/2012

9902.64.27	Sports footwear with outer soles and uppers of rubber or plastics (other than golf shoes), having uppers of which over 90 percent of the external surface area (including any accessories or reinforcements) is rubber or plastics (except footwear having foxing or a foxing-like band applied or molded at the sole and overlapping the upper); the foregoing not including footwear for women (provided for in subheading 6402.19.15)	Free	No change	No change	On or before 12/31/2012
9902.64.28	Footwear with outer soles and uppers of rubber or plastics, covering the ankle and incorporating a protective metal toe-cap, having uppers of which over 90 percent of the external surface area is rubber or plastics (provided for in subheading 6402.91.05)	Free	No change	No change	On or before 12/31/2012
9902.64.29	Footwear with outer soles and uppers of rubber or plastics, covering the ankle and incorporating a protective metal toe-cap, valued not over $3/pair (provided for in subheading 6402.91.16)	Free	No change	No change	On or before 12/31/2012
9902.64.30	Footwear (other than work footwear) with outer soles and uppers of rubber or plastics, covering the ankle, not incorporating a protective metal toe-cap, having uppers of which over 90 percent of the external surface area is rubber or plastics (provided for in subheading 6401.91.40)	Free	No change	No change	On or before 12/31/2012
9902.64.31	Footwear with outer soles and uppers of rubber or plastics, designed to be used in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather, valued over $20/pair, and if designed for men or women the height of which does not exceed 20.32 cm or if designed for other persons the height of which does not exceed 17.72 cm; the foregoing not to include vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper, where protection against water is imparted by the use of a coated laminated fabric (provided for in subheading 6402.91.50)	Free	No change	No change	On or before 12/31/2012
9902.64.32	Footwear with outer soles and uppers of rubber or plastics, covering the ankle, valued over $12/pair (provided for in subheading 6402.91.90)	Free	No change	No change	On or before 12/31/2012
	Footwear with outer soles and uppers of rubber or plastics, other than covering the ankle and other than sports footwear:				
9902.64.33	Of a type described in subheading 6402.99.04	Free	No change	No change	On or before 12/31/2012
9902.64.34	Of a type described in subheading 6402.99.12	Free	No change	No change	On or before 12/31/2012
9902.64.35	Of a type described in subheading 6402.99.31	Free	No change	No change	On or before 12/31/2012
9902.64.36	Footwear designed to be used in lieu of, but not over, other footwear, valued over $20/pair (other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), where protection against water is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.99.33)	Free	No change	No change	On or before 12/31/2012
	Footwear with outer soles and uppers of rubber or plastics, not specially described or indicated in any other heading of this subchapter:				
9902.64.37	Of a type described in subheading 6402.99.40	Free	No change	No change	On or before 12/31/2012
9902.64.38	Of a type described in subheading 6402.99.60	Free	No change	No change	On or before 12/31/2012
9902.64.39	Of a type described in subheading 6402.99.70	Free	No change	No change	On or before 12/31/2012
9902.64.40	Welt footwear with pigskin uppers (provided for in subheading 6403.40.30)	Free	No change	No change	On or before 12/31/2012

9902.64.41	Footwear with outer soles and uppers of leather, covering the ankle, other than footwear for women (provided for in subheading 6403.51.90)	Free	No change	No change	On or before 12/31/2012
9902.64.42	Turn or turned footwear, other than footwear for men or footwear for women (provided for in subheading 6403.59.15)	Free	No change	No change	On or before 12/31/2012
9902.64.43	Footwear for men, and footwear for youths and boys, covering the ankle, other than work footwear and other than slip-on footwear (except such footwear with sole components, including any mid-soles but excluding any inner soles, which when measured at the ball of the foot have a combined thick-ness less than 13.5 mm), the foregoing valued over $20/pair (provided for in subheading 6403.91.60)	Free	No change	No change	On or before 12/31/2012
9902.64.44	Footwear (other than footwear for men or footwear for youths and boys) covering the ankle, other than work footwear and other than slip-on footwear, but including such footwear with a heel over 15 mm in height as measured from the bottom of the sole or sole components (including any mid-soles but excluding any inner soles) which when measured at the ball of the foot have a combined thickness less than 13.5 mm, the foregoing valued not over $20/pair (provided for in subheading 6403.91.90)	Free	No change	No change	On or before 12/31/2012
9902.64.45	Footwear for youths and boys, other than house slippers and work footwear (provided for in subheading 6403.99.60)	Free	No change	No change	On or before 12/31/2012
9902.64.46	House slippers for persons other than men, youths and boys, the foregoing valued not over $2.50/pair (provided for in subheading 6403.99.75)	Free	No change	No change	On or before 12/31/2012
9902.64.47	Footwear valued over $2.50/pair (other than footwear for men, youths and boys, and footwear for women), the foregoing not to include house slippers and work footwear (provided for in subheading 6403.99.90)	Free	No change	No change	On or before 12/31/2012
	Sports footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like, with outer soles of rubber or plastics and uppers of textile materials:				
9902.64.48	Of a type described in subheading 6404.11.20, 6404.11.40, 6404.11.50, 6404.11.60 or 6404.11.70	Free	No change	No change	On or before 12/31/2012
9902.64.49	Of a type described in subheadings 6404.11.80 and 6404.11.90, covering the ankle	Free	No change	No change	On or before 12/31/2012
9902.64.50	Of a type described in subheadings 6404.11.80 and 6404.11.90, other than tennis shoes, basketball shoes, gym shoes, training shoes and the like for men or women	Free	No change	No change	On or before 12/31/2012
9902.64.51	Footwear with outer soles of rubber or plastics and uppers of textile materials, having uppers of which over 50 percent of the external surface area is leather (provided for in subheading 6404.19.15)	Free	No change	No change	On or before 12/31/2012
9902.64.52	Footwear with outer soles of rubber or plastics and uppers of textile materials, designed to be used in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather, valued over $20/pair, the foregoing if designed for men or women having a height which does not exceed 20.32 cm or if designed for other persons the height of which does not exceed 17.72 cm (provided for in subheading 6404.19.20); all the foregoing not to include vulcanized footwear and footwear with waterproof molded bottoms (including bottoms comprising an outer sole and all or part of the upper), where protection against water is imparted by the use of a coated or laminated textile fabric	Free	No change	No change	On or before 12/31/2012

9902.64.53	Footwear with outer soles of rubber or plastics and uppers of textile materials (provided for in subheading 6404.19.25, 6404.19.30, 6404.19.35, 6404.19.40, 6404.19.50, 6404.19.60, 6404.19.70, 6404.19.80, 6404.19.90, 6404.20.20, 6404.20.40 or 6404.20.60)	Free	No change	No change	On or before 12/31/2012	
	Footwear with uppers of leather or composition leather:					
9902.64.54	For men (provided for in subheading 6405.10.00)	8.5%	No change	No change	On or before 12/31/2012	
9902.64.55	Other than tennis shoes, basketball shoes, gym shoes, training shoes and the like for women (provided for in subheading 6405.10.00)	Free	No change	No change	On or before 12/31/2012	
9902.64.56	Footwear with uppers of textile materials, other than with soles and uppers of wool felt (provided for in subheading 6405.20.30 or 6405.20.90)	Free	No change	No change	On or before 12/31/2012	
9902.64.57	Footwear of a type described in subheading 6405.90.90	Free	No change	No change	On or before 12/31/2012	''.

SEC. __05. HAITI RELIEF ENHANCEMENT.

Section 213A of the Caribbean Basic Economic Recovery Act (19 U.S.C. 2703a) is amended—

(1) by redesignating subsections (g) through (h) as (i) through (j), respectively; and

(2) by inserting the following after subsection (f):

''(g) SPECIAL RULE FOR FOOTWEAR.—

''(1) IN GENERAL.—Footwear that is the product or manufacture of Haiti and is imported directly from Haiti into the customs territory of the United States shall be accorded tariff treatment identical to the tariff treatment that is accorded under the Dominican Republic-Central American-United States Free Trade Agreement , as implemented by the United States, to footwear described in the same 8-digit subheading of the Harmonized Tariff Schedule of the United States.

''(2) REQUIREMENT.—Footwear qualifies for the treatment provided for under paragraph (1) if it satisfies the applicable rule of origin set out in Article 4.1 of the Dominican Republic-Central American-United States Free Trade Agreement.''.

SA 3424. Mrs. HAGAN (for herself, Mr. BURR, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. ___. CERTAIN CEILING FANS.

(a) IN GENERAL.—Heading 9902.84.14 of the Harmonized Tariff Schedule of the United States is amended by striking ''12/31/2009'' and inserting ''12/31/2012''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2010.

SA 3425. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. 602. CONTINUATION OF SOLE COMMUNITY HOSPITAL TREATMENT FOR CERTAIN HOSPITALS.

(a) IN GENERAL.—Section 1886(d)(5)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(D)) is amended by adding at the end the following new clause:

''(vi) In the case of a hospital that is classified as a sole community hospital and is located within a State that has implemented a rate-setting program for regulation of hospital payments (in this clause referred to as the 'existing hospital'), any relocation on or after January 1, 2010, of the facility of another hospital that is in operation as of such date to a site that is within 25 road miles of the existing hospital shall not be taken into account for purposes of determining whether the existing hospital shall continue to qualify for classification as a sole community hospital.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to hospitals for cost reporting periods beginning on or after January 1, 2010.

SA 3426. Mr. REID (for Mr. LEVIN) proposed an amendment to the resolution S. Res. 372, designating March 2010 as ''National Autoimmune Diseases Awareness Month'' and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research; as follows:

In paragraph (3) of the resolving clause, strike ''Federal''.

SA 3427. Mr. MCCAIN (for himself and Mr. GRAHAM) proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. PROTECTING MEDICARE.

Section 310(g) of the Congressional Budget Act of 1974 (2 U.S.C. 641(g)) is amended by inserting before the period the following: ''or to the medicare program established by title XVIII of such Act''.

SA 3428. Mr. ROCKEFELLER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, insert the following:

SEC. —. NEW MARKETS TAX CREDIT ALLOWABLE AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4) is amended—

(1) by redesignating clauses (v) through (viii) as clauses (vi) through (ix), respectively, and

(2) by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 45D to the extent that such credit is attributable to a qualified equity investment which is designated as such under subsection (b)(1)(C) of such section after the date of the enactment of the American Workers, State, and Business Relief Act of 2010.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to credits determined under section 45D of the Internal Revenue Code of 1986 in taxable years ending after the date of the enactment of this Act, and to carrybacks of such credits.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 4, 2010, at 9:30 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 4, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during

the session of the Senate on March 4, 2010, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INOUYE. 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 March 4, 2010, to conduct a business meeting.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. INOUYE. 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 ''Childhood Obesity: Beginning the Dialogue on Reversing the Epidemic'' on March 4, 2010. 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 FOREIGN RELATIONS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 4, 2010, at 10 a.m., to hold a hearing entitled ''Middle East Peace: Ground Truths, Challenges Ahead.''

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

COMMITTEE ON THE JUDICIARY

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 4, 2010, 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.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on March 4, 2010, at 10 a.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on March 4, 2010.

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

AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Mr. INOUYE. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 4, 2010, at 1 p.m., to conduct a hearing entitled, ''The Next Big Disaster: Is the Private Sector Prepared?''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. INOUYE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 4, 2010, at 2:30 p.m.

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

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works and the Subcommittee on Clean Air and Nuclear Safety be authorized to meet during the session of the Senate on March 4, 2010, at 10 a.m. in room 406 of the Dirksen Office Building.

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

NATIONAL AUTOIMMUNE DISEASES AWARENESS MONTH

Mr. REID. I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 372, and we now proceed to that matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 372) designating March 2010 as ''National Autoimmune Diseases Awareness Month'' and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that a Levin amendment which is at the desk and the resolution, as amended, be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table; that there be 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 amendment (No. 3426) was agreed to, as follows:

AMENDMENT NO. 3426

(Purpose: To amend the resolving clause)

In paragraph (3) of the resolving clause, strike ''Federal''.

The resolution (S. Res. 372), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 372

Whereas autoimmune diseases are chronic, disabling diseases in which underlying defects in the immune system lead the body to attack its own organs and tissues;

Whereas autoimmune diseases can affect any part of the body, including the blood, blood vessels, muscles, nervous system, gastrointestinal tract, endocrine glands, and multiple-organ systems, and can be life-threatening;

Whereas researchers have identified over 80 different autoimmune diseases, and suspect at least 40 additional diseases of qualifying as autoimmune diseases;

Whereas researchers have identified a close genetic relationship and a common pathway of disease that exists among autoimmune diseases, explaining the clustering of autoimmune diseases in individuals and families;

Whereas the family of autoimmune diseases is under-recognized, and poses a major health care challenge to the United States;

Whereas the National Institutes of Health (NIH) estimates that autoimmune diseases afflict up to 23,500,000 people in the United States, 75 percent of whom are women, and that the prevalence of autoimmune diseases is rising;

Whereas NIH estimates the annual direct health care costs associated with autoimmune diseases at more than $100,000,000,000, with over 250,000 new diagnoses each year;

Whereas autoimmune diseases are among the top 10 leading causes of death in female children and adult women;

Whereas autoimmune diseases most often affect children and young adults, leading to a lifetime of disability;

Whereas diagnostic tests for most autoimmune diseases are not standardized, making autoimmune diseases very difficult to diagnose;

Whereas because autoimmune diseases are difficult to diagnose, treatment is often delayed, resulting in irreparable organ damage and unnecessary suffering;

Whereas the Institute of Medicine of the National Academies reported that the United States is behind other countries in research into immune system self-recognition, the cause of autoimmune diseases;

Whereas a study by the American Autoimmune Related Diseases Association revealed that it takes the average patient with an autoimmune disease more than 4 years, and costs more than $50,000, to get a correct diagnosis;

Whereas there is a significant need for more collaboration and cross-fertilization of basic autoimmune research;

Whereas there is a significant need for research focusing on the etiology of all autoimmune-related diseases, in order to increase understanding of the root causes of these diseases rather treating the symptoms after the disease has already had its destructive effect;

Whereas the National Coalition of Autoimmune Patient Groups is a coalition of national organizations focused on autoimmune diseases, working to consolidate the voices of patients with autoimmune diseases and to promote increased education, awareness, and research into all aspects of autoimmune diseases through a collaborative approach; and

Whereas designating March 2010 as ''National Autoimmune Diseases Awareness Month'' would help educate the public about autoimmune diseases and the need for research funding, accurate diagnosis, and effective treatments: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2010 as ''National Autoimmune Diseases Awareness Month'';

(2) supports the efforts of health care providers and autoimmune patient advocacy and education organizations to increase awareness of the causes of, and treatments for, autoimmune diseases; and

(3) supports the goal of increasing funding for aggressive research to learn the root

causes of autoimmune diseases, as well as the best diagnostic methods and treatments for people with autoimmune diseases.

EXPRESSION TO THE PEOPLE AND GOVERNMENT OF CHILE

Mr. REID. I now ask unanimous consent the Senate Foreign Relations Committee be discharged from further consideration of S. Res. 431 and we now proceed to that matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 431) expressing profound concern, deepest sympathies, and solidarity on behalf of the people of the United States to the people and Government of Chile following the massive earthquake.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

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

The resolution (S. Res. 431) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 431

Whereas the massive 8.8-magnitude earthquake that struck Chile in the early hours of Saturday, February 27, 2010, has claimed approximately 800 lives, according to government officials of Chile, and the death toll is expected to continue to rise as assessments of the devastation continue;

Whereas the earthquake hit most strongly in 6 central and south regions, from the capital, Santiago, and the nearby port of Valparaíso in central Chile, to the Bernardo O'Higgins, Maule, Bio Bio, and Araucanía regions of the south;

Whereas the regions most strongly hit are home to about 60 percent of the 17,000,000 inhabitants of Chile and account for approximately 70 percent of the gross domestic product of Chile;

Whereas the earthquake generated some tsunami activity, in addition to the earthquake, and several hundred people were killed in the coastal towns of Constitución and Talcahuano as a result;

Whereas many of the villages in the Juan Fernández archipelago were destroyed by tsunami activity;

Whereas the earthquake left an estimated 2,000,000 people homeless and damaged more than 1,000,000 homes, ⅓ of which may have to be demolished;

Whereas the earthquake, classified as a ''megathrust'' earthquake, unleashed an estimated 50 gigatons of energy and broke about 340 miles of the fault zone, according to the United States Geological Survey's National Earthquake Information Center;

Whereas aftershocks have continued, seriously complicating efforts to survey the damage and rescue survivors despite the noble efforts of local teams;

Whereas the Department of Defense has estimated that reconstruction costs could exceed $30,000,000,000, equivalent to 20 percent of the 2009 gross domestic product of Chile;

Whereas damage to ports and other infrastructure will hinder important exports and economic recovery;

Whereas Secretary of State Hillary Clinton visited Chile on March 2, 2010, and promised an extensive aid package, and the United States Ambassador to Chile requested emergency relief funding;

Whereas Chile enjoys excellent relations with the United States since its transition back to democracy, and both countries have emphasized similar priorities in the region, designed to strengthen democracy, improve human rights, and advance free trade;

Whereas Chile and the United States also maintain strong commercial ties, which have become more extensive since a bilateral free trade agreement between the two countries entered into force in 2004;

Whereas since 2004, the Government of Chile has worked with the Government of the United States and the international community as part of the multinational peacekeeping force in Haiti, first as a part of the Multinational Interim Force-Haiti (MIFH) and subsequently as a part of the United Nations Stabilization Mission in Haiti (MINUSTAH), committing more human material resources to MINUSTAH than it has to any previous peacekeeping mission; and

Whereas the Government of Chile and the Government of the United States and other regional partners have worked together in recent years to resolve a number of political issues in the Western Hemisphere, including crises in Venezuela, Bolivia, and Honduras, among others: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its profound concern, deepest sympathies, and solidarity on behalf of the people of the United States to the people and Government of Chile following the massive earthquake;

(2) applauds the friendship between the Governments and people of the United States and Chile and recommits to mutually beneficial cooperation in bilateral, multilateral, and Hemispheric contexts;

(3) strongly encourages the United States Government, with full consideration of the necessary institutional instruments, to offer all appropriate assistance, if requested by the Government of Chile, to aid in the immediate rescue and ongoing recovery efforts undertaken by the Government of Chile; and

(4) encourages the international community to join in relief efforts as determined by the Government of Chile.

RECOGNIZING THE HISTORY AND CONTINUED ACCOMPLISHMENTS OF WOMEN IN THE ARMED FORCES OF THE UNITED STATES

CONGRATULATING THE PEOPLE OF THE REPUBLIC OF LITHUANIA

HONORING THE LIFE AND SERVICE OF ENRIQUE ''KIKI'' CAMARENA

AUTHORIZING TESTIMONY AND SENATE LEGAL COUNSEL REPRESENTATION

AUTHORIZING RECORDS PRODUCTION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the following matters, en bloc, introduced today: S. Res 441, S. Res. 442, S. Res. 443, S. Res. 444, and S. Res. 445.

