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No. 90

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,

June 16, 2010.

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

NANCY PELOSI,

Speaker of the House of Representatives.

PRAYER

Rabbi Joshua Davidson, Temple Beth El of Northern Westchester, Chappaqua, New York, offered the following prayer:

O God, source of the spirit of living things, You created humanity with all its diversity in Your image and placed us upon this Earth to tend it, guiding us along whichever spiritual path we call our own toward goodness and peace.

In this great Hall where dreams come true, we ask Your blessing upon these men and women, these representatives of the people. They have devoted their lives to our welfare. Strengthen them with Your courage. Inspire them as they answer Isaiah's call to feed the hungry and clothe the naked, to lift up those in this land and in all lands who cannot stand on their own.

In this Chamber of debate, may every debate be for the sake of justice, and may justice always be tempered with compassion. May this House be home to the hopes and aspirations of every American, and may America shine as an example to all the world.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House his approval thereof.

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. HALL) come forward and lead the House in the Pledge of Allegiance.

Mr. HALL of New York led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3951. An act to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondeno, Sr. Post Office Building".

The message also announced that pursuant to Public Law 111-5, the Chair, on behalf of the Republican Leader, appoints the following individual to the Health Information Technology Policy Committee:

Richard Chapman of Kentucky.

WELCOMING RABBI JOSHUA DAVIDSON

The SPEAKER pro tempore. Without objection, the gentleman from New York, Congressman HALL, is recognized for 1 minute.

There was no objection.

Mr. HALL of New York. I am pleased to welcome Rabbi Joshua Davidson, Senior Rabbi of Temple Beth El in Northern Westchester, New York, as our guest chaplain in the House today.

Rabbi Davidson is joined here today by his wife, Mia; their daughter, Mikaela; his aunt, Greer Goldman; and his in-laws, Carol and David Fram.

Rabbi Davidson is president of the Westchester Board of Rabbis. He has served Temple Beth El since 2002, and before that served at the Central Synagogue in New York City. He has a long, distinguished career, serving on the boards of many charitable organizations, interfaith coalitions, and prestigious Jewish organizations.

He served as the chair of the Central Conference of the American Rabbis' Committee on Justice, Peace, and Religious Liberties, vice chair of the Commission on Social Action of Reform Judaism. He currently chairs the commission's task force on Israel and World Affairs. Rabbi Davidson is a member of the Hebrew Union College President's Rabbinic Council, and serves on the Clergy Advisory Board of Interfaith Impact of New York State.

House chaplains are a long, proud tradition in the House of Representatives, dating back to the time of our Founding Fathers, and Rabbi Davidson is a worthy entry into the long roll of distinguished guests.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

THE WARMEST JANUARY TO APRIL EVER

(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, back in February, when Washington was slammed with record-breaking snowstorms, many of my Republican colleagues stood on this very floor and

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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made scientific conclusions that there was not climate change. Many Republicans seemed to suggest Vice President Gore come back and build an igloo on the White House.

Well, the National Oceanic and Atmospheric Administration has released information that says we had the warmest January to April ever, the warmest January to April ever since they started collecting data in 1880. And what do we get from our Republican colleagues? More drilling, more drilling. Not safeguards, but more drilling.

They go out and hold a press conference and ask for more offshore drilling. Rather than that, they should call for more solar investment, rebates for Americans to have solar technology, and get us away from fossil fuels that are ruining the gulf and causing the greatest disaster we have known in the Gulf of Mexico and ecological disaster we have known on this Earth.

While it's unclear what caused this tragic spill, what we can do to prevent future catastrophes is clear: We need to get away from fossil fuels. But Republicans are only interested in lining the pockets of oil companies and making sure that they have the opportunity to drill, drill, drill; spill, spill, spill. We need to stop it, and we need to get a policy that works.

CONGRATULATING ISAAC BEHAR ON HIS LIFETIME ACHIEVEMENT AWARD FROM MIAMI JEWISH HEALTH NETWORKS

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize an outstanding constituent from my district in south Florida, Isaac Behar, a longtime humanitarian, philanthropist, and businessman. Ike will be presented with the Lifetime Achievement Award by the Miami Jewish Health Networks.

Ike's American journey embodies the American Dream. At the age of 20, Isaac left Havana for the United States with only \$50 and the dream of building a new life and helping others. He proudly served our country, the United States, in the Army in the Korean War.

Upon completion of his service, he started his own clothing business, the Ike Behar Company, with over 400 employees. After seeing the great care that his mother-in-law received from the Miami Health Networks, Isaac decided to make sure that others would be able to take advantage of their great services. Due to his generosity and commitment, the Miami Health Networks have been able to continue to serve all south Floridians.

Ike, I would like to commend you for your service, for your support for our community and our Nation. Thank you for your dedication and commitment to improving the lives of all south Floridians. Thank you.

FIREFIGHTERS

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

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, we are entering the heart of wildfire season in Arizona. Over the coming months, folks in my district will be faced with serious threats to their lives and property time and again; and time and again, these threats will be contained thanks to our firefighters.

As much as anyone, we in District One know the risk firefighters take to protect our communities. We remember how hard they worked to keep us safe when the Rodeo-Chediski fire forced thousands of Arizonans to evacuate their homes. We saw them heading into the forest to battle the Boggy fire, which they successfully contained 18 miles from Alpine just yesterday.

These brave men and women face incredible danger as a basic part of their jobs. So far this year, 34 firefighters have lost their lives in the line of duty. We must honor their service and sacrifice and renew our commitment to providing them with the support they need to fulfill their duties. It is the least we can do.

MORE DEBT

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

Mr. PITTS. Mr. Speaker, last week the President's chief budget adviser, Peter Orszag, said that the administration was unwilling to send a package of deficit-reducing budget cuts to Capitol Hill. Even though the President's party is in control of both Houses, Orszag didn't think administration budget recommendations would be considered.

Just a few days later, however, the President announced that he wants Congress to pass a \$50 billion bill to bail out States, regardless of whether that spending increases the deficit. So the administration is perfectly willing to dictate to Congress that we should increase our already burdensome national debt, but wholly unwilling to recommend sensible cuts to existing government programs. We just can't go on like this.

This week, Greece just had another debt rating agency slash their bond rating to junk. Now Europe is putting together a bailout package for Spain, Italy, Ireland, and Portugal may not be far behind. The warnings are numerous, but I fear that they are being ignored. We have to get control of our Federal budget or there is not going to be anyone big enough to bail us out.

PUTTING PEOPLE BACK TO WORK

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

Mr. PERLMUTTER. Mr. Speaker, listening to my friend from Pennsylvania, I remind him as well as others that the last month of George Bush this country lost 780,000 jobs in 1 month. Okay? Fourteen months later, 15 months later we gained some 400,000 jobs in this country, a swing of 1,100,000 jobs per month.

But in the process, down here in the recession after the Bush administration, we lost 8 million jobs. We have a long way to go to put those people back to work. But for Democrats, that's job number one, to continue to add jobs and put people back to work.

When President Bush left it was a \$1.3 trillion deficit. We know that we have to rein in spending, and we can begin with Iraq, by drawing down those troops and saving this country some real money.

Our first job is to put people back to work, and that's what Democrats are going to do.

MARINE CORPS LEGEND SERGEANT CHUCK TALIANO

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

Mr. WILSON of South Carolina. Mr. Speaker, a Marine Corps legend and Beaufort, South Carolina, resident, passed away on Friday, leaving behind many touched lives, an iconic image, and a legacy of service to our great country.

This is a copy of the iconic Marine Corps recruit photo of Sergeant Chuck Taliano. The story of how Sergeant Chuck Taliano ended up on this famous poster is best reported by Patrick Donahue in the Beaufort Gazette. The article explains that:

"Sergeant Chuck Taliano was awaiting an honorable discharge at Marine Corps Recruit Depot Parris Island in 1968 when a reservist writing a book about boot camp snapped a photo of him giving a recruit an 'attitude readjustment.'

"That cemented Taliano's place in Corps legend.

"The photo captured his snarling mug inches from a fresh-faced recruit with the caption, 'We don't promise you a rose garden.' It was on thousands of Marine Corps recruiting posters printed during the 1970s and 1980s."

I want to thank Sergeant Taliano and his family for his commitment to America and the Marine Corps. My thoughts and prayers are with his family and friends.

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

IN SUPPORT OF H.R. 5297

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

Mr. QUIGLEY. Mr. Speaker, I rise in strong support of H.R. 5297, the Small

Business Lending Fund Act. This legislation will help the small businesses in my district, such as Al & Joe's Deli, a family-owned business in Franklin Park with sub sandwiches to die for, that is looking to expand. It will also save businesses such as National Plumbing & Heating Supply Company in Illinois, which had to shut down after 60 years because banks ended its line of credit.

To respond to these problems, I will vote to create a new \$30 billion loan program to boost lending to small businesses so they can expand and create jobs.

I also cosponsored an amendment that will include commercial real estate lending as small business lending. This will complement regular lending efforts and help businesses like Al & Joe's capitalize on existing property to expand and create new jobs.

I urge my colleagues to pass this critical legislation.

□ 1015

HONORING ELAINE KANG

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize and honor the young talent of Elaine Kang, a 16-year-old violinist from Port Matilda, PA.

This coming September, she will make her radio debut on NPR's "From the Top," a critically acclaimed radio show that reaches 700,000 listeners each week. "From the Top" serves to honor the passion and tenacity of classical musicians under the mission of allowing young people to make a difference by showing who they are and what they can accomplish.

Elaine should be highly commended for developing this wonderful talent. With only 16 years behind her and many more ahead, she is well on her way to a fruitful career. She is a role model for many other young musicians, as well as her peers. The lessons of hard work and discipline are universal, and Elaine certainly promotes them. She has exhibited wonderful skill and her example shows the benefit of pursuing one's passions.

I wish Elaine the best of luck on her upcoming taping at the Majestic Theatre in Gettysburg, and I look forward to hearing her play.

COMPREHENSIVE IMMIGRATION REFORM

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

Mr. BACA. I agree with my colleagues on the other side of the aisle that America's borders must be secured. Border security is an important part of comprehensive reform, but we simply cannot ignore the 12 million in-

dividuals who are forced to live in the shadows of our society. Our broken immigration system is tearing families apart, thousands of families, every year.

The Department of Homeland Security reports that over the last 10 years, more than 100,000 immigrant parents of U.S. citizen children have been deported. Misguided laws like Arizona's SB1070 don't help keep families together.

Immigration is a Federal problem that can only be solved with a comprehensive approach that is both sensitive to families and ensures border security.

I urge my colleagues, both Democrats and Republicans, to cosponsor H.R. 4321.

Last, but not least, I would like to wish the women good luck tonight in their softball game.

CONGRESS MUST BUDGET

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

Mr. FORTENBERRY. Mr. Speaker, the national debt just surpassed \$13 trillion. Since 2000, the national debt and government spending have doubled, and in simple terms, every American citizen now owes \$42,000 toward this debt.

To govern is to choose, Mr. Speaker, and choices must be made within our budget to resolve this dire situation. Yes, the choices before us are hard, and restoring economic strength will be very difficult. But tightening the belt, making hard choices and relieving the massive debt burden that will otherwise be left to our children and grandchildren, this is the charge of Congress. This is our duty. This is what the American people deserve.

Government spending and overreach are eroding economic confidence, yet there is neither a political will or a mechanism in Washington right now for addressing this spiraling debt and deficit/right now there isn't even a budget, and this is unconscionable and unsustainable. Our constituents deserve a Nation with its fiscal house in order, and this starts with a responsible budget plan.

REMEMBERING BLOODY SUNDAY

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

Mr. NEAL. Mr. Speaker, we had an opportunity yesterday to witness another it-will-never-happen moment. Thirty-eight years after 13 unarmed men and women were shot dead on the streets of Derry in the north of Ireland, on a day now known as Bloody Sunday, the families and relatives of the victims have found the justice they've been seeking for decades. They learned the truth yesterday about what hap-

pened during a peaceful civil rights march in the Bogside community in January of 1972. And they heard the British Prime Minister David Cameron say that their loved ones were innocent and that the actions of the parachute regimen on that day were unjustified and wrong.

If Bloody Sunday was a defining day in the history of the troubles, let us hope the publication of the Saville Report will be transformative and cathartic moment for the people in the north of Ireland.

Today we remember those who lost their lives marching near Free Derry and Rossville Flats. We remember Bloody Sunday and those who were wounded. The innocent people have now been exonerated.

For those of us who stood up with those families over the course of almost four decades—and I was a staunch supporter of those families—this is a moment of satisfaction. And at the Guildhall yesterday in Derry, people cheered the vindication of their loved ones who died on that tragic, tragic day.

GIRLS ROCK THE HOUSE WINNER

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

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to congratulate Elli Rassbach, an eighth grade student from Walla Walla, Washington, the winner of the first "Girls Rock the House" contest in my home State of Washington State.

At a time when only 17 percent of Congress is made up of women, we need to be doing a better job of making young ladies aware of the opportunities and encouraging more young women to become involved in public service.

That's why I'm a strong supporter of "Girls Rock the House," and I'm very proud of this year's winner. The bill Elli wrote and submitted to "Girls Rock the House" is well-researched and well-written. It's an idea to promote healthy living, and I'm proud to stand before my colleagues and ask them to join me in recognizing her achievement.

On behalf of the United States Congress, congratulations, Elli. Well done.

NO MORE FREE RIDES COURTESY OF THE AMERICAN TAXPAYER

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

Mr. COURTNEY. Mr. Speaker, author Michael Kinsley once observed that "a gaffe is when a politician tells the truth."

The Republican leader, Mr. BOEHNER, proved this point the other day when he was asked point blank whether he agrees with the Chamber of Commerce that the government should pitch in to

pay for BP's oil spill. He replied, "I think BP and the Federal Government should take full responsibility for what's happening here." His words clearly misstated the law. BP is solely responsible, and his staff went into damage control overdrive afterwards to clean up his mess.

But this gaffe really confirms what every American knows in their heart of hearts, that Washington Republicans for the last 40 years have been lockstep allies of the oil companies' push to shift the risk of oil production onto the taxpayer and keep the benefit to themselves. Americans listening today should know that no matter what the Republican leader says, the Democratic majority understands that BP is solely responsible for the cleanup; that the taxpayer will be repaid for its costs; and that BP will compensate small businesses and working families for the damage done to their lives.

No more free rides courtesy of the American taxpayer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

BENEFITS OF THE HEALTH CARE ACT

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

Mr. YARMUTH. Mr. Speaker, after a year and a little bit more of debating health care in this country, with all the numbers and the rhetoric, sometimes we lose sight of the actual human face of what we accomplish for the American people.

I have the great honor today of being joined by two bright and beautiful young women: Camille Davis and Madeline Davis of Louisville, Kentucky, 7 and 9 years old. They both had tethered cord syndrome that was diagnosed and treated successfully at Children's Hospital in my hometown. They are doing great, and they will grow up to be whatever they want to be. As a matter of fact, I'm glad that they're not 25 because probably one of them would take my seat very shortly.

But the important thing is now, because of the health care bill that we passed, they can be anything they want to be. They can go to grad school. They can do an internship. They can stay on their parent's policy until they're 26. They have total freedom without regard to being denied coverage because of their medical history. This is one of the great benefits of the health care act that we achieved for the American people, and there are millions more like Madeline and Camille who will benefit for the rest of their lives.

I am so proud of what we accomplished for Madeline and Camille Davis and for millions of American young people.

SLOAN HILLS WITHDRAWAL ACT

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

Ms. TITUS. Mr. Speaker, today the Senate will hold a subcommittee hearing on the Sloan Hills Withdrawal Act introduced by Majority Leader REID. I am a cosponsor and strong supporter of the House companion to this legislation.

This bill would withdraw a 640-acre site near the Sun City Anthem community in Henderson from being made available for mining purposes. The proposed mining operation would cause air quality deterioration, a serious concern, especially for seniors and children, who are vulnerable to respiratory diseases. The proposal is also water-intensive and will increase traffic in the area.

Residents of nearby communities, which are in District Three, would be most directly impacted by this project. That is why I attended a public meeting in April of last year with more than 400 concerned residents of the area. I heard loud and clear that the proposed mine was unacceptable.

The Sloan Hills Withdrawal Act would ensure that an aggregate mine is not developed on this site and will protect the health and well-being of my constituents in Henderson. So I urge its passage.

SCOTT URBAN, 2010 OUTSTANDING EDUCATOR AWARD FOR TEACHER ACHIEVEMENT

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

Mr. WALZ. Mr. Speaker, I rise today to honor Scott Urban, a teacher from Mankato West High School in Mankato, Minnesota. Scott was this year's recipient of the Minnesota WEM Foundation's Outstanding Educator Award. This award recognizes exemplary teachers who support, inspire, and assist students to achieve their full potential. They are nominated by students, parents, colleagues, and community leaders, the people that matter most

As a teacher on leave myself from Mankato West High School, I had the honor of teaching in the classroom next to Scott. I have seen his passion and outstanding leadership inspire students to achieve far more than they ever dream. He encourages his students to learn the material, not simply for a test but to test their knowledge and their limits.

Scott's success with students is unparalleled. Over the past 11 years at Mankato West, the students in his rigorous advanced placement government and politics class have maintained an 80 percent pass rate on the national exam, well above all averages. Last year, 85 students took the exam with a

pass rate of 94 percent, and 54 percent achieved five out of five. Students in Scott's advanced placement government class come away with not only superior knowledge of our political system but a deep love for our democracy.

For 27 years, he has challenged and inspired, and I hope it's another 27.

Congratulations, Scott.

WE MUST BREAK OUR ADDICTION TO FOSSIL FUEL

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

Ms. BERKLEY. The horrific crisis and tragedy in the gulf must be a wake-up call to America that we must break our addiction to fossil fuel and move with all deliberate haste to a renewable energy future or America simply will have no future.

Energy independence is an economic necessity. We can create an entire economy based on green jobs. It's not only an environmental necessity. Look at the crisis that we have in the gulf with the loss of life and the destruction of an ecosystem that will take a lifetime to fix.

It's a national security imperative. We have to break from our reliance on the Saudis and the Venezuelans, the BPs of the world, and harness the sun, wind, geothermal, biomass. The State of Nevada can become the epicenter of renewable energy. We just need the will to do it.

I ask my colleagues to please join me in a renewable energy future for this great country.

WALL STREET REFORM

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

Ms. FUDGE. Madam Speaker, Wall Street reform is critical to creating jobs and growing our economy. As we rebuild America, we must ensure that Wall Street won't gamble again with our futures.

I support the Restoring American Financial Stability Act because it includes commonsense reforms to hold Wall Street and the big banks accountable. This bill will end bailouts by ensuring taxpayers are never again on the hook for Wall Street's risky decisions and will rein in big banks and their big bonuses. It protects families' retirement funds, college savings, homes and businesses' financial futures from unnecessary risk by lenders.

It also safeguards the American people from predatory lending abuses, which resulted in millions of foreclosures over the past few years.

The American people deserve and want these reforms. Let's give Americans what they deserve: fairness in the financial system.