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

Mr. REID. I ask unanimous consent the resolutions be considered and agreed to en bloc, the preambles be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, there be no intervening action or debate, and any statements be printed in the RECORD.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 441

Whereas women of diverse ethnic, religious, socioeconomic, and racial backgrounds have made extraordinary contributions to each service of the Armed Forces;

Whereas today women volunteer to serve the Nation and distinguish themselves in the active and reserve components of the Army, Marine Corps, Navy, Air Force and Coast Guard;

Whereas the contributions of generations of women have contributed to the collective success of women in military service and the freedom and security of the United States;

Whereas women have served with honor, courage, and a pioneering spirit in every major military campaign in the history of the United States since the Revolutionary War;

Whereas Dr. Mary E. Walker was the first, and remains the only, woman awarded the Medal of Honor for her contributions to military medicine and selfless actions during the Civil War;

Whereas the role of women expanded during World War I, with women serving as medical professionals and telephone operators and in other support roles that were critical to the war effort;

Whereas, during World War II, women served in every military service and in every theater and received awards for their gallantry, including four Silver Stars;

Whereas the Women's Armed Services Integration Act of 1948 (62 Stat. 356, chapter 449) established permanent positions and granted veterans benefits for women in the Armed Forces and allowed women to serve during the Korean War as regular members of the military;

Whereas, during the Vietnam War, roughly 7,500 women served in the Armed Forces in Southeast Asia as Nurse Corps officers and in other vital capacities where they saved lives and supported their fellow service members;

Whereas, in 1976, the service academies first admitted women, and in 1980, the first women graduated from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Coast Guard Academy;

Whereas women were assigned to the first gender-integrated units during the 1980s, with women serving alongside men in Operation Urgent Fury in Grenada and Operation Just Cause in Panama;

Whereas an unprecedented 40,000 women deployed as uniformed members of the Armed Forces in support of Operations Desert Storm and Desert Shield;

Whereas, in 1991, Congress repealed laws prohibiting women from flying combat missions and in 1993 repealed the restriction on women serving on combat vessels;

Whereas, on June 16, 2005, Sergeant Leigh Ann Hester, an Army National Guard Military Police Soldier, became the first woman to receive the Silver Star since World War II for exceptional valor during an ambush on her convoy in Iraq;

Whereas, on November 14, 2008, General Ann Dunwoody became the first woman in

the military to achieve the rank of four-star general;

Whereas, according to the Department of Defense, there are currently 203,375 women on active duty in the Armed Forces, many of whom have been deployed in harm's way;

Whereas, as of January 2, 2010, 104 military women have lost their lives in Operation Iraqi Freedom and 20 military women have lost their lives in Operation Enduring Freedom;

Whereas, as of February 6, 2010, 616 military women have been wounded in action in Iraq, and 50 military women have been wounded in action in Afghanistan;

Whereas, according to the Department of Veterans Affairs, as of February 1, 2010, there were 1,824,000 women veterans of the Armed Forces;

Whereas women help make the military of the United States the finest in the world by serving frequent and lengthy deployments under the most difficult conditions;

Whereas women in the Armed Forces frequently balance the rigors of a military career with the responsibilities of maintaining a healthy family;

Whereas women serving in combat theaters have been exposed to the same hazards and harsh conditions as male service members, and have sustained grave injuries and have given their lives in service to our Nation;

Whereas all service members, both men and women, deserve fair compensation for service related injuries, proper health care and rehabilitation, and the respect of a grateful Nation for their selfless service, sacrifice, and loyalty; and

Whereas women have made our Nation safer and more secure, while representing the values that we hold dear: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the contributions of women to our national defense and their importance in the rich history of the United States;

(2) celebrates the role that women have played in securing our Nation and defending our freedom;

(3) recognizes the unique challenges that women have overcome to expand the role of women in military service;

(4) agrees that programs available for women service members and veterans should be strengthened and enhanced, including for those who are dealing with invisible wounds of war; and

(5) strongly encourages the people of the United States to honor women veterans who have served our Nation and to elevate their stature in our national conscience.

S. RES. 442

Whereas the name ''Lithuania'' first appeared in European records in the year 1009, when it was mentioned in the German manuscript ''Annals of Quedlinburg'';

Whereas the February 16, 1918, Act of Independence of Lithuania led to the establishment of Lithuania as a sovereign and democratic State;

Whereas, under the German-Soviet Treaty of Friendship, Cooperation and Demarcation, on June 15, 1940, Lithuania was forcibly incorporated into the Soviet Union in violation of preexisting peace treaties;

Whereas, during 50 years of Soviet occupation of the Baltic States, Congress strongly, consistently, and on a bipartisan basis refused to legally recognize the incorporation of Latvia, Estonia, and Lithuania by the Soviet Union;

Whereas, on March 11, 1990, the Republic of Lithuania was restored and Lithuania became the first Soviet republic to declare independence;

Whereas, on September 2, 1991, the United States Government formally recognized Lithuania as an independent and sovereign nation;

Whereas Lithuania has successfully developed into a free and democratic country, with a free market economy and respect for the rule of law;

Whereas Lithuania is a full and responsible member of the United Nations, the Organization for Security and Cooperation in Europe, the European Union, and the North Atlantic Treaty Organization;

Whereas Lithuania assumed Presidency of the Community of Democracies in September 2009, and will hold this position until 2011;

Whereas, in 2010, the United States Government and the Government of Lithuania celebrated 88 years of continuous diplomatic relations;

Whereas the United States Government welcomes and appreciates efforts by the Government of Lithuania to maintain international peace and stability in Europe and around the world by contributing to international civilian and military operations in Afghanistan, Iraq, Bosnia, Kosovo, and Georgia; and

Whereas Lithuania is a strong and loyal ally of the United States, and the people of Lithuania share common values with the people of the United States: Now, therefore, be it

Resolved, That the Senate hereby—

(1) congratulates the people of the Republic of Lithuania on the occasion of the Act of the Re-Establishment of the State of Lithuania;

(2) commends the Government of Lithuania for its success in implementing political and economic reforms, for establishing political, religious, and economic freedom, and for its commitment to human rights;

(3) recognizes the close and enduring relationship between the United States Government and the Government of Lithuania; and

(4) calls on the President to continue to build on the close and mutually beneficial relations the United States has enjoyed with Lithuania since the restoration of the full independence of Lithuania.

S. RES. 443

Whereas, 25 years ago, in March 1985, Drug Enforcement Administration (DEA) Special Agent Enrique ''Kiki'' Camarena made the ultimate sacrifice fighting drugs;

Whereas Special Agent Camarena, an 11-year veteran special agent of the DEA, was kidnapped, tortured, and murdered in the line of duty while engaged in the battle against illicit drugs;

Whereas Special Agent Camarena joined the DEA in June 1974, as an agent with the Calexico, California District Office;

Whereas Special Agent Camarena was assigned to the Fresno District Office in September 1977, and transferred to the Guadalajara Resident Office in July 1981;

Whereas on February 7, 1985, when leaving the Guadalajara Resident Office to join his wife, Geneva, for lunch, Special Agent Camarena was surrounded by 5 armed men and forced into a car, which sped away;

Whereas February 7, 1985, was the last time anyone, other than his kidnappers, would see Special Agent Camarena alive;

Whereas the body of Special Agent Camarena was discovered on March 5, 1985, on a ranch approximately 60 miles southeast of Guadalajara, Mexico;

Whereas to date, 22 individuals have been indicted in Los Angeles, California for their roles in the Camarena murder, including high ranking government officials, cartel drug lords, lieutenants, and soldiers;

Whereas of the 22 individuals indicted in Los Angeles, 8 have been convicted and are imprisoned in the United States, 6 have been incarcerated in Mexico and are considered fugitives with outstanding warrants issued in the United States, 4 are believed deceased, 1 was acquitted at trial, and 3 remain fugitives believed to be residing in Mexico;

Whereas an additional 25 individuals were arrested, convicted, and imprisoned in Mexico for their involvement in the Camarena murder;

Whereas the men and women of the DEA will continue to seek justice for the murder of Special Agent Camarena;

Whereas during his 11 year career with the DEA, Special Agent Camarena received 2 Sustained Superior Performance Awards, a Special Achievement Award, and, posthumously, the Administrator's Award of Honor, the highest award granted by the DEA;

Whereas prior to joining the DEA, Special Agent Camarena served 2 years in the Marine Corps, as well as serving as a fireman in Calexico, a police investigator, and a narcotics investigator for the Imperial County Sheriff Coroner;

Whereas Red Ribbon Week, which has been nationally recognized since 1988, is the oldest and largest drug prevention program in the Nation, reaches millions of young people each year, and is celebrated annually October 23 through October 31, was established to help preserve the memory of Special Agent Camarena and to further the cause for which he gave his life, the fight against the violence of drug crime and the misery of addiction; and

Whereas Special Agent Camarena will be remembered as an honorable and cherished public servant and his sacrifice should be a reminder every October during Red Ribbon Week of the dangers associated with drug use and drug trafficking: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its appreciation for the profound dedication and public service of Enrique ''Kiki'' Camarena;

(2) tenders its deep sympathy and appreciation to his wife, Geneva, to his 3 children, Enrique, Daniel, and Erik, and to his family, friends, and former colleagues of the Drug Enforcement Administration;

(3) encourages communities and organizations throughout the United States to commemorate the sacrifice of Special Agent Camerana through the promotion of drug-free communities and participation in drug prevention activities which show support for healthy, productive, and drug-free lifestyles; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the family of Enrique ''Kiki'' Camarena.

S. RES. 444

Whereas, in the case of City of Vancouver v. Galloway, Cr. No. 171555V, pending in Clark County District Court in Vancouver, Washington, the prosecution has requested testimony from Allison Creagan-Frank and Bethany Works, former employees of the office of Senator Patty Murray;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent present or former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the

Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Allison Creagan-Frank, Bethany Works, and any other employee of Senator Murray's office from whom testimony may be required, are authorized to testify in the case of City of Vancouver v. Galloway, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Allison Creagan-Frank, Bethany Works, and any other employee of Senator Murray's office from whom testimony may be required, in connection with the testimony authorized in section one of this resolution.

S. RES. 445

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into how politically powerful foreign officials, their relatives and close associates have used the services of United States professionals and financial institutions to bring large amounts of suspect funds into the United States to advance their interests and to circumvent United States anti-money laundering and anti-corruption safeguards;

Whereas, the Subcommittee has received a request from a federal law enforcement agency for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into how politically powerful foreign officials, their relatives and close associates have used the services of United States professionals and financial institutions to bring large amounts of suspect funds into the United States to advance their interests and to circumvent United States anti-money laundering and anti-corruption safeguards.

S. RES. 444

Mr. REID. Mr. President, this resolution concerns a request for testimony in a criminal case pending in Clark County District Court in Vancouver, WA. In this case, the defendant, a Vietnam War veteran, is charged with harassing two caseworkers in the Vancouver office of Senator PATTY MURRAY. The charges arise out of threats made by the defendant to the two caseworkers.

The prosecution has requested testimony at trial from the two caseworkers at issue, both of whom are no longer employed by the Senator. Senator MURRAY would like to cooperate with the prosecution's request. This resolution would authorize the former employees at issue, and any current employees of Senator MURRAY's office from whom testimony may be required, to provide relevant testimony, except concerning matters for which a privilege should be asserted, with representation by the Senate Legal Counsel.

S. RES. 445

Mr. REID. Mr. President, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has received a request from a federal law enforcement agency seeking access to records that the Subcommittee obtained during its recent investigation into how politically powerful foreign officials, their relatives and close associates have used the services of United States professionals and financial institutions to bring large amounts of suspect funds into the United States to advance their interests and to circumvent United States anti-money laundering and anti-corruption safeguards.

This resolution would authorize the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations, acting jointly, to provide records, obtained by the Subcommittee in the course of its investigation, in response to this request and to other government entities and officials with a legitimate need for the records.

ORDERS FOR FRIDAY, MARCH 5, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., March 5; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 4213.

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

PROGRAM

Mr. REID. Mr. President, tomorrow we are going to resume consideration of the tax extenders legislation. There will be no rollcall votes tomorrow. The next vote will occur Tuesday morning.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:39 p.m., adjourned until Friday, March 5, 2010, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, March 4, 2010:

DEPARTMENT OF DEFENSE

TERRY A. YONKERS, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

FRANK KENDALL III, OF VIRGINIA, TO BE PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

ERIN C. CONATON, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF THE AIR FORCE.

PAUL LUIS OOSTBURG SANZ, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE NAVY.

MALCOLM ROSS O'NEILL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

JACKALYNE PFANNENSTIEL, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

WILLIAM M. CONLEY, OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN.

EXTENSIONS OF REMARKS

OPEN AND TRANSPARENT SMITHSONIAN ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Ms. NORTON. Madam Speaker, today I introduce the Open and Transparent Smithsonian Act to further ensure that the Smithsonian Institution is accountable to the public for the taxpayer funds it receives. This bill provides that, for the purposes of the Freedom of Information Act, FOIA, and the Privacy Act, the Smithsonian shall be considered a federal agency.

This bill was introduced in the Senate in 2008, and I saw it then and now as complementing my Smithsonian Modernization Act and my Smithsonian Free Admission Act. I introduce this bill today along with the other two because its purpose, like those, is to make the Smithsonian accountable for the 70 percent of its funding that comes from annual federal appropriations. Although the Smithsonian was created by Congress as a federal trust, it receives the great majority of its funding from the federal government, much like federal agencies, and had always been treated as a federal agency. However, in the 1990s, the U.S. Court of Appeals for the District of Columbia Circuit found that the Smithsonian is not a federal agency for purposes of FOIA and the Privacy Act. Indeed, the Smithsonian's website clearly states that it is ''not an Executive Branch agency, and FOIA does not apply to the Smithsonian.''

The lack of transparency is of great concern, particularly in light of the Smithsonian's recent history of secrecy and corruption. In 2007, an independent review committee found that the Smithsonian Board had violated many principles of good management during the tenure of Lawrence Small as Secretary of the Smithsonian. The report indicated that the Board had failed to provide desperately needed oversight, had overcompensated the Secretary, and had allowed the creation of an ''insular culture.'' The report further found that the Smithsonian's deputy secretary and chief operating officer had frequent absences from her duties because of outside activities, including service on corporate boards, for which she earned more than $1.2 million in six years. Importantly, the report indicated that Smithsonian leaders took great measures to keep secret these missteps and mismanagements.

While the Smithsonian now has new leadership that is moving away from the mistakes of the past, its transparency should not depend on who is in charge. A federally supported entity must be accountable to the American people. The American people have a right to know that their interests are being served.

I urge my colleagues to support this measure.

HONORING 19TH CENTURY AFRICAN-AMERICAN LEGISLATORS OF TEXAS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize and voice my support for a new monument that will be unveiled at the Texas State Cemetery in Austin, Texas, on March 30, 2010, to commemorate the state's African-American legislators of the 19th century.

This monument will serve as a reminder to all Texans of the role that African Americans have played in Texas political history and give credence to the first steps that these legislators made for the black community in the state. There were 52 African-American men who served in either the Texas legislature or were Constitutional Convention delegates during the last half of the 19th century, and while their time in office may have been short, their impacts can still be felt today.

I often reflect on the endurance and tenacity of these men who served a disenfranchised community during a politically volatile time in Texas history. They truly were political pioneers entering a system of government for the first time and working diligently to ensure a future for all African Americans and Texans. This work is not lightly forgotten, and that is why this monument is so important for people across the state and all Americans.

Madam Speaker, I encourage my colleagues to join me today in remembering the 19th century African-American legislators of Texas and to honor them by supporting this monument that will help Texans understand the work and sacrifices of these great legislators.

HONORING LEWIS F. GOULD, JR.

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. GERLACH. Madam Speaker, I rise today to honor Lewis F. ''Lew'' Gould Jr. for his longstanding selfless and passionate service to Lower Merion Township, Montgomery County.

As a four-term Lower Merion Township Commissioner, Lew has been a leading voice for fiscal responsibility and sound stewardship of community resources. He has earned the respect of his colleagues for his frankness and his willingness to mentor younger community leaders on the duties and responsibilities associated with governing the largest municipality in the 6th Congressional District.

Lew's efforts have earned him the 2010 Service Award from the Republican Committee of Lower Merion and Narberth. The award will be presented during the Committee's annual Lincoln Day Dinner at the Merion Tribute House in Merion Station, Pennsylvania.

Madam Speaker, I ask that my colleagues join me today in extending our deepest appreciation to Lewis F. ''Lew'' Gould Jr. for his exemplary leadership, civic engagement and dedication to making Lower Merion Township a great place to live, work and raise a family.

CONGRATULATING THOMAS THAYER FOR RECEIVING THE INTERNATIONAL CIRCLE OF EXCELLENCE AWARD

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. CANTOR. Madam Speaker, I rise today in order to congratulate Thomas Thayer, the owner of International Truck Sales of Richmond, for his receiving of the International Circle of Excellence Award.

Tom's business, International Truck Sales of Richmond, is headquartered in Ashland, Virginia, where it was founded in 1998. Under his leadership, it has grown into one of the preeminent truck dealerships in the Southeast and the entire nation, with 109 employees and three dealer locations serving Richmond and its surrounding counties. In 2005, it was named the International Dealer of the Year, an honor awarded to the one International dealer who exhibits the highest commitment to best-in-class customer service. With this most recent award, International Truck Sales of Richmond has now received the Circle of Excellence Award under Tom's leadership a total of 13 times.

The Circle of Excellence, which is awarded by the international dealer organization, Navistar, Inc., honors International truck dealerships that achieve the highest level of dealer performance with respect to operating and financial standards, market representation, and most importantly, customer satisfaction.

Tom has achieved this level of accomplishment and recognition through many years of hard work and service to his industry and community. He has also built a successful truck leasing business, Idealease of Richmond, is the current chairman of the Truck Renting and Leasing Association, and is the past chairman of the Make a Wish Foundation. He is also involved with the Rotary Club, the United Way and the American Cancer Society. Despite all these activities, he still finds time to work the concession stand at James River High School on Friday nights, and serves as a band booster for his son, Robert, and his daughter, Leah.

Through his commitment to hard work and outstanding customer service, he has built an economically vital business of which he can be justly proud. Madam Speaker, I ask you

and my colleagues to join with me in congratulating Thomas Thayer for his record of accomplishment and for his many contributions to his community, state and Nation.

HONORING ROBERT WORKMAN ON THE ADMISSION OF HIS WORK TO THE MUSEE DU LOUVRE

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. LIPINSKI. Madam Speaker, I rise today to honor Robert Workman, an acclaimed artist from Mt. Greenwood, Illinois. On January 15, 2010, Robert Workman's pen and ink drawing became the first American work of the 21st century admitted to the internationally renowned Louvre Museum in Paris.

A passionate artistic practitioner, Mr. Workman is a graduate of the Ecole du Louvre and the Art Institute of Chicago—two of the preeminent art institutions in the world. In addition to having a place in the Louvre, his work is part of the Archives of the Musees Nationaux de France. The specific piece of art admitted to the Louvre was a pen and ink work featuring an ancient Egyptian theme—mixing the human form with an array of hieroglyphic text. This work was credited by the head of the Department of Sculptures with bearing "witness to the international renown of the Louvre."

Mr. Workman's art is only part of his contribution to society. He is a tireless author and illustrator, and has published numerous children's books and a graphic novel.

I ask you to join me in honoring Robert Workman for his remarkable achievements in art, and his recognition by the Musee du Louvre.

COMMEMORATING THE 15TH ANNIVERSARY OF THE BEIJING DECLARATION AND PLATFORM FOR ACTION AND INTERNATIONAL WOMEN'S DAY

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. CARNAHAN. Madam Speaker, on Monday, March 8, 2010, the world will mark the 15th anniversary of the adoption of the Beijing Declaration and Platform for Action—the most comprehensive global policy framework to achieve the goals of gender equality, development and peace.

While we reflect on this milestone and celebrate the advancements of women thus far, we also need to pause and take stock of what more can be achieved. To fully live up to the goals of equality, development and peace it is imperative that we continue to promote opportunities for women to directly shape these policies by being involved in politics at all levels, and in all countries. Without this perspective, equality is no more than a hollow word.

The 1997 Universal Declaration on Democracy states that true democracy cannot be achieved unless there is a genuine, equal and complementary partnership between men and women in the conduct of the affairs of society. Even we in the United States, where there are only about 15 percent of women in legislative positions and only 33 percent in ministerial positions, have a long way to go to fulfill this principle. It is important that lawmakers, both here and abroad, advocate for policies that empower women. In many countries that I've traveled to, I have seen firsthand the need for support from governments, international bodies, NGO's, and local communities. It is especially important that we educate young women and girls from an early age in order to give them as many opportunities later in life.

Just this last Congress the United States joined the list of countries that have shattered the glass ceiling of female leadership in parliament, with the appointment of Nancy Pelosi as the first female Speaker of the House of Representatives. We have yet to elect a female President—although we will surely see that day soon.

However, the leadership and courage of strong women in the United States who have broken down tough barriers continues to inspire many around the world. These women have demonstrated remarkable accomplishment our nation, and women across the globe can be proud of. They are a testament to the power of women everywhere.

Likewise we look to groundbreaking female leaders in other countries and praise their confidence and ability in forging the path for others to dare to fill their shoes and even go beyond. One of the best examples of this, is Liberian President, Ellen Johnson Sirleaf. She inspired many when she addressed a Joint Session of Congress.

The challenges faced by peoples everywhere are faced with the help of strong women. And today many women still face challenges fully acceding to all of the positions and roles formerly reserved for men. The impact and involvement of women is critical in reducing poverty, improving education and health care, reducing the violence against them, enhancing human rights on the whole, and even recovering from the brunt of the global economic crisis.

We celebrate these advancements, but continue to pursue and address the various challenges and inequalities women face day to day. I would like to thank the Inter-Parliamentary Union for its great work on this front and for calling this gathering today, in the spirit of cooperation and progress toward achieving the goals of equality, peace and development.

RECOGNIZING VOLUNTEERS FROM THE EAST VALLEY RETIRED AND SENIOR VOLUNTEER PROGRAM

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. MITCHELL. Madam Speaker, I rise today to applaud the accomplishments of 11 retired Seniors from the East Valley who have been awarded the Presidential Volunteer Service Award for Lifetime Achievement. This prestigious award honors those who have provided more than 4,000 hours of volunteer service over the course of their lifetime. The President's Volunteer Service Award program was created as a way to thank and honor Americans who, by their demonstrated commitment and example, inspire others to engage in volunteer service.

This year's recipients of the Presidential Volunteer Service Award for Lifetime Achievement are exceptional individuals who epitomize the true meaning of service. These 11 honorees exhibit a sincere commitment to helping others and creating positive communities.

As a representative, I am fortunate to have such benevolent and dedicated individuals serving within my district. Each one of the recipients should serve as an inspiration for us all and encourage us to make service a central part of our lives.

Madam Speaker, it is my honor to officially recognize Kay Fisher, Shigeko Godsey, Kenneth Hawkes, Marietta Hopkins, Gertrude Huhn, Rena Johnson, Peter Loguda, Pamela Manaos, Helen McShane, Susanne Ulbrish and Grant Whitney for their outstanding service to our community.

HONORING MR. PAUL HAZZARD

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. Paul Hazzard. Mr. Hazzard served his constituency faithfully and justly during his tenure as a member of the Busti Town Council.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Hazzard served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Hazzard is one of those people and that is why Madam Speaker I rise to pay tribute to him today.

HONORING NATIONAL PEACE CORPS WEEK

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. McDERMOTT. Madam Speaker, I rise today to recognize this week as National Peace Corp Week.

In October of 1960, when then-Senator John F. Kennedy was campaigning for the Presidency, he visited the University of Michigan. At about 2:00 AM in front of the University of Michigan Union, he first outlined his plan to create a program that would send Americans to countries around the globe for 2 years of service. He said that night:

". . . I think Americans are willing to contribute. But the effort must be far greater than we have ever made in the past. Therefore, I am delighted to come to Michigan, to this university, because unless we have those resources in this school, unless you comprehend the nature of what is being asked of

you, this country can't possibly move through the next 10 years in a period of relative strength.''

Since that speech, more than 200,000 Americans have spent 2 years of their lives in parts of the world that many of us have never heard of. And right now, dozens of Peace Corp volunteers from the Seattle area alone are serving in countries as far as Mali, Turkmenistan and Cambodia. Participants have worked on everything from helping farmers produce more food to stave off hunger to teaching computer skills and helping governments bolster their technology infrastructure. While I've heard from many Peace Corp volunteers that their years of service are far from easy, they also tell me about the tremendous impact those years have on their education and how their time abroad helps build their character and self-esteem.

But the program does far more than just provide services to communities in other countries and enrich the lives of its volunteers. It helps participants come back with a far better understanding of other cultures. I have long believed that America's ability to operate in the world depends on how well we understand what's going on in other nations. President Kennedy understood that our nation's strength depended on our level of engagement in the global community, and the Peace Corp each year provides thousands of emissaries to places that the U.S. might not otherwise touch. In many ways, the Peace Corp is like community-based diplomacy.

And when participants return, many continue their service. Some, like my colleagues Senator CHRIS DODD, and Representatives HONDA, GARAMENDI, FARR, DRIEHAUS and PETRI, go on to serve in Congress. Other alums go on to serve in Foreign Service, including stints in USAID, the Organization of American States and the Department of State. Others serve in the non-profit sector in organizations like the Sierra Club and Catholic Relief Services. And many others join the National Peace Corp Association, an organization of some 30,000 former Peace Corp participants that helps keep them engaged in service and advocacy.

The Peace Corp has done enormous good around the world, so let us recognize the thousands of Americans who sacrificed and served. Let us reaffirm this week as National Peace Corp Week.

A TRIBUTE TO MIKAWAYA ON THE OCCASION OF THE BAKERY'S 100 YEAR ANNIVERSARY

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize Mikawaya on the occasion of its 100 year anniversary. This historic Los Angeles-based family-owned bakery has been a fixture in Little Tokyo in the heart of my congressional district since its founding in 1910.

Under the current dedicated leadership of Frances Hashimoto—the grand niece of the bakery's original founder—this successful enterprise continues to satisfy the sweet-tooths of Angelenos and dessert lovers throughout the country with its wide assortment of delicious and original bakery items.

Mikawaya manufactures and sells traditional Japanese pastry and confectionary (wagashi), mochi ice cream, and gelato. In addition to its traditional ''mochi-gashi'' and ''manju'' that have been the foundation of the family business, Mikawaya has obtained nationwide popularity and success as the creator of Mochi Ice Cream along with its gelato offerings.

Madam Speaker, as Mikawaya celebrates its 100-year anniversary at the Kyoto Grand Hotel on March 8, I ask my colleagues to please join me in congratulating the entire Hashimoto family and their dedicated employees for bringing smiles to the faces of generations of customers who have enjoyed the unique and delicious Japanese-inspired ice cream and pastries that this one-of-a-kind bakery has to offer.

I extend to them my best wishes for many more innovative, productive and profitable years ahead.

To fully capture the remarkable story of the Hashimoto family and the 100 year history of their bakery, I would also like to submit the following historical overview:

''Just after the turn of the 20th century, two Japanese entrepreneurs decided to open a manju bakery. One of them was from Mikawa, an old Japan province in the area that today forms the eastern half of Aichi Prefecture. The ''ya,'' or store in Japanese, was added to the end of the name to create the name ''Mikawaya.''

In 1910 Ryuzaburo Hashimoto purchased the company, which was located at 365 East First Street in Los Angeles' Little Tokyo district. His nephew, Koroku Hashimoto and his wife Haru, took over the operations 15 years later and reopened at the newly built Olympic Hotel on North San Pedro Street, also in Little Tokyo. Five years later, they moved the company back to First Street where they remained until 1942, when the U.S. entered World War II.

From 1942 to December 1945, Mikawaya closed its doors as Executive Order 9066 forced more than 110,000 Japanese Americans, including the Hashimoto family, into U.S. internment camps for the duration of the war. On December 23, 1945, the Hashimoto family proudly reopened Mikawaya at 244 East First Street, next door to their pre-war location.

In 1970 Frances Hashimoto, their youngest daughter, took over the family business. Having the foresight that the surrounding First Street area would become prime redevelopment property, she planned and built a new bakery on 4th Street, which was completed in 1974.

With the new location on 4th Street, Mikawaya was able to expand its operations and product offerings. Hashimoto's husband and Mikawaya's Chief Financial Officer, Joel Friedman, happened on an idea when he visited Japan in 1984. In 1994, after spending 10 years of research and testing, his brainchild—mochi ice cream—became a reality.

Mochi ice cream, which is a serving of ice cream surrounded by a thin layer of mochi (pounded sweet rice), has become a recognized addition to American pop culture like sushi and sake. Today, it is Mikawaya's signature product with mass appeal that has reached beyond Asian American tastes. Currently there are seven flavors of mochi ice cream, including: chocolate, coffee, green tea, mango, red bean (azuki), strawberry, and vanilla.

Mikawaya's traditional Japanese confections and pastries are still available and made daily at its Los Angeles factory and are still a favorite in the Asian American community.

Always innovators, Mikawaya now manufactures and sells gelato—Italian-style ice cream made from milk, sugar, real fruit and other ingredients.

Along with Mikawaya's centennial anniversary, the company opened a new 100,000-square-foot facility in Vernon, California. This facility is designed to meet the increasing demand for Mikawaya's products and will be the headquarters for new product research and development of frozen desserts. All of Mikawaya's desserts are manufactured in Southern California and are still held to Mikawaya's standards of high quality and taste.

The bakery presently operates retail stores in Japanese Village Plaza, Little Tokyo Square, Pacific Square Shopping Center in Torrance, Mitsuwa Marketplace in Gardena and Shirokiya Department Store in Honolulu, Hawaii.''

FIRST-TIME HOMEBUYER TAX CREDIT ELIGIBILITY VERIFICATION ACT

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise today to introduce the First-Time Homebuyer Tax Credit Eligibility Verification Act.

The purpose of this bill is simple: to prevent those who are here illegally from claiming the refundable first-time homebuyer tax credit, which is worth up to $8,000. According to a January 25, 2010 Dallas Morning News article by Steve McGonigle entitled ''Feds find dubious home tax credit claims from Texas,'' close to 1,000 claims from Texas have come from individuals ''employing a special taxpayer identification number primarily used by illegal immigrants, who are not entitled to the credit.'' This is just plain wrong.

Currently, the IRS does not require an individual to provide a Social Security number in order to claim the first-time homebuyer tax credit. Rather, if the individual does not have a Social Security number, the individual can still apply for the credit so long as they are able to get an Individual Taxpayer Identification Number (ITIN) from the IRS. The problem here is that illegal immigrants are getting these numbers from the IRS. According to the previously mentioned article, ''the IRS has acknowledged that more than half of ITINs are filed by illegal immigrants.'' In an effort to prevent illegal immigrants from claiming the credit, my bill proposes that a taxpayer must provide a Social Security number rather than an ITIN. Doing so will help to prevent fraud and in turn protect the American taxpayer. I urge my colleagues to support this bill.

HONORING THE PEACE CORPS DURING NATIONAL PEACE CORPS WEEK

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. GUTIERREZ. Madam Speaker, I rise today to honor and commemorate the important contributions of the Peace Corps during National Peace Corps Week.

President Kennedy's inspiring inaugural quote, ''Ask not what your country can do for you, ask what you can do for your country,'' sparked the establishment of the Peace Corps in 1961, and since then, almost 200,000 Americans have answered to this call to service.

For five decades, participants in the Peace Corps have made significant strides to advance the cause of peace and human progress in countries around the world. Just as important, these dedicated volunteers often continue making a difference in their local communities in the United States once they return home.

At the present time, almost 7,700 volunteers serve in 76 countries across the globe. They continue to work tirelessly to provide meaningful assistance to people in need, helping to improve the lives of our brothers and sisters in other parts of the world.

The Peace Corps remains a strong symbol of our nation's commitment to service and progress. This program epitomizes the human desire to make a difference and the American spirit, rooted in a willingness to help improve the lives of others. I encourage my colleagues to take this opportunity to recognize the important and meaningful work of the Peace Corps, and I hope they will join me in commending the Peace Corps' achievements and commitment to service.

TEXAS INDEPENDENCE DAY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. GENE GREEN of Texas. Madam Speaker, Tuesday, March 2, 2010, marked Texas Independence Day: 174 years ago, the Texas Declaration of Independence was ratified by the Convention of 1836 at Washington-on-the-Brazos.

This is an important day for Texas identity and patriotic Texans observe this occasion with great pride. If it were not for the Texas Primaries, I would have been on the floor, paying tribute to Texas Independence Day Tuesday.

In 1824, a military dictatorship took over in Mexico abolishing the Mexican constitution. The new military dictatorship refused to provide trial by jury, freedom of religion, public education for their citizens, and allowed the confiscation of firearms, this last one being the most intolerable, particularly among Texans.

The Texas Declaration of Independence states that Texas' government had been ''forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated central military despotism.''

It stated that because of the injustice of Santa Anna's tyrannical government, Texans were severing their connection with the Mexican nation and declaring themselves ''a free, sovereign, and independent republic . . . fully invested with all the rights and attributes'' that belong to independent nations; and a declaration that they ''fearlessly and confidently'' committed their decision to ''the Supreme Arbiter of the destinies of nations.''

The Texas Declaration of Independence was fully justified because this military dictatorship had ceased to protect the lives, liberty, and property of the people of Texas.

Failure to provide these basic rights violated the sacred contract between a government and the people, and Texans did what we still do today—stand up for our rights by declaring our independence to the world.

In response, the Mexican army marched to Texas waging war on the land and the people, enforcing the decrees of a military dictatorship through brute force and without any democratic legitimacy.

As delegates signed the Texas Declaration of Independence at Washington-on-the-Brazos, General Santa Anna's army besieged independence forces at the Alamo in San Antonio.

Four days after the signing, the Alamo fell with her commander Lt. Colonel William Barrett Travis, Tennessee Congressman David Crockett, and approximately 200 other Texan defenders.

All these men were killed in action, a heroic sacrifice for Texan freedom. If this tragedy were not enough, later Santa Anna's army massacred over 300 unarmed Texans at Goliad on March 27.

In a dramatic turnaround, Texans achieved their independence several weeks later on April 21, 1836. Roughly 900 members of the Texan army overpowered a much larger Mexican army in a surprise attack at the Battle of San Jacinto.

That battle is memorialized along the San Jacinto River with the San Jacinto Monument in Texas in our district. The monument is larger than the Washington Monument here in DC.

Today we give thanks to the many Texans that sacrificed for the freedom we now enjoy. God bless Texas and God bless America.

PREVENTING HARMFUL RESTRAINT AND SECLUSION IN SCHOOLS ACT

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. VAN HOLLEN. Madam Speaker, I rise today to support the Keeping All Students Safe Act, a commonsense measure to provide guidance for teachers and schools on the use of seclusion and restraints.

Last year, the Government Accountability Office found hundreds of cases of alleged abuse of seclusion and restraints, including cases that resulted in death. And while federal law provides minimum safety standards for the use of these interventions in hospitals and other facilities supported by federal dollars, there are no federal rules for public or private schools.

Today's bill sets basic standards and gives states 2 years to implement their own policies, procedures, monitoring, and enforcement systems to meet them. It provides grants to help train school staff and implement positive behavior support programs. And it increases transparency and oversight by requiring states, for the first time, to collect and report data annually to the Secretary of Education.

With these measures, we can ensure the safe learning environment that all our students deserve. I encourage my colleagues to join me and support this bill.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. ELLISON. Madam Speaker, on March 3, 2010, I inadvertently failed to vote on rollcall No. 78. Had I voted, I would have voted ''aye.''

RECOGNIZING LAS VEGAS CHAPTER 74 OF THE NATIONAL ASSOCIATION OF WOMEN IN CONSTRUCTION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Ms. BERKLEY. Madam Speaker, today I urge my colleagues to join me in recognizing the National Association of Women in Construction, NAWIC, Las Vegas Chapter 74 for their representation of women in the construction industry.

Las Vegas Chapter 74 has been representing women in construction for 48 years.

The NAWIC Las Vegas Chapter 74 has benefited Southern Nevada through numerous educational and development programs.

The Las Vegas Chapter 74 has unceasingly promoted the employment and advancement of women in the construction industry.

The construction community, represented by the Las Vegas Chapter 74, has been a driving force in fostering community development through renovation and beautification projects, promotion of skilled trade careers, and a positive vision of the future.

They have sought to achieve successful results for Las Vegas and surrounding areas in a cooperative spirit with other organizations.

As the Representative for Nevada's First Congressional District, it gives me great pleasure to acknowledge the Las Vegas Chapter 74 and their many dedicated volunteers for their steadfast work to support women in construction. I urge my colleagues to join me in recognizing this outstanding organization.

HONORING JACK WALKER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to honor Jack

Walker, a veteran of the Normandy campaign in northern France during World War II and beloved family man.

Mr. Walker was born on July 1, 1913 and grew up in Longview, Texas. He enlisted in the army in 1942 and reenlisted again in 1945. He served in northern France on the Normandy Campaign and received several citations and decorations including the European-African-Middle Eastern Theater Ribbon, the Asiatic-Pacific Ribbon, a Good Conduct Medal, the Victory Ribbon, and the World War II Victory Medal.

Mr. Walker returned to Dallas, Texas after he left the military and gained employment at Southern Methodist University. He was widely regarded in the community for his cheerful nature and love for the United States and the United States Army. On June 4, 2004 he passed away, and he continues to be remembered with great affection by his family and friends.

Madam Speaker, America is stronger today because of the sacrifices of individuals like Jack Walker. I ask my fellow colleagues to join me today in recognizing the bravery of this man and honoring his service to our country.

HONORING MR. ROSS SZABO

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. KENNEDY. Madam Speaker, I would like to take a moment to recognize Mr. Ross Szabo, director of youth outreach for the National Mental Health Awareness Campaign. After 8 years with National Mental Health Awareness Campaign—as one of the leading young advocates for mental health education in the Nation—Ross will be leaving soon for Botswana to begin work with the Peace Corps.

The National Mental Health Awareness Campaign, launched following the 1999 White House Conference on Mental Health, is a nationwide public education initiative which seeks to eliminate the stigma associated with mental illness. Ross joined the Campaign 8 years ago as a speaker for the youth campaign. Using his own story of bipolar illness, Ross' success as a motivational speaker has highlighted the importance of talking about mental illness, the effectiveness of treatment, and one's ability to live successfully managing the illness.

After taking over as director of youth outreach, Ross expanded the speakers' bureau, "The Heard," into the only peer-to-peer youth mental health speaker's bureau in the country. His leadership has encouraged more young people to share their stories through the Campaign, and has reached millions of students and adults in schools and military settings in 45 states. Although Ross has already trained the next generation of speakers so that this crucial outreach program is continued, his efforts will be sorely missed in the mental health community.

I would like to take this opportunity to thank Ross Szabo for his leadership, dedication, and advocacy. I thank him for his service to our great Nation as he embarks on this next challenge.

IN RECOGNITION OF EDWARD BELL HIGH SCHOOL'S 1A BASKETBALL STATE CHAMPIONSHIP

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to the outstanding young athletes of Edward Bell High School in Camp Hill, Alabama, for winning the 1A Basketball State Championship. This is the first State Championship in school history for the Edward Bell Bears, and it was well deserved.

On February 25, the Bears held on to their lead over J.F. Shields for a thrilling 66–65 win. Coach Mitch Joiner and Assistant Coach Brownie Caldwell taught their fourth ranked Bears how to work together and strive under pressure. Both skills were put to the test throughout this season—and were proven successful in this final win.

All of us across Tallapoosa County and East Alabama are deeply proud of these young people for Edward Bell High School's first championship win. We congratulate them on this achievement.

OBAMACARE 2.0

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. PENCE. Madam Speaker, from the townhalls of August to the voting booths in Massachusetts, the American people have spoken. The American people want health care reform, but they don't want a government takeover of health care.

And despite the president's latest polished pitch, ObamaCare 2.0 is still a government takeover of ⅙th of our economy—and the American people know it.

The latest version of ObamaCare is a government takeover because:

1. It will mandate private citizens purchase health care, whether they need it or want it.

2. It will cause millions of employers to cancel the health insurance they currently offer employees and force tens of millions of Americans into a government-run Exchange.

3. It will create a health care czar to impose price controls on private health insurance that will lead to shortages and force even more people into government-run care.

Mr. President, government mandates, government-run insurance and more government control is a government takeover of health care.

COMMENDING CALIFORNIA STATE UNIVERSITY SYSTEM

SPEECH OF

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. HERGER. Madam Speaker, I am pleased to express my support for H. Res. 1117, a resolution congratulating the California State University system on its 50th anniversary. Its Chico campus is located in the Northern California Congressional District I represent and provides residents of the North State with exceptional academic opportunities. In fact, 69 percent of students currently attending CSU Chico are from Northern California.

CSU Chico is a vital part of the community. It was established in 1887 and offers its 15,797 full-time students over 300 academic programs and 66 undergraduate majors. To better enrich the lives of its students, the university is home to almost 240 student organizations. Its commitment to academic excellence, coupled with the many opportunities it offers students, enable CSU Chico to produce informed and well-rounded individuals that contribute greatly to our local communities and the Nation.

I offer my congratulations to the entire CSU system on this noteworthy occasion, and wish it many more years of providing a high quality education to students from California and across our Nation.

RECOGNIZING NATIONAL PEACE CORPS WEEK

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. WOLF. Madam Speaker, I rise today to recognize and celebrate March 1–7, 2010, as National Peace Corps Week. On March 1, the Peace Corps celebrated its 49th anniversary, an impressive accomplishment.

Established by President John F. Kennedy in 1961, the Peace Corps has inspired nearly 200,000 Americans to volunteer their time to improve the lives of individuals in 76 countries across the globe. The Peace Corps has volunteers in Africa, Asia, the Caribbean, Central and South America, Europe, the Middle East, and the Pacific Islands. There are 7,000 people currently serving in the Peace Corps, 18 of whom are from Virginia's 10th District.

The Peace Corps has a strong legacy of promoting peace through the efforts of these selfless volunteers. In particular, the agency has tasked its volunteers with working on initiatives dealing with education, business development, agriculture, information technology, health and HIV/AIDS, youth, and the environment. These volunteer efforts have significantly improved the lives of countless people around the world.

I ask that my colleagues join me in celebrating National Peace Corps Week and recognizing the nearly 200,000 people who have served their country and other communities overseas as Peace Corps volunteers.

HONORING G. RUSS TRIMBLE AND SOUTHWEST INTERNATIONAL TRUCKS, INC.

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to congratulate

G. Russ Trimble, on the occasion that his business, Southwest International Trucks, Inc., has been awarded the International Circle of Excellence Award for 2009 by the international dealer organization, Navistar, Inc.

The Circle of Excellence Award honors international truck dealerships that achieve the highest level of dealer performance with respect to operating and financial standards, market representation, and customer satisfaction. It is the highest honor a dealer principal can receive from the company.

Mr. Trimble's business, Southwest International Trucks, is headquartered in Dallas, Texas, where it was founded more than 25 years ago. Under his leadership, it has grown into a remarkable, locally owned and operated truck dealership with 305 employees and five dealer locations throughout Texas. With this most recent award, the business has now received the Circle of Excellence Award under Mr. Trimble's leadership a total of 16 times. Additionally, his success has been recognized by the industry and his business is a multi-year IdealGold Winner for Excellence.