HONORING FIRST LIEUTENANT
WAYNE T. HOGANCAMP

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

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to recognize a very special individual by the name of First Lieutenant Wayne T. Hogancamp. First Lieutenant Hogancamp, who lives in Orange County, California, was awarded the third highest honor in the military for gallantry in action, the Silver Star, on January 1, 1945.

While in command of an M-8 cannon platoon and advancing over an enemy-controlled road in the Philippines, First Lieutenant Hogancamp maneuvered his M-8 through a barrage of enemy artillery fire and successfully destroyed two 77 millimeter guns, thus allowing his column to advance. While continuously exposed to enemy fire and using a burning M-5 tank for cover, he eliminated the enemy threat, allowing the safe passage of his men.

First Lieutenant Hogancamp's bravery is a testament to the dedication and valor of himself, his unit, and the United States Army.

It was an honor for me and my office to have helped Lieutenant Hogancamp obtain his much-deserved Silver Star medal and to have presented it to him this past weekend, 65 years after his heroic act.

Madam Speaker, please join me in honoring First Lieutenant Wayne T. Hogancamp of the United States Army.

□ 1030

WHAT'S IT GOING TO TAKE?

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

Ms. SPEIER. Madam Speaker, I have one question: What's it going to take? How many more oil spills do we have to endure before we're going to do something decisive about ending our reliance on oil?

The amount of oil that has been spilled in the gulf since its inception is about 60,000 barrels per day we're now finding out, up from 1,000 barrels per day. Do you realize that if we had retrofitted 75,000 homes in this country, it would equal the amount of oil that has been spilled into the gulf during this time.

I say to all of us, it is time to take decisive action. It is time to rid ourselves of our dependence on oil. We can do so by embracing the Home Star program that the House has already passed. And maybe what we should do is ask BP to put into an escrow account \$6 billion. And with \$6 billion, do you know what we can do? We can retrofit over 3 million homes in America. And by the way, we can put to work 160,000 Americans.

INCREASING LENDING OPPORTUNITIES FOR WOMEN- AND MINORITY-OWNED BUSINESSES

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

Mr. CARSON of Indiana. Madam Speaker, I rise today as a champion of the small business community to ask Members to support the floor manager's amendment. The floor manager's amendment includes my provision which amends H.R. 5297 to ensure that women and minority-owned businesses are provided with lending opportunities to allow them access to capital.

Specifically, my amendment requires States applying to receive Federal contributions for their capital access programs to submit a report. This report will explain how they plan to provide lending opportunities for small businesses in underserved and low- and moderate-income communities.

According to SBA estimates, about 60 percent of the jobs lost in 2008 through the second quarter of 2009 were lost in small firms. As our Nation continues its recovery from the worst economic downturn since the Great Depression, we must recognize that our comeback will only go as far as our small businesses allow. This includes tapping into the potential of women and minority-owned small businesses. Several studies have found that these small business owners are more likely to experience loan denials, pay higher interest rates, and are less likely to apply for loans because of fear of rejection.

I understand that because of the economic challenges that we face, banks cannot loan to all existing or aspiring business owners, but I believe we must continue to work with States and banks to increase lending opportunities for women and minority-owned businesses. That is why I introduced this amendment.

I ask that Members join me in taking a step to make sure that all small business owners have access to capital and an opportunity to contribute to this Nation's free market.

PERMISSION RELATING TO CONSIDERATION OF AMENDMENT TO ORIGINAL-TEXT SUBSTITUTE TO H.R. 5297

Ms. BEAN. Madam Speaker, I ask unanimous consent that the instruction in the amendment printed in part B of House Report 111-506 relating to page 11, line 8, be considered to refer to section 4(d)(2)(a) of the original-text substitute.

The SPEAKER pro tempore (Ms. TITUS). Is there objection to the request of the gentlewoman from Illinois?

Mr. NEUGEBAUER. Madam Speaker, reserving the right to object, while I do not plan to object, I just wanted to point out that by accepting the chairman's request, we are agreeing to help you fix a drafting issue with your

amendment. However, Republicans also note that only one of our amendments was made in order today. So at the same time we are agreeing to help you fix your amendment—an amendment, by the way, that is considered adopted without a vote—your side has blocked all but one of our amendments from coming up.

I just wanted to make sure that we are all clear on how things are handled these days in the House before we move on to this bill.

With that, I withdraw my reservation.

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

There was no objection.

GENERAL LEAVE

Ms. BEAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5297 and to insert extraneous material thereon.

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

There was no objection.

SMALL BUSINESS JOBS AND CREDIT ACT OF 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1436 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5297.

□ 1035

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes, with Mr. PASTOR of Arizona in the chair.

The Clerk read the title of the bill.

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

General debate shall not exceed 1 hour, with 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services and 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Small Business.

The gentlewoman from Illinois (Ms. BEAN) and the gentleman from Texas (Mr. NEUGEBAUER) and the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Missouri (Mr. GRAVES) each will control 15 minutes.

The Chair recognizes the gentlewoman from Illinois.

Ms. BEAN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, our Nation's economic rebirth relies upon the ability of our community businesses to innovate, develop, and market solutions that deliver measurable value to their customers. Their success drives the majority of new jobs in our Nation. They are the engine of innovation, and their resiliency to reinvent their business models and adapt to emerging growth markets is critical. It's their creativity that drives 13 times more patents per employee than larger firms. They are the cornerstones of our economy and our communities. Beyond the goods and services and the jobs they provide, they invest in the bricks and mortar/real estate in our communities. They have supply chains that depend on their business. They do charitable giving, and they mentor young people in their communities.

Congress has done much to address the challenges small businesses face. Among the \$288 billion in tax breaks in the Recovery Act were crucial small business tax provisions, such as accelerated bonus depreciation and an expansion of the net operating loss carryback that has already rebated \$2.8 billion to businesses across our Nation.

U.S. manufacturing is growing, we're adding new jobs every month in 2010, and GDP is now trending positively, moving from a negative 6 to positive 6 in the year following the Recovery Act and it's now holding at 3 percent. But as I talk with small businesses in my district and across the Nation, the issue that has continued to be an obstacle to business expansion and diversification is access to credit.

The financial crisis of 2008 severely tightened small business access to credit and affordable terms. When businesses can't access financing, they're prevented from entering into new contracts, buying new equipment, hiring new employees, and other expansions. In the worst cases, business owners must cut payrolls, go into bankruptcy, or close their doors for good. Congress has taken steps to alleviate that problem. The Recovery Act included valuable changes to the SBA loan programs, reducing fees for lenders and borrowers on the 7(a) and 504 loan programs and increasing government guarantees to attract more capital. As a result, weekly SBA loan approval volumes have increased by over 90 percent.

The improvements to SBA loan programs and other measures we've taken have helped, but much more needs to be done. Earlier this year, commercial and industrial loans declined for the seventh straight quarter, down more than 17 percent from 2009, and banks are receiving mixed messages. On the one hand, Congress and the administration are urging them to lend more; on the other, bank regulators are telling them to hold back on lending. In fact, our colleague, Mr. PRICE, has an amendment expressing a sense of Congress on that point.

In addition, banks have greater risk aversion due to their exposure on their

balance sheets—stemming especially from the instability of the commercial real estate sector. That brings us to this important bill on the floor today. The Financial Services Committee has held several hearings on the restriction of credit for small business. The bill before us today builds on those hearings and was considered in the open process the committee is known for.

During markup of the bill, the committee adopted 15 amendments, including seven Republican amendments, and today we will consider 17 additional amendments, the vast majority of which are to the Financial Services portion of the bill.

The Small Business Lending Fund Act is a significant step to boost small business lending through our community banks. This legislation builds on the effective financial stabilization measures Congress has previously taken by establishing a new \$30 billion small business loan fund to provide additional capital to community banks that increase lending to small businesses. This \$30 billion investment on which the government will be collecting dividends and earning a profit per the CBO estimates can be leveraged by banks into over \$300 billion in new small business loans. This is an important investment by the Federal Government in our small business that brings tremendous returns.

The terms of the capital provided to banks are performance based; the more a bank increases its small business lending, the lower the dividend rate is for the SBLF capital. If a bank decreases its small business lending, it will be penalized with higher dividend rates.

This legislation includes strong safeguards to ensure that banks adequately utilize available funds to increase lending to small businesses, not for other lending or to improve their balance sheet. There will be oversight consistently throughout the program, plus it requires that the capital be invested only in strong financial institutions at little risk of default and the best positioned to increase small business lending.

It's important for Americans to understand that although this fund has a maximum value of \$30 billion, it is estimated to make a profit for taxpayers in the long run. And the money will ultimately go not to banks, but to the small businesses and their communities that they lend to. As our financial system stabilizes and our community banks recapitalize, these funds will be repaid to Treasury with full repayment required over the next 10 years.

Also included in the Financial Services portion of this bill is the State Small Business Credit Initiative championed by our colleague, Mr. PETERS. The underlying bill provides \$2 billion in funding for new or existing State lending programs.

The CHAIR. The time of the gentleman has expired.

Ms. BEAN. I yield myself 1 additional minute.

This program provides funding for States to expand or create lending programs that use small amounts of public resources to generate private bank financing and are designed to address critical reasons why banks are having trouble making increased investments now—lack of adequate capital reserves on the part of lenders and collateral shortfalls on the part of borrowers.

The State Small Business Credit Initiative is required to leverage \$10 of private funding for every \$1 of government funding. Many of the existing capital access programs leverage 30 private dollars for every 1 government dollar. By supporting existing programs and using an easy-to-replicate model, this program will be quickly ramped up to increase small business lending which will retain and create jobs.

Small businesses are the job creators of our Nation. Supporting their ability to grow and innovate is key to a robust and stable economic recovery. I commend the leadership of Chairman FRANK and Chairwoman VELÁZQUEZ in bringing this package to the floor, which will provide critical support to the half of all American workers who either own or work for a small business.

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

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

I rise today in opposition to H.R. 5297. My opposition is not a question of whether or not I support small businesses, it's a question of whether or not this bill will actually help small businesses. Unfortunately, my conclusion is that this bill will not help them, but will cost the taxpayers another \$33 billion—by the way, \$33 billion that we don't have.

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As a former small business owner, as well as a former lender, I understand firsthand the need for small business to have access to credit. Access to credit has tightened, but demand for credit from worthy borrowers has also declined.

What small businesses really need more than anything in the current economic environment is more certainty so they can invest and can plan for the future. What they have gotten from Congress is more and more uncertainty.

Small businesses will face a costly tax penalty if they can't comply with the added cost of the new health care law. One business owner in my district told me he had plans to expand and to create jobs, but he has put those on hold now because his business would not grow over 51 employees and then be subject to the new law.

Small businesses are worried about how much their energy costs will go up under the proposals of cap-and-tax

bills. Finally, they have no idea how much their taxes will be next year. Not only are they worried about new taxes to pay for more government spending, but they know that taxes will also go up automatically if Congress does not do anything to address the expiring tax provisions.

No wonder small businesses are in a holding pattern and are not creating new jobs, and this bill does nothing to provide any certainty for small businesses. Rather than doing something that creates more certainty for small businesses to grow and to add jobs in this economy, the majority is repeating the same failed initiatives that have helped our national debt grow to \$13 trillion in the past 2 years. This bill follows the model of the TARP program, minus the stronger oversight, and it puts another \$30 billion into banks in the hopes that lending to small businesses will increase.

In the words of Neil Barofsky, the Special Inspector General who oversees the TARP, "In terms of its basic design," he says, "its participants, its application process, from an oversight perspective, the Small Business Lending Fund would essentially be an extension of the TARP's Capital Purchase Program."

From the Congressional Oversight Panel for TARP, chaired by Elizabeth Warren, she says, "The SBLF's prospects are far from certain. The SBLF also raises questions about whether, in light of the Capital Purchase Program's poor performance in improving credit access, any capital infusion program can successfully jump-start small business lending."

This bill allows for another \$33 billion in spending that will be added to the government's credit card. The CBO tells us that the bank lending portion will ultimately cost taxpayers \$3.4 billion when market risk is taken into account.

We have had record bank failures, including the failures of four banks that were TARP recipients. When those TARP recipient banks failed, the taxpayers' investments of \$2.6 billion were essentially wiped out. More than 100 banks that have received TARP funds so far have missed their dividend payments. These missed dividend payments have cost the taxpayers almost \$200 million. It turns out that many of these banks that received TARP funds were far from healthy.

Do we really think there will be no more bank failures or missed dividend payments among banks that receive funds out of this new TARP program? We know there will be, and the CBO says there will be, which will lead to more losses for the taxpayers.

This fund is just like the TARP's Capital Purchase Program, except for the stronger oversight. I am extremely disappointed that the Rules Committee blocked a sensible amendment that would have improved the oversight of this new lending fund by bringing it under the oversight of the Special In-

spector General for TARP. SIGTARP has developed significant experience in looking out for the taxpayers when it comes to the TARP program. SIGTARP's expertise should be used for this fund to protect the taxpayers.

H.R. 5297 will lead to more losses for taxpayers and to no more improvement in credit for small businesses. A lack of credit is not even the largest problem facing these small businesses. According to the National Federation of Independent Business, the top problem facing small businesses is the lack of sales and demand. If businesses are not confident they will have customers, they are not going to borrow; they are not going to expand, and they are not going to add jobs.

This \$33 billion bill is not going to help increase demand from small business customers. Instead, we need the government to step back and to stop prolonging the uncertainty that is crowding out economic growth in our country. The sad thing is that there are things that Congress could actually be doing to help small businesses. Instead, the majority has chosen to bring up bills that will cost the taxpayers billions and that will do nothing to help the small businesses. They have denied our side the ability to offer substantial amendments.

I think it was appalling, quite honestly, Mr. Chairman, that the majority awarded themselves 66 amendments to this bill and that they awarded the Republicans one. Now, if that is the bipartisanship that this leadership is talking about, I don't think the American people are buying that that is bipartisan, because many of the amendments that we offered, Mr. Chairman, were to add additional protections for the taxpayers. Obviously, the majority is not interested in protecting the taxpayers' investments with this \$33 billion. By the way, this is \$33 billion that we don't have.

I am hoping that the majority is going to tell us this morning where the proposal of the \$33 billion is going to come from. Well, I can tell you where it is going to come from. We are going to charge it to our children and to our grandchildren. You know what? I think we've just about reached the limit on the amount of money we should charge to our children and to our grandchildren.

So, Mr. Chairman, I am going to urge my colleagues to insist that we do better for small businesses. We must do something for small businesses, but this is not the answer, and I am going to encourage my colleagues to vote "no."

I reserve the balance of my time.

Ms. BEAN. I yield 1 minute to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. I rise in support of the bill for the purpose of engaging in a colloquy with Congresswoman BEAN.

I want to bring attention to the important role that banks at the \$25 bil-

lion asset cap play in this economy, particularly in lending to small businesses.

The State of Connecticut has three such banks within the \$10 to \$25 billion range in terms of asset caps. These banks are on the ground, lending to small businesses in my district. They are the biggest SBA lenders and are the biggest lenders to minority businesses. They also fulfill a niche opportunity for so many manufacturers in my State as well.

While I understand that the asset cap could not be raised to include these banks in this bill, I would ask that Congresswoman BEAN and Chairman FRANK work with me, with the Treasury, and with the other body to ensure that these banks can be included in this program as this legislation goes forward.

Ms. BEAN. I thank the congressman for his concerns, and I have similar concerns.

In my home State of Illinois, we also have institutions that would like to participate but would be unable to because of the asset cap. I know Chairman FRANK agrees on this point.

I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, one of the things that is interesting is that this program is designed to put more capital into the banking system.

According to the Federal Reserve's April survey of senior loan officers, three factors that exerted the greatest influence on banks' business lending practices over the past 3 months were competitive pressures, the economic outlook, and the tolerance for risk in the business loan market. Lack of capital was not mentioned as one of the driving forces for lending decisions that are being made.

So, basically, Mr. Chairman, what this bill tries to do is to solve a problem that, according to the Federal Reserve, doesn't exist. There is plenty of capital, but there is this competitive pressure, this economic outlook, and this tolerance for risk.

Going back to my earlier point, when I traveled around the 19th Congressional District, I talked to a number of lenders. At the same time, I visited businesses in their communities. What I learned during that process is that many of the small businesses just said, Congressman, things are just too uncertain right now. We don't know what Congress is going to do with taxes. We don't know what they're going to do with this energy bill. We don't know exactly. We are trying to figure out how this new health care bill is going to impact our businesses, how it is going to impact our bottom lines.

Then I went over and talked to the lenders. Many of the lenders are sitting on record amounts of cash and capital in their banks. They are looking as hard as they can for good lending opportunities. What they said is, Unfortunately, some of our customers are not creditworthy. The economy has hurt their sales, and so it wouldn't be

prudent to loan those businesses more money. Others said, Our good customers, customers who are credit-worthy, are not coming to us and borrowing any money because, again, of this uncertainty.

So, again, our opposition to this bill is that it is not really addressing the real issue in our economy, which is needing to bring some certainty and to leave the capital in the companies, to leave the capital in the economy, instead of the Federal Government's continuing to create uncertainty and taking money out of the economy.

I reserve the balance of my time.

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

Small businesses, which represent 99.7 percent of firms, are key to the recovery of the U.S. economy. Through innovation and hard work, they are able to not only create jobs but to also build the foundation for future growth. We saw this after the recession of the early 1990s. As we emerge from the latest downturn, small firms will again lead the way.

This downturn has affected every facet of the global economy. Most of the focus has been on repairing the residential housing market and homeowners in particular. It is important to note that this has greatly impacted small businesses as well. Through the Recovery Act, we were able to help them, providing more than \$28 billion in assistance through the SBA. H.R. 5297 builds on this by establishing additional lending initiatives that will give small businesses even greater financing options.

This legislation, Mr. Chairman, also recognizes that capital markets are changing dramatically. Credit standards are stricter, and small businesses are now looking not only to loans and to credit cards to finance their operations, but they are also looking to equity investment to turn their ideas into reality. This has become even more pronounced as asset values have declined, leaving entrepreneurs with less collateral to borrow against.

Unfortunately, small firms' access to venture capital and to equity investment has declined. Last year, such investments plummeted from \$28 billion in 2008 to only \$17 billion last year. This is due, in part, to the previous administration's decision to terminate the SBA's largest pure equity financing program—the Small Business Investment Company Participating Securities program. This has left many entrepreneurs who need equity investment to fulfill their business plans without a source of such financing.

As a result, it has become more difficult to start a new business and to create the jobs that come with such activity. This is seen in data from the Bureau of Labor Statistics, which show that self-employment declined by 7.5 percent between 2007 and 2009. Less entrepreneurship is never a good thing, but during a recession, it is particu-

larly problematic as small firms generate two-thirds of net new jobs.

In order to address this, title III creates a \$2 billion investment fund at the SBA. Under this program, the agency will provide matching funds to qualified privately managed investment companies, which will, in turn, invest in small companies. To ensure that the public and private sectors' interests are aligned, the SBA's funding would be provided at a 1-to-1 ratio of private investment capital.