Mr. Trimble has achieved this level of accomplishment and recognition through many years of hard work and service to the industry and to the community. A dedicated family man, he has been married to his high school sweetheart for almost 49 years. They have three daughters, ten grandchildren, one great-granddaughter and are expecting another great-granddaughter in a few weeks. A cancer survivor, Mr. Trimble supports the M.D. Anderson Cancer Center, Susan G. Komen for the Cure, Mothers Against Drunk Driving, the National Multiple Sclerosis Society, the Red Cross, Frisco Family Services, Collin County Services, and many others.

Through his commitment to hard work and outstanding customer service, Mr. Trimble has built an economically vital business of which he can be justly proud. Madam Speaker, I ask my fellow colleagues to join me in congratulating Russ Trimble for his record of accomplishment and for his many contributions to the North Texas community, the State, and the entire Nation.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. PUTNAM. Madam Speaker, on Tuesday, March 2, 2010, I was not present for 3 recorded votes. Had I been present, I would have voted the following way: roll No. 75—yea, roll No. 76—nay, and roll No. 77—yea.

THE 150TH ANNIVERSARY OF SAINT MARGARET'S ROMAN CATHOLIC CHURCH

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. WEINER. Madam Speaker, I rise to recognize the 150th anniversary of the historic Saint Margaret Roman Catholic Church in Middle Village, New York.

Throughout their history, Saint Margaret's has withstood the test of time by wholeheartedly committing themselves to education, faith and service. Ever since its inception, the parish has continuously strived to reach out and respond to the changing needs of the community.

On March 18, 1860 Father Goetz broke ground on the first Catholic Church in Middle Village. Much of the original parishioners were farmers concerned for their crops and animals. To its parishioners, Saint Margaret's acted as the protector of those animals against life threatening epidemics and the crops against harvests that brought harsh weather. During the civil war, Father Goetz and numerous other priests from Saint Margaret's made regular visits to rebel prisons, which housed prisoners captured by Union soldiers.

A small frame school was built to house 20 pupils in 1890. Now that school holds 600 pupils with over 50,000 graduates. Their mission is comprised of community, charity and goodwill, in which they are tenaciously dedicated to pursuing. Throughout the years, Saint Margaret's Church has worked with some of the most extraordinary pastors and presiders in the country, and has developed a cadre of priests who have nurtured and challenged this ministry to continue to grow in purpose and commitment.

St. Margaret's School works at building a family spirit while providing an education where excellence is encouraged and Christian values permeate. They have dedicated their existence to these values and their ongoing service to the community, serving in such things as Ministry to the Homebound and their food pantry for the less fortunate.

I am pleased to note the 150th anniversary of Saint Margaret's Roman Catholic Church.

SALUTING AFRICAN AMERICAN SERVICEWOMEN OF THE KOREAN WAR ERA ON THE OCCASION OF THE 369TH HISTORICAL SOCIETY'S ANNUAL WOMEN'S HISTORY MONTH AWARDS CELEBRATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. RANGEL. Madam Speaker, I rise today to salute and honor African American servicewomen who served their Nation with distinction and great courage as the 369th Historical Society pays tribute to women in the military in celebration of their Annual Women's History Month Awards Dinner Dance taking place at the elegant Eastwood Manor in the Bronx, New York.

This year marks the 60th anniversary of the Korean War, in which I served in the United States Army. In recognition of the 369th Historical Society's salute to women in the military this month, I would also like to pay special tribute to all of the no longer forgotten heroes, African American Servicewomen who served our Nation valiantly during the Korean War Era, and during a time when the military was ordered to desegregate.

On July 28, 1948, President Harry S. Truman signed Executive Order 9981 mandating equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin, initiating an end to segregation in the Armed Forces and in the military. African American servicewomen, because of their small numbers, were often the first and, sometimes, the only to train, command, work and live in desegregated settings.

Women like Army Nurse Captain Eleanor Yorke, Private Sarah Keys, Dovey Johnson Roundtree, Mary Teague Smith, Helen Gentry, Freddie Mae Hopson, Annie Graham and Ann Lamb not only served in the Army, Navy, Air Force and Marines, but they were major factors and contributors in bringing down and wiping out Jim Crow in the United States military.

In 1952, Army Nurse Captain Eleanor Yorke was the only female passenger among 4,200 men sailing on military transport from the Far East to San Francisco. Captain Yorke had spent more than two years in Japan and eight more months in Korea treating war wounded. On the 13-day trip home, her fellow passengers treated Captain Yorke like a queen. Besides being the only woman aboard military transport, Captain Yorke was one of only about 600 women, only a few of whom were African American, stationed in Korea during the entire three years of the Korean War.

''It was a terrible eight months, but I was too busy to be scared. We received the wounded 20 to 45 minutes after they were hit, treated them on the spot and than shipped them to the rear depending on how badly they were wounded. They came by helicopter and ambulance. The helicopters flew continuously from dawn to dusk and the ambulances rolled on constantly. It got pretty rough at times, working under artillery bombardment, and many times, I was rocked to sleep in my army cot from the reverberations.'' Captain Eleanor Yorke, Army Nurse Corps, speaking to a reporter from the Baltimore Afro American in May 1952.

Also in 1952, two African American military women challenged segregation law to end Jim Crow policies on interstate transportation. Private Sarah Keys was on leave, travelling in uniform on a bus from New Jersey home to North Carolina. When the bus reached Roanoke Rapids, North Carolina after midnight, there was a change of drivers. The new bus driver requested that Private Keys, seated toward the front of the bus, exchange seats with a white Marine, also in uniform, seated near the back of the bus. Keys refused. She was arrested, detained overnight in jail, and fined $25.00. Convicted of disorderly conduct, Keys began a legal battle against discrimination and prejudice.

Dovey Johnson Roundtree, a former WAC officer and then an attorney in Washington, DC, agreed to take the Keys case. In 1942, Roundtree had volunteered for the Women's Auxiliary Army Corps (WAAC) at the advice of her mentor, Mary McLeod Bethune. Bethune had worked for years to desegregate the military, both men's and women's services, and actively recruited qualified African American candidates. Roundtree became one of 36 African American women to graduate in the Army's first class of commissioned officers. After World War II, she attended Howard University Law School on the GI Bill, becoming one of the school's first female law students.

Dovey Johnson Roundtree and her partner Julius Robertson initially filed suit for Keys in

the U.S. District Court for the District of Columbia in October 1952, but the court decided the suit was out of their jurisdiction and refused to hear the case. Roundtree then filed suit with the Interstate Commerce Commission (ICC). The suit, Keys v. North Carolina Coach Company, stated that Keys had experienced unjust discrimination, undue and unreasonable prejudice, and false arrest and imprisonment on the basis of race and color. In 1955, an eleven-man ICC commission agreed with Keys and Roundtree and reversed the separate-but-equal Jim Crow policy in force on all interstate transportation since 1877. A few months later in Montgomery, Alabama, Rosa Parks refused to give up her seat on a city bus, and a 381-day boycott ensued. The Supreme Court subsequently ruled that state and local segregation laws for public transportation were unconstitutional.

In Fort Lewis, Washington, Mary Teague Smith, the Detachment Commander of a predominately African American WAC Unit noticed that women in her unit were promoted more slowly than white women in other units. Commander Smith complaints went up the chain of command without results, and by 1952, she was reassigned to Japan. Desegregation efforts usually meant placing African Americans into white military units. White women assigned to the detachment complained because they were in the minority; the Secretary of the Army informed a congressional committee on the armed services of intentions to reassign personnel so that African American women would comprise only 20 percent of the unit. The detachment at Fort Lewis, Washington was an exception. It remained predominantly black throughout the Korean War.

Helen Gentry remembered the transition of the Air Force from segregation to desegregation.

''I experienced the termination of the Air Force segregated by race when our base unit was integrated in 1949–50. As an Intelligence Specialist I was assigned to a Fighter Wing headquarters at McChord Air Force Base, Washington. My top secret clearance attuned me to world wide events long before public revelation, events such as our extensive spy plane flights over the Soviet Union.''

In 1949, the first flight of African American Women in the Air Force (WAFs) graduated from an eleven-week basic training course at Lackland Air Force Base, Texas. These 17 women from 11 states were a small group compared to the 330 trainee strength of white flights, but on graduation day, they came in third in the first ''All Basic Training Parade,'' competing against over 10,000 men. In 1949, the Air Force officially mandated desegregation and the service disbanded Jim Crow units.

In the United States Navy, African American servicewoman served in desegregated units. Freddie Mae Hopson enlisted in the Navy in early 1952. In 1953, she received an assignment to Hawaii as the assistant to the Foreign Liaison Office of the Port Control Office at Navy Headquarters where she once served as hostess for a USO dance for soldiers returning from Korea. ''There were 3000 men and 1000 females . . . the band would play three songs . . . 1000 men would be allowed into the hall and at the end of the third song, they would be sent out one door and the next 1000 would be let in the front door . . . That was indeed an experience.'' Stated Freddie Mae Hopson.

African American women were not allowed in the U.S. Navy until 1944 after months of debate to define the service's racial policies. Once they were allowed to join, women in the Navy served in desegregated assignments, but the numbers were minute. In early 1948, the Navy could claim only one African-American woman officer and only six African-American women among an enlisted force of 1,700. New York's first African American Congressman Adam Clayton Powell, Jr., charged that the status of black women in the Navy proved that the service was practicing ''not merely discrimination, segregation and Jim Crowism, but total exclusion.'' The Navy worked to improve its public image and during the Korean War, announced the achievements of African American women through black newspapers.

In the Marines, African American women had never served in the Marines until Annie Graham and Ann Lamb volunteered in 1949. Annie Grimes became the third to enlist in 1950 and the first black woman officer to retire after a full 20-year career. Segregation shaped many of their experiences. Off-base they were not welcome in public places with their fellow Marines and on-base, white beauticians would not cross the color line to provide standard personal services.

The American cultural climate of the time relegated most women to non-professional, low-paying jobs and promoted a feminine ideal of domesticity and maternalism. The armed forces reflected this attitude, offering women ''pink collar'' jobs with little room for advancement. As the Korean War began, the effects of decades of protest, and political and legal activism had made few inroads into racial segregation. The inequities of the ''separate-but-equal'' doctrine of the 1896 Plessy v. Ferguson Supreme Court decision still shaped public policy, race relations and white attitudes in most of America.

Madam Speaker, African American women who volunteered in the military during this period broke through barriers to gender and race in order to serve their country and test new policies.

The 369th Historical Society is an all volunteer non-profit organization, chartered by the New York State Board of Regents. Established in 1960 to collect, preserve and maintain artifacts, books, papers, photographs, film and articles on the history of the 369th Regiment, its allies and affiliates, and of African American soldiers who served in the Military Service of the United States. The 369th Historical Society Museum is housed in the 369th Regimental Armory, home of the famous Harlem Hellfighters. The Museum's holdings consist of an extensive collection of photographs and artifacts of the 369th Soldiers from WWI to the present.

As we remember and celebrate the 60th Anniversary of the Korean War, let me thank the President of the 369th Historical Society, Major General Nathaniel James, Ret. and all of the officers and staff for your annual tribute to women in the military and for preserving the history and contributions of African American servicemen and servicewomen whom served our nation with distinction, courage and honor.

IN MEMORY OF THE HONORABLE CHARLES ''CHUCK'' BURRIS

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor the memory of the Honorable Charles ''Chuck'' Burris, a man who dedicated his life to improve Georgia. An accomplished public servant who was devoted to his community, state, country, his family, and friends, Chuck passed away on February 12, 2009. Tomorrow, on what would have been his 59th birthday, we celebrate his life.

Chuck Burris' numerous accomplishments span an incredible career. He began as a Merrill Scholar at Morehouse College and received proclamations from the Georgia State House and Senate. Chuck was a leader, serving as a member of Alpha Phi Alpha Fraternity, Inc., 100 Black Men (DeKalb Chapter), Leadership DeKalb, DeKalb Democratic Club, National Democratic Club, Southern Christian Leadership Conference, Spiritual Living Center of Atlanta, Bethsaida Baptist Church (Stone Mountain), Martin Luther King March Committee, Stone Mountain Memorial Association, Georgia Municipal Association, Georgia Association of Black Elected Officials, Georgia Conference of Black Mayors, National Conference of Black Mayors, U.S. Conference of Mayors, and as the Third Vice President of the World Conference of Mayors. He was appointed by Governor Roy Barnes to sit on the board of Stone Mountain Park and was an invited guest of First Lady Hillary Clinton at the 1998 State of the Union Address. These roles and accolades are merely titles, and do not fully explain the extent of his work.

His legacy is best remembered through his initiatives. While serving as Executive Director of the Southern Regional Council, Chuck led an initiative, which was cosponsored by the Carter Center Library, to recognize the 50th Anniversary of Brown vs. the Board of Education. As Mayor of Stone Mountain, he installed a 5,000-pound ''Freedom Bell'' on Main Street in honor of Dr. Martin Luther King, Jr.'s declaration to ''let freedom ring from Stone Mountain, Georgia!''

As the first African-American mayor of Stone Mountain, he did more than bridge a racial gap. One of Chuck's first accomplishments as Mayor was uniting Stone Mountain by installing six miles of sidewalks. By making Stone Mountain pedestrian-friendly, he connected downtown businesses with residential areas, saying, ''When people walk through town, they get to know their neighbors, and this enhances their sense of community.''

The community was not always an inclusive one. Stone Mountain was once dominated by the Ku Klux Klan, but Chuck declared there's ''a new Clan in Stone Mountain.'' He spelled it with a C: C-L-A-N, for Citizens Living As Neighbors. Now, it is a home where all are welcome, due in part to the tremendous dedication and work of Chuck Burris. Chuck did everything he could to honor Stone Mountain and the state of Georgia, and it is fitting that he be honored tomorrow.

READ ACROSS AMERICA DAY

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2010

Mr. DAVIS of Illinois. Mr. Speaker, I would like to take this opportunity to acknowledge and celebrate Read Across America Day, designated as March 2nd, 2010, the birthday of Dr. Seuss. For the past thirteen years, thousands of schools, libraries, and community centers across our nation have participated in Read Across America Day by bringing together families and books. It is a pleasure to use this occasion to also recognize the importance of reading and the successes of reading interventions.

Read Across America Day focuses on motivating children and teens to read by providing parents, caregivers, and children the resources and activities they need to make reading a year-round event. Read Across America Day has encouraged more than fifty national nonprofit organizations and thousands more local partners to join in celebratory events to promote children's reading. An estimated forty-five million people will participate in the Read Across America program in 2010.

Members of our communities are working hard to motivate children to read because they know that reading is an important factor in student achievement. Children who spend more time reading do better in school and develop lifelong passions for reading. In order to prepare our youngest citizens for a successful academic career, it is critical that we encourage parents to read with their children on a consistent basis.

Theodor Geisel, known as Dr. Seuss, spent his life encouraging children of all ages to love reading. Through his playful prose and cheerful rhymes, Dr. Seuss created books that are an effective tool for teaching young children the basic skills they need to be successful. As we celebrate Dr. Seuss and reading, we send a clear message to America's children that reading is important and exciting.

The continued support of Read Across America Day is essential in creating more opportunities for children to thrive in education and become the leaders of tomorrow. Reading is a lifelong activity and children especially deserve us to contribute to their success. In the words of Dr. Seuss, ''the more that you read, the more things you will know. The more that you learn, the more places you'll go.''

CORRECTION OF COSPONSORSHIP

HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. PAULSEN. Madam Speaker, it's come to my attention that I was incorrectly added as a cosponsor to H.R. 4529 due to another Member's staff error. They have apologized and made the correction.

PAYING TRIBUTE TO THE CONTRIBUTIONS OF THE HONORABLE ANNE C. CONWAY

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. GRAYSON. Madam Speaker, I rise today to pay tribute to the judicial and civic contributions of the Honorable Anne Conway. The Honorable Anne C. Conway is a United States District Judge for the Middle District of Florida. She was appointed by President George H. W. Bush in 1991, and is presently the Chief Judge of the Middle District of Florida. She presides over the Orlando Division. Judge Conway has an impressive record of serving the Florida Judicial system and its people.

Judge Conway attended the University of Florida's College of Law, graduating with honors in 1975. She served as an executive editor of the law review. As a result of her work for the Center for Governmental Responsibility, she received the McIntosh Foundation Award. In addition, Judge Conway served as a Legal Aid Student Intern.

Judge Conway began her legal career with a federal clerkship with the Honorable John A. Reed, Jr. in the United States District Court for the Middle District of Florida. After completing her clerkship, Judge Conway joined the firm of Young, Turnbull & Linscott, P.A. as an associate. In June 1978, she began practicing with the firm of Wells, Gattis & Hallowes, P.A., where she became a partner and shareholder of the firm in March 1981. In July 1982 Judge Conway joined the firm of Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A. She also became a shareholder of the firm in February 1985. While in private practice as a member of The Florida Bar, Judge Conway was admitted to practice before the United States Supreme Court, the Eleventh Circuit Court of Appeals, the Fifth Circuit Court of Appeals and the United States District Courts for the Middle, Northern and Southern Districts of Florida.

Judge Conway currently serves on the Judicial Conference Committee on Defender Services and served on the Case Management/Electronic Case Filing Working Advisory Group. Prior to becoming Chief Judge she chaired the Middle District of Florida Budget Committee and participated in several other court committees including Security, Space and Facilities, Case Management, and Automation. Judge Conway served on the Board of Directors of the Federal Judges Association from 2001–2004 and was Eleventh Circuit membership chair from 2003–2007.

Judge Conway serves on multiple boards and has represented the United States speaking out on issues ranging from national security to the freedoms protected by the First Amendment. She presently serves on the University of Florida Law Center Association Board of Trustees and the Board of Advisors for the Center for Governmental Responsibility. She participated in the Centers Annual Conferences on Legal & Policy Issues in the Americas in Lima, Peru in May 2006 and Rio de Janeiro, Brazil in May 2008 speaking on Judicial Education and Professionalism. She also served as a panelist for the Center for Governmental Responsibility's inaugural symposium.

Madam Speaker, as Women's History Month begins, it is with great honor that I recognize the Honorable Anne C. Conway for her judicial leadership and commitment to social justice. Her impressive record and contributions to the Central Florida community must and should be praised. Judge Conway is an outstanding role model for young women who want to positively impact their communities through the legal system.

COMMENDING THE PEACE CORPS FOR 49 YEARS OF GLOBAL SERVICE AND RECOGNIZING NATIONAL PEACE CORPS WEEK

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor the Peace Corps for 49 years of global service and to recognize National Peace Corps Week.

Since its inception in 1961 by President John F. Kennedy, the Peace Corps has placed nearly 200,000 American Volunteers in 139 countries around the world to contribute to the cause of peace and human progress. Its impact has been felt in developing nations across the globe where Peace Corps Volunteers have assisted on a variety of issues, working hand in hand with the people of these nations to build a better future for their communities.

There are currently 7,671 Volunteers serving in 76 countries who are dedicated to better understanding the people of other nations while helping to promote a better understanding Americans in an effort to find common ways to work together to address global challenges.

Among those Volunteers are three distinguished individuals from the 23rd Congressional District. Laura Alexander has been serving in Tanzania since August of 2008. Aysa Gray is currently serving in Namibia, where she has been since September of 2008. And Peggy Defray started in April of 2009 her service in Namibia as well.

With the help of these dedicated young people and the generations of current and former Volunteers from all over the United States, the Peace Corps has become a symbol of America's commitment to expand opportunities and assist those in need throughout the world.

For example, the commitment of Peace Corps Volunteers in the area of HIV/AIDS assistance, awareness, and prevention has been a crucial part of the global response to this pandemic. Volunteers have also made significant efforts in the areas of education, agriculture, the environment, and more recently, business development and information technology.

The lasting contributions made by those in the Peace Corps, past and present, are truly remarkable. I am thankful for the opportunity to honor the Peace Corps for 49 years of excellence during this National Peace Corps Week.

CONGRESSIONAL PAY CUT FOR DEBT REDUCTION ACT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. BURTON of Indiana. Madam Speaker, I rise today to introduce the ''Congressional Pay Cut for Debt Reduction Act'' and to encourage all of my colleagues to support this bill.

Madam Speaker, the American people are angry. They are struggling to hold onto their jobs, to hold onto their houses and to pay their bills. Yet they see Washington spending their hard earned tax dollars indiscriminately.

Over the last five years, Federal spending has increased from nearly 20 percent as a share of the economy to 24.7 percent as the government's expenditures jumped from $2.47 trillion to $3.52 trillion—a 42-percent increase. These are the highest levels of spending as a share of the economy since World War II.