Funds from the program will only be given to investment companies that have a proven record of returning a profit to its investors. These managers must have experience in investing in small, early-stage companies. They must have the ability to provide leadership as these entrepreneurial endeavors grow. In selecting investment firms to participate in the program, the SBA will give a special preference to Small Business Investment Companies, which already have substantial experience in financing small firms. In exchange for receiving funds, participating investment funds must convey an equity interest to the SBA, similar to that of which individual investors will receive.

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The equity interest shall entitle the SBA to a repayment of its investment and a proportion of any profits made by the investment company. As a result, the government is on a level playing field with private-sector investors, and the taxpayer stands to benefit from the growth and success of these small companies.

By giving entrepreneurs access to \$2 billion in equity investment, we will provide them the resources to grow and create the types of long-term employment gains we need. It goes without saying that the groundbreaking, innovative firms that rely on such investment tend to be some of our most prolific job creators. Between 2006 and 2008, these companies created eight times more jobs than other businesses. That is exactly the kind of job growth Americans need right now.

Mr. Chairman, I support this legislation.

I reserve the balance of my time.

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

Mr. Chairman, today, I rise in opposition to H.R. 5297, the Small Business Lending Fund Act. Although my colleagues on the other side of the aisle claim that this bill would improve small business access to much-needed capital, I am not convinced. In fact, there is virtually no guarantee that small businesses will benefit whatsoever from the funding in this bill.

Nothing in Title 1 of the bill assures that banks will lend the capital, much less to small businesses. Title 2 authorizes lending by State programs to businesses that the Small Business Administration would consider large. And only Title 3 of this bill is targeted to

assist small businesses. Nevertheless, the overall bill is badly flawed, and I can't support it, nor can I support the excessive small business assistance spending in Title 3.

Now more than ever, our Nation is relying on small businesses to create jobs and to lead us in our economic recovery. But without sufficient access to credit or capital, small businesses can't expand operations or hire new employees. There's little doubt that efforts to bail out banks and other major financial institutions has not led to improved access to capital by small businesses.

Last session, I strongly supported H.R. 3854. It was a comprehensive, bipartisan revision to the capital access programs overseen by the Small Business Administration. That bill, unlike the one before us today, would have improved access to needed capital by small businesses.

Incorporated into that bill was H.R. 3738, which provided a streamlined process to enable qualified venture capitalists to bootstrap their investment with additional Federal moneys to provide needed early-stage equity capital to small businesses. Successful operators would pay back the Federal Government before they took their own profits. Although the legislation came with a relatively modest price tag of \$200 million, its benefits were sure to far outweigh the cost. Moreover, if the program did not succeed, the cost of failure was going to be very modest.

That certainly isn't the case today with the bill we have before us. The cost has increased by 500 percent without any previous testing of its potential to succeed. This will pile unnecessary risk or costs onto taxpayers at a time when we're dealing with record debt and unsustainable deficit spending. Even if Title 3 of this bill—the small business portion—even if Title 3 stood alone, given the dramatic increase in costs, I couldn't support it. But yet here it is. It remains attached to a bill that has even greater costs—and costs that are fully not paid for in the short term.

So let's lay this out. We still do not have a budget for fiscal year 2011. Our national debt has reached a new record high of \$13 trillion. And the administration and the majority in the House continue to rely on unsustainable borrowing and spending to keep things running. When you consider the complete chaos our fiscal house is in, the idea of more spending seems foolish. Completely foolish. But that's what's being proposed by this legislation today, and I refuse to support it.

If my colleagues want to get serious about supporting small businesses and encouraging their growth, there are lots of ways to do so, and I'm very happy to help. But H.R. 5297 is yet another ill-conceived effort that, at the end of the day, will only further punish American entrepreneurs.

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

Ms. BEAN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise in strong support of H.R. 5297, the Small Business Lending Fund Act of 2010. This legislation will help small businesses survive and thrive in the current economic climate by providing the Secretary of the Treasury temporary authority to make capital investments up to \$30 billion to banks and savings associations with assets of less than \$10 billion and to their parent holding companies, provided they also have assets of less than \$10 billion.

Mr. Chairman, H.R. 5297 increases the availability of credit for small businesses. It provides funding to eligible institutions that serve small businesses that are minority- and women-owned and that also serve low- and moderate-income, minority, and other underserved or rural communities. This legislation ensures that all eligible institutions may apply to participate in the program established under this title, without discrimination based on geography, which is very important to the great State of Texas.

H.R. 5297 requires eligible institutions receiving capital investments under the program to provide outreach in languages other than English describing the availability and application process to receiving loans from eligible institutions through the use of print, radio, television, or electronic media outlets which target organizations, trade associations, and individuals that represent or work within or are members of minority communities. The Small Business Lending Fund Act of 2010 contains provisions promoting financial education and literacy and would-be borrowers.

The CHAIR. The time of the gentleman has expired.

Ms. BEAN. Mr. Chairman, I yield 30 additional seconds to the gentleman from Texas.

Mr. HINOJOSA. Most importantly, this legislation protects and increases American jobs.

Mr. Chairman, H.R. 5297 will help small businesses, community banks, the low- and moderate-income, minorities, and other underserved or rural communities, and all of our constituents. It will help our great country move further down the road towards economic recovery and expansion. I strongly urge my colleagues to support this important and timely piece of legislation.

NATIONAL ASSOCIATION
OF REALTORS®
Washington, DC, June 15, 2010.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 1.1 million members of National Association of REALTORS®, and their affiliates, I ask for your support of H.R. 5297, the "Small Business Lending Fund Act of 2010," introduced by Representative Frank (D-MA). This bill will create the Small Business Lending Fund Program (SBLFP) that would increase the availability of credit to our nation's commercial real estate and small business sectors.

Nearly \$1.4 trillion of commercial real estate loans will mature over the next several

years, with a very limited capacity to refinance. If not addressed, the swelling wave of maturities could place further stress on already fragile financial markets and slow our nation's economic recovery. In addition to addressing the issues facing the commercial real estate industry, improving access to capital for small businesses—widely acknowledged as a critical part of growing the American economy—is also greatly needed. In fact, the percentage of small business owners holding a business loan or credit line fell almost 20 percent last year. Unappreciated is the fact that a significant portion of commercial real estate is owned, leased, and operated by small businesses.

Unlike the Troubled Asset Relief Program (TARP), the SBLFP contains lending provisions that help ensure community banks have both the incentive and greater capacity to increase total loans to small businesses by decreasing the dividend cost on the capital investment as lending grows.

Additionally, we support Amendment #4 (Minnick, D-ID), which would allow commercial real estate loans for properties for lease to be eligible in the SBLFP. As H.R. 5297 is currently written, only owner-occupied commercial real estate loans qualify for this program, which excludes commercial real estate loans on properties for lease—a significant portion of small businesses that need refinancing assistance.

In order to help spur small business hiring and growth, NAR urges you to pass this important legislation.

Sincerely,

VICKI COX GOLDER, CRB,
2010 President, National Association
of REALTORS®

INDEPENDENT COMMUNITY BANKERS
OF AMERICA,
Washington, DC, June 15, 2010.

To: Members of the U.S. House of Representatives

MEMORANDUM

Subject: House vote on the Small Business Lending Fund Act (H.R. 5297)

On behalf of the nearly 5,000 members of the Independent Community Bankers of America (ICBA), we express strong support for the Small Business Lending Fund Act of 2010 (H.R. 5297) and urge House passage.

The Act will boost the flow of credit to small businesses by leveraging the role of our nation's community banks. Community banks are prolific lenders to small business with the experience, expertise and grassroots relationships necessary to quickly deploy the funds to creditworthy borrowers. Notably, the Small Business Lending Fund's (the Fund's) \$30 billion in capital can be leveraged by community banks to support \$300 billion in additional small business lending, creating new jobs and sustaining the economic recovery.

As the Act goes to the House floor, we take this opportunity to share our views on amendments that would improve it and those that would undermine its goal of increased small business lending by discouraging community bank and small business participation.

Amendments Supporting Greater Small Business Lending

ICBA supports amendments that will further the goal of greater small business lending including:

Amendment No. 4 (offered by Reps. Minnick, Simpson, Kosmas, Quigley and Marchant): ICBA supports this amendment because it would broaden eligibility for the program by including non-owner occupied commercial real estate and provide greater credit options to small business.

Amendment No. 5 (offered by Reps. Perlmutter, Gutierrez, Klein and Kagen): ICBA supports this amendment because it

would further incentivize community banks to participate in the Fund and create greater lending capacity and flexibility to better serve struggling borrowers by allowing them to amortize their loan losses over 10 years.

Amendment No. 6 (offered by Rep. Tom Price): ICBA supports this amendment because it highlights the mixed messages that community banks get from their regulators: Community banks are encouraged to increase lending but at the same time punished with aggressive write-downs of performing loans.

Amendment No. 10 (offered by Reps. Miller and Baca): ICBA supports this amendment because it broadens the definition of small business loans to include construction, land development, and other land loans in domestic offices. These loans will help expand economic activity and employment.

Amendment No. 12 (offered by Reps. Jackson Lee and Cao): ICBA supports this amendment because it would support hard hit community banks and the small businesses they serve in the Gulf Coast states impacted by the oil spill disaster.

Amendment No. 15 (offered by Rep. Braley): ICBA supports this amendment because the documents used to obtain a benefit or service under the program should be clear and user-friendly so interested parties can make best use of the program.

Amendment No. 16 (offered by Rep. Loebsack): ICBA supports this amendment because it further highlights the importance of agricultural operations, farms, and rural communities in our national economy.

Amendment Raising Serious Concern

The SBLF is a voluntary program for interested community banks. ICBA wants to ensure that it is workable for community banks and small business borrowers alike. ICBA opposes amendments that would make the program too costly or create a difficult compliance burden. Amendments in this category include:

Amendment No. 3 (offered by Rep. Nye): ICBA opposes this amendment because it would increase the compliance burden on lenders through the addition of unnecessary complexity and unworkable provisions thereby discouraging participation and small business credit.

Amendments No. 7 (offered by Rep. Green) and No. 8 (offered by Reps. Driehaus, Connolly, and Moore): ICBA opposes these amendments because they would increase reporting requirements and other compliance costs and burdens. These added layers of regulation will discourage participation and reduce available small business loans.

Amendment No. 11 (offered by Rep. Michaud): ICBA believes that the program should remain focused on community banks and traditional debt financing as the most established and effective source of small business lending.

The outcome of these amendments is critical to the success of the Fund. As you cast your votes, please consider which amendments will further the fundamental goal of the program—increased access to credit for small businesses, which can only be achieved through broad, voluntary participation of community banks—and which will undermine this goal.

Thank you for your consideration.

JAMES D. MACPHEE,
Chairman.

SALVATORE MARRANCA,
Chairman-Elect.

JEFFREY L. GERHART,
Vice Chairman.

JACK A. HARTINGS,
Treasurer.

WAYNE A. COTTLE,
Secretary.

R. MICHAEL MENZIES, SR.,
Immediate Past Chairman.

CAMDEN R. FINE,
President and CEO.

Washington, DC, May 14, 2010.

CONFERENCE OF STATE BANK SUPERVISORS
STATE REGULATORS SUPPORT ADMINISTRATION'S
SMALL BUSINESS LENDING PROPOSALS
(By Neil Milner)

The Conference of State Bank Supervisors (CSBS) supports the Obama Administration's small business lending proposals to stimulate small business stability and growth.

The proposals—the Small Business Lending Fund and the State Small Business Credit Initiative—will provide much-needed access to capital to support small business lending, the lifeblood of our national economy.

The Administration's proposals will provide capital injections to fund new small business loans to financial institutions with assets less than \$10 billion. In the past few years, the government has gone to extraordinary lengths to prop up our capital markets by providing assistance to the nation's largest institutions. CSBS is pleased the Administration is taking the next steps to promote a full economic recovery by assisting those institutions which largely did not contribute to the economic crisis and have played such a pivotal role in our recovery to date.

Further, CSBS is pleased the proposals are independent initiatives separate from the TARP program. By separating the small business proposals from TARP, we believe the programs will enjoy wider participation and greater success.

We encourage Congress to coordinate with the Department of the Treasury to rapidly implement these much needed initiatives to assist community banks as they continue to support small businesses around the country.

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

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

I want to use this time to respond to those who are making the assessment that this money, that there are not safeguards into this legislation to make sure that the money goes to small businesses. First, banks must apply to the Treasury to receive funds, with a detailed plan on how to increase small business lending at their institution. This language was included at my insistence that we need to make sure that small businesses will get the benefit of this legislation.

Second, this capital, repayment of the government loans will be at a dividend rate starting at 5 percent per year. This rate will be lowered by 1 percent for every 2.5 percent increase in small business lending over 2009 levels. It can go as low as a total dividend rate of just 1 percent if the bank increases its business lending by 10 percent or more, incentivizing banks to do the right thing. To ensure that banks actually use the funding they receive, the rate will increase—and there are penalties—to 7 percent if the bank fails to increase its small business lending at their institution within 2 years. To ensure that all federal funds are paid back within 5 years, the dividend rate will increase to 9 percent for all banks, irrespective of their small business lending, after 4½ years.

Let me just make it clear: What the CBO estimates through what they pro-

vided to the Congress and telling us, CBO estimates that this provision will save taxpayers \$1 billion over 10 years, as banks are expected to pay back this loan over 10 years, with interest.

I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, I don't have any other speakers on this.

I just might comment on this bill. One of the frustrating things about our economic recovery right now, and we continue to hear over and over and over again, that small businesses are uncertain about what the future is. They don't know what's going to happen with cap-and-trade and what's going to happen with the energy tax, particularly those businesses that are using a lot of energy to produce whatever it is. They're uncertain about what's going to happen with this health care bill and all the mandates that are coming out. They're uncertain about what's going to happen with their taxes. They're uncertain about what's going to happen with the amassing debt that's taking place, because somebody is going to have to pay for it. And this administration continues to look at small businesses to be able to provide that.

So here we come along with a bill that supposedly is supposed to help small businesses, which the way it is right now, there's no guarantee whatsoever that that money is going to be loaned to small businesses. As the bill stands right now, a commercial loan could qualify, any commercial loan could qualify if it's a loan less than a million dollars.

The fact of the matter is, Mr. Chairman, there's no guarantee. There's no guarantee.

Small businesses are the ones that need help. And the fact of the matter is, too, that if the government would just get out of the way, then small businesses would lead us back into this economic recovery. They provide 7 out of every 10 jobs in this country, and they are the ones that are going to lead us. But nobody is going to expand and nobody is going to add any new productivity, any new hires, until they know what's going to go on and what's going to be around the corner. With this administration, they don't know what's going to happen to them.

I reserve the balance of my time.

Ms. BEAN. Mr. Chairman, I yield 2½ minutes to the gentleman from Michigan (Mr. PETERS).

Mr. PETERS. I rise today in support of H.R. 5297. Small businesses create two in every three new jobs in this country. Creating an environment that allows small businesses to innovate and grow is the single most important objective necessary to reduce unemployment and lead our Nation to full economic recovery.

I have held a field hearing and roundtables with small business owners and have traveled door-to-door in downtowns in my district, and the one thing that I hear over and over again is

many entrepreneurs are ready to invest and create jobs again, but they cannot secure the capital necessary to start or grow their business. Some, like Karen Teegarden, owner of a small advertising firm in Oakland County, told me that because she could not get a simple line of credit to meet some short-term payroll needs, she was forced to lay off workers.

It is no secret why small businesses are struggling. Wall Street banks have admitted that they have reduced their investments in Michigan as well as other States. And small local lenders don't have enough capital to lend. I have been fighting for the past year for action to help solve this problem, and the bill before us today will create a \$30 billion fund to promote small business lending. Small local lenders can leverage this funding into \$300 billion in loans for small businesses. But because local lenders will pay the investment back with interest, the non-partisan CBO says the taxpayers will earn a projected \$1 billion.

It's not often that a single action can create a multitude of jobs across this country and reduce the deficit at the same time. Enacting this bill will do just that. In Michigan, our manufacturers are struggling particularly hard to get access to credit. As their assets decline in value, they have less collateral to post, and this makes banks less likely to lend to them, even if they can show that they are thriving.

The Michigan Collateral Support Program helps lenders, small manufacturers and the State pool default risk to help these companies secure the capital they need to create new jobs. Thirty States have similar programs, and a provision of this bill that I wrote would allow States to strengthen their existing programs and allow other States to create them.

Washington's top priority must be to help create an environment that allows our small businesses to succeed and to create jobs. This legislation helps one of the primary obstacles facing our small businesses, and passing this bill is critical.

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

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Ms. BEAN. I yield 1 minute to the majority leader.

Mr. HOYER. I appreciate the gentleman from Illinois (Ms. BEAN) for yielding.

I want to first thank the chair of the Small Business Committee, Congresswoman VELÁZQUEZ, for the work that she has done on this bill and for others who have worked on this bill.

As I'm sure has been said many times on this floor but bears repeating, small businesses are the job-creating engine of our economy. They employ more than half of all employees in the private sector, and they've created 64 percent of net new jobs over the past 15 years. So ensuring that small businesses have the resources they need to

keep innovating, growing and creating jobs is essential if we're going to sustain the economic recovery. And small businesses have been at the heart of Democrats' recovery strategy ever since this Congress convened in the midst of the greatest economic crisis since the Great Depression, indeed, the deepest recession we've seen in three-quarters of a century.

The Recovery Act, which cut taxes for 98 percent of Americans and is responsible for some 2 million jobs, gave small businesses tax credits for hiring many unemployed workers and helped them make the capital investments that are essential to their growth. Since the Recovery Act, we've expanded Small Business Administration lending, created further tax credits for hiring unemployed workers, and offered immediate and long-term tax credits to help small businesses afford employee health care. And yesterday, the House passed the Small Business Jobs Tax Relief Act, which will exempt 100 percent of small business capital gains from taxation and increase the amount of startup expenses small business owners can deduct from their taxes, all designed to allow small businesses to grow and expand. That means more investment in small businesses, and more entrepreneurs willing and able to start businesses of their own and hire workers to staff it.

Today, ladies and gentlemen of the House, we can take another step to help small businesses and workers, establishing a \$30 billion fund to expand lending to small businesses looking to make new investments in growth at no cost to the taxpayer. Ladies and gentlemen, I know that those of you who have been not only in your own districts but in your States and throughout the country know that every small businessman and -woman in America who wants to expand has a singular complaint, and that is that they cannot access capital. That's what this bill is about. This bill, the Small Business Lending Fund Act, invests capital in community and small banks that were not the problem that caused this financial meltdown, investing in those community and small banks under terms that become more favorable to those banks as they make more loans to small businesses. In other words, carrots for giving money to small business.

The CBO tells us that all of the money in the Small Business Lending Fund will be repaid with interest and that taxpayers will actually make \$1 billion profit over the next decade. Now, that's not too hard to believe, I think, when you understand that in terms of the dollars that the Bush administration asked us to put on the table to stabilize the economy back in 2008, that to the extent that the money has now been paid back—not all of it yet—but to the extent that we have gotten repayment, we have made some 12 percent on that money. Unfortunately, 45 percent of small businesses

seeking loans to expand or even just stay afloat were turned down last year, and you can imagine how those denials led directly to unemployment.

This bill, ladies and gentlemen of the House, can go a long way towards opening up the flow of credit that helps create jobs. That's what this is about, allowing small businesses to expand, grow their businesses, hire more people, pay good salaries and benefits, and get our economy moving. I urge my colleagues to support this bill and to help our small businesses create jobs. I want to congratulate once again the chair of the Small Business Committee, NYDIA VELÁZQUEZ, for her leadership. I thank Ms. BEAN from Illinois for her leadership on these issues, and I thank our Republican friends, who I hope will join us in supporting this effort to make sure that small businesses have the capital they need to grow our economy.

Mr. GRAVES of Missouri. Mr. Chairman, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the face of American small business is changing—and rapidly. Twenty years ago, entrepreneurs were likely to rely on loans and credit cards to start up or expand their businesses. This met the needs of most entrepreneurs, but today's startup costs have grown dramatically. This has caused many small companies to turn to equity investment, particularly those in high-growth, technology-based sectors which show the greatest promise to create new jobs. For these firms, their assets are not buildings or machinery; they are people, ideas and skills. For this new generation, the old method of securing capital, through debt, is no longer sufficient by itself.

In a world where revolutionary new products are conceived in dorm rooms, and companies are launched in garages, new ways of meeting businesses' capital needs are needed. Through the Small Business Early Stage Investment program, this bill recognizes this fundamental shift and takes steps to meet the capital needs of our new businesses. Our Nation's entrepreneurs have led us out of every previous recession, and they can do so again, but only if we give them the right tools. This legislation will make loans more affordable for existing businesses so they can grow and add to their payrolls. And for the enterprises just getting off the ground, it will reinvigorate investment in cutting-edge startups.

A vote for this bill is a vote in favor of the American traditions of innovation and entrepreneurship. I urge my colleagues to vote with the small businesses in their district; vote "yes."

I yield back the balance of my time.

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

I appreciate the majority leader coming and telling us that this won't cost the taxpayers any money. We have

asked the majority for an updated CBO score on this bill with the revisions, and we have not seen that yet. So we don't actually know that for certain. But what we do know is that from the TARP program, there were losses incurred in the TARP program. And this program has been identified by people who are very familiar with the TARP program as another TARP program, except some people want to call this TARP II, TARP Jr. But by and large, this is another TARP program.

You know, there is no question today that all of us realize that small businesses are the number one job creator in our country. Mr. Chairman, in fact, I am a small businessman. I came to Congress not from being a lifelong politician, but from creating jobs in this country, of making payrolls. I have made a payroll. I have borrowed money. I have actually been a lender. And if you really want to get the economy going back in America, as the majority has tried throwing money at the problem—and I would have thought that they would have learned by now that all this money, the trillions of dollars that they have thrown at the economy hasn't created any jobs. We still have almost 10 percent of the American people who are unemployed in this country today. The numbers show that 17 percent of the American people are either unemployed or underemployed, so throwing money at the problem isn't the answer.

If you want to create jobs in America, I will tell you how you create jobs in America. Number one, you bring some certainty in America. Right now the American people are questioning what the future of their country is. They are seeing record deficits by this administration. This year alone, if we had a budget—we don't know what the deficit is going to be this year because, one, we haven't passed any appropriation bills in this Congress.

And, secondly, the leadership of the majority hasn't brought a budget to the floor, and maybe they are not going to because they don't want their Members to have to take a vote on a budget that's going to say: for every dollar we're going to spend, we are going to have to borrow 42 cents. I am sure they would be embarrassed. And it would be more embarrassing if you voted for a budget like that.

But the way you bring certainty to the country is, one, we are going to have to start cutting back our spending and reducing these deficits. Leaving money in the economy. As a small businessman, when I had the capital in my business, and the government wasn't taxing away my capital, I was able to take that capital and leverage it, and go to my lender, be a responsible borrower, and it would be prudent to lend to me, and we could expand our business that way.

The other thing is, yesterday this body had an opportunity to do something for small business, and that was to repeal the mandate for health care

that was in the Democrats' health care bill. Unfortunately, there was not enough votes, but some of our Democratic colleagues understand the same thing we do: if you want to bring certainty, create jobs in America, you take that off the backs of small businesses.

So, really, I wish that this bill would do something for small businesses in this country because small businesses are the lifeblood and the engine for our country. Unfortunately, this bill will not do anything for small businesses; but it will put the taxpayers, again, at risk to underwrite and to invest in banks.

You know, I figured this: it's simple back there in Lubbock, Texas, that, you know, if somebody wants to invest their dollars in a bank, let them invest their dollars in a bank. Don't take the money away from the taxpayers and invest it because the government thinks that they know what is a better program. So, again, I urge my colleagues to vote for small business, but not this bill. This bill doesn't help small business.

And with that, I yield back the balance of my time.

Ms. BEAN. I yield myself the balance of time.

Well, first I would like to address some of the points our colleague from Missouri suggested, that all we need to do for business is less Federal action and less regulation. And on that point, I would have to agree, the minority has delivered—less action and less regulation, a culture of deregulation that led to the financial crisis and the recent oil spill in the gulf. But this bill isn't about regulation. It's about credit.

And I would then like to move to the point of my colleague from Texas who suggested that this bill adds \$33 billion to the national debt. That's disingenuous, as the gentleman knows. This is not a \$30 billion cost, according to the nonpartisan CBO. The legislation, in fact, will reduce the deficit. Now, these funds are an investment, and there are clear safeguards that ensure that taxpayers are repaid with interest. Also, his concern for small businesses fearing higher taxes is unwarranted, as taxes are, in fact, at historic lows; and in the Recovery Act, of the \$288 billion in tax cuts, many of those went to our community businesses.

He also cited the NFIB to claim that access to credit is not a serious problem, yet the NFIB's own data shows that only 40 percent of small business owners attempting to borrow last year had all of their credit needs met, and nearly one-quarter of would-be borrowers, 25 percent, had none of their credit needs met. Now, he did suggest that some businesses—or he suggested all businesses—are just in a holding pattern, when the reality is, some of them are, and that's not who this legislation is directed to. There are many others who have started to see their

pipeline build and their forecasts develop and are seeking to expand their operations and hire people, and they need that access to capital.

This Small Business Lending Fund Act is for those who are going to grow us out of this recession. I urge my colleagues to support this important investment in those community businesses that are the cornerstone of our economy.

I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Financial Services printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute printed in part A of House Report 111-506, modified by the amendment printed in part B of that report and the order of the House of today. The amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

Strike all after the enacting clause and insert the following:

TITLE I—SMALL BUSINESS LENDING FUND

SECTION 1. SHORT TITLE.

This title may be cited as the "Small Business Jobs and Credit Act of 2010".

SEC. 2. PURPOSE.

The purpose of this title is to address the ongoing effects of the financial crisis on small businesses by providing temporary authority to the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses.

SEC. 3. DEFINITIONS.

For purposes of this title:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term "appropriate committees of Congress" means—

(A) the Committee on Small Business and Entrepreneurship, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(B) the Committee on Small Business, the Committee on Agriculture, the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

(2) **APPROPRIATE FEDERAL BANKING AGENCY.**—The term "appropriate Federal banking agency" has the meaning given such term under section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

(3) **BANK HOLDING COMPANY.**—The term "bank holding company" has the meaning given such term under section 2(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(2)(a)(1)).

(4) **CALL REPORT.**—The term "call report" means—

(A) reports of Condition and Income submitted to the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation;

(B) the Office of Thrift Supervision Thrift Financial Report;

(C) any report that is designated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or the Office of Thrift Supervision, as applicable, as a successor to any report referred to in subparagraph (A) or (B); and

(D) standard reports of Condition and Income submitted by Community Development Financial Institution loan funds to the Community Development Financial Institutions Fund.

(5) **CDCI.**—The term "CDCI" means the Community Development Capital Initiative created by the Secretary under the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008.

(6) **CDCI INVESTMENT.**—The term "CDCI investment" means, with respect to any eligible institution, the principal amount of any investment made by the Secretary in such eligible institution under the CDCI that has not been repaid.

(7) **CPP.**—The term "CPP" means the Capital Purchase Program created by the Secretary under the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008.

(8) **CPP INVESTMENT.**—The term "CPP investment" means, with respect to any eligible institution, the principal amount of any investment made by the Secretary in such eligible institution under the CPP that has not been repaid.

(9) **ELIGIBLE INSTITUTION.**—The term "eligible institution" means—

(A) any insured depository institution, which—

(i) is not controlled by a bank holding company or savings and loan holding company that is also an eligible institution;

(ii) has total assets of equal to or less than \$10,000,000,000, as reported in the call report as of the end of the fourth quarter of calendar year 2009; and

(iii) is not directly or indirectly controlled by any company or other entity that has total consolidated assets of more than \$10,000,000,000, as so reported;

(B) any bank holding company which has total consolidated assets of equal to or less than \$10,000,000,000;

(C) any savings and loan holding company which has total consolidated assets of equal to or less than \$10,000,000,000; and

(D) any community development financial institution loan fund which has total assets of equal to or less than \$10,000,000,000.

(10) **FUND.**—The term "Fund" means the Small Business Lending Fund established by section 4(a)(1) of this title.

(11) **INSURED DEPOSITORY INSTITUTION.**—The term "insured depository institution" has the meaning given such term under section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2)).

(12) **PROGRAM.**—The term "Program" means the Small Business Lending Fund Program authorized by section 4(a)(2) of this title.

(13) **SAVINGS AND LOAN HOLDING COMPANY.**—The term "savings and loan holding company" has the meaning given such term under section 10(a)(1)(D) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(1)(D)).

(14) **SECRETARY.**—The term "Secretary" means the Secretary of the Treasury.

(15) **SMALL BUSINESS LENDING.**—

(A) **IN GENERAL.**—The term "small business lending" means small business lending, as

defined by and reported in an eligible institution's quarterly call report, of the following types:

- (i) Commercial and industrial loans.
- (ii) Owner-occupied nonfarm, nonresidential real estate loans.
- (iii) Loans to finance agricultural production and other loans to farmers.
- (iv) Loans secured by farmland.

(B) TREATMENT OF HOLDING COMPANIES.—In the case of eligible institutions that are bank holding companies or savings and loan holding companies having one or more insured depository institution subsidiaries, small business lending shall be measured based on the combined small business lending reported in the call report of the insured depository institution subsidiaries.

(16) MINORITY-OWNED AND WOMEN-OWNED BUSINESS.—The terms "minority-owned business" and "women-owned business" shall have the meaning given the terms "minority-owned business" and "women's business", respectively, under section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441A(r)(4)).

(17) CDFI; COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The terms "CDFI" and "community development financial institution" have the meaning given the term "community development financial institution" under the Riegle Community Development and Regulatory Improvement Act of 1994.

(18) CDLF; COMMUNITY DEVELOPMENT LOAN FUND.—The terms "CDLF" and "community development loan fund" mean any entity that—

(A) is certified by the Department of the Treasury as a community development financial institution loan fund;

(B) is exempt from taxation under the Internal Revenue Code of 1986; and

(C) has assets under \$10,000,000,000 as of the fourth quarter of calendar year 2009.

SEC. 4. SMALL BUSINESS LENDING FUND.

(a) FUND AND PROGRAM.—

(1) FUND ESTABLISHED.—There is established in the Treasury of the United States a fund to be known as the "Small Business Lending Fund", which shall be administered by the Secretary.

(2) PROGRAMS AUTHORIZED.—The Secretary is authorized to establish the Small Business Lending Fund Program for using the Fund consistent with this title.

(b) USE OF FUND.—

(1) IN GENERAL.—Subject to paragraph (2), the Fund shall be available to the Secretary, without further appropriation or fiscal year limitation, for the costs of purchases (including commitments to purchase), and modifications of such purchases, of preferred stock and other financial instruments from eligible institutions on such terms and conditions as are determined by the Secretary in accordance with this title.

"For purposes of this paragraph and with respect to an eligible institution, the term 'other financial instruments' shall include only debt instruments for which such eligible institution is fully liable or equity equivalent capital of the eligible institution. Such debt instruments may be subordinated to the claims of other creditors of the eligible institution".

(2) MAXIMUM PURCHASE LIMIT.—The aggregate amount of purchases (and commitments to purchase) made pursuant to paragraph (1) may not exceed \$30,000,000,000.

(3) PROCEEDS USED TO PAY DOWN PUBLIC DEBT.—All funds received by the Secretary in connection with purchases made pursuant to paragraph (1), including interest payments, dividend payments, and proceeds from the sale of any financial instrument, shall be paid into the general fund of the Treasury for reduction of the public debt.

(4) LIMITATION ON PURCHASES FROM CDLFS.—

(A) IN GENERAL.—Not more than 1 percent of the value of purchases made by the Secretary in carrying out the Program may be used to make purchases from community development loan funds.

(B) ELIGIBILITY STANDARD.—The Secretary, in consultation with the Community Development Financial Institutions Fund, shall develop eligibility criteria to determine the financial ability of a CDLF to participate in the Program and repay the investment. Such criteria may include net asset ratio to total assets, ratio of loan loss reserves to loans and leases 90 days or more delinquent (including loans sold with full recourse), positive net income measured on a 3-year rolling average, operating liquidity ratio, ratio of loans and leases 90 days or more delinquent (including loans sold with full recourse) to total equity plus loan loss reserves or any other measures deemed appropriate. In addition, CDLFs participating in the Program shall submit audited financial statements to the Secretary, have a clean audit opinion, and have at least three years of operating experience.

(c) CREDITS TO THE FUND.—There shall be credited to the Fund amounts made available pursuant to section 9, to the extent provided by appropriations Acts.

(d) TERMS.—

(1) APPLICATION.—

(A) INSTITUTIONS WITH ASSETS OF \$1,000,000,000 OR LESS.—Eligible institutions having total assets equal to or less than \$1,000,000,000, as reported in a call report as of the end of the fourth quarter of calendar year 2009, may apply to receive a capital investment from the Fund in an amount not exceeding 5 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(B) INSTITUTIONS WITH ASSETS OF MORE THAN \$1,000,000,000 AND LESS THAN \$10,000,000,000.—Eligible institutions having total assets of more than \$1,000,000,000 but less than \$10,000,000,000, as of the end of the fourth quarter of calendar year 2009, may apply to receive a capital investment from the Fund in an amount not exceeding 3 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(C) TREATMENT OF HOLDING COMPANIES.—In the case of an eligible institution that is a bank holding company or a savings and loan holding company having one or more insured depository institution subsidiaries, total assets shall be measured based on the combined total assets reported in the call report of the insured depository institution subsidiaries as of the end of the fourth quarter of calendar year 2009 and risk-weighted assets shall be measured based on the combined risk-weighted assets of the insured depository institution subsidiaries as reported in the call report immediately preceding the date of application.

(D) TREATMENT OF APPLICANTS THAT ARE INSTITUTIONS CONTROLLED BY HOLDING COMPANIES.—If an eligible institution that applies to receive a capital investment under the Program is under the control of a bank holding company or a savings and loan holding company, then the Secretary may use the Fund to purchase preferred stock or other financial instruments from the top-tier bank holding company or savings and loan holding company of such eligible institution, as applicable. For purposes of this paragraph, the term "control" with respect to a bank holding company shall have the same meaning as in section 2(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(2)(a)(2)). For purposes of this paragraph, the term "con-

trol" with respect to a savings and loan holding company shall have the same meaning as in 10(a)(2) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(2)).

(E) REQUIREMENT TO PROVIDE A SMALL BUSINESS LENDING PLAN.—At the time that an applicant submits an application to the Secretary for a capital investment under the Program, the applicant shall deliver to the appropriate Federal banking agency and, for applicant's that are State-chartered banks, to the appropriate State banking regulator, a small business lending plan describing how the applicant's business strategy and operating goals will allow it to address the needs of small businesses in the areas it serves. This plan shall be confidential supervisory information.

(F) TREATMENT OF APPLICANTS THAT ARE COMMUNITY DEVELOPMENT LOAN FUNDS.—Eligible institutions that are community development loan funds may apply to receive a capital investment from the Fund in an amount not exceeding 10 percent of total assets, as reported in the call report immediately preceding the date of application.

(2) CONSULTATION WITH REGULATORS.—For each eligible institution that applies to receive a capital investment under the Program, the Secretary shall—

(A) consult with the appropriate Federal banking agency or, in the case of an eligible institution that is a non-depository community development financial institution, the Community Development Financial Institution Fund, for the eligible institution to determine whether the eligible institution may receive such capital investment;

(B) in the case of an eligible institution that is a State-chartered bank, consider any views received from the State banking regulator of the State of the eligible institution regarding the financial condition of the eligible institution; and

(C) in the case of a community development financial institution loan fund, consult with the Community Development Financial Institution Fund.

(3) INELIGIBILITY OF INSTITUTIONS ON FDIC PROBLEM BANK LIST.—

(A) IN GENERAL.—An eligible institution may not receive any capital investment under the Program if—

(i) such institution is on the FDIC problem bank list; or

(ii) such institution has been removed from the FDIC problem bank list for less than 90 days.

(B) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as limiting the discretion of the Secretary to deny the application of an eligible institution that is not on the FDIC problem bank list.

(C) FDIC PROBLEM BANK LIST DEFINED.—For purposes of this subparagraph, the term "FDIC problem bank list" means the list of institutions with a current rating of 4 or 5 under the Uniform Financial Institutions Rating System, or such other list designated by the Federal Deposit Insurance Corporation.

(4) INCENTIVES TO LEND.—

(A) REQUIREMENTS ON PREFERRED STOCK AND OTHER FINANCIAL INSTRUMENTS.—Any preferred stock or other financial instrument issued to Treasury by an eligible institution receiving a capital investment under the Program shall provide that—

(i) the rate at which dividends or interest are payable shall be 5 percent per annum initially;

(ii) within the first 2 years after the date of the capital investment under the Program, the rate may be adjusted based on the amount of an eligible institution's small business lending. Changes in the amount of small business lending shall be measured against the amount of small business lending

reported by the eligible institution in its call report for the last quarter in calendar year 2009 or the average amount of small business lending reported by the eligible institution in all call reports for calendar year 2009, whichever is lower, minus adjustments from each quarterly balance in respect of—

(I) net loan charge offs with respect to small business lending; and

(II) gains realized by the eligible institution resulting from mergers, acquisitions or purchases of loans after origination and syndication; which adjustments shall be determined in accordance with guidance promulgated by the Secretary; and

(iii) during any calendar quarter during the initial 2-year period referred to in clause (ii), an institution's rate shall be adjusted to reflect the following schedule, based on that institution's change in the amount of small business lending relative to the baseline—

(I) if the amount of small business lending has increased by less than 2.5 percent, the dividend or interest rate shall be 5 percent;

(II) if the amount of small business lending has increased by 2.5 percent or greater, but by less than 5.0 percent, the dividend or interest rate shall be 4 percent;

(III) if the amount of small business lending has increased by 5.0 percent or greater, but by less than 7.5 percent, the dividend or interest rate shall be 3 percent;

(IV) if the amount of small business lending has increased by 7.5 percent or greater, and but by less than 10.0 percent, the dividend or interest rate shall be 2 percent; or

(V) if the amount of small business lending has increased by 10 percent or greater, the dividend or interest rate shall be 1 percent.