To make matters worse, much of this spending, particularly the spending spree of the last three years, has been financed with borrowed money. Currently, the national debt exceeds $12.1 trillion (about $40,000 per U.S. citizen). And the spending shows no signs of stopping. Less than a month ago my colleagues on the other side of the aisle, jammed through on a party line vote a bill to increase the government's debt ceiling by a staggering $1.9 trillion; to over $14 trillion. And the President's recently released budget plan for Fiscal Year 2011 and beyond projects the national debt to reach the unprecedented and astronomical sum of $24.5 trillion by 2019.

The American people are angry at this reckless spending. At Town Hall meetings across my District, Hoosiers are asking me when Washington is going to stop the madness. They want leadership on this issue; they want accountability; they want to know where the buck stops.

Today the buck stops here. The American people are sacrificing to make ends meet for the good of their families. Every department, agency, program and office across the Federal government should follow that example by finding common-sense solutions that will help them save money—by doing more with less, just like the American people are doing. That same principle should apply to, and start with, the House and Senate as well. It is time—in fact it is past time—that the Congress steps up to the plate and shows we are willing to make sacrifices too for the good of our country.

That is why I am introducing the ''Congressional Pay Cut for Debt Reduction Act.'' This bill will reduce pay for members in the House and Senate by 10 percent—starting in January 2011 to meet the requirements of the 27th Amendment to the Constitution—block any future automatic increase to member pay, and use the money saved to help pay down our national debt. This would be the first pay cut for Members of Congress since April 1, 1933—during the Great Depression. This bill is unlikely to solve all of our Nation's economic problems but it will show the American people that Members of Congress are willing to sacrifice along with them in these hard economic times. I urge my colleagues to support the bill.

NATIONAL PEACE CORPS WEEK

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. TERRY. Madam Speaker, since 1961, the Peace Corps has had 200,000 Americans volunteer in 139 different countries around the globe. Today, the Peace Corps currently has 7,671 volunteers working in 76 countries.

In observance of National Peace Corps Week, I would like to honor 20 volunteers from Nebraska's 2nd District currently serving around the world:

Thomas Connelly, Steven Easterby, Jennifer Gaspers, Ashley Gries, Brandon Gries, Laura Groggel, Victoria Hasiak, Curtis Hudson, Margo Hunt, Annette Hunthrop, Mary Johnson, Laura Koonce, Nathan Lee, Keith Petit, Terri Pohl, Brigitte Pohren, Clara Reyes, Diane Ruskamp, Jessica Scates, Kacie Sis.

These men and women have done a great service to the Peace Corps, their country, and the world.

INTRODUCTION OF THE SMITHSONIAN FREE ADMISSION ACT OF 2010

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Ms. NORTON. Madam Speaker, today I introduce the Smithsonian Free Admission Act to reinforce 170 years of consistent Smithsonian policy of admitting the public to all permanent exhibits without charge. This policy has served the Nation well. Families come to Washington to learn about their country through its public monuments and sites. While the private amenities can be costly for the average family, Americans have looked forward to the free museums and other official offerings for generations. The Smithsonian's free admission policy reflects the intent of its founder, John Smithson, whose gift to the federal government carried the condition that the Smithsonian be established to increase the knowledge of the public, free of charge. The bill establishing the Smithsonian, introduced by Senator William C. Preston on February 17, 1841, stated explicitly that the Smithsonian would ''preserve and exhibit with no fee'' all works of art and science. This intent and tradition was interrupted by the Smithsonian's Board of Regents, without notice to Congress, with the casual comment that it would charge an admission fee for a permanent exhibit for the first time in its history, and on January 29, 2007, the Smithsonian instituted a fee for admission to the National Museum of Natural History's Butterfly Pavilion. Congress, of course, not the Board of Regents, should decide so basic a policy, especially when it departs from long-standing public policy. The admission fee sets a harmful precedent for future permanent exhibits, which will make it difficult to deny the other Smithsonian entities that right and may encourage other Smithsonian entities to structure their exhibits to fit the Butterfly Pavilion model.

The Butterfly Pavilion opened on February 14, 2008. Although the Smithsonian had previously charged fees for films and shows, such as IMAX films, the National Air and Space Museum's Planetarium, and the National Zoo's Christmas Lights special, the $6 admission fee for the Butterfly Pavilion marked the first time admission fees were charged for a permanent exhibit. My bill requires a report to Congress in advance of any proposed fees and requires the Secretary of the Smithsonian Institution to submit a plan for funding the Butterfly Pavilion, in order to eliminate the admission fee for the exhibit.

The Smithsonian Modernization Act, which I am also introducing today, addresses the Smithsonian's fundraising capacity by restructuring and expanding the Smithsonian's Board of Regents, from a board almost half of whose members are public officials to a board consisting solely of private citizens, who will have greater experience and fundraising capacity than public officials. The fundraising capability of the Smithsonian is clear in the opening of the National Portrait Gallery, for example. According to a Congressional Research Service, CRS, report (RL 33560), donors contributed funds for the new auditorium and roof over the courtyard of the National Portrait Gallery.

The Smithsonian Modernization Act and similar measures, not admission fees, provide the most realistic vehicles to raise funds for the Smithsonian without cost to the government or to the public. Admission fees can bring in only token amounts. According to the CRS, the Smithsonian has long prided itself on ''free access.'' Admission fees are not the answer for taxpayers, who have already paid through the federal government's 70 percent contribution to this public institution's annual budget. Federal taxpayers do not expect to pay again through an admission fee to a federally-financed institution.

I urge my colleagues to support this bill.

HONORING THE LIFE OF VENETIA BRYERS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. STUPAK. Madam Speaker, I rise to recognize the life and achievements of Venetia Bryers of Gladstone, Michigan. Venetia devoted her life to developing and improving emergency medical services in Delta County and throughout Michigan's Upper Peninsula. As an entrepreneur and advocate, Venetia often travelled to Washington, DC to advocate for emergency medical personnel and medical services across our Nation. Venetia was also a close personal friend going back 40 years to when we were classmates together at Gladstone High School.

Venetia's devotion to public service began with her career choice to study criminal justice at Northern Michigan University. In 1974, Venetia began working for the city ambulance service in Escanaba, and within a year she had become a full-time partner in the business changing its name to Rampart EMS. Venetia became the sole owner of Rampart in 1979, eventually selling it to Marquette General Health Systems in 1998, but staying on as director of emergency medical services.

Under her leadership and vision Rampart EMS grew into a successful company that

blazed the trail in providing emergency services for residents across Delta County. Venetia was instrumental in upgrading Rampart's ambulance services to advanced life support services which enabled Rampart to provide vital life-saving care including defibrillation, airway management and medication. In a rural area like Delta County these life support services often make the difference between life and death in emergency situations.

Emergency medical service was more than just a business for Venetia, it was her passion. She was always eager to learn more and to advance the field farther. She was the director for Rampart, but was also a paramedic for the company. She was an assistant to the Delta County medical examiner and taught emergency medical technician and paramedic courses throughout the Upper Peninsula.

Venetia's hard work can be found throughout the community. She implemented code alert teams in area schools—one of the first communities in the state to do so—and taught CPR training and emergency response tactics. She was a founding member of the Delta County Emergency Preparedness Committee and served on the Upper Peninsula EMS Board of Directors. She initiated and financially supported the Save-a-Heart Foundation, which put automated external defibrillators, AED, in every fire truck, police car and school in Escanaba.

Given all her work it is only fitting that Venetia was the first recipient of the Extraordinary People/Extraordinary Service EMS Leadership Award from the Michigan Emergency Medical Services System and Trauma System.

Venetia's involvement in the community extended well beyond her EMS work. She supported the YMCA Strong Kids Campaign, participated in the Rotary Club and the Public Health of Delta and Menominee Counties and was an active member of All Saints Catholic Church.

Madam Speaker, Venetia has touched the lives of countless people around her and her absence will be felt by many. She built Rampart EMS into a successful business all while creating a close family atmosphere. She dedicated her life to improving emergency services and saving lives in Delta County, across Michigan and our Nation. I have seen first hand her warmth, her generous spirit and her enthusiasm for her work. Madam Speaker, I ask that you and the entire U.S. House of Representatives join me in honoring the work and the life of my friend Venetia Bryers.

NEWARK BETH ISRAEL MEDICAL CENTER RECEIVES THE GOLD PERFORMANCE ACHIEVEMENT AWARD

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. PAYNE. Madam Speaker, it is with great pleasure that I congratulate the Newark Beth Israel Medical Center for being recognized by the American Heart Association (AHA) with the Gold Performance Achievement Award.

Recipients of the Get with the Guidelines Gold Performance Achievement Award from the American Heart Association (AHA) must demonstrate a minimum of 85 percent compliance with the Coronary Artery Disease treatment guidelines for heart failure. Newark Beth Israel has exceeded the minimum and is receiving a Performance Award for the second consecutive year.

Newark Beth Israel was the first hospital in New Jersey to perform a heart transplant. Since then, the Heart Failure Treatment and Transplant Program has evolved into one of the nation's most active and respected centers. Newark Beth Israel is also the only Medicare-certified medical center in the state performing heart transplants. The center provides the most technologically advanced medical services, equipment, and research, protecting and improving the health of the region.

Newark Beth Israel also responds to the needs of the community. In addition to an annual health fair for community members, Newark Beth Israel sponsors health screenings free of cost for members of the Newark community throughout the year.

Madam Speaker, it gives me great honor to acknowledge such an outstanding hospital. The administration and staff members of Newark Beth Israel go beyond the call of duty to provide quality service to the citizens of New Jersey and beyond.

REMEMBERING A LIFE OF HEROIC SERVICE

HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. THORNBERRY. Madam Speaker, I rise today to pay tribute to Seaman Garlen Eslick and his service to our nation.

Mr. Eslick lived in Amarillo, Texas. As an 18 year old farm boy, he joined the Navy. Just months later, on December 7, 1941, Seaman Eslick was aboard the USS Oklahoma as it was attacked in Pearl Harbor. In the galley at the time of the attack, he was a powder handler for the ship's 14-inch guns. Making his way to his battle station four decks below, Seaman Eslick and a few others helped a wounded soldier through a hatch. After the Oklahoma took heavy machine-gun fire and five torpedoes, the ship rolled; knocking Seaman Eslick unconscious in his compartment. He awoke in total darkness to rising water as the only survivor in that compartment. Hours later another sailor carrying a light told him of other survivors several compartments over. The two dove from compartment to compartment, searching for a way out for themselves and the 12 others they found. After 28 hours in the oil-soaked compartment, Seaman Eslick was one of the 31 sailors rescued and returned to active duty after a four-day stay on a hospital ship.

While assigned to the USS Saratoga, he survived a torpedo attack from a submarine. Later, on the USS John Hancock he saw action in Leyte and Manila in the Philippine Islands, even weathering a typhoon and surviving a kamikaze attack, and taking part in operations at Iwo Jima and Okinawa.

Seaman Eslick was awarded a Purple Heart for his heroic actions and the injuries he sustained on December 7, 1941 and the Honorable Service Lapel Pin for his four years of service.

Seaman Garlen Eslick never expected special attention for his service during WWII. At the unveiling of the USS Oklahoma Memorial in 2002, Seaman Eslick said "it's always important to remember the ones we've lost and those who are still with us."

On Monday, February 8, Garlen passed away, leaving his wife Betty of 65 years, their four children, 12 grandchildren, and 25 great-grandchildren. It is with gratitude for his service and admiration of his heroism that I hope we all will remember Seaman Garlen Eslick, his comrades, and their service to protect our freedom.

HONORING RENEE GALLIHER FOR BEING NAMED FIREFIGHTER OF THE YEAR

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Ms. FOXX. Madam Speaker, I rise today to salute Renee Galliher of Mocksville, North Carolina. Renee was recently named firefighter of the year at the Cornatzer-Dulin fire department in Mocksville.

She is the first women in the fire department's almost 60-year history to be named firefighter of the year. This is no small accomplishment and I am proud to recognize Renee for her dedicated service to the public.

As this month is Women's History Month, I think it is also very appropriate to single out North Carolina women like Renee who are making a significant difference in their local communities.

Today millions of women across America like Renee are making positive contributions to their families, their communities and their country. It is a true honor to have countless women like Renee as constituents and to share their stories of success with my colleagues and the American people.

ELIZABETH SMITH

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. HOYER. Madam Speaker, I rise today to recognize and celebrate the lifetime accomplishments of my good friend, Ms. Elizabeth (Liz) Smith, who retired last week from the American Federation of Teachers, AFT.

Bringing opportunity and respect to working men and women across America was the driving force in Liz's more than 4 decades of public service. And this commitment never waned. Workers fighting for fair wages, high-quality healthcare and a secure retirement always had a strong ally in Liz Smith. She fought for them every day.

Liz began her professional career working for two of my colleagues in the House of Representatives. She served as chief of staff to Representative James O'Hara of Michigan, and later as legislative director to Representative DALE KILDEE of Michigan; both benefited greatly from her energy and commitment. In those positions, Liz worked tirelessly to ensure that the voices of constituents were heard in

Washington and that the federal government responded to their needs.

Deciding to leave the Congress she loved was a tough choice for Liz. But it was a natural progression to join the labor movement. She knew that her next assignment as legislative and political director at the Amalgamated Clothing and Textile Workers Union was in keeping with her values and unwavering commitment to the men and women of the American labor movement. In this position, Liz worked with passion and moved with dispatch to ensure that the interests of the country's clothing and textile workers were fully represented not only before the U.S. Congress and Executive Branch, but internationally as well.

In 1995, Liz accepted a position as political director at the American Federation of Teachers in what would become the final and perhaps most important stop in her accomplished career. During her 15 years there, Liz's work on behalf of the more than 1.4 million members of the AFT included many accomplishments and milestones. She carried with her an intimate knowledge of the important work performed by AFT members and an ability to advance with unmatched skill and grace the causes she cared about most.

Liz is a true leader, always doing the right thing in a manner that is respectful of others and in turn earning others' respect. She is a wonderful woman and will be missed dearly by all of us who have had the pleasure of working with her. I wish Liz all the best in the years to come.

HONORING ALYSON DUDEK

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. RYAN of Wisconsin. Madam Speaker, I rise today to honor the achievements of Alyson Dudek, a native of Hales Corners, Wisconsin, who along with her teammates—Lana Gehring, Katherine Reutter, and Allison Baver—won the bronze medal in the 3000-meter short track relay at the 2010 Winter Olympics.

This performance ended a sixteen-year medal drought for the United States in the event and Alyson's impressive effort was another memorable instance of Wisconsin athletes admirably representing our country at the Olympic Games in Vancouver. On behalf of all Wisconsinites, I want to congratulate Alyson on her accomplishments in the 3000-meter and 500-meter short track speed skating events.

The 2010 Winter Olympic Games showed yet again the inspiring skills and talents of Wisconsin natives who participated and medaled in a number of different disciplines. Alyson's exemplary performance in both the individual 500-meter event and 3000-meter relay in Vancouver capped off a tremendous skating season and it is my pleasure to congratulate Alyson, her family, coaches, and teammates on this achievement.

I am proud to recognize Alyson Dudek and all the members of the 2010 United States Olympic Team for their inspiring performance, breaking a record with 37 medals, and for their admirable representation of our country.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $12,508,944,297,560.56.

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $1,870,518,551,266.70 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

TRIBUTE TO MARY ANN FLUNDER

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to the incomparable Mary Ann Flunder of Kansas City, Kansas.

A longtime elected member of the Kansas City, Kansas Community College Board of Trustees, Mary Ann has given a lifetime of service to the Kansas City community. A tireless community activist, she has long served as one of my most important advisors and sounding boards. I place this statement in today's CONGRESSIONAL RECORD, however, in recognition of her upcoming receipt of an award from the Kansas City Business Magazine, which will recognize her at an event on March 11th as one of the most influential businesswomen in the Kansas City area in 2010.

The March 2010 issue of KC Business includes a brief profile of Mary Ann Flunder, which I include below. I thank you, Madam Speaker, for the opportunity to pay public tribute to unique, irreplaceable, longtime Kansas City, Kansas community leader Mary Ann Flunder.

MARY ANN FLUNDER: BUSINESS CONSULTANT

Mary Ann Flunder has spent her life empowering others to achieve their academic, career and life goals. She has done so by assisting more than 100 entrepreneurs with business startups, by helping existing businesses achieve licensing and government funding, and by lobbying for legislation that advances small businesses. A tireless worker and champion of others, Flunder takes it upon herself to connect those who need connecting. A well-known advocate in the community, the sage-like Flunder has a reputation for stepping up to the plate and making things happen by expending her own time, money and other resources. Flunder participates on several boards, maintains an interest in the education of youth and runs a side business that sells Watkins products primarily to senior citizens. Flunder received an Excellence Award at the 2009 National Association for the Advancement of Colored People Freedom Fund banquet.

HONORING MILDRED THOMPSON

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mrs. SCHMIDT. Madam Speaker, I rise today to celebrate the life of Mildred Thompson, long-time Clerk of Courts for Scioto County. Sadly, Mildred passed away on February 28th. She was a life-long resident of Southern Ohio, and graduated from Minford High School. She married Judge Lowell Thompson. Mildred is survived by two daughters, two grandchildren, and three great-grandchildren.

First elected in November of 1968, Mildred Thompson continuously served the citizens of Scioto County as their Clerk of Courts until she retired in September of 2008. During her nearly 40 years as Clerk—Mildred was known for her tireless dedication to the citizens of Scioto County. She served on the boards of many state and local community organizations and, along with her husband, was a positive influence on the lives of many local children through her service as a 4–H advisor.

Mildred was loved and respected by those she came in contact with as Clerk of Courts for her hard work and the kind way she treated everyone she met. Outside of work, Mildred was known for her countless volunteer efforts. One of her favorite places to volunteer was the Southern Ohio Medical Center. Each year the Friends of Southern Ohio Medical Center present the Mildred E. Thompson Scholarship to a high-school senior from Scioto County who has placed service above self.

Madam Speaker, please join me in recognizing Mildred Thompson, who led a life dedicated to public service. Mildred has forever left an imprint on her community. God bless Mildred and may she rest in eternal peace.

NATIONAL PEACE CORPS WEEK

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. PETRI. Madam Speaker, this week is National Peace Corps Week, so I want to take a moment to recognize the tremendous work done by Peace Corps volunteers around the world. I myself served in the Peace Corps in Somalia in the mid-1960s and saw first hand the contribution that Peace Corps volunteers make to the communities in which they serve.

Since the founding of the Peace Corps in 1961, nearly 200,000 volunteers have served in 139 countries around the world. Over 7,000 volunteers are currently providing services in 76 countries, making contributions in agriculture, business development, information technology, education, health and HIV/AIDS, youth, and the environment. Twelve of my own constituents are serving around the world in such countries as Panama, Kenya, and Cambodia.

Next year the Peace Corps will celebrate its 50th anniversary. During this anniversary year, we will rightly recognize the achievements of the Peace Corps and its volunteers over the past five decades. However, I hope we also

recognize that the mission of the Peace Corps is as important as it has ever been. At a time when there is still tremendous need outside our borders, Peace Corps volunteers must continue their mission of helping others help themselves. Additionally, those volunteers must continue to serve—as they have in the past—as our nation's citizen ambassadors to people in other countries, and, once they arrive back home, as liaisons between the citizens of our country and the citizens of the country where they served.

I hope that Congress will continue to support and expand this vital institution for decades to come.

PERSONAL EXPLANATION

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. SHERMAN. Madam Speaker, on Monday, February 22 I was unavoidably absent from the House Chamber. Had I been present, I would have voted ''yea'' on rollcall votes 49 and 50.

NATIONAL PEACE CORPS WEEK

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. GARAMENDI. Madam Speaker, as a Returned Peace Corps Volunteer who spent two years in Ethiopia with my wife Patti eradicating small pox and building schools, it is my pleasure to recognize National Peace Corps Week.

Forty-nine years ago this week, President John F. Kennedy established the Peace Corps as a way to show the world that the United States is interested in helping our struggling neighbors across the globe. Since then, nearly 200,000 Americans have served in the Peace Corps in 139 countries around the world.

Peace Corps volunteers educate children, treat illnesses, assist local businesses, introduce new technologies, modernize agricultural techniques, and help protect local water supplies. To millions of people in the developing world, Peace Corps volunteers are the face of America, and we are a safer and more appreciated nation because of it.

To the 7,671 volunteers around the world presently engaged in the Peace Corps' noble mission, thank you for your service. So long as I am in Congress, I will resolutely support you in your efforts. You stand on the shoulders of giants, and you are a vital contributor to a more peaceful and just world.

RECOGNIZING THE RETIREMENT OF JAMES B. BLASINGAME

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. YOUNG of Alaska. Madam Speaker, today I congratulate James B. Blasingame on his retirement from the Alaska Railroad. Mr. Blasingame started at the Alaska Railroad at age 35 starting as a programmer. He has moved up through the company culminating his career as Vice President of Corporate Affairs. In 1985, Mr. Blasingame was appointed by the Alaska Railroad as the Federal coordinator where he oversaw the transfer of the Federally-owned Alaska Railroad to the State of Alaska.