(B) BASIS OF INITIAL RATE.—The initial dividend or interest rate shall be based on call report data published in the quarter immediately preceding the date of the capital investment under the Program.

(C) TIMING OF RATE ADJUSTMENTS.—Any rate adjustment shall occur in the calendar quarter following the publication of call report data, such that the rate based on call report data from any one calendar quarter, which is published in the first following calendar quarter, shall be adjusted in that first following calendar quarter and payable in the second following quarter.

(D) RATE FOLLOWING INITIAL 2-YEAR PERIOD.—Generally, the rate based on call report data from the eighth calendar quarter after the date of the capital investment under the Program shall be payable until the expiration of the 4½-year period that begins on the date of the investment. In the case where the amount of small business lending has remained the same or decreased relative to the institution's baseline in the eighth quarter after the date of the capital investment under the Program, the rate shall be 7 percent until the expiration of the 4½-year period that begins on the date of the investment.

(E) RATE FOLLOWING INITIAL 4½-YEAR PERIOD.—The dividend or interest rate paid on any preferred stock or other financial instrument issued by an eligible institution that receives a capital investment under the Program shall increase to 9 percent at the end of the 4½-year period that begins on the date of the capital investment under the Program.

(F) LIMITATION ON RATE REDUCTIONS WITH RESPECT TO CERTAIN AMOUNT.—The reduction in the dividend or interest rate payable to Treasury by any eligible institution shall be limited such that the rate reduction shall not apply to a dollar amount of the investment made by Treasury that is greater than the dollar amount increase in the amount of small business lending realized under this program. The Secretary may issue guidelines that will apply to new capital investments limiting the amount of capital available to

eligible institutions consistent with this limitation.

(G) RATE ADJUSTMENTS FOR S CORPORATION.—Before making a capital investment in an eligible institution that is an S corporation or a corporation organized on a mutual basis, the Secretary may adjust the dividend or interest rate on the financial instrument to be issued to the Secretary, from the dividend or interest rate that would apply under subparagraphs (A) through (F), to take into account any differential tax treatment of securities issued by such eligible institution. For purpose of this subparagraph, the term "S corporation" has the same meaning as in section 1361(a) of the Internal Revenue Code of 1986.

(H) REPAYMENT DEADLINE.—The capital investment received by an eligible institution under the Program shall be evidenced by preferred stock or other financial instrument that—

(i) includes, as a term and condition, that the capital investment will—

(I) be repaid not later than the end of the 10-year period beginning on the date of the capital investment under the Program; or

(II) at the end of such 10-year period, be subject to such additional terms as the Secretary shall prescribe, which shall include a requirement that the stock or instrument shall carry the highest dividend or interest rate payable; and

(ii) provides that the term and condition described under clause (i) shall not apply if the application of that term and condition would adversely affect the capital treatment of the stock or financial instrument under current or successor applicable capital provisions compared to a capital instrument with identical terms other than the term and condition described under clause (i).

(I) REQUIREMENTS ON FINANCIAL INSTRUMENTS ISSUED BY A COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION LOAN FUND.—Any equity equivalent capital issued to the Treasury by a Community Development Financial Institution loan fund receiving a capital investment under the Program shall provide that the rate at which interest is payable shall be 2 percent per annum for 8 years. After 8 years, the rate at which interest is payable shall be 9 percent.

(5) ADDITIONAL INCENTIVES TO REPAY.—The Secretary may, by regulation or guidance issued under section 5(9), establish repayment incentives in addition to the incentive in paragraph (4)(E) that will apply to new capital investments in a manner that the Secretary determines to be consistent with the purposes of this title.

(6) CAPITAL PURCHASE PROGRAM REFINANCE.—

(A) IN GENERAL.—The Secretary shall, in a manner that the Secretary determines to be consistent with the purposes of this title, issue regulations and other guidance to permit eligible institutions to refinance securities issued to Treasury under the CDCI and the CPP for securities to be issued under the Program.

(B) PROHIBITION ON PARTICIPATION BY NON-PAYING CPP PARTICIPANTS.—Subparagraph (A) shall not apply to any eligible institution that has missed more than one dividend payment due under the CPP. For purposes of this subparagraph, a CPP dividend payment that is submitted within 60 days of the due date of such payment shall not be considered a missed dividend payment.

(7) MINORITY OUTREACH.—The Secretary shall require eligible institutions receiving capital investments under the Program to provide outreach and advertising in the appropriate language of the applicant pool describing the availability and application process of receiving loans from the eligible institution that are made possible by the

Program through the use of print, radio, television or electronic media outlets which target organizations, trade associations, and individuals that represent or work within or are members of minority communities.

(8) ADDITIONAL TERMS.—The Secretary may, by regulation or guidance issued under section 5(9), make modifications that will apply to new capital investments in order to manage risks associated with the administration of the Fund in a manner consistent with the purposes of this title.

(9) MINIMUM UNDERWRITING STANDARDS.—The appropriate Federal banking agency for an eligible institution that receives funds under the Program shall within 60 days issue guidance regarding prudent underwriting standards that must be used for loans made by the eligible institution using such funds.

"In the case of a community development financial institution loan fund, the Community Development Financial Institutions Fund shall within 60 days issue regulations defining minimum underwriting standards that must be used for loans made by the eligible institution using such funds".

(10) REPORTING.—Each eligible institution receiving a capital investment under the Program shall issue a quarterly report to the Secretary detailing the percentage of new loans to small businesses the institution makes that are—

(A) guaranteed by the Small Business Administration;

(B) made to Small Business Investment Companies;

(C) other loans made to small business concerns (as defined under the Small Business Act), if the internal reporting of the concern distinguishes the size of businesses to which loans are made; and

(D) other loans made to entities that the internal reporting of the concern classifies as a small business.

SEC. 5. ADDITIONAL AUTHORITIES OF THE SECRETARY.

The Secretary may take such actions as the Secretary deems necessary to carry out the authorities in this title, including, without limitation, the following:

(1) The Secretary may use the services of any agency or instrumentality of the United States or component thereof on a reimbursable basis, and any such agency or instrumentality or component thereof is authorized to provide services as requested by the Secretary using all authorities vested in or delegated to that agency, instrumentality, or component.

(2) The Secretary may designate any bank, savings association, trust company, security broker or dealer, asset manager, or investment adviser as a financial agent of the Federal Government and such institution shall perform all such reasonable duties related to this title as financial agent of the Federal Government as may be required. The Secretary shall have authority to amend existing agreements with financial agents, entered into during the 2-year period before the date of enactment of this title, to perform reasonable duties related to this title.

(3) The Secretary may exercise any rights received in connection with any preferred stock or other financial instruments or assets purchased or acquired pursuant to the authorities granted under this title.

(4) Subject to section 4(b)(3), the Secretary may manage any assets purchased under this title, including revenues and portfolio risks therefrom.

(5) The Secretary may sell, dispose of, transfer, exchange or enter into securities loans, repurchase transactions, or other financial transactions in regard to, any preferred stock or other financial instrument or asset purchased or acquired under this title,

upon terms and conditions and at a price determined by the Secretary.

(6) The Secretary may manage or prohibit conflicts of interest that may arise in connection with the administration and execution of the authorities provided under this title.

(7) The Secretary may establish and use vehicles, subject to supervision by the Secretary, to purchase, hold, and sell preferred stock or other financial instruments and issue obligations.

(8) The Secretary may, in consultation with the Administrator of the Small Business Administration, issue such regulations and other guidance as may be necessary or appropriate to define terms or carry out the authorities or purposes of this title.

SEC. 6. CONSIDERATIONS.

In exercising the authorities granted in this title, the Secretary shall take into consideration—

(1) increasing the availability of credit for small businesses;

(2) providing funding to eligible institutions that serve small businesses that are minority- and women-owned and that also serve low- and moderate-income, minority, and other underserved or rural communities;

(3) protecting and increasing American jobs;

(4) ensuring that all eligible institutions may apply to participate in the program established under this title, without discrimination based on geography;

(5) providing transparency with respect to use of funds provided under this title;

(6) minimizing the cost to taxpayers of exercising the authorities; and

(7) promoting and engaging in financial education to would-be borrowers.

SEC. 7. REPORTS.

The Secretary shall provide to the appropriate committees of Congress—

(1) within 7 days of the end of each month commencing with the first month in which transactions are made under the Program, a written report describing all of the transactions made during the reporting period pursuant to the authorities granted under this title;

(2) after the end of March and the end of September, commencing September 30, 2010, a written report on all projected costs and liabilities, all operating expenses, including compensation for financial agents, and all transactions made by the Fund, which shall include participating institutions and amounts each institution has received under the Program; and

(3) within 7 days of the end of each month commencing with the first month in which transactions are made under the Program, a written report detailing how eligible institutions participating in the Program have used the funds such institutions received under the Program.

SEC. 8. OVERSIGHT AND AUDITS.

(a) INSPECTOR GENERAL OVERSIGHT.—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of the purchase (and commitments to purchase) of preferred stock and other financial instruments under the Program.

(b) GAO AUDIT.—The Comptroller General of the United States shall perform an annual audit of the Program and issue a report to the appropriate committees of Congress containing the results of such audit.

(c) REQUIRED CERTIFICATIONS.—

(1) ELIGIBLE INSTITUTION CERTIFICATION.—Each eligible institution that participate in the Program must certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a

minimum, requires financial institutions, as that term is defined in 31 U.S.C. 5312(a)(2) and (c)(1)(A), to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

(2) LOAN RECIPIENTS.—With respect to funds received by an eligible institution under the Program, any business receiving a loan from the eligible institution using such funds after the date of the enactment of this title shall certify to such eligible institution that the principals of such business have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

(d) PROHIBITION ON PORNOGRAPHY.—None of the funds made available under this title may be used to pay the salary of any individual engaged in activities related to the Program who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

SEC. 9. CREDIT REFORM; FUNDING.

(a) CREDIT REFORM.—The cost of purchases of preferred stock and other financial instruments made as capital investments under this title shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(b) FUNDS MADE AVAILABLE.—There are hereby appropriated, out of funds in the Treasury not otherwise appropriated, such sums as may be necessary to pay the costs of \$30,000,000,000 of capital investments in eligible institutions, including the costs of modifying such investments, and reasonable costs of administering the program of making, holding, managing, and selling the capital investments.

SEC. 10. TERMINATION AND CONTINUATION OF AUTHORITIES.

(a) TERMINATION OF INVESTMENT AUTHORITY.—The authority to make capital investments in eligible institutions, including commitments to purchase preferred stock or other instruments, provided under this title shall terminate 1 year after the date of enactment of this title.

(b) CONTINUATION OF OTHER AUTHORITIES.—The authorities of the Secretary in section 5 shall not be limited by the termination date in subsection (a).

SEC. 11. PRESERVATION OF AUTHORITY.

Nothing in this title may be construed to limit the authority of the Secretary under any other provision of law.

SEC. 12. ASSURANCES.

(a) SMALL BUSINESS LENDING FUND SEPARATE FROM TARP.—The Small Business Lending Fund Program is established as separate and distinct from the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008. An institution shall not, by virtue of a capital investment under the Small Business Lending Fund Program, be considered a recipient of the Troubled Asset Relief Program.

(b) CHANGE IN LAW.—If, after a capital investment has been made in an eligible institution under the Program, there is a change in law that modifies the terms of the investment or program in a materially adverse respect for the eligible institution, the eligible institution may, after consultation with the

appropriate Federal banking agency for the eligible institution, repay the investment without impediment.

SEC. 13. STUDY AND REPORT WITH RESPECT TO WOMEN-OWNED AND MINORITY-OWNED BUSINESSES.

(a) STUDY.—The Secretary shall conduct a study to determine the number of women-owned businesses and minority-owned businesses that receive assistance as a result of the Program, including—

(1) efforts, including technical assistance and outreach that institutions have employed under the Program to provide loans to minority- and women-owned small businesses;

(2) loan applications received;

(3) loan applications approved; and

(4) and any other relevant data related to such transactions to promote the purposes of the Program as the Secretary may require.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted pursuant to subsection (a).

(c) INFORMATION PROVIDED TO THE SECRETARY.—Eligible institutions that participate in the Program shall provide the Secretary with such information as the Secretary may require to carry out the study required by this section.

TITLE II—STATE SMALL BUSINESS CREDIT INITIATIVE

SEC. 201. SHORT TITLE.

This title may be cited as the “State Small Business Credit Initiative Act of 2010”.

SEC. 202. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term “appropriate Federal banking agency”—

(A) has the same meaning as in section 3 of the Federal Deposit Insurance Act; and

(B) includes the National Credit Union Administration Board in the case of any credit union the deposits of which are insured in accordance with the Federal Credit Union Act.

(2) ENROLLED LOAN.—The term “enrolled loan” means a loan made by a financial institution lender that is enrolled by a participating State in an approved State capital access program in accordance with this title.

(3) FEDERAL CONTRIBUTION.—The term “Federal contribution” means the portion of the contribution made by a participating State to, or for the account of, an approved State program that is made with Federal funds allocated to the State by the Secretary under section 203.

(4) FINANCIAL INSTITUTION.—The term “financial institution” means any insured depository institution, insured credit union, or community development financial institution, as those terms are each defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994.

(5) PARTICIPATING STATE.—The term “participating State” means any State that has been approved for participation in the Program under section 204.

(6) PROGRAM.—The term “Program” means the State Small Business Credit Initiative established under this title.

(7) QUALIFYING LOAN OR SWAP FUNDING FACILITY.—The term “qualifying loan or swap funding facility” means a contractual arrangement between a participating State and a private financial entity under which—

(A) the participating State delivers funds to the entity as collateral;

(B) the entity provides funding from the arrangement back to the participating State; and

(C) the full amount of resulting funding from the arrangement, less any fees and other costs of the arrangement, is contributed to, or for the account of, an approved State program.

(8) **RESERVE FUND.**—The term “reserve fund” means a fund, established by a participating State, dedicated to a particular financial institution lender, for the purposes of—

(A) depositing all required premium charges paid by the financial institution lender and by each borrower receiving a loan under an approved State program from that financial institution lender;

(B) depositing contributions made by the participating State, including State contributions made with Federal contributions; and

(C) covering losses on enrolled loans by disbursing accumulated funds.

(9) **STATE.**—The term “State” means—

(A) a State of the United States;

(B) the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands;

(C) when designated by a State of the United States, a political subdivision of that State that the Secretary determines has the capacity to participate in the Program; and

(D) under the circumstances described in section 204(d), a municipality of a State of the United States to which the Secretary has given a special permission under section 204(d).

(10) **STATE CAPITAL ACCESS PROGRAM.**—The term “State capital access program” means a program of a State that—

(A) uses public resources to promote private access to credit; and

(B) meets the eligibility criteria in section 205(c).

(11) **STATE OTHER CREDIT SUPPORT PROGRAM.**—The term “State other credit support program” means—

(A) means a program of a State that—

(i) uses public resources to promote private access to credit;

(ii) is not a State capital access program; and

(iii) meets the eligibility criteria in section 206(c); and

(B) includes, collateral support programs, loan participation programs, and credit guarantee programs.

(12) **STATE PROGRAM.**—The term “State program” means a State capital access program or a State other credit support program.

(13) **SECRETARY.**—The term “Secretary” means the Secretary of the Treasury.

SEC. 203. FEDERAL FUNDS ALLOCATED TO STATES.

(a) **PROGRAM ESTABLISHED; PURPOSE.**—There is established the State Small Business Credit Initiative (hereinafter in this title referred to as the “Program”), to be administered by the Secretary. Under the Program, the Secretary shall allocate Federal funds to participating States and make the allocated funds available to the participating States as provided in this section for the uses described in this section.

(b) **ALLOCATION FORMULA.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of enactment of this title, the Secretary shall allocate Federal funds to participating States so that each State is eligible to receive an amount equal to the average of the respective amounts that the State—

(A) would receive under the 2009 allocation, as determined under paragraph (2); and

(B) would receive under the 2010 allocation, as determined under paragraph (3).

(2) **2009 ALLOCATION FORMULA.**—

(A) **IN GENERAL.**—The Secretary shall determine the 2009 allocation by allocating

Federal funds among the States in the proportion that each such State’s 2008 State employment decline bears to the aggregate of the 2008 State employment declines for all States.

(B) **MINIMUM ALLOCATION.**—The Secretary shall adjust the allocations under subparagraph (A) for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the Federal funds.

(C) **2008 STATE EMPLOYMENT DECLINE DEFINED.**—For purposes of this paragraph and with respect to a State, the term “2008 State employment decline” means the excess (if any) of—

(i) the number of individuals employed in such State determined for December 2007; over

(ii) the number of individuals employed in such State determined for December 2008.

(3) **2010 ALLOCATION FORMULA.**—

(A) **IN GENERAL.**—The Secretary shall determine the 2010 allocation by allocating Federal funds among the States in the proportion that each such State’s 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

(B) **MINIMUM ALLOCATION.**—The Secretary shall adjust the allocations under subparagraph (A) for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the Federal funds.

(C) **2009 UNEMPLOYMENT NUMBER DEFINED.**—For purposes of this paragraph and with respect to a State, the term “2009 unemployment number” means the number of individuals within such State who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

(c) **AVAILABILITY OF ALLOCATED AMOUNT.**—The amount allocated by the Secretary to each participating State under subsection (b) shall be made available to the State as follows:

(1) **ALLOCATED AMOUNT GENERALLY TO BE AVAILABLE TO STATE IN ONE-THIRDS.**—

(A) **IN GENERAL.**—The Secretary shall—

(i) apportion the participating State’s allocated amount into one-thirds;

(ii) transfer to the participating State the first one-third when the Secretary approves the State for participation under section 204; and

(iii) transfer to the participating State each successive one-third when the State has certified to the Secretary that it has expended, transferred, or obligated 80 percent of the last transferred one-third for Federal contributions to, or for the account of, State programs.

(B) **AUTHORITY TO WITHHOLD PENDING AUDIT.**—The Secretary may withhold the transfer of any successive one-third pending results of a financial audit.

(C) **TRANSFERS CONTINGENT ON INSPECTOR GENERAL AUDITS.**—

(i) **IN GENERAL.**—Before a transfer to a participating State of the second one-third or the last one-third, the Inspector General of the Department of the Treasury shall carry out an audit of the participating State’s use of amounts already received.

(ii) **PENALTY FOR MISSTATEMENT.**—Any participating State that is found to have intentionally misstated any report issued to the Secretary under the Program shall be ineligible to receive any additional funds under the Program. Funds that had been allocated or that would otherwise have been allocated to such participating State shall be paid into the general fund of the Treasury for reduction of the public debt.

(iii) **MUNICIPALITIES.**—For purposes of this subparagraph, the term “participating State” shall include a municipality given special permission to participate in the Program, pursuant to section 204(d).