The Alaska Railroad has been an outstanding organization in Alaska promoting expansion and economic development throughout the state. I commend Mr. Blasingame and his tireless effort within the company to improve the railroad's operations, facilities and safety performance. Not only do I want to commend him on his work, I would also like to applaud the amount of time he spent volunteering on a number of non-profit, civic boards and organizations, including Providence Hospital, Anchorage School Business Partnership, World Trade Center of Alaska and Credit Union National Association.

Today, I congratulate and recognize Jim on his retirement and years of service to Alaskan residents and the development of the Alaska Railroad and wish him good luck in the next chapter of life.

Madam Speaker, I would also like to submit a resolution approved by the Alaska Railroad Board of Directors commending Jim for his service.

RESOLUTION 2009–58

Whereas, James B. Blasingame, at the young age of 35, began his employment with the Alaska Railroad as a Programmer and was later promoted to various positions including Supply Analyst, Management Analyst, and Executive Administration Director leading to his ascension in 1993 to Vice President of Corporate Affairs; and

Whereas, James B. Blasingame not only loves history, but has helped to make history at the Alaska Railroad, by serving as the State Manager of the Alaska Railroad Transfer Project supporting the effort in the early 1980s to transfer the Railroad from Federal to State ownership; and

Whereas, James B. Blasingame has served as the Alaska Railroad Board of Directors' Board Secretary since 1985, managing corporate governance, policy development, government and community relations, corporate asset oversight including records preservation and philanthropy; and

Whereas, throughout his tenure as Board Secretary and Vice President Corporate Affairs for the Alaska Railroad, James B. Blasingame was part of a team instrumental in qualifying the Alaska Railroad for federal grants used to improve the Railroad's operations, facilities and safety performance; and

Whereas, James B. Blasingame has worked tirelessly to mentor fellow railroaders, earning terms of endearment such as ''Mother'', ''Dutch Uncle'', and ''Oracle'' and instilling an understanding in all for our past and a commitment to our future as a state-owned enterprise that safely operates on a self-sustaining basis and supports the economic development of our state; and

Whereas, James B. Blasingame has served our Alaska community through his volunteer time and efforts on a number of non-profit, civic boards and organizations, including Providence Hospital, Downtown Partnership, Association, Anchorage School Business Partnership, World Trade Center of Alaska, Alaska Credit Union League, Denali/Alaskan Federal Credit Union, Credit Union National Association; and

Therefore be it resolved, the Alaska Railroad Board of Directors extends its most sincere appreciation to James B. Blasingame for his long-standing dedication to the Alaska Railroad and his distinctive leadership role in the maturation of the Railroad into an award winning, world class state-owned corporation; and

Be it further resolved, that since James B. Blasingame has invested countless hours toward the development of the Alaska Railroad and because his dedication warrants permanent recognition, the Alaska Railroad Corporation Board of Directors hereby adopts this resolution renaming the Alaska Railroad's Denali Board Room the ''James B. Blasingame Board Room''.

NATIONAL PEACE CORPS WEEK, THE 49TH ANNIVERSARY OF THE CREATION OF THE PEACE CORPS

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. BLUNT. Madam Speaker, I am continually inspired by the great philanthropy and giving nature of the American people. When humanity suffers, where calamity arises—floods in Indonesia, earthquakes in Haiti or Chile, war-torn landscapes around the world or in poverty stricken populations in the Sudan—Americans respond with their time, energy and sacrifice. This outpouring of generosity to foreign lands and different cultures is a uniquely American trait. The Peace Corps, created 49 years ago this week, embodies that trait.

It was President John F. Kennedy who urged Americans to serve their country by working in developing countries and their local villages to enhance the quality of life for others. Approximately 7,600 Peace Corps Volunteers, including five from Southwest Missouri, are serving in Africa, Asia, the Caribbean, Central and South America, Europe, the Middle East and the Pacific Islands.

I am proud of the service of the five Southwest Missourians currently volunteering in the Peace Corps. Megan Abbott began her service in Belize four months ago. Austin Durr has been in Paraguay since 2007. Laura Pegram has served in Botswana since June 2008. Bruce Taylor has served for one year in Kenya and will serve another year. Scott Tuttle has been in Niger since 2008. Leaving behind the comforts and conveniences of home, Peace Corps volunteers like Abbot, Durr, Pegram, Taylor and Tuttle are symbols of our nation's commitment to progress, opportunity and development in the developing world.

Their desire to make a difference, like that of 200,000 Americans who have served since 1961, has improved the lives of millions of people around the world.

Peace Corps volunteers learn languages and receive extensive cross-cultural training, enabling them to function effectively at a professional level. Volunteers have made lasting contributions around the world in agriculture, business development, information technology, health, education, HIV/AIDS, youth and the environment.

Recognizing the legions of Peace Corps volunteers, past and present, who work hard everyday to improve the lives of the people they assist affirms our nation's commitment to helping people help themselves in the pursuit of

life, liberty and prosperity throughout the world.

To Megan Abbott, Austin Durr, Laura Pegram, Bruce Taylor and Scott Tuttle, I want to express my sincere thanks for your service in the Peace Corps.

HONORING THE LIFE OF RAYMOND E. DOBRATZ, JR.

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. COURTNEY. Madam Speaker, I rise today to mark the passing of a great citizen and member of the community in eastern Connecticut. Raymond E. Dobratz, Jr. of Old Saybrook, a beloved son and brother, devoted husband and grandfather, died tragically while working on the site of the Kleen Energy Plant in Middletown on February 7, 2010.

Ray was a masterful tradesman and a 40-year member of the United Association of Plumbers and Pipefitters Local 777 who spent his life giving back to the people around him. He served his country with honor in the Army National Guard and also served a member of the Old Saybrook Police for 13 years. He had an incredible sense of what it meant to be a citizen and he spent his life putting that into practice.

Ray's love for his wife, 3 sons, and 5 grandchildren is what really defined him. Two of Ray's sons grew up shadowing their father as a pipefitter. They admired him greatly and were thrilled when they got to spend time with him on the football field. Ray co-founded the Old Saybrook Youth Football Athletic League as a coach in the 1980s and it still exists today. He loved sports and often played football, soccer, and baseball with his friends and family when he had the time. He was a fixture in the community and will be deeply missed.

Ray had a seemingly endless amount of energy to give to his country, town and family. He was a model citizen and family man. I ask my colleagues to join me in mourning the loss of Raymond E. Dobratz, Jr.

RECOGNIZING CURT TOMASEVICZ OF SHELBY, NEBRASKA

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. SMITH of Nebraska. Madam Speaker, I rise today to recognize a rare achievement, the pursuit of which took years of hard work and dedication. On February 27, 2010, Curt Tomasevicz became the first born and raised Nebraskan to win a gold medal at the Winter Olympics. The gold medal ended a 62-year drought for the United States in the 4-man bobsled event.

Curt Tomasevicz was born and raised in Shelby, Nebraska. He attended the University of Nebraska at Lincoln, where he walked on to play football for the Cornhuskers and was named to the Academic All Big XII team in 2002. He began his bobsledding career in 2004, just two years prior to being named to the United States 4-man bobsled team.

Curt made his first appearance in the 2006 Olympics, when he and his team brought home sixth place. With this first taste of competing on the world stage, he used his Nebraskan spirit and work ethic to strive for excellence in the 2010 games. The United States bobsled team, known as the ''Night Train,'' set records as they accumulated a time of 3 minutes, 24.46 seconds which proved to be nearly four-tenths faster than second place.

He has made all of Nebraska and America proud and is an inspiration to younger generations. His intensity, work ethic, and service to the country was on display for all the world to see during the Winter Olympics. His efforts and accomplishments are remarkable and I thank him for his dedication to the country and excellent example to our State.

THE FALL OF THE ALAMO

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. POE of Texas. Madam Speaker, throughout U.S. history, individuals selflessly and courageously have taken a stand for freedom and liberty, many times against great odds.

March 6, 1836 was one of those times. This date is what most Americans know as the day the Alamo fell against Mexico General Antonio Lopez de Santa Anna and his Mexican troops. The siege against the Texian Army lasted 13 days. The battle began on February 23rd when Santa Anna and his army arrived at the Alamo and caught the Texian Army by surprise. On the second day of the siege, Texian Alamo Commander William Barret Travis called for reinforcements, bravely stating: ''I shall never surrender or retreat. Then, I call on you in the name of Liberty, of patriotism, and everything dear to the American character, to come to our aid with all dispatch . . . Victory or Death.''

On the eighth day of the 13-day siege, 32 additional men from Gonzales arrived ready to fight for Texas. Legend has it that Commander William B. Travis drew a line on the ground asking the few men present to step over if they were willing to stay and fight, to defend the Alamo for the sake of Texas. All present stepped over, except one.

There were 189 defenders, including famous knife fighter Jim Bowie and former Tennessee congressman Davy Crockett. All of the defenders were volunteers and originated from all over the globe. Eleven of the defenders were born in Texas, 131 of the defenders were born in some 23 various states in America, 29 of the defenders were born abroad, mostly in Europe, one defender was a freed slave, and there are 17 defenders of which their birthplace has not been identified.

All of the Alamo defenders stood their ground against the overwhelming odds. Some estimate that Santa Anna's army consisted of 6,000 troops. At the end of the day on March 6, 1836, after the smoke cleared, all 189 defenders gave their lives for Texas. The enemy casualties were enormous. As Travis said, ''Victory will cost the enemy more than defeat.''

This historic battle resulted in General Sam Houston having enough time to gather a strong army of men to avenge Santa Anna at the Battle of San Jacinto 46 days later. On April 21st Sam Houston led an army of 800 volunteers and angry Texans to defeat Santa Anna and his 1,500 strong Mexican army, most of whom were the same invaders that were at the Alamo. This victory played an important role in the Texas Revolution.

Texas was an independent nation for 9 years following the Battles of the Alamo and San Jacinto. The freedom the Texians enjoyed during those years would not have occurred without the thousands of selfless volunteers who risked and gave their lives to protect the liberties they believed every person should retain.

Today the Alamo remains a great treasure to the story of Texas and represents the steadfast, unrelenting character of the American spirit. The fight for freedom that these heroic Alamo defenders displayed is a testament of living boldly and courageously for the cause of liberty. We honor and thank these volunteers for their role in defending and fighting for Liberty and for Texas.

And that's just the way it is.

ALAMO DEFENDERS

1. Abamillo, Juan, TX, 2. Allen, Robert, VA, 3. Andross, Miles DeForrest, VT, 4. Autry, Micajah, NC, 5. Badillo, Juan A., TX, 6. Bailey, Peter James III, KY, 7. Baker, Isaac G., AR, 8. Baker, William Charles M., MO, 9. Ballentine, John J., PA, 10. Ballantine, Richard W., Scotland, 11. Baugh, John J., VA, 12. Bayliss, Joseph, TN, 13. Blair, John, TN, 14. Blair, Samuel, TN, 15. Blazeby, William, England, 16. Bonham, James Butler, SC, 17. Bourne, Daniel, England, 18. Bowie, James, KY, 19. Bowman, Jesse B., TN, 20. Brown, George, England, 21. Brown, James, PA, 22. Brown, Robert, unknown, 23. Buchanan, James, AL, 24. Burns, Samuel E., Ireland, and 25. Butler, George, D., MO.

26. Cain, John, PA, 27. Campbell, Robert, TN, 28. Carey, William R., VA, 29. Clark, Charles Henry, MO, 30. Clark, M.B., MS, 31. Cloud, Daniel William, KY, 32. Cochran, Robert E., NH, 33. Cottle, George Washington, MO, 34. Courtman, Henry, Germany, 35. Crawford, Lemuel, SC, 36. Crockett, David, TN, 37. Crossman, Robert, PA, 38. Cummings, David P., PA, 39. Cunningham, Robert, NY, 40. Darst, Jacob C., KY, 41. Davis, John, KY, 42. Day, Freeman H.K., unknown, 43. Day, Jerry C., MO, 44. Daymon, Squire, TN, 45. Dearduff, William, TN, 46. Dennison, Stephen, England or Ireland, 47. Despallier, Charles, LA, 48. Dewall, Lewis, NY, 49. Dickinson, Almeron, TN, and 50. Dillard, John Henry, TN.

51. Dimpkins, James R., England, 52. Duvalt, Andrew, Ireland, 53. Espalier, Carlos, TX, 54. Esparza, Gregorio, TX, 55. Evans, Robert, Ireland, 56. Evans, Samuel B., NY, 57. Ewing, James L., TN, 58. Faunterloy, William Keener, KY, 59. Fishbaugh, William, unknown, 60. Flanders, John, MA, 61. Floyd, Dolphin Ward, NC, 62. Forsyth, John Hubbard, NY, 63. Fuentes, Antonio, TX, 64. Fuqua, Galba, AL, 65. Garnett, William, VA, 66. Garrand, James W., LA, 67. Garrett, James Girard, TN, 68. Garvin, John E., unknown, 69. Gaston, John E., KY, 70. George, James, unknown, 71. Goodrich, John C., VA, 72. Grimes, Albert Calvin, GA, 73. Guerrero, José Maria, TX, 74. Gwynne, James C., England, and 75. Hannum, James, PA.

76. Harris, John, KY, 77. Harrison, Andrew Jackson, TN, 78. Harrison, William B, OH, 79.

Hawkins, Joseph M., Ireland, 80. Hays, John M., TN, 81. Heiskell, Charles M., TN, 82. Herndon, Patrick Henry, VA, 83. Hersee, William Daniel, England, 84. Holland, Tapley, OH, 85. Holloway, Samuel, PA, 86. Howell, William D., MA, 87. Jackson, Thomas, Ireland, 88. Jackson, William Daniel, KY, 89. Jameson, Green B., KY, 90. Jennings, Gordon C., CT, 91. Jimenes (Ximenes), Damacio, TX, 92. Johnson, Lewis, Wales, 93. Johnson, William, PA, 94. Jones, John, NY, 95. Kellog, John Benjamin, KY, 96. Kenney, James, VA, 97. Kent, Andrew, KY, 98. Kerr, Joseph, LA, 99. Kimbell, George C., PA, and 100. King, William Philip, TX.

101. Lewis, William Irvine, VA, 102. Lightfoot, William J., VA, 103. Lindley, Jonathan L., IL, 104. Linn, William, MA, 105. Losoya, Toribio, TX, 106. Main, George Washington, VA, 107. Malone, William T., GA, 108. Marshall, William, TN, 109. Martin, Albert, RI, 110. McCafferty, Edward, unknown 111. McCoy, Jesse, TN, 112. McDowell, William, PA, 113. McGee, James, Ireland, 114. McGregor, John, Scotland, 115. McKinney, Robert, TN, 116. Melton, Eliel, GA, 117. Miller, Thomas R., TN, 118. Mills, William, TN, 119. Millsaps, Isaac, MS, 120. Mitchell, Edwin T., unknown, 121. Mitchell, Napoleon B., unknown, 122. Mitchusson, Edward F., VA, 123. Moore, Robert B., VA, 124. Moore, Willis A., MS, and 125. Musselman, Robert, OH.

126. Nava, Andrés, TX, 127. Neggan, George, SC, 128. Nelson, Andrew M., TN, 129. Nelson, Edward, SC, 130. Nelson, George, SC, 131. Northcross, James, VA, 132. Nowlan, James, England, 133. Pagan, George, MS, 134. Parker, Christopher Adam, unknown, 135. Parks, William, NC, 136. Perry, Richardson, TX, 137. Pollard, Amos, MA, 138. Reynolds, John Purdy, PA, 139. Roberts, Thomas H., unknown, 140. Robertson, James Waters, TN, 141. Robinson, Isaac, Scotland, 142. Rose, James M., OH, 143. Rusk, Jackson J., Ireland, 144. Rutherford, Joseph, KY, 145. Ryan, Isaac, LA, 146. Scurlock, Mial, NC, 147. Sewell, Marcus L., England, 148. Shied, Manson, GA, 149. Simmons, Cleveland Kinlock, SC, and 150. Smith, Andrew H., TN.

151. Smith, Charles S., MD, 152. Smith, Joshua G., NC, 153. Smith, William H., unknown, 154. Starr, Richard, England, 155. Stewart, James E., England, 156. Stockton, Richard L., NJ, 157. Summerlin, A. Spain, TN, 158. Summers, William E., TN, 159. Sutherland, William DePriest, unknown, 160. Taylor, Edward, TN, 161. Taylor, George, TN, 162. Taylor, James, TN, 163. Taylor, William, TN, 164. Thomas, B. Archer M., KY, 165. Thomas, Henry, Germany, 166. Thompson, Jesse G., AR, 167. Thomson, John W., NC, 168. Thruston, John, M., PA, 169. Trammel, Burke, Ireland, 170. Travis, William Barret, SC, 171. Tumlinson, George W., MO, 172. Tylee, James, NY, 173. Walker, Asa, TN, 174. Walker, Jacob, TN, and 175. Ward, William B., Ireland.

176. Warnell, Henry, unknown, 177. Washington, Joseph G., KY, 178. Waters, Thomas, England, 179. Wells, William, GA, 180. White, Isaac, unknown, 181. White, Robert, unknown, 182. Williamson, Hiram James, PA, 183. Wills, William, unknown, 184. Wilson, David L., Scotland, 185. Wilson, John, PA, 186. Wolf, Anthony, unknown, 187. Wright, Claiborne, NC, 188. Zanco, Charles, Denmark, 189. John, a Black Freedman.

RECOGNITION AND CELEBRATION OF PEACE CORPS WEEK

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. HONDA. Madam Speaker, as a returned Peace Corps volunteer, I rise to recognize National Peace Corps Week and the work of the Peace Corps as we approach its 50th anniversary. For over 49 years, the Peace Corps has played an instrumental role in establishing prosperous foreign relations while fostering cross-cultural understandings. Countries from all over the globe celebrate the contributions of the Peace Corps and look forward with anticipation to its continued growth.

During this week, we salute and honor the men and women of this nation who have selflessly served abroad as Peace Corps volunteers, as well as those current volunteers who continue to carry out the Peace Corps mission: world peace and friendship.

The Peace Corps provides a unique opportunity for volunteers to help some of the most impoverished people in the world, work that changes their global perspectives. My personal experiences as a former Peace Corps volunteer in El Salvador building schools and health clinics continues to inspire me to actively advocate for the expansion of this program. The work of the Peace Corps and Peace Corps volunteers is invaluable—they are our country's greatest diplomatic tool. My experience marked the beginning of my lifelong commitment to public service. Most importantly, I returned to the United States with a deeper understanding of humanity and a personal commitment to speak on behalf of the marginalized and powerless.

Since President John F. Kennedy's call to service, almost 50 years ago, over 195,000 people have served as Peace Corps volunteers. Although a lot has been achieved since the Peace Corps's inception, the Peace Corps is currently at half the size it was in 1966. As the 50th anniversary approaches, and with the recent devastations in Haiti and Chile, we are only reminded of the significance of community service and the valuable assistance that the Peace Corps can provide.

It is with great appreciation for the Peace Corps and its ability to foster a global community that alongside my colleagues, I have requested $465 million for FY 2011 Peace Corps funding. A commitment to increase funding will allow the Peace Corps to modernize its systems, optimize the number of volunteers and staff in existing countries, strengthen recruiting and diversity efforts, continue to expand to new nations, and maximize safety and security training and compliance efforts.

I am greatly encouraged by the work of the Peace Corps and look forward to answering President Obama's call to continue to grow the Peace Corps. In this time of world conflict, economic disparities, and when so many are expressing an interest in national service, I hope we continue to re-invigorate the Peace Corps, our Nation's greatest and most cost-efficient diplomatic tool. During Peace Corps week, let us all pay tribute to the hard work, perseverance, determination, compassion, and idealism of Peace Corps volunteers around the world.

HONORING NORTH TEXANS WHO ASSISTED WITH RECOVERY RELIEF EFFORTS IN HAITI

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize the bravery and efforts of several North Texans who assisted the citizens of Haiti after the terrible earthquake of January 12, 2010 struck the country. I am remarkably proud of the work they have done as their presence in Haiti was absolutely critical in the days and weeks directly following the earthquake.

I would particularly like to note the efforts of several medical professionals associated with the University of Texas Southwestern Medical Center who went to Haiti after the disaster to help with relief efforts. Their work was critically important and helped to save countless lives in the country. Dr. Karl Rathjen, an Associate Professor of Orthopedic Surgery at UT Southwestern spent nine days in Haiti and operated on roughly 50–100 people in the time he was there. Andrew Tyan, a medical student, also spent time in the country to help with relief efforts. Additionally, Scott McGough, a Lewisville orthopedic therapist, and Emily Davenport, a Physician's Assistant, spent a week helping in the Caribbean nation.

Madam Speaker, when disaster struck Haiti, these North Texans answered a call to help. I encourage my fellow colleagues to join me today in recognizing their hard work and sacrifice to help people in need.