(D) **EXCEPTION.**—

(i) **IN GENERAL.**—The Secretary may, in the Secretary’s discretion, transfer the full amount of the participating State’s allocated amount to the State in a single transfer if the participating State applies to the Secretary for approval to use the full amount of the allocation as collateral for a qualifying loan or swap funding facility.

(ii) **RECOUPMENT TRIGGERED BY INTENTIONAL MISSTATEMENT.**—If, in any audit of a report issued by a participating State that receives a single transfer pursuant to clause (i), the Secretary or the Inspector General of the Department of the Treasury determines that such State intentionally misstated information in such report, the participating State shall be required to fully repay all amounts received by the State under the Program, and such amounts shall be paid into the general fund of the Treasury for reduction of the public debt.

(2) **TRANSFERRED AMOUNTS.**—Each amount transferred to a participating State under this section shall remain available to the State until used by the State as permitted under paragraph (3).

(3) **USE OF TRANSFERRED FUNDS.**—Each participating State may use funds transferred to it under this section only—

(A) for making Federal contributions to, or for the account of, an approved State program;

(B) as collateral for a qualifying loan or swap funding facility;

(C) in the case of the first one-third transferred, for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 5 percent of that first one-third; or

(D) in the case of each successive one-third transferred, for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 3 percent of that successive one-third.

(4) **TERMINATION OF AVAILABILITY OF AMOUNTS NOT TRANSFERRED WITHIN 2 YEARS OF PARTICIPATION.**—Any portion of a participating State’s allocated amount that has not been transferred to the State under this section by the end of the 2-year period beginning on the date that the Secretary approves the State for participation may be deemed by the Secretary to be no longer allocated to the State and no longer available to the State and shall be returned to the General Fund of the Treasury.

(5) **TRANSFERRED AMOUNTS NOT ASSISTANCE.**—The amounts transferred to a participating State under this section shall not be considered “assistance” for purposes of subtitle V of title 31, United States Code.

(6) **DEFINITIONS.**—For purposes of this section—

(A) the term “allocated amount” means the total amount of Federal funds allocated by the Secretary under subsection (b) to the participating State; and

(B) the term “one-third” means—

(i) in the case of the first and second one-thirds, an amount equal to 33 percent of a participating State’s allocated amount; and

(ii) in the case of the last one-third, an amount equal to 34 percent of a participating State’s allocated amount.

SEC. 204. APPROVING STATES FOR PARTICIPATION.

(a) **APPLICATION.**—Any State may apply to the Secretary for approval to be a participating State under the Program and to be eligible for an allocation of Federal funds under the Program.

(b) **GENERAL APPROVAL CRITERIA.**—The Secretary shall approve a State to be a participating State, if—

(1) a specific department, agency, or political subdivision of the State has been designated to implement a State program and participate in the Program;

(2) all legal actions necessary to enable such designated department, agency, or political subdivision to implement a State program and participate in the Program have been accomplished;

(3) the State has filed an application with the Secretary for approval of a State capital access program under section 205 or approval as a State other credit support program under section 206, in each case within the time period provided in the respective section; and

(4) the State and the Secretary have executed an allocation agreement that—

(A) conforms to the requirements of this title;

(B) ensures that the State program complies with such national standards as are established by the Secretary under section 209(a)(2);

(C) sets forth internal control, compliance, and reporting requirements as established by the Secretary, and such other terms and conditions necessary to carry out the purposes of this title, including an agreement by the State to allow the Secretary to audit State programs;

(D) requires that the State program be fully positioned, within 90 days of the State's execution of the allocation agreement with the Secretary, to act on providing the kind of credit support that the State program was established to provide; and

(E) includes an agreement by the State to deliver to the Secretary, and update annually, a schedule describing how the State intends to apportion among its State programs the Federal funds allocated to the State.

(c) CONTRACTUAL ARRANGEMENTS FOR IMPLEMENTATION OF STATE PROGRAMS.—A State may be approved to be a participating State, and be eligible for an allocation of Federal funds under the Program, if the State has contractual arrangements for the implementation and administration of its State program with—

(1) an existing, approved State program administered by another State; or

(2) an authorized agent of, or entity supervised by, the State, including for-profit and not-for-profit entities.

(d) SPECIAL PERMISSION.—

(1) CIRCUMSTANCES WHEN A MUNICIPALITY MAY APPLY DIRECTLY.—If a State does not, within 60 days after the date of enactment of this title, file with the Secretary a notice of its intent to apply for approval by the Secretary of a State program or within 9 months after the date of enactment of this title, file with the Secretary a complete application for approval of a State program, the Secretary may grant to municipalities of that State a special permission that will allow them to apply directly to the Secretary without the State for approval to be participating municipalities.

(2) TIMING REQUIREMENTS APPLICABLE TO MUNICIPALITIES APPLYING DIRECTLY.—To qualify for the special permission, a municipality of a State must, within 12 months after the date of enactment of this title, file with the Secretary a complete application for approval by the Secretary of a State program.

(3) NOTICES OF INTENT AND APPLICATIONS FROM MORE THAN 1 MUNICIPALITY.—A municipality of a State may combine with 1 or more other municipalities of that State to file a joint notice of intent to file and a joint application.

(4) APPROVAL CRITERIA.—The general approval criteria in paragraphs (2) and (4) shall apply.

(5) ALLOCATION TO MUNICIPALITIES.—

(A) IF MORE THAN 3.—If more than 3 municipalities, or combination of municipalities as provided in paragraph (3), of a State apply for approval by the Secretary to be participating municipalities under this subsection, and the applications meet the approval criteria in paragraph (4), the Secretary shall allocate Federal funds to the 3 municipalities with the largest populations.

(B) IF 3 OR FEWER.—If 3 or fewer municipalities, or combination of municipalities as provided in paragraph (3), of a State apply for approval by the Secretary to be participating municipalities under this subsection, and the applications meet the approval criteria in paragraph (4), the Secretary shall allocate Federal funds to each applicant municipality or combination of municipalities.

(6) APPORTIONMENT OF ALLOCATED AMOUNT AMONG PARTICIPATING MUNICIPALITIES.—If the Secretary approves municipalities to be participating municipalities under this subsection, the Secretary shall apportion the full amount of the Federal funds that are allocated to that State to municipalities that are approved under this subsection in amounts proportionate to the population of those municipalities, based on the most recent available decennial census.

(7) APPROVING STATE PROGRAMS FOR MUNICIPALITIES.—If the Secretary approves municipalities to be participating municipalities under this subsection, the Secretary shall take into account the additional considerations in section 206(d) in making the determination under section 205 or 206 that the State program or programs to be implemented by the participating municipalities, including a State capital access program, is eligible for Federal contributions to, or for the account of, the State program.

SEC. 205. APPROVING STATE CAPITAL ACCESS PROGRAMS.

(a) APPLICATION.—A participating State that establishes a new, or has an existing, State capital access program that meets the eligibility criteria in subsection (c) may apply to Secretary to have the State capital access program approved as eligible for Federal contributions to the reserve fund.

(b) APPROVAL.—The Secretary shall approve such State capital access program as eligible for Federal contributions to the reserve fund if—

(1) within 60 days after the date of enactment of this title, the State has filed with the Secretary a notice of intent to apply for approval by the Secretary of a State capital access program;

(2) within 9 months after the date of enactment of this title, the State has filed with the Secretary a complete application for approval by the Secretary of a capital access program;

(3) the State satisfies the requirements of subsections (a) and (b) of section 204; and

(4) the State capital access program meets the eligibility criteria in subsection (c).

(c) ELIGIBILITY CRITERIA FOR STATE CAPITAL ACCESS PROGRAMS.—For a State capital access program to be approved under this section, it must be a program of the State that—

(1) provides portfolio insurance for business loans based on a separate loan-loss reserve fund for each financial institution;

(2) requires insurance premiums to be paid by the financial institution lenders and by the business borrowers to the reserve fund to have their loans enrolled in the reserve fund;

(3) provides for contributions to be made by the State to the reserve fund in amounts at least equal to the sum of the amount of the insurance premium charges paid by the borrower and the financial institution to the reserve fund for any newly enrolled loan; and

(4) provides its portfolio insurance solely for loans that meet both the following requirements:

(A) The borrower has 500 employees or less at the time that the loan is enrolled in the Program.

(B) The loan amount does not exceed \$5,000,000.

(d) FEDERAL CONTRIBUTIONS TO APPROVED STATE CAPITAL ACCESS PROGRAMS.—A State capital access program approved under this section will be eligible for receiving Federal contributions to the reserve fund in an amount equal to the sum of the amount of the insurance premium charges paid by the borrowers and by the financial institution to the reserve fund for loans that meet the requirements in subsection (c)(4). A participating State may use the Federal contribution to make its contribution to the reserve fund of an approved State capital access program.

(e) MINIMUM PROGRAM REQUIREMENTS FOR STATE CAPITAL ACCESS PROGRAMS.—The Secretary shall, by regulation or other guidance, prescribe Program requirements that meet the following minimum requirements:

(1) EXPERIENCE AND CAPACITY.—The participating State shall determine for each financial institution that participates in the State capital access program, after consultation with the appropriate Federal banking agency or, in the case of a financial institution that is a non depository community development financial institution, the Community Development Financial Institution Fund, that the financial institution has sufficient commercial lending experience and financial and managerial capacity to participate in the approved State capital access program. The determination by the State shall not be reviewable by the Secretary.

(2) INVESTMENT AUTHORITY.—Subject to applicable State law, the participating State may invest, or cause to be invested, funds held in a reserve fund by establishing a deposit account at the financial institution lender in the name of the participating State. In the event that funds in the reserve fund are not deposited in such an account, such funds shall be invested in a form that the participating State determines is safe and liquid.

(3) LOAN TERMS AND CONDITIONS TO BE DETERMINED BY AGREEMENT.—A loan to be filed for enrollment in an approved State capital access program may be made with such interest rate, fees, and other terms and conditions, and the loan may be enrolled in the approved State capital access program and claims may be filed and paid, as agreed upon by the financial institution lender and the borrower, consistent with applicable law.

(4) LENDER CAPITAL AT-RISK.—A loan to be filed for enrollment in the State capital access program must require the financial institution lender to have a meaningful amount of its own capital resources at risk in the loan.

(5) PREMIUM CHARGES MINIMUM AND MAXIMUM AMOUNTS.—The insurance premium charges payable to the reserve fund by the borrower and the financial institution lender shall be prescribed by the financial institution lender, within minimum and maximum limits that require that the sum of the insurance premium charges paid in connection with a loan by the borrower and the financial institution lender may not be less than 2 percent nor more than 7 percent of the amount of the loan enrolled in the approved State capital access program.

(6) STATE CONTRIBUTIONS.—In enrolling a loan in an approved State capital access program, the participating State may make a contribution to the reserve fund to supplement Federal contributions made under this Program.

(7) LOAN PURPOSE.—

(A) PARTICULAR LOAN PURPOSE REQUIREMENTS AND PROHIBITIONS.—In connection with the filing of a loan for enrollment in an approved State capital access program, the financial institution lender—

(i) shall obtain an assurance from each borrower that—

(I) the proceeds of the loan will be used for a business purpose;

(II) the loan will not be used to finance such business activities as the Secretary, by regulation, may proscribe as prohibited loan purposes for enrollment in an approved State capital access program; and

(III) the borrower is not—

(aa) an executive officer, director, or principal shareholder of the financial institution lender;

(bb) a member of the immediate family of an executive officer, director, or principal shareholder of the financial institution lender; or

(cc) a related interest of any such executive officer, director, principal shareholder, or member of the immediate family;

(ii) shall provide assurances to the participating State that the loan has not been made in order to place under the protection of the approved State capital access program prior debt that is not covered under the approved State capital access program and that is or was owed by the borrower to the financial institution lender or to an affiliate of the financial institution lender;

(iii) shall not allow the enrollment of a loan to a borrower that is a refinancing of a loan previously made to that borrower by the financial institution lender or an affiliate of the financial institution lender; and

(iv) may include additional restrictions on the eligibility of loans or borrowers that are not inconsistent with the provisions and purposes of this title, including compliance with all applicable Federal and State laws, regulations, ordinances, and Executive orders.

(B) DEFINITIONS.—For purposes of this subsection, the terms “executive officer”, “director”, “principal shareholder”, “immediate family”, and “related interest” refer to the same relationship to a financial institution lender as the relationship described in part 215 of title 12 of the Code of Federal Regulations, or any successor to such part.

(8) CAPITAL ACCESS FOR SMALL BUSINESSES IN UNDERSERVED COMMUNITIES.—At the time that a State applies to the Secretary to have the State capital access program approved as eligible for Federal contributions, the State shall deliver to the Secretary a report stating how the State plans to use the Federal contributions to the reserve fund to provide access to capital for small businesses in low- and moderate-income, minority, and other underserved communities, including women- and minority-owned small businesses.

SEC. 206. APPROVING COLLATERAL SUPPORT AND OTHER INNOVATIVE CREDIT ACCESS AND GUARANTEE INITIATIVES FOR SMALL BUSINESSES AND MANUFACTURERS.

(a) APPLICATION.—A participating State that establishes a new, or has an existing, credit support program that meets the eligibility criteria in subsection (c) may apply to the Secretary to have the State other credit support program approved as eligible for Federal contributions to, or for the account of, the State program.

(b) APPROVAL.—The Secretary shall approve such State other credit support program as eligible for Federal contributions to, or for the account of, the program if—

(1) the Secretary determines that the State satisfies the requirements of paragraphs (1) through (3) of section 205(b);

(2) the Secretary determines that the State other credit support program meets the eligibility criteria in subsection (c);

(3) the Secretary determines the State other credit support program to be eligible based on the additional considerations in subsection (d); and

(4) within 9 months after the date of enactment of this title, the State has filed with Treasury a complete application for Treasury approval.

(c) ELIGIBILITY CRITERIA FOR STATE OTHER CREDIT SUPPORT PROGRAMS.—For a State other credit support program to be approved under this section, it must be a program of the State that—

(1) can demonstrate that, at a minimum, 1 dollar of public investment by the State program will cause and result in 1 dollar of new private credit;

(2) can demonstrate a reasonable expectation that, when considered with all other State programs of the State, such State programs together have the ability to use amounts of new Federal contributions to, or for the account of, all such programs in the State to cause and result in amounts of new small business lending at least 10 times the new Federal contribution amount;

(3) for those State other credit support programs that provide their credit support through 1 or more financial institution lenders, requires the financial institution lenders to have a meaningful amount of their own capital resources at risk in their small business lending; and

(4) extends credit support that—

(A) targets an average borrower size of 500 employees or less;

(B) does not extend credit support to borrowers that have more than 750 employees;

(C) targets support towards loans with an average principal amount of \$5,000,000 or less; and

(D) does not extend credit support to loans that exceed a principal amount of \$20,000,000.

(d) ADDITIONAL CONSIDERATIONS.—In making a determination that a State other credit support program is eligible for Federal contributions to, or for the account of, the State program, the Secretary shall take into account the following additional considerations:

(1) The anticipated benefits to the State, its businesses, and its residents to be derived from the Federal contributions to, or for the account of, the approved State other credit support program, including the extent to which resulting small business lending will expand economic opportunities.

(2) The operational capacity, skills, and experience of the management team of the State other credit support program.

(3) The capacity of the State other credit support program to manage increases in the volume of its small business lending.

(4) The internal accounting and administrative controls systems of the State other credit support program, and the extent to which they can provide reasonable assurance that funds of the State program are safeguarded against waste, loss, unauthorized use, or misappropriation.

(5) The soundness of the program design and implementation plan of the State other credit support program.

(e) FEDERAL CONTRIBUTIONS TO APPROVED STATE OTHER CREDIT SUPPORT PROGRAMS.—A State other credit support program approved under this section will be eligible for receiving Federal contributions to, or for the account of, the State program in an amount consistent with the schedule describing the apportionment of allocated Federal funds among State programs delivered by the State to the Secretary under the allocation agreement.

(f) MINIMUM PROGRAM REQUIREMENTS FOR STATE OTHER CREDIT SUPPORT PROGRAMS.—

(1) FUND TO PRESCRIBE.—The Secretary shall, by regulation or other guidance, prescribe Program requirements for approved State other credit support programs.

(2) CONSIDERATIONS FOR FUND.—In prescribing minimum Program requirements for approved State other credit support programs, the Secretary shall take into consideration, to the extent the Secretary determines applicable and appropriate, the minimum Program requirements for approved State capital access programs in section 205(e).

SEC. 207. REPORTS.

(a) QUARTERLY USE-OF-FUNDS REPORT.—

(1) IN GENERAL.—Not later than 30 days after the beginning of each calendar quarter, beginning after the first full calendar quarter to occur after the date the Secretary approves a State for participation, the participating State shall submit to the Secretary a report on the use of Federal funding by the participating State during the previous calendar quarter.

(2) REPORT CONTENTS.—The report shall—

(A) indicate the total amount of Federal funding used by the participating State;

(B) include a certification by the participating State that—

(i) the information provided in accordance with subparagraph (A) is accurate;

(ii) funds continue to be available and legally committed to contributions by the State to, or for the account of, approved State programs, less any amount that has been contributed by the State to, or for the account of, approved State programs subsequent to the State being approved for participation in the Program; and

(iii) the participating State is implementing its approved State program or programs in accordance with this title and regulations issued pursuant to section 210.

(b) ANNUAL REPORT.—Not later than March 31 of each year, beginning March 31, 2011, each participating State shall submit to the Secretary an annual report that shall include the following information:

(1) The number of borrowers that received new loans originated under the approved State program or programs after the State program was approved as eligible for Federal contributions.

(2) The total amount of such new loans.

(3) Breakdowns by industry type, loan size, annual sales, and number of employees of the borrowers that received such new loans.

(4) The zip code of each borrower that received such a new loan.

(5) Such other data as the Secretary, in the Secretary's sole discretion, may require to carry out the purposes of the Program.

(c) FORM.—The reports and data filed pursuant to subsections (a) and (b) shall be in such form as the Secretary, in the Secretary's sole discretion, may require.

(d) TERMINATION OF REPORTING REQUIREMENTS.—The requirement to submit reports under subsections (a) and (b) shall terminate for a participating State with the submission of the completed reports due on the first March 31 to occur after 5 complete 12-month periods after the State is approved by the Secretary to be a participating State.

SEC. 208. REMEDIES FOR STATE PROGRAM TERMINATION OR FAILURES.

(a) REMEDIES.—

(1) IN GENERAL.—If any of the events listed in paragraph (2) occur, the Secretary, in the Secretary's discretion, may—

(A) reduce the amount of Federal funds allocated to the State under the Program; or

(B) terminate any further transfers of allocated amounts that have not yet been transferred to the State.

(2) CAUSAL EVENTS.—The events referred to in paragraph (1) are—

(A) termination by a participating State of its participation in the Program;

(B) failure on the part of a participating State to submit complete reports under section 207 on a timely basis; or

(C) noncompliance by the State with the terms of the allocation agreement between the Secretary and the State.

(b) DEALLOCATED AMOUNTS TO BE REALLOCATED.—If, after 13 months, any portion of the amount of Federal funds allocated to a participating State is deemed by the Secretary to be no longer allocated to the State after actions taken by the Secretary under subsection (a)(1), the Secretary shall reallocate that portion among the participating States, excluding the State whose allocated funds were deemed to be no longer allocated, as provided in section 203(b).

SEC. 209. IMPLEMENTATION AND ADMINISTRATION.

(a) GENERAL AUTHORITIES AND DUTIES.—The Secretary shall—

(1) consult with the Administrator of the Small Business Administration and the appropriate Federal banking agencies on the administration of the Program;

(2) establish minimum national standards for approved State programs;

(3) provide technical assistance to States for starting State programs and generally disseminate best practices;

(4) manage, administer, and perform necessary program integrity functions for the Program; and

(5) ensure adequate oversight of the approved State programs, including oversight of the cash flows, performance, and compliance of each approved State program.

(b) APPROPRIATIONS.—There is hereby appropriated to the Secretary, out of funds in the Treasury not otherwise appropriated, \$2,000,000,000 to carry out the Program, including to pay reasonable costs of administering the Program.

(c) TERMINATION OF SECRETARY'S PROGRAM ADMINISTRATION FUNCTIONS.—The authorities and duties of the Secretary to implement and administer the Program shall terminate at the end of the 7-year period beginning on the date of enactment of this title.

SEC. 210. REGULATIONS.

The Secretary, in consultation with the Administrator of the Small Business Administration, shall issue such regulations and other guidance as the Secretary determines necessary or appropriate to implement this title including, but not limited to, to define terms, to establish compliance and reporting requirements, and such other terms and conditions necessary to carry out the purposes of this title.

SEC. 211. OVERSIGHT AND AUDITS.

(a) INSPECTOR GENERAL OVERSIGHT.—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of the use of funds made available under the Program.

(b) GAO AUDIT.—The Comptroller General of the United States shall perform an annual audit of the Program and issue a report to the appropriate committees of Congress, as such term is defined under section 3(1), containing the results of such audit.

(c) REQUIRED CERTIFICATION.—

(1) FINANCIAL INSTITUTIONS CERTIFICATION.—With respect to funds received by a participating State under the Program, any financial institution that receives a loan, a loan guarantee, or other financial assistance using such funds after the date of the enactment of this title must certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a

minimum, requires financial institutions, as that term is defined in 31 U.S.C. 5312(a)(2) and (c)(1)(A), to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

(2) SEX OFFENSE CERTIFICATION.—With respect to funds received by a participating State under the Program, any private entity that receives a loan, a loan guarantee, or other financial assistance using such funds after the date of the enactment of this title shall certify to the participating State that the principals of such entity have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

(d) PROHIBITION ON PORNOGRAPHY.—None of the funds made available under this title may be used to pay the salary of any individual engaged in activities related to the Program who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

TITLE III—SMALL BUSINESS EARLY-STAGE INVESTMENT PROGRAM

SEC. 301. SHORT TITLE.

This title may be cited as the "Small Business Early-Stage Investment Program Act of 2010".

SEC. 302. SMALL BUSINESS EARLY-STAGE INVESTMENT PROGRAM.

Title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended by adding at the end the following:

"PART D—SMALL BUSINESS EARLY-STAGE INVESTMENT PROGRAM

"SEC. 399A. ESTABLISHMENT OF PROGRAM.

"The Administrator shall establish and carry out an early-stage investment program (hereinafter referred to in this part as the "program") to provide equity investment financing to support early-stage small businesses in accordance with this part.

"SEC. 399B. ADMINISTRATION OF PROGRAM.

"The program shall be administered by the Administrator acting through the Associate Administrator described under section 201.

"SEC. 399C. APPLICATIONS.

"(a) IN GENERAL.—Any existing or newly formed incorporated body, limited liability company, or limited partnership organized and chartered or otherwise existing under Federal or State law for the purpose of performing the functions and conducting the activities contemplated under the program and any manager of any small business investment company may submit to the Administrator an application to participate in the program.

"(b) REQUIREMENTS FOR APPLICATION.—An application to participate in the program shall include the following:

"(1) A business plan describing how the applicant intends to make successful venture capital investments in early-stage small businesses and direct capital to small business concerns in targeted industries or other business sectors.

"(2) Information regarding the relevant venture capital investment qualifications and backgrounds of the individuals responsible for the management of the applicant.

"(3) A description of the extent to which the applicant meets the selection criteria under section 399D.

"(c) APPLICATIONS FROM MANAGERS OF SMALL BUSINESS INVESTMENT COMPANIES.—The Administrator shall establish an abbreviated application process for applicants that are managers of small business investment companies that are licensed under section 301 and that are applying to participate in the program. Such abbreviated process shall incorporate a presumption that such managers satisfactorily meet the selection criteria under paragraphs (3) and (5) of section 399D(b).

"SEC. 399D. SELECTION OF PARTICIPATING INVESTMENT COMPANIES.

"(a) IN GENERAL.—Not later than 90 days after the date on which the Administrator receives an application from an applicant under section 399C, the Administrator shall make a determination to conditionally approve or disapprove such applicant to participate in the program and shall transmit such determination to the applicant in writing. A determination to conditionally approve an applicant shall identify all conditions necessary for a final approval and shall provide a period of not less than one year for satisfying such conditions.

"(b) SELECTION CRITERIA.—In making a determination under subsection (a), the Administrator shall consider each of the following:

"(1) The likelihood that the applicant will meet the goals specified in the business plan of the applicant.

"(2) The likelihood that the investments of the applicant will create or preserve jobs, both directly and indirectly.

"(3) The character and fitness of the management of the applicant.

"(4) The experience and background of the management of the applicant.

"(5) The extent to which the applicant will concentrate investment activities on early-stage small businesses.

"(6) The likelihood that the applicant will achieve profitability.

"(7) The experience of the management of the applicant with respect to establishing a profitable investment track record.

"(c) FINAL APPROVAL.—For each applicant provided a conditional approval under subsection (a), the Administrator shall provide final approval to participate in the program not later than 90 days after the date the applicant satisfies the conditions specified by the Administrator under such subsection or, in the case of applicants whose partnership or management agreements conform to models approved by the Administrator, the Administrator shall provide final approval to participate in the program not later than 30 days after the date the applicant satisfies the conditions specified under such subsection. If an applicant provided conditional approval under subsection (a) fails to satisfy the conditions specified by the Administrator in the time period designated under such subsection, the Administrator shall revoke the conditional approval.

"SEC. 399E. EQUITY FINANCINGS.

"(a) IN GENERAL.—The Administrator may make one or more equity financings to a participating investment company.

"(b) EQUITY FINANCING AMOUNTS.—

"(1) NON-FEDERAL CAPITAL.—An equity financing made to a participating investment company under the program may not be in an amount that exceeds the amount of the capital of such company that is not from a Federal source and that is available for investment on or before the date on which an equity financing is drawn upon. Such capital may include legally binding commitments with respect to capital for investment.

"(2) LIMITATION ON AGGREGATE AMOUNT.—The aggregate amount of all equity financings made to a participating investment company under the program may not exceed \$100,000,000.

“(c) EQUITY FINANCING PROCESS.—In making an equity financing under the program, the Administrator shall commit an equity financing amount to a participating investment company and the amount of each such commitment shall remain available to be drawn upon by such company—

“(1) for new-named investments during the 5-year period beginning on the date on which each such commitment is first drawn upon; and

“(2) for follow-on investments and management fees during the 10-year period beginning on the date on which each such commitment is first drawn upon, with not more than 2 additional 1-year periods available at the discretion of the Administrator.

“(d) COMMITMENT OF FUNDS.—The Administrator shall make commitments for equity financings not later than 2 years after the date funds are appropriated for the program.

“SEC. 399F. INVESTMENTS IN EARLY-STAGE SMALL BUSINESSES.

“(a) IN GENERAL.—As a condition of receiving an equity financing under the program, a participating investment company shall make all of the investments of such company in small business concerns, of which at least 50 percent shall be early-stage small businesses.

“(b) EVALUATION OF COMPLIANCE.—With respect to an equity financing amount committed to a participating investment company under section 399E, the Administrator shall evaluate the compliance of such company with the requirements under this section if such company has drawn upon 50 percent of such commitment.

“SEC. 399G. PRO RATA INVESTMENT SHARES.

“Each investment made by a participating investment company under the program shall be treated as comprised of capital from equity financings under the program according to the ratio that capital from equity financings under the program bears to all capital available to such company for investment.

“SEC. 399H. EQUITY FINANCING INTEREST.

“(a) EQUITY FINANCING INTEREST.—

“(1) IN GENERAL.—As a condition of receiving an equity financing under the program, a participating investment company shall convey an equity financing interest to the Administrator in accordance with paragraph (2).

“(2) EFFECT OF CONVEYANCE.—The equity financing interest conveyed under paragraph (1) shall have all the rights and attributes of other investors attributable to their interests in the participating investment company, but shall not denote control or voting rights to the Administrator. The equity financing interest shall entitle the Administrator to a pro rata portion of any distributions made by the participating investment company equal to the percentage of capital in the participating investment company that the equity financing comprises. The Administrator shall receive distributions from the participating investment company at the same times and in the same amounts as any other investor in the company with a similar interest. The investment company shall make allocations of income, gain, loss, deduction, and credit to the Administrator with respect to the equity financing interest as if the Administrator were an investor.

“(b) MANAGER PROFITS.—As a condition of receiving an equity financing under the program, the manager profits interest payable to the managers of a participating investment company under the program shall not exceed 20 percent of profits, exclusive of any profits that may accrue as a result of the capital contributions of any such managers with respect to such company. Any excess of this amount, less taxes payable thereon,

shall be returned by the managers and paid to the investors and the Administrator in proportion to the capital contributions and equity financings paid in. No manager profits interest (other than a tax distribution) shall be paid prior to the repayment to the investors and the Administrator of all contributed capital and equity financings made.

“(c) DISTRIBUTION REQUIREMENTS.—As a condition of receiving an equity financing under the program, a participating investment company shall make all distributions to all investors in cash and shall make distributions within a reasonable time after exiting investments, including following a public offering or market sale of underlying investments.

“SEC. 399I. FUND.

“There is hereby created within the Treasury a separate fund for equity financings which shall be available to the Administrator subject to annual appropriations as a revolving fund to be used for the purposes of the program. All amounts received by the Administrator, including any moneys, property, or assets derived by the Administrator from operations in connection with the program, shall be deposited in the fund. All expenses and payments, excluding administrative expenses, pursuant to the operations of the Administrator under the program shall be paid from the fund.

“SEC. 399J. APPLICATION OF OTHER SECTIONS.

“To the extent not inconsistent with requirements under this part, the Administrator may apply sections 309, 311, 312, 313, and 314 to activities under this part and an officer, director, employee, agent, or other participant in a participating investment company shall be subject to the requirements under such sections.

“SEC. 399K. ANNUAL REPORTING.

“The Administrator shall report on the performance of the program in the annual performance report of the Administration.

“SEC. 399L. DEFINITIONS.

“In this part, the following definitions apply:

“(1) EARLY-STAGE SMALL BUSINESS.—The term ‘early-stage small business’ means a small business concern that—

“(A) is domiciled in a State; and

“(B) has not generated gross annual sales revenues exceeding \$15,000,000 in any of the previous 3 years.

“(2) PARTICIPATING INVESTMENT COMPANY.—The term ‘participating investment company’ means an applicant approved under section 399D to participate in the program.

“(3) TARGETED INDUSTRIES.—The term ‘targeted industries’ means any of the following business sectors:

“(A) Agricultural technology.

“(B) Energy technology.

“(C) Environmental technology.

“(D) Life science.

“(E) Information technology.

“(F) Digital media.

“(G) Clean technology.

“(H) Defense technology.

“(I) Photonics technology.

“SEC. 399M. APPROPRIATION.

“From funds not otherwise appropriated, there is hereby appropriated \$1,000,000,000 to carry out the program.

“SEC. 399N. CERTIFICATION.

“(a) IMMIGRATION CERTIFICATION.—

“(1) PARTICIPATING INVESTMENT COMPANIES.—Each participating investment company that receives an equity financing under this part after the date of the enactment of this part must, if applicable, certify that such company is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions,

as that term is defined in 31 U.S.C. 5312(a)(2) and (c)(1)(A), to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

“(2) EARLY-STAGE SMALL BUSINESSES.—Each early-stage small business that receives funds from a participating investment company that receives an equity financing under this part after the date of the enactment of this part must, if applicable, certify that such company is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in 31 U.S.C. 5312(a)(2) and (c)(1)(A), to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

“(b) SEX OFFENDER CERTIFICATION.—

“(1) PARTICIPATING INVESTMENT COMPANIES.—Each participating investment company that receives an equity financing under this part after the date of the enactment of this part shall certify to the Administrator that the principals of such company have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

“(2) EARLY-STAGE SMALL BUSINESSES.—Each early-stage small business that receives funds from a participating investment company that receives an equity financing under this part after the date of the enactment of this part shall certify to the Administrator that the principals of such business have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

“(c) PORNOGRAPHY CERTIFICATION.—None of the funds made available under this part may be used to pay the salary of any individual engaged in activities related to the provisions of this part who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.”

SEC. 303. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out this title and the amendments made by this title.

SEC. 304. PROHIBITIONS ON EARMARKS.

None of the funds appropriated for the program established under part D of title III of the Small Business Investment Act of 1958, as added by this Act, may be used for a Congressional earmark as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives.

TITLE —MISCELLANEOUS

SEC. . BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose 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, submitted for printing in

the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The CHAIR. No amendment to that amendment in the nature of a substitute is in order except those printed in part C of the report. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

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AMENDMENT NO. 1 OFFERED BY MR. ISRAEL

The CHAIR. It is now in order to consider amendment No. 1 printed in part C of House Report 111-506.

Mr. ISRAEL. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ISRAEL:
Page 6, insert after line 25 the following:
(17) VETERAN-OWNED BUSINESS.—
(A) The term “veteran-owned business” means a business—

(i) more than 50 percent of the ownership or control of which is held by 1 or more veterans;

(ii) more than 50 percent of the net profit or loss of which accrues to 1 or more veterans; and

(iii) a significant percentage of senior management positions of which are held by veterans.

(B) For purposes of this paragraph, the term “veteran” has the meaning given such term in section 101(2) of title 38, United States Code.

Page 18, line 6, strike “MINORITY OUTREACH” and insert the following: “OUTREACH TO MINORITIES, WOMEN, AND VETERANS”.

Page 18, strike lines 15-16 and insert the following:

tions, and individuals that—

(A) represent or work within or are members of minority communities;

(B) represent or work with or are women; and

(C) represent or work with or are veterans.

Page 21, line 14, insert after “minority-” the following: “, veteran-,”.

Page 25, line 10, insert after “WOMEN-OWNED” the following: “, VETERAN-OWNED,”.

Page 25, line 12, insert after “women-owned businesses” the following: “, veteran-owned businesses.”.

Page 25, line 14, insert after “Program” the following: “(including determining the percentage of the total number of all businesses that receive assistance that such number represents)”.

Page 25, line 17, insert after “minority-” the following: “, veteran-,”.

The CHAIR. Pursuant to House Resolution 1436, the gentleman from New York (Mr. ISRAEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ISRAEL. Mr. Chairman, I yield myself 2 minutes.

I rise in support of the Israel-Barrow amendment. In particular, I would like to thank the gentleman from Georgia (Mr. BARROW) for his leadership and his partnership on behalf of veterans.

This amendment is rather direct. The underlying bill creates a new community bank lending fund for small businesses. It is essential that as we continue our recovery, we expand the amount of credit to America’s small businesses so they can buy products and hire people.

Our amendment does three things. One, it ensures that community banks participating in the lending fund prioritize veteran-owned businesses. Two, it requires aggressive outreach in advertising to veteran-owned small businesses. And, third, it requires the Secretary of Treasury, when designating lending institutions in the fund, to focus on veteran-owned businesses.

Mr. Chairman, last year there were 3.6 million veteran-owned businesses in the United States of America; 250,000 were owned by service-disabled veterans. They fought our battles, we should fight for their businesses, and that is precisely what our amendment does.

I again want to thank the gentleman from Georgia (Mr. BARROW) for working with me on this amendment. It is the Israel-Barrow amendment, but it might as well be called the Barrow-Israel amendment as a result of the partnership that we brought to this task on behalf of small businesses and veterans.

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

Mr. NEUGEBAUER. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. The bill currently includes language regarding women and minority-owned business, and adding the veteran-owned businesses makes sense. And so with that, we support this amendment and we thank the gentleman for bringing it forward.

I yield back the balance of my time.

Mr. ISRAEL. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. Mr. Chairman, I thank the gentleman for yielding. I have spent a lot of time meeting with small business owners across my district because small businesses are the backbone of our economy and they hold the key to our recovery. In the last decade, 70 percent of all new jobs are created by small businesses. But many are now facing a credit squeeze which makes it hard to cover everyday expenses, including hiring and remaining workers. It is in the best interest of our country that our small businesses thrive. That is why the Small Business Lending Fund Act deserves our support.

I am pleased to offer an amendment with Congressman ISRAEL that I think makes this good bill just a little bit better. Our amendment simply asks banks receiving funds under this act to reach out to women, minority and veteran-owned businesses to make them aware of the availability of these funds. These businesses are a valuable but often disadvantaged part of our economy, and I think they deserve our special attention.

I want to thank Congressman ISRAEL for his collaboration on this amendment and his leadership. I want to thank the chairman for his support.

Mr. ISRAEL. Mr. Chairman, we have proven today to the American people that both sides of this aisle can agree on at least one thing, and that is supporting veterans and supporting small businesses. I am grateful for the bipartisan cooperation that we have received on this.

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

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ISRAEL).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. ISRAEL. Mr. Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. NYE

The CHAIR. The Chair understands that amendment No. 2 will not be offered.

It is now in order to consider amendment No. 3 printed in part C of House Report 111-506.

Mr. NYE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. NYE:
Page 3, line 5, strike “and”.

Page 3, line 12, strike the period and insert “; and”.

Page 3, after line 12, insert the following new subparagraph:

(D) with respect to an eligible institution for which no report exists that is described under subparagraph (A), (B), or (C), such other report or set of information as the Secretary, in consultation with the Administrator of the Small Business Administration, may prescribe.

Page 4, line 25, strike “and”.

Page 5, line 3, strike the period and insert “; and”.

Page 5, after line 3, insert the following new subparagraph:

(D) any small business lending company that has total assets of equal to or less than \$10,000,000,000.

Page 6, line 1, after “report,” insert the following: “where each loan comprising such lending is made to a small business and is one”.

Page 6, after line 25 insert the following new paragraphs:

(1) SMALL BUSINESS.—The term “small business” has the meaning given the term

“small business concern” under section 3 of the Small Business Act (15 U.S.C. 632).

(2) SMALL BUSINESS LENDING COMPANY.—The term “small business lending company” has the meaning given such term under section 3(r)(1) of the Small Business Act (15 U.S.C. 632(r)(1)).