INTRODUCTION OF THE SMITHSONIAN MODERNIZATION ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Ms. NORTON. Madam Speaker, today I will introduce three bills to modernize the Smithsonian Institution and to enhance its governance and fundraising ability, in keeping with the recommendations of a number of experts, including the Independent Review Committee, chaired by former U.S. Comptroller General Charles Bowsher. This bill, the Smithsonian Modernization Act, makes changes to the Smithsonian's governance structure by expanding its Board of Regents from 17 members, which includes six Members of Congress, the Vice President of the United States, and the Chief Justice of the U.S. Supreme Court, to 21 members, comprised solely of private citizens. These changes will strengthen both the Smithsonian's governance and fundraising capacity, and it is the first significant change in an old and revered institution since it was established in 1846. The second bill, the Smithsonian Free Admission Act of 2010, seeks to preserve the longstanding free admission policy for permanent exhibits at an institution that is largely funded by the federal government, as envisioned by James Smithson, its founder who contributed the original gift. Finally, the Open and Transparent Smithsonian Act of 2010 will apply the Freedom of Information Act and the Privacy Act to

the Smithsonian in the same manner they are applied to other federal agencies.

The Smithsonian Institution is a unique and irreplaceable cultural, historical, educational and artistic complex without any public or private counterpart in the world. Since its founding, the Smithsonian has developed an extraordinary array of world-class museums, galleries, educational showplaces and unique research centers, including 19 museums and galleries, nine research facilities, the National Zoo, and a pending National Museum of African American History and Culture, which has been approved by Congress and is now seeking funding from the private sector for construction. The Smithsonian has grown with donations from American culture and life, and financial contributions, but most of its funding continues to come from federal appropriations. Despite receiving 70 percent of its support from the federal government, the Smithsonian has long had serious and unmet infrastructure and other financial needs.

Congress must help the Smithsonian Institution strengthen its ability to build resources beyond what taxpayers are able to provide. The most important step that Congress could take today is to rescue the Smithsonian from the 19th Century governance structure that keeps it from accessing needed and available private resources and limits close and critical internal oversight. This bill provides a governance structure befitting an agency of the unique complexity of the Smithsonian.

In no small part, the difficulty the Smithsonian has faced results from limitations inherent in its antiquated governance structure. The existing structure may have fit the Smithsonian over 170 years ago, but today the structure has proven to be a relic that does a disservice to the Smithsonian. The present governance structure places immense responsibility on dedicated but overextended Members of the House and Senate, the Vice President of the United States and the Chief Justice of the United States Supreme Court. These federal officials comprise almost half of the Smithsonian Board of Regents, and must perform their fiduciary duties as board members while giving first priority to their sworn responsibilities as important federal officials.

In 2007, an independent review committee found that the Smithsonian Board had violated principles of good management during the tenure of Lawrence Small, the former Secretary of the Smithsonian, and had allowed him to create an ''insular culture.'' The report indicated that the Board had failed to provide desperately needed oversight and had overcompensated Mr. Small. The report also found that Sheila P. Burke, the Smithsonian's then-deputy secretary and chief operating officer, had frequent absences from her duties because of outside activities, including service on corporate boards for which she earned more than $1.2 million in six years. Further, the Smithsonian's Business Ventures Chief, Gary Beer, was dismissed for financial indiscretions. This unprecedented crisis caused by unprecedented controversies and irresponsible risks put into sharp dual-focus the need for new revenue streams and for a modern governance structure. The first full-blown scandal in the Smithsonian's history, replete with embarrassing coverage, has damaged its reputation and perhaps the confidence of potential contributors. The poor judgment and overreaching of Smithsonian personnel require new and concentrated oversight by citizens for whom the Smithsonian would command priority attention.

The Board of Regents, of course, has taken some important action on its own. After irregularities were uncovered by the media, the Board responded to the controversies by creating a Governance Committee, chaired by Patty Stonesifer, a Regent and former chief executive officer of the Bill & Melinda Gates Foundation, with a mandate to comprehensively review the policies and practices of the Smithsonian and how the Board conducts its oversight of the institution. The Board also established an Independent Review Committee (IRC), chaired by former U.S. Comptroller General Charles A. Bowsher, to review the issues arising from an Inspector General's reports, the Board of Regents' response, and related Smithsonian practices.

The IRC was forthright in its investigation and recommendations. The IRC stated explicitly that the root cause of the current problems at the Smithsonian was an antiquated governance structure that led to failures in governance and management. According to the IRC, the Board must assume a fiduciary duty that carries a ''major commitment of time and effort, a reputational risk, and potentially, financial liability.'' The IRC further argued that the Smithsonian, with a budget of over $1 billion a year, must have a Board of Regents who ''act as true fiduciaries and who have both the time and the experience to assume the responsibilities of setting strategy and providing oversight.'' The IRC cited lack of clarity of the roles of the U.S. Vice President and Chief Justice of the U.S. Supreme Court on the Board, and said that ''it is not feasible to expect the Chief Justice to devote the hours necessary to serve as a fiduciary agent.'' The same observation could be made of Members of the House and Senate who serve on the Board. The IRC recommended increasing the level of expertise and the number of board members to ensure that the Regents have sufficient time and attention to dedicate to the Smithsonian.

The Smithsonian's own Governance Committee identified several board weaknesses and concluded that the Regents did not receive or demand the reports necessary for competent decision making, that the staff whom the Regents depended upon for oversight inquiries did not have direct access to information, and that the inability of staff to communicate red flag issues ''crippled'' internal compliance and oversight mechanisms.

Only Congress, with the concurrence of the president, can amend the Smithsonian Charter. The last change to the Board's structure occurred over 30 years ago, but only to increase the number of private citizens on the Board from six to nine.

The number of Regents, however, is not the root problem. Although this bill expands the Board of Regents from 17 to 21, it most importantly brings the board into alignment with modern public and private boards by requiring all Regents to be private citizens. The search for private funds by Smithsonian management was a major cause of the recent controversy. Faced with crippling budget problems, the Regents must be free to give new and unprecedented attention and energy to finding and helping to raise substantially more funds from private sources. The new structure envisioned by the bill will improve oversight and the capacity for fundraising from private sources. Unlike federal officials, private citizens are entirely free to assist in private fundraising. Most important, private citizens will have sufficient time and expertise to serve on the Board of Regents, and will be able to devote the personal time and attention necessary to fulfill the fiduciary responsibility that comes with serving such a venerable and complex institution.

The bill preserves and strengthens the traditional role of the Speaker of the House and the President of the Senate in selecting members of the Regents, while eliminating the self-perpetuating role of the Board of Regents in selecting private citizens for the Board. The Speaker of the House and the President of the Senate will each send 12 recommendations to the President of the United States, who will select the 21 members of the Board of Regents.

Considering the seriousness of the findings of the Board of Regents' own Governance Committee and of the IRC, the changes prescribed by this bill are nothing short of necessary. The reform of the fiduciary and governance issues that have brought public criticism to this iconic American institution must begin with the indispensable step of a making its governance consistent with that of similar institutions today. Only congressional attention can reassure the public that the controversies that recently have besieged the Smithsonian will not recur. In the face of an unprecedented public controversy, Congress would be remiss if it left the Smithsonian to its own oversight and devices alone for improvement.

I urge my colleagues to support this bill.

TRIBUTE TO SARAH CARTER PERRY BROWN ON THE CELEBRATION OF HER 105TH BIRTHDAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. PAYNE. Madam Speaker, it is indeed a pleasure for me to add my congratulations to that of her family and friends as Sarah Carter Perry Brown celebrated her 105th birthday at a Book Discussion and Tribute in her honor on Saturday, February 13, 2010, at The Newark Public Library. For all the contributions she has made over the years, Sarah Carter Perry Brown deserves to be feted on this marvelous occasion.

Sarah was born and raised in Jefferson, Georgia, to Reverend Thomas Gray Carter, and his wife, Channie Louisa Tatman Carter. Sarah was a witness to the cruelty African Americans faced as a result of the enforced Jim Crow Laws. She migrated north to Philadelphia, Pennsylvania, for better opportunities, later settling in Sicklerville, New Jersey.

A strong and dedicated woman, Sarah Carter Perry Brown has always had faith when

facing difficult challenges. Mount Olive Baptist Church was founded in 1928 by Sarah and her brother, Reverend Hezekiah Carter in Philadelphia. Sarah has a gift for healing others whether it is with her kind words or her use of natural remedies. She proves to be the matriarch of her family, serving as a mother figure to all those who know her.

As Sarah Carter Perry Brown celebrates another year, I want to join all those gathered in wishing her a very Happy Birthday and many more!

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1125–S1209

Measures Introduced: Eleven bills and twelve resolutions were introduced, as follows: S. 3071–3081, and S. Res. 434–445. **Pages S1168–69**

Measures Reported:

S. 38, to establish a United States Boxing Commission to administer the Act. (S. Rept. No. 111–157) **Page S1168**

Measures Passed:

Comprehensive Peace Agreement in Sudan: Senate agreed to S. Res. 404, supporting full implementation of the Comprehensive Peace Agreement and other efforts to promote peace and stability in Sudan. **Pages S1126–27**

Recovery, Rehabilitation, and Rebuilding of Haiti: Senate agreed to S. Res. 414, expressing the sense of the Senate on the recovery, rehabilitation, and rebuilding of Haiti following the humanitarian crisis caused by the January 12, 2010, earthquake in Haiti. **Pages S1127–28**

Importance of Progress in Ukraine: Committee on Foreign Relations was discharged from further consideration of S. Res. 422, recognizing the important progress made by the people of Ukraine in the establishment of democratic institutions following the presidential run-off election on February 7, 2010, and the resolution was then agreed to. **Pages S1128–29**

School Social Work Week: Committee on the Judiciary was discharged from further consideration of S. Res. 426, designating the week of February 28 through March 7, 2010, as ''School Social Work Week'', and the resolution was then agreed to. **Page S1129**

Children's Dental Health Month: Senate agreed to S. Res. 434, expressing support for Children's Dental Health Month and honoring the memory of Deamonte Driver. **Pages S1129–31**

Multiple Sclerosis Awareness Week: Senate agreed to S. Res. 435, supporting the goals and ideals of Multiple Sclerosis Awareness Week. **Pages S1129–31**

Support for the People on Madeira Island: Senate agreed to S. Res. 436, expressing support for the people affected by the natural disasters on Madeira Island. **Pages S1129–31**

Iraqi Parliamentary Elections: Senate agreed to S. Res. 437, expressing the sense of the Senate regarding the positive effect of the upcoming Iraqi parliamentary elections on Iraq's political reconciliation and democratic institutions. **Pages S1129–31**

Read Across America Day: Senate agreed to S. Res. 438, designating March 2, 2010, as ''Read Across America Day''. **Pages S1129–31**

National Autoimmune Diseases Awareness Month: Committee on the Judiciary was discharged from further consideration of S. Res. 372, designating March 2010 as ''National Autoimmune Diseases Awareness Month'' and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Pages S1206–07**

Reid (for Levin) Amendment No. 3426, to amend the resolving clause. **Pages S1206–07**

People and Government of Chile following Earthquake: Committee on Foreign Relations was discharged from further consideration of S. Res. 431, expressing profound concern, deepest sympathies, and solidarity on behalf of the people of the United States to the people and Government of Chile following the massive earthquake, and the resolution was then agreed to. **Page S1207**

Women in the Armed Forces of the United States: Senate agreed to S. Res. 441, recognizing the history and continued accomplishments of women in the Armed Forces of the United States. **Pages S1207–09**

Re-Establishment of the State of Lithuania: Senate agreed to S. Res. 442, congratulating the people

of the Republic of Lithuania on the Act of the Re-Establishment of the State of Lithuania, or Act of March 11, and celebrating the rich history of Lithuania. **Pages S1207–09**

Honoring the Life and Service of Enrique "Kiki" Camarena: Senate agreed to S. Res. 443, honoring the life and service of Enrique ''Kiki'' Camarena. **Pages S1207–09**

Authorizing Testimony and Legal Representation: Senate agreed to S. Res. 444, to authorize testimony and legal representation in City of Vancouver v. Galloway. **Pages S1207–09**

Authorizing the Production of Records: Senate agreed to S. Res. 445, to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs. **Pages S1207–09**

Measures Considered:

Tax Extenders Act—Agreement: Senate continued consideration of H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, taking action on the following amendments proposed thereto:

Pages S1126, S1131–53, S1154–59, S1159–64

Adopted:

Stabenow Amendment No. 3382 (to Amendment No. 3336), to amend the Internal Revenue Code of 1986 to allow companies to utilize existing alternative minimum tax credits to create and maintain American jobs through new domestic investments.

Page S1151

Reid (for Baucus) Amendment No. 3406 (to Amendment No. 3336), to make technical changes.

Page S1164

Reid (for Dodd) Amendment No. 3349 (to Amendment No. 3336), to clarify the effective date of section 244. **Page S1164**

Reid (for Leahy) Modified Amendment No. 3346 (to Amendment No. 3336), to improve title V.

Page S1164

Withdrawn:

Whitehouse Amendment No. 3354 (to Amendment No. 3336), to encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities.

Pages S1158–59

Pending:

Baucus Amendment No. 3336, in the nature of a substitute. **Page S1126**

Landrieu Modified Amendment No. 3335 (to Amendment No. 3336), to amend the Internal Revenue Code of 1986 to extend for 2 years the low-income housing credit rules for buildings in GO Zones. **Page S1126**

Reid (for Murray) Modified Amendment No. 3356 (to Amendment No. 3336), to extend the TANF Emergency Fund through fiscal year 2011 and to provide funding for summer employment for youth. **Pages S1126, S1160–61**

Coburn Amendment No. 3358 (to Amendment No. 3336), to require the Senate to be transparent with taxpayers about spending. **Pages S1126, S1149–50**

Baucus (for Webb/Boxer) Amendment No. 3342 to (Amendment No. 3336), to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive 2009 bonuses received from certain major recipients of Federal emergency economic assistance, to limit the deduction allowable for such bonuses.

Pages S1126, S1147–49

Feingold/Coburn Amendment No. 3368 (to Amendment No. 3336), to provide for the rescission of unused transportation earmarks and to establish a general reporting requirement for any unused earmarks. **Page S1126**

Reid Amendment No. 3417 (to Amendment No. 3336), to temporarily modify the allocation of geothermal receipts. **Page S1161**

McCain/Graham Amendment No. 3427 (to Amendment No. 3336), to prohibit the use of reconciliation to consider changes in Medicare.

Pages S1161–62

Lincoln Amendment No. 3401 (to Amendment No. 3336), to improve a provision relating to emergency disaster assistance. **Pages S1162–64**

During consideration of this measure today, Senate also took the following action:

By 44 yeas to 56 nays (Vote No. 40), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 403 of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010, with respect to section 103(d) of Brown (MA) Amendment No. 3391 (to Amendment No. 3336), to provide for a 6-month employee payroll tax rate cut, and the emergency designation was stricken. Subsequently, the Chair sustained a point of order against Brown (MA) Amendment No. 3391 (to Amendment No. 3336), as being in violation of section 201 of S. Con. Res. 21 of 2008, and the amendment thus fell. **Pages S1142–46, S1151–52**

By 22 yeas to 78 nays (Vote No. 41), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, with respect to Burr Amendment No. 3389 (to Amendment No. 3336), to provide Federal reimbursement to State

and local Governments for a limited sales, use, and retailers' occupation tax holiday, and to offset the cost of such reimbursements. Subsequently, the Chair sustained a point of order against Burr Amendment No. 3389 (to Amendment No. 3336), as being in violation of section 201 of S. Con. Res. 21 of 2008, and the amendment thus fell.

Pages S1146–47, S1152

By 59 yeas to 41 nays (Vote No. 42), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, with respect Sessions Amendment No. 3337 (to Amendment No. 3336), to reduce the deficit by establishing discretionary spending caps. Subsequently, the Chair sustained a point of order against Sessions Amendment No. 3337 (to Amendment No. 3336), as being in violation of section 306 of the Congressional Budget Act of 1974, and the amendment thus fell.

Pages S1141–42, S1152–53

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Friday, March 5, 2010.

Page S1209

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 99 yeas (Vote No. EX. 43), William M. Conley, of Wisconsin, to be United States District Judge for the Western District of Wisconsin. **Pages S1153–54**

Terry A. Yonkers, of Maryland, to be an Assistant Secretary of the Air Force.

Frank Kendall III, of Virginia, to be Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.

Erin C. Conaton, of the District of Columbia, to be Under Secretary of the Air Force.

Paul Luis Oostburg Sanz, of Maryland, to be General Counsel of the Department of the Navy.

Malcolm Ross O'Neill, of Virginia, to be an Assistant Secretary of the Army.

Jackalyne Pfannenstiel, of California, to be an Assistant Secretary of the Navy. **Pages S1159, S1209**

Messages from the House: **Page S1167**

Measures Referred: **Page S1167**

Executive Communications: **Page S1167**

Executive Reports of Committees: **Page S1168**

Additional Cosponsors: **Pages S1169–71**

Statements on Introduced Bills/Resolutions: **Pages S1171–86**

Additional Statements: **Pages S1165–67**

Amendments Submitted: **Pages S1186–S1205**

Authorities for Committees to Meet: **Pages S1205–06**

Record Votes: Four record votes were taken today. (Total—43) **Pages S1152–53**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:39 p.m., until 9:30 a.m. on Friday, March 5, 2010. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1209.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF TRANSPORTATION

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2011 for the Department of Transportation, after receiving testimony from Ray LaHood, Secretary of Transportation.

APPROPRIATIONS: DEPARTMENT OF COMMERCE

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2011 for the Department of Commerce, after receiving testimony from Gary Locke, Secretary, and Todd J. Zinser, Inspector General, both of the Department of Commerce.

APPROPRIATIONS: DEPARTMENT OF ENERGY

Committee on Appropriations: Subcommittee on Energy and Water Development concluded a hearing to examine proposed budget estimates for fiscal year 2011 for the Department of Energy, after receiving testimony from Steven Chu, Secretary of Energy.

APPROPRIATIONS: SECRETARY OF THE SENATE, SERGEANT AT ARMS, AND U.S. CAPITOL POLICE

Committee on Appropriations: Subcommittee on Legislative Branch concluded a hearing to examine proposed budget estimates for fiscal year 2011 for the Office of the Secretary of the Senate, the Office of the Senate Sergeant at Arms, and the Office of the U.S. Capitol Police, after receiving testimony from Nancy Erickson, Secretary of the Senate; Terrance W. Gainer, Sergeant at Arms and Doorkeeper of the Senate; and Chief Phillip D. Morse, Sr., United States Capitol Police.

DEFENSE AUTHORIZATION REQUEST

Committee on Armed Services: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2011 for the Air Force in review of the Defense Authorization Request and the Future Years Defense Program, after receiving testimony from Michael B. Donley, Secretary, and General Norton A. Schwartz, USAF, Chief of Staff, both of the Air Force, Department of Defense.

DEPARTMENT OF DEFENSE BUDGET

Committee on the Budget: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2011 for the Department of Defense, after receiving testimony from William J. Lynn, III, Deputy Secretary, and Robert F. Hale, Under Secretary, Comptroller and Chief Financial Officer, both of the Department of Defense.

DEPARTMENT OF TRANSPORTATION BUDGET

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2011 for the Department of Transportation, after receiving testimony from John D. Porcari, Deputy Secretary of Transportation.

ENERGY PROGRAMS IN THE RECOVERY AND REINVESTMENT ACT

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the Department of Energy's implementation of programs authorized and funded under the American Recovery and Reinvestment Act of 2009, after receiving testimony from Matt Rogers, Senior Advisor to the Secretary, Department of Energy; Patricia A. Dalton, Managing Director, Natural Resources and Environment, Government Accountability Office; Malcolm Woolf, Maryland Energy Administration, Annapolis, on behalf of the National Association of State Energy Officials; and Michele Nellenbach, National Governors Association, Washington, D.C.

CLEAN AIR ACT

Committee on Environment and Public Works: Committee with the Subcommittee on Clean Air and Nuclear Safety concluded a joint hearing to examine S. 2995, to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector, after receiving testimony from Regina A. McCarthy, Assistant Administrator, Office of Air and Radiation, Environmental Protection Agency; Collin P. O'Mara, Delaware Secretary of Natural Resources and Environmental Control, Dover; Albert A. Rizzo, Christiana Care Health Systems, Washington, D.C., on behalf of the American Lung Association; Michael D. Durham, ADA Environmental Solutions, Littleton, Colorado; and John M. McManus, American Electric Power, Columbus, Ohio.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the nominations of William D. Magwood, IV, of Maryland, William Charles Ostendorff, of Virginia, and George Apostolakis, of Massachusetts, all to be a Member of the Nuclear Regulatory Commission, Arthur Allen Elkins, Jr., of Maryland, to be Inspector General, Environmental Protection Agency, Earl F. Gohl, Jr., of the District of Columbia, to be Federal Cochairman of the Appalachian Regional Commission, Sandford Blitz, of Maine, to be Federal Cochairperson of the Northern Border Regional Commission, and Marilyn A. Brown, of Georgia, Barbara Short Haskew, of Tennessee, Neil G. McBride, of Tennessee, and William B. Sansom, of Tennessee, all to be a Member of the Board of Directors of the Tennessee Valley Authority.

MIDDLE EAST PEACE CHALLENGES

Committee on Foreign Relations: Committee concluded a hearing to examine Middle East peace, focusing on ground truths, challenges ahead, after receiving testimony from Daniel C. Kurtzer, Princeton University Woodrow Wilson School on Public and International Affairs, Robert Malley, International Crisis Group, Ziad J. Asali, American Task Force on Palestine, and David Makovsky, Washington Institute for Near East Policy, all of Washington, D.C.

DISASTER PREPAREDNESS

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration concluded a hearing to examine disaster preparedness in the private sector, after receiving testimony from Stephen C. Jordan, Business Civic Leadership Center, John R. Harrald, Virginia Polytechnic Institute and State University Center for Technology, Security and Policy, and Stephen E. Flynn, Center for National Policy, all of Washington, D.C.

CHILDHOOD OBESITY

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine childhood obesity, focusing on reversing the epidemic, after receiving testimony from Regina M. Benjamin, Surgeon General, Department of Health and Human Services; Joe Thompson, Robert Wood Johnson Foundation Center to Prevent Childhood Obesity, Little Rock, Arkansas; Sandra Hassink, American Academy of Pediatrics Obesity Leadership

Workgroup, Wilmington, Delaware; and Rashard Mendenhall, National Football League, Pittsburgh, Pennsylvania.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported S. 1132, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, with an amendment in the nature of a substitute; and

The nominations of Dawn Elizabeth Johnsen, of Indiana, to be an Assistant Attorney General, Department of Justice, and Gloria M. Navarro, to be United States District Judge for the District of Nevada, Audrey Goldstein Fleissig, to be United States District Judge for the Eastern District of Missouri, Lucy Haeran Koh, to be United States District Judge for the Northern District of California, Jon E. DeGuilio, to be United States District Judge for the Northern District of Indiana, and Tanya Walton Pratt, to be United States District Judge for the Southern District of Indiana.

BUSINESS MEETING

Committee on Small Business and Entrepreneurship: Committee ordered favorably reported S. 2989, to improve the Small Business Act, with amendments.

VETERANS ORGANIZATIONS LEGISLATIVE PRESENTATIONS

Committee on Veterans' Affairs: Committee concluded a joint hearing with the House Committee on Veterans' Affairs to examine legislative presentations from the Paralyzed Veterans of America, Jewish War Veterans, Military Order of the Purple Heart, Ex-Prisoners of War, Blinded Veterans Association, Military Officers Association of America, Air Force Sergeants Association, and the Wounded Warrior Project, after receiving testimony from Gene Crayton, Paralyzed Veterans of America, St. Louis, Missouri; Edwin M. Robins, Jewish War Veterans of the United States of America, Cleveland, Ohio; James M. Sims, Military Order of the Purple Heart, Annandale, Virginia; Kenny Hanson, American Ex-Prisoners of War, Minneapolis, Minnesota; Roy Kekahuna, Blinded Veterans Association, Las Vegas, Nevada; Rene A. Campos, Military Officers Association of America, Washington, D.C.; John R. McCauslin, Air Force Sergeants Association, Suitland, Maryland; and Andrew Kinard, Wounded Warrior Project, Boston, Massachusetts.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 30 public bills, H.R. 4753–4782; and 10 resolutions, H.J. Res. 80; H. Con. Res. 247–249; and H. Res. 1138–1143 were introduced. **Pages H1167–69**

Additional Cosponsors: **Pages H1169–70**

Reports Filed: Reports were filed today as follows:

H. Res. 1137, providing for consideration of the Senate amendment to the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes (H. Rept. 111–426) and

H. Res. 1031, impeaching G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana, for high crimes and misdemeanors (H. Rept. 111–427). **Page H1167**

Speaker: Read a letter from the Speaker wherein she appointed Representative Baldwin to act as Speaker pro tempore for today. **Page H1107**

Committee Resignation: Read a letter from Representative Stark wherein he resigned as acting chairman of the Committee on Ways and Means. **Page H1108**

Suspension: The House agreed to suspend the rules and agree to the following measure:

Recognizing the importance and significance of the 2010 Census: H. Res. 1086, to recognize the importance and significance of the 2010 Census and to encourage each community within Indian Country to name an elder to be the first member of that community to answer the 2010 Census, by a ⅔ recorded vote of 415 ayes to 1 no with 1 voting "present", Roll No. 85. **Pages H1109–12, H1113–14**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measures which were debated on Tuesday, March 2nd:

Expressing the appreciation of Congress for the service and sacrifice of the members of the 139th

Airlift Wing, Air National Guard: H. Res. 699, amended, to express the appreciation of Congress for the service and sacrifice of the members of the 139th Airlift Wing, Air National Guard, by a ⅔ yea-and-nay vote of 421 yeas with none voting "nay", Roll No. 84; **Page H1113**

Designating March 2, 2010, as "Read Across America Day": H. Res. 1111, to designate March 2, 2010, as "Read Across America Day", by a ⅔ recorded vote of 414 ayes with none voting "no", Roll No. 86; and **Pages H1114–15**

Expressing the support of the House of Representatives for the goals and ideals of the National School Lunch Program: H. Res. 362, amended, to express the support of the House of Representatives for the goals and ideals of the National School Lunch Program, by a ⅔ yea-and-nay vote of 403 yeas to 13 nays, Roll No. 89. **Pages H1123–24**

Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010: The House concurred in the Senate amendment to the House amendment to the Senate amendment to H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, with the amendment printed in H. Rept. 111–426, by a yea-and-nay vote of 217 yeas to 201 nays, Roll No. 90. **Pages H1125–27**

H. Res. 1137, the rule providing for consideration of the Senate amendment, was agreed to by a recorded vote of 212 ayes to 209 noes, Roll No. 88, after the previous question was ordered by a yea-and-nay vote of 236 yeas to 184 nays, Roll No. 87. **Pages H1115–23**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Wednesday, March 3rd:

Congratulating the National Football League Champion New Orleans Saints: H. Res. 1079, amended, to congratulate the National Football League Champion New Orleans Saints for winning Super Bowl XLIV and for bringing New Orleans its first Lombardi Trophy in franchise history, by a ⅔ yea-and-nay vote of 375 yeas to 1 nay with 3 voting "present", Roll No. 91. **Pages H1147–48**

Meeting Hour: Agreed that when the House adjourns on Friday, March 5th, it adjourn to meet at 12:30 p.m. on Tuesday, March 9th for morning hour debate. **Page H1151**

Committee Resignation: Read a letter from Representative Melancon wherein he resigned from the Committee on the Budget, effective immediately. **Page H1151**

Quorum Calls—Votes: Five yea-and-nay votes and three recorded votes developed during the proceedings of today and appear on pages H1113, H1113–14, H1114–15, H1122–23, H1123, H1123–24, H1147, H1147–48. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6:21 p.m.

Committee Meetings

AGRICULTURAL RURAL DEVELOPMENT, FDA AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on Child Nutrition. Testimony was heard from Kevin Concannon, Under Secretary, Food, Nutrition, and Consumer Services, USDA.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, Science and Related Agencies held a hearing on Fiscal Year 2011 Budget for the Bureau of Alcohol, Tobacco, Firearms and Explosives, and on Fiscal Year 2011 Budget for the Department of Commerce. Testimony was heard from Kenneth E. Melson, Deputy Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, Science and Related Agencies held a hearing on the FY 2011 Budget for the Department of Commerce. Testimony was heard from Secretary Gary Locke.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session to hold a hearing on Contingency Transportation and Logistics Issues. Testimony was heard from the following officials of the Department of Defense: LTG Kathleen M. Gainey, Director for Logistics, J4, The Joint Staff; VADM Alan Thompson, Director, Defense Logistics Agency; LG Mitchell H. Stevenson, Deputy Chief of Staff, G4, USA, and LTG Frank A. Panter, Deputy Commandant, Installations and Logistics, USMC.

ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies held a hearing on Fiscal Year 2011 Budget for Nuclear Nonproliferation, DOE. Testimony was heard from Steven Black, Chief Operating Officer, Defense Nuclear Nonproliferation, Department of Energy.

FINANCIAL SERVICES, AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Financial Services, and General Government held a hearing on Fiscal Year 2011 Budget for the Consumer Product Safety Commission. Testimony was heard from the following officials of the Consumer Product Safety Commission: Inez Tenenbaum, Chairman; and Nancy Nord, Commissioner.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on DHS Intelligence Programs and the Effectiveness of State and Local Fusion Centers. Testimony was heard from Caryn Wagner, Under Secretary, Office of Intelligence and Analysis, Department of Homeland Security; and CPT. William Harris, Information and Analysis Center, Delaware State Police.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Fiscal Year 2011 Budget for Transportation Security Administration: Are We Making Smart Investments for Real Transportation Security? Testimony was heard from Gale Rossides, Acting Administrator, Transportation Security Administration, Department of Homeland Security.

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior and Environment, and Related Agencies held a hearing on Strengthening Native American Communities: Fiscal Year 2011 Budget for Trust Resources and the Bureau of Indian Affairs. Testimony was heard from the following officials of the Department of the Interior: Larry EchoHawk, Assistant Secretary, Indian Affairs; and Donna Erwin, Acting Special Trustee for American Indians.

LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies held an overview hearing on Combating Health Care Fraud and Abuse. Testimony was heard from the following officials of the Department of Health and Human Services: William Corr, Deputy Secretary; Dan Levinson, Inspector General; and Omar Perez, Special Agent, Office of Inspector General; and Gary Grindler, Acting Deputy Attorney General, Department of Justice.

MILITARY CONSTRUCTION, VETERANS AFFAIRS AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a hearing on Fiscal Year 2011 Budget for the Department of Veterans Affairs. Testimony was heard from Eric Shinseki, Secretary of Veterans Affairs.

STATE AND FOREIGN OPERATIONS AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on State and Foreign Operations, and Related Programs held a hearing on U.S. Agency for International Development. Testimony was heard from Rajiv Shah, Administrator, U.S. Agency for International Development, Department of State.

DOD FY 2011 BUDGET

Committee on the Budget: Held a hearing on Defense Department Fiscal Year 2011 Budget. Testimony was heard from the following officials of the Department of Defense: William J. Lynn, III, Deputy Secretary; and Robert F. Hale, Under Secretary, Comptroller.

TOXIC CHEMICAL CONTROL

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing on TSCA and Persistent, Bioaccumulative, and Toxic Chemicals: Examining Domestic and International Actions. Testimony was heard from Jim Jones, Deputy Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances, EPA; John Thompson, Division Director, Officer of Environmental Policy, Bureau of Oceans, Environment and Science, Department of State; Ted Sturdevant, Director, Department of Ecology, State of Washington; and public witnesses.

RECOVERY ACT OVERSIGHT BROADBAND

Committee on Energy and Commerce: Subcommittee on Communications, Technology, and the Internet continued hearings entitled "Oversight of the American Recovery and Reinvestment Act: Broadband, Part 3." Testimony was heard from Jonathan S. Adelstein, Administrator, Rural Utilities Service, USDA; and a public witness.

HAITI DEBT RELIEF

Committee on Financial Services: Subcommittee on International Monetary Policy and Trade approved for full Committee action, as amended, H.R. 4573. Debt Relief for Earthquake Recovery in Haiti Act of 2010.

Prior to this action, the Subcommittee held a hearing entitled ''Haiti Debt Relief.'' Testimony was heard from Nancy Lee, Deputy Assistant Secretary, Department of the Treasury.

ARMENIAN GENOCIDE RESOLUTION

Committee on Foreign Affairs: Ordered reported H. Res. 252, Affirmation of the United States Record on the Armenian Genocide Resolution.

RESTORING AMERICA'S INTERNATIONAL REPUTATION

Committee on Foreign Affairs: Subcommittee on International Organizations, Human Rights and Oversight held a hearing on Restoring America's Reputation in the World: Why it Matters. Testimony was heard from public witnesses.

MEDICARE AND MEDICAID FRAUD CRIMINAL ENFORCEMENT

Committee on the Judiciary: Subcommittee on Crime, Terrorism and Homeland Security held a hearing on the Enforcement of the Criminal Laws Against Medicare and Medicaid Fraud. Testimony was heard from Greg Andres, Acting Deputy Assistant Attorney General, Criminal Division, Department Justice; Timothy J. Menke, Deputy Inspector General for Investigations, Department of Health and Human Services and public witnesses.

FY 2011 FISH AND WILDLIFE SERVICE BUDGET

Committee on Natural Resources: Subcommittee on Insular Affairs, Oceans and Wildlife held an oversight hearing on the President's Fiscal Year 2011 budget request for the United States Fish and Wildlife Service. Testimony was heard from Rowan Gould, Acting Director, U.S. Fish and Wildlife Service, Department of the Interior.

FY 2011 BUDGET REQUEST—POWER MARKETING ADMINISTRATIONS

Committee on Natural Resources: Subcommittee on Water and Power held an oversight hearing on the President's Fiscal Year 2011 Budget request for the Power Marketing Administrations, U.S. Department of Energy. Testimony was heard from the following Power Marketing Administrations, Department of Energy: Stephen J. Wright, Administrator, Bonneville Power Administration; Timothy J. Meeks, Administrator, Western Area Power Administration; Jon C. Worthington, Administrator, Southwestern Power Administration; and Kenneth E. Legg, Administrator, Southeastern Power Administration.

MISCELLANEOUS MEASURES

Committee on Oversight and Government Reform: Ordered reported the following measures: H.R. 4098, Secure Federal File Sharing Act; H.R. 946, amended, Plain Language Act of 2009; and H.R. 4621, amended, Prevent Deceptive Census Look Alike Mailings Act; H. Res. 1036, Recognizing the contributions of Korean Americans to the United States; H.R. 4214, To designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the ''Roy Wilson Post Office;'' H.R. 4547, To designate the facility of the United States Postal Service at 119 Station Road in Cheyney, Pennsylvania, as the ''Captain Luther H. Smith U.S. Army Air Forces Post Office;'' H.R. 4628, To designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the ''Sergeant Christopher R. Hrbek Post Office Building;'' and H.R. 4624, To designate the facility of the United States Postal Service at 125 Kerr Avenue in Rome City, Indiana, as the ''SPC Nicholas Scott Hartge Post Office.''

PROSTATE CANCER

Committee on Oversight and Government Reform: Held a hearing entitled ''Prostate Cancer: New Questions About Screening and Treatment.'' Testimony was heard from William L. Dahut, M.D., Clinical Director, National Cancer Institute, NIH, Department of Health and Human Services; Carolyn J. M. Best, Program Manager, Prostate Cancer Research Program, Congressionally Directed Medical Research Program, U.S. Army Medical Research and Material Command.

USDA HUMANE SLAUGHTER ENFORCEMENT

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing entitled ''Continuing Problems in USDA's Enforcement of the Humane Methods of Slaughter Act.'' Testimony was heard from Jerold Mande, Deputy Under Secretary, Food Safety, USDA; Lisa Shames, Director, Natural Resources and the Environment, GAO; and public witnesses.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS

Committee on Rules: Granted, by a non-record vote, a rule providing for the consideration of the Senate amendment to H.R. 2847, the Hiring Incentives to

Restore Employment Act (originally making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes). The rule makes in order a motion offered by the chair of the Committee on Ways and Means that the House concur in the Senate amendment to the House amendment to the Senate amendment with the amendment printed in the Rules Committee report. The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. The rule provides that the Senate amendment and the motion shall be considered as read. The rule provides one hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

SCIENCE EDUCATION

Committee on Science and Technology: Held a hearing on Reform in K–12 STEM Education. Testimony was heard from public witnesses.

BUDGET VIEWS AND ESTIMATES

Committee on Small Business: Approved Fiscal Year 2011 Budget Views and Estimates Letter to the Committee on the Budget.

ADDRESSING DISASTERS IN CITIES

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on U.S. Mayors Speak Out: Addressing Disasters in Cities. Testimony was heard from the following Mayors: Robert J. Duffy, Rochester, New York; C. Ray Nagin, New Orleans, Louisiana; and Franklin Cownie, Des Moines, Iowa; and public witnesses.

FY 2011 AGENCY BUDGETS/PRIORITIES

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Agency Budgets and Priorities for Fiscal Year 2011. Testimony was heard from Robert Perciasepe, Deputy Administrator, EPA; the following officials of the U.S. Army Corps of Engineers: Jo-Ellen Darcy, Assistant Secretary for the Army (Civil Works); and LTG Robert L. ''Van'' Van Antwerp, Chief of Engineers.

MISCELLANEOUS MEASURES

Committee on Veterans' Affairs: Ordered reported the following bills: H.R. 3948, amended, Test Prep for Heroes Act; H.R. 3484, amended, To amend title 38, United States Code, to extend the authority for certain qualifying work-study activities for purposes of the educational assistance programs of the Department of Veterans Affairs; H.R. 3976, amended, Helping Heroes Keep Their Homes Act of 2009; H.R. 4079, amended, To amend title 38, United States Code, to temporarily remove the requirement for employers to increase wages for veterans enrolled in on-the-job training programs; H R. 4592, amended, To provide for the establishment of a pilot program to encourage the employment of veterans in energy-related positions; H.R. 950, amended, To amend chapter 33 of title 38, United States Code, to increase educational assistance for certain veterans pursuing a program of education offered through distance learning; H.R. 1879, amended, National Guard Employment Protection Act of 2009; H.R. 3561, To amend title 38, United States Code, to increase the amount of educational assistance provided to certain veterans for flight training; H.R. 3577, Education Assistance to Realign New Eligibilities for Dependents (EARNED) Act of 2009; H.R. 3579, To amend title 38, United States Code, to provide for an increase in the amount of the reporting fees payable to educational institutions that enroll veterans receiving educational assistance from the Department of Veterans Affairs, and for other purposes; and H.R. 1169, To amend title 38, United States Code, to increase the amount of assistance provided by the Secretary of Veterans Affairs to disabled veterans for specially adapted housing and automobiles and adapted equipment.

BRIEFING—FY 2011 INTELLIGENCE BUDGET RESEARCH AND DEVELOPMENT

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on FY Intelligence Budget for Research and Development. Testimony was heard from departmental witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, MARCH 5, 2010

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the employment situation for February 2010, 9:30 a.m., SD–106.

Next Meeting of the SENATE

9:30 a.m., Friday, March 5

Senate Chamber

Program for Friday: Senate will continue consideration of H.R. 4213, Tax Extenders Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, March 5

House Chamber

Program for Friday: The House will meet in pro forma session at 9 a.m.

Extensions of Remarks, as inserted in this issue

HOUSE

Berkley, Shelley, Nev., E304
Bishop, Sanford D., Jr., Ga., E307
Blunt, Roy, Mo., E312
Burton, Dan, Ind., E309
Cantor, Eric, Va., E301
Carnahan, Russ, Mo., E302
Coffman, Mike, Colo., E311
Courtney, Joe, Conn., E313
Davis, Danny K., Ill., E308
Ellison, Kieth, Minn., E304
Fox, Virginia, N.C., E310
Garamendi, John, Calif., E312
Gerlach, Jim, Pa., E301
Grayson, Alan, Fla., E308
Green, Gene, Tex., E304
Gutierrez, Luis V., Ill., E304
Hastings, Alcee L., Fla., E308
Herger, Wally, Calif., E305
Higgins, Brian, N.Y., E302
Honda, Michael M., Calif., E314
Hoyer, Steny H., Md., E310
Johnson, Eddie Bernice, Tex., E301, E304, E305, E314
Johnson, Sam, Tex., E303
Kennedy, Patrick J., R.I., E305
Lipinski, Daniel, Ill., E302
McDermott, Jim, Wash., E302
Mitchell, Harry E., Ariz., E302
Moore, Dennis, Kans., E311
Norton, Eleanor Holmes, D.C., E301, E309, E314
Paulsen, Erik, Minn., E308
Payne, Donald M., N.J., E310, E315
Pence, Mike, Ind., E305
Petri, Thomas E., Wisc., E311
Poe, Ted, Tex., E313
Putnam, Adam H., Fla., E306
Rangel, Charles B., N.Y., E306
Rogers, Mike, Ala., E305
Roybal-Allard, Lucille, Calif., E303
Ryan, Paul, Wisc., E311
Schmidt, Jean, Ohio, E311
Sherman, Brad, Calif., E312
Smith, Adrian, Nebr., E313
Stupak, Bart, Mich., E309
Terry, Lee, Nebr., E309
Thornberry, Mac, Tex., E310
Van Hollen, Chris, Md., E304
Weiner, Anthony D., N.Y., E306
Wolf, Frank R., Va., E305
Young, Don, Alaska, E312

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