Page 12, beginning on line 19, strike “the amount of small business lending reported by the eligible institution in its call report for the last quarter in calendar year 2009 or the average amount of small business lending reported by the eligible institution in all call reports for calendar year 2009, whichever is lower” and insert “the average amount of small business lending reported by the eligible institution in its call reports for the 4 full quarters immediately preceding the enactment of this title”.

Page 17, after line 9, insert the following new subparagraph:

(I) INCENTIVES CONTINGENT ON AN INCREASE IN THE NUMBER OF LOANS MADE.—For any quarter during the first 4½-year period following the date on which an eligible institution receives a capital investment under the Program, other than the first such quarter, in which the institution’s change in the amount of small business lending relative to the baseline is positive, if the number of loans made by the institution does not increase by 2.5 percent for each 2.5 percent increase of small business lending, then the rate at which dividends and interest shall be payable during the following quarter on preferred stock or other financial instruments issued to the Treasury by the eligible institution shall be—

(i) 5 percent, if such quarter is within the 2-year period following the date on which the eligible institution receives the capital investment under the Program; or

(ii) 7 percent, if such quarter is after such 2-year period.

(J) ALTERNATIVE COMPUTATION.—An eligible institution may choose to compute their small business lending amount by computing the amount of small business lending, as if the definition of such term did not require that the loans comprising such lending be made to small business. Any eligible institution choosing to compute their small business lending in this manner shall certify that all lending included by the institution for purposes of computing the increase in lending under this paragraph was made to small businesses.

The CHAIR. Pursuant to House Resolution 1436, the gentleman from Virginia (Mr. NYE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

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

Mr. Chairman, recent reports on U.S. economic growth are promising and suggest that recovery is taking hold. However, I continue to hear from small business owners in my district who are still having a tough time obtaining the business loans that they need today. They have weathered the worst of the storm and are ready to lead our economy to a strong recovery. However, in order to do this, they need capital; capital from loans that banks are unwilling to lend.

As chairman of the Small Business Subcommittee on Contracting and Technology, my subcommittee examines every day how the Federal Government can incentivize business innovation.

For example, last year, with my fellow Virginian MARK WARNER, I proposed the Small Business Administration take action on the ARC loan program, a vital loan program that had been delayed months until Congress authorized it. Because of our efforts, soon after the ARC loan program was implemented, and it is expected to create or retain 24,000 jobs and assist 4,900 businesses this year alone.

We must continue to implement these types of small business programs that will unfreeze the small business credit markets. However, as we create this program to increase lending capacity to small banks, we must ensure that it is not another bank bailout.

The amendment I offer today puts controls in place to guarantee the funds in this bill are in fact going to small businesses. First and foremost, we must define what a small business is. If the Small Business Lending Fund is created with the intention to spur small business lending, we must ensure that the funds are in fact lent to businesses that are properly defined as small business. In order to do this, we should use the definition already being used by Federal agencies to determine a business’s size.

Second, we want to increase lending volume and open up the credit markets to every qualified small business. To do this effectively, we need to link lending incentives to volume, or in other words, to the number of loans that a bank makes and not just the amount of money lent. If we measure the lending of a bank merely by the amount of money lent, then a bank could make a few large loans and call it a day. Working capital for most small businesses requires small loans, and many times it takes more than one. Thus, to effectively measure if this program is truly supporting working capital efforts, we must certify that the volume of these small loans increases.

Third, in the same vein, a hardened baseline with real meaning must be set when measuring a bank’s lending record. Currently, the bill only requires a bank to increase its lending according to its 2009 fourth quarter record. The fourth quarter of 2009 saw a historically low lending rate. Small financial institutions decreased their small business lending by an average of 12.8 percent, and small business lending by large banks dropped by more than 20 percent. To gather a more accurate measure of small business lending, this amendment requires a full year’s worth of data to measure a bank’s lending report.

Finally, small business lending companies exist only to lend to small businesses. It would be nearsighted not to make these institutions that already have a strong infrastructure and proven ability to lend to small businesses eligible in this bill. My amendment includes small business lending companies with less than \$10 billion in assets as qualified financial institutions, alongside community banks and small credit unions.

If our economic recovery is going to translate into economic expansion, we must open up the credit markets to our small businesses who are proven job creators and we must ensure that programs created to provide capital to small businesses take the necessary measures to promote small business lending and not big business bailouts.

I urge my colleagues to support this amendment for our small businesses and for our economic future.

I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I rise to claim the time in opposition.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. NEUGEBAUER. Mr. Chairman, I am opposed to this amendment because it removes some of the safeguards to ensure the banks use the money in the way that they are supposed to and not simply just building up their capital buffers. Allowing recipients to self-certify that they have increased small business lending guts all of the other protections in this bill.

If we are going to allow recipients to pay dividends as low as 1 percent, we need to make sure that the money is used the way the legislation is intended. We already have less oversight of this money than we did in the TARP program, and even though it is the same program, cutting back even further is the wrong approach.

Already under this bill, banks are getting a good deal on the cost of capital, thanks to the taxpayers. Community banks that issue preferred equity paid dividends of 9 percent or more in the private market, here we have the government giving them the capital for 5 percent, or as low as 1 percent.

This amendment changes the incentives in the wrong way, and we need more safeguards for the taxpayers, not fewer.

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

Mr. NYE. Mr. Chairman, I yield the balance of my time to Congresswoman VELÁZQUEZ, the chairwoman of the Small Business Committee.

Ms. VELÁZQUEZ. I thank the gentleman for yielding.

Mr. Chairman, since the financial crisis struck in 2007, much has already been done to help banks and financial institutions stay solvent. Those steps were necessary. I firmly believe that without them, the financial crisis would have deepened, unemployment would have been higher, more Americans would have suffered, and our economic recovery may have been delayed for many years.

Despite these efforts, our entrepreneurs are still struggling to tap into the credit they need. As we revisit this problem once more, it is vital that we ensure that the benefits of this bill reach small businesses. That is the intent of this legislation. But without the right safeguards, this will be another attempt that fails to address the underlying problem of small business access to capital.

If this measure is not crafted properly, loans which go to large businesses could qualify under the program. Mr. Chairman, I support this amendment.

Mr. NEUGEBAUER. Mr. Chairman, I just want to repeat that when we are going to give a dividend, a lesser dividend rate for the more performance that these banks have, letting themselves certify is not a good check and balance. Certainly we want them to increase their lending, but we need third-party validation to make sure that if they are going to get as low as a 1 percent capital dividend rate, that some third-party validation validates that because obviously that has impact on this program.

I reserve the balance of my time.

Mr. NYE. I ask unanimous consent that each side be allocated an additional 2 minutes.

The CHAIR. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. NYE. Mr. Chairman, I yield 2 minutes to the distinguished ranking member of the committee, Congressman GRAVES.

Mr. GRAVES of Missouri. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Virginia.

Under the program, the way it was reported out of the Financial Services Committee, the bill bases its lending on the size of loans, and assumes that loans of under \$250,000 and \$1 million will be made to small businesses. However, there is no such assurance in the bill, and loans of those sizes could be made to large businesses, but count as small business lending. If this is a small business lending program, then it should use the definition of small business used throughout the government, and that is the one in the Small Business Act. The approach offered by the gentleman from Virginia (Mr. NYE) does just that. It makes that sensible change.

The other change that the gentleman's amendment does is to include small business lending companies. These institutions are not overseen by the Federal financial regulators, but are authorized by the Small Business Administration to make guaranteed loans. If the idea of the program is to increase lending to small businesses, small business lending companies should not be excluded from this program.

For these reasons, I definitely support the gentleman's amendment, and I appreciate his offering it.

Mr. NEUGEBAUER. Mr. Chairman, I yield back the balance of my time.

Mr. NYE. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. NYE).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. MINNICK, AS MODIFIED

The CHAIR. It is now in order to consider amendment No. 4 printed in part C of House Report 111-506.

Mr. MINNICK. Mr. Chair, I have an amendment at the desk designated under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MINNICK: Page 11, after line 3, insert the following new subparagraph:

(F) ELECTION TO INCLUDE OTHER NONFARM, NONRESIDENTIAL REAL ESTATE LOANS IN AMOUNT OF SMALL BUSINESS LENDING.—At the time that an applicant submits an application to the Secretary for a capital investment under the Program, the applicant may notify the Secretary that it elects to have included in the determination of the amount of its small business lending, for purposes of the computations made under paragraph (4), the amount of lending reported as other nonfarm, nonresidential real estate loans in its quarterly call report, but for purposes of this subparagraph, other nonfarm, nonresidential real estate loans shall not include a loan having an original amount greater than \$10,000,000. If an applicant makes the election under this subparagraph, the amount of lending reported as other nonfarm, nonresidential real estate loans shall be included in the determination of the amount of its small business lending for purposes of the computations made under paragraph (4).

The CHAIR. Pursuant to House Resolution 1436, the gentleman from Idaho (Mr. MINNICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Idaho.

□ 1145

Mr. MINNICK. Mr. Chairman, I ask unanimous consent to modify my amendment.

The CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 4 offered by Mr. MINNICK, as modified:

Page 6, after line 9, insert the following:

(v) Nonowner-occupied commercial real estate loans.

The CHAIR. Is there objection to the request of the gentleman from Idaho?

Without objection, the amendment is modified.

There was no objection.

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

Mr. Chairman, this amendment, while short in length, is extremely important to the commercial banking industry and to small business in my State and all of the United States. What it does is adds commercial real estate to the category of assets that can be covered by small business loan guarantees and increases the amount of those assets up to \$10 million.

This allows a category of assets that is now being held by small business men throughout the country, a category that is very large that needs to be refinanced because commercial real estate loans are short term and banks simply do not have the capacity in the current market to finance and process all of the commercial loans that need to be reprocessed over the next 3 to 5 years. By making these smaller loans that our community banks have made

to strip shopping centers, to restaurants, to small business, making them more liquid by applying a Federal guarantee, they will be able to sell these loans in the market. The bank will get cash and be able to make another commercial loan.

So this is a very important piece of legislation, an important component of the Small Business Lending Act that will do more, I think, than any other single thing in terms of getting our banking system functioning again and providing credit to the entrepreneurs and small businesses across this country who will fuel the economic recovery and create the jobs that will bring us out of this recession.

I urge my colleagues to accept this amendment, and I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I seek time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. I appreciate the gentleman's point here of trying to create a new source of capital in commercial real estate at a time when there is a significant amount of stress on our community banks. Financing for commercial real estate, particularly the smaller loan market that serves small businesses, has been limited. The commercial mortgage-backed securities market, the CMBS market, which accounted for nearly 50 percent of the commercial real estate lending in 2007, remains dormant.

So while I continue to believe the \$30 billion lending fund will not improve lending for small businesses, I do not oppose the gentleman's amendment.

I yield back the balance of my time.

Mr. MINNICK. I thank the gentleman.

I would urge my colleagues to endorse this amendment and ask that it be added to the bill.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Idaho (Mr. MINNICK), as modified.

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR.

PERLMUTTER

The CHAIR. It is now in order to consider amendment No. 5 printed in part C of House Report 111-506.

Mr. PERLMUTTER. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. PERLMUTTER:

Add at the end of title I the following new section:

SEC. 14. TEMPORARY AMORTIZATION AUTHORITY.

(a) PURPOSE.—The purpose this section is to address the ongoing effects of the financial crisis on small businesses by providing temporary authority to amortize losses or

write-downs in order to increase the availability of credit for small businesses.

(b) IN GENERAL.—For purposes of capital calculation under the Financial Institutions Examination Council's Consolidated Reports of Condition, an eligible institution may choose to amortize any loss or write-down, on a quarterly straight line basis over a period determined under subsection (c), beginning with the month in which such loss or write-down occurs, resulting from the application of FASB Statement 114 or 144 to—

(1) other real estate owned (as defined under section 34.81 of title 12, Code of Federal Regulation), or

(2) an impaired loan secured by real estate, provided that the institution discloses the difference in the amount of the institution's capital, when calculated taking into account the temporary amortization, from the amount of the institution's capital when calculated without taking into account the temporary amortization on the Financial Institutions Examination Council's Consolidated Reports of Condition.

(c) AMORTIZATION REQUIREMENTS.—During the initial 2-year period referred to in section 4(d)(4), an eligible institution's amortization period shall be adjusted to reflect the following schedule based on the institution's change in the amount of small business lending relative to the baseline:

(1) If the amount of small business lending has increased by less than 2.5 percent, the amortization period shall be 6 years.

(2) If the amount of small business lending has increased by 2.5 percent or greater, but by less than 5.0 percent, the amortization period shall be 7 years.

(3) If the amount of small business lending has increased by 5.0 percent or greater, but by less than 7.5 percent, the amortization period shall be 8 years.

(4) If the amount of small business lending has increased by 7.5 percent or greater, but by less than 10.0 percent, the amortization period shall be 9 years.

(5) If the amount of small business lending has increased by 10 percent or greater, the amortization period shall be 10 years.

(d) MINIMUM UNDERWRITING STANDARDS.—The appropriate Federal banking agency for an eligible institution that chooses to amortize any loss or write-down as permitted under subsection (b) shall, within 60 days of the date of the enactment of this title, issue regulations defining minimum underwriting standards that must be used for loans made by the eligible institution.

(e) EFFECTIVE DATE.—The provisions of this section shall apply to loan origination that occurred on or after January 1, 2003, and before January 1, 2008.

The CHAIR. Pursuant to House Resolution 1436, the gentleman from Colorado (Mr. PERLMUTTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. PERLMUTTER. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, the amendment I offer with my colleagues today would increase the availability of capital for small businesses. It temporarily allows banks to amortize real estate losses over 6 years. In addition, smaller community banks would be incentivized to increase small business lending through an extended amortization period of up to 10 years.

The impact of this amendment deals with regional and small banks. It will be immediate and is a necessary step in

providing greater availability of credit, which will lead to job creation and economic growth.

We had an earthquake on Wall Street about a year-and-a-half ago. Those aftershocks are still being felt by small businesses and small banks all across the country. It is for that reason these banks, in an effort to help small businesses regain their footing, deserve this kind of amortization and flexibility with respect to their loan portfolios. They did not cause the trouble that they now find themselves in, and we believe that amortization is appropriate.

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

Mr. NEUGEBAUER. Mr. Chair, I am opposed to the amendment.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. NEUGEBAUER. Certainly I am sympathetic to the many community banks coping with real estate assets on their books that have lost their value; however, I am not sure this amendment is the best solution.

This amendment would essentially allow certain banks to hide losses for up to 10 years. The practice of legislative forbearance is a dangerous one and could result in problems that only get worse because they are not properly addressed. Accounting rules function to provide a clear record of the health of the institution. This amendment does just the opposite by hiding the losses.

The amortization provided by this amendment does not take effect for 2 years, when the increase in small business lending is measured; thus, it doesn't really address the current credit problems that this bill attempts to solve. This amendment creates the wrong incentive of allowing banks to hide losses for longer periods of time based on making even more loans. Instead of continuing to distort the market, the government should instead create an expansionary environment where we are lowering taxes and providing regulatory certainty and not hiding accounting losses.

I urge opposition to this amendment.

I yield back the balance of my time.

Mr. PERLMUTTER. Mr. Chairman, I would say the amendment provides that if there is a \$250,000 loss, it is booked and it is open, but then is spread out for 6 up to 10 years. It's easily transparent and open.

I yield 1 minute to my friend from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the gentleman from Colorado. All of us share a common goal: We are committed to an economic recovery. We also agree that small business lending is critical to achieving that recovery.

Small businesses in my district in south Florida and around the country are struggling to get access to credit so they can grow their businesses and create jobs. Even though bank regulators at the top are telling banks to lend, I have heard over and over again directly

from dozens of businesses in my community and the banks locally that examiners on the ground are giving the exact opposite message.

It is essential that we do everything we can to increase small business lending. This amendment provides incentives for small business and real estate lending, exactly what south Florida and other communities need to continue on the road to recovery. The amendment provides a solution to a critical problem, and I am proud to have worked with community banks, our Realtors and real estate community on this issue.

I urge my colleagues to support this amendment.

Mr. PERLMUTTER. At this point, I would also say to my friend from Texas, the amendment takes place immediately, not after 2 years.

I yield 1 minute to my colleague from Colorado (Mr. COFFMAN).

Mr. COFFMAN of Colorado. I thank the gentleman from Colorado for yielding.

Mr. Chair, I rise today in strong support of this amendment to House Resolution 5297, the Small Business Lending Fund Act of 2010. The amendment offered by my friend from Colorado, Representative PERLMUTTER, would do a great deal to increase the availability of loans to our Nation's small businesses. Small businesses are the engine that drives our economy.

This amendment will allow Colorado banks to amortize, or write down, commercial real estate loan losses over a period of time to ensure an adequate amount of capital for continued lending. The amendment encourages continued lending to small businesses by establishing a graduated scale with a maximum 10-year period of amortization for increased small business lending of 10 percent or more.

Enacting commonsense measures such as this will do a great deal to help small businesses, while also protecting many community banks from the volatility that currently surrounds their commercial real estate portfolio.

I have run a small business, and access to capital was always a pressing concern. I am glad that Congress is addressing this important issue.

I urge my colleagues to vote in favor of this amendment.

Mr. PERLMUTTER. I yield 1 minute to my friend from Wisconsin (Mr. KAGEN).

Mr. KAGEN. I rise in strong support of the Perlmutter, Gutierrez, Klein, and Kagen amendment. Why? It's exactly the medicine we need in our economy right now. Small businesses in Wisconsin, small businesses in Colorado and across the country are looking for access to credit at a price they can afford to pay. And right now our community banks are unable to lend, not because of their own activity, but because of the bad judgment of big banks on Wall Street.

Main Street community banks and Main Street small businesses should

not have to continue to pay for the mistakes of Wall Street. The Perlmutter amendment would allow community banks under \$10 billion of assets to amortize potential losses over 6 years and up to 10 years if they increase their lending to small businesses.

We get it. We understand that small businesses are the economic engines of this country. It's time to give small businesses the opportunity to grow our economy and the jobs we need to work our way back into prosperity.

I would urge a strong "yes" vote on this amendment.

Mr. PERLMUTTER. Mr. Chairman, how much time do I have left?

The CHAIR. The gentleman has 1 minute remaining.

Mr. PERLMUTTER. Thank you.

The point here is smaller banks, regional banks, unlike banks on Wall Street, did not create the credit and lending mess that exists today. Small businesses didn't create the mess that we see. And it is small business that employs so many people, and we have got to get folks back to work.

So the amendment allows for a bank to take a loss and then spread it over a period of time so that they can weather this storm until we get back to a good financial footing in this country. It is something that is necessary. It will assist with the availability of credit today and doesn't cost the taxpayer any money.

Something like this was used in the 1980s to assist the agricultural banks, and it worked at that time. It will work today.

I urge an "aye" vote on amendment No. 5, and I yield back the balance of my time.

The Acting CHAIR (Ms. NORTON). The question is on the amendment offered by the gentleman from Colorado (Mr. PERLMUTTER).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part C of House Report 111-506.

Mr. PRICE of Georgia. Madam Chair, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. PRICE of Georgia:

Page 26, after line 7, insert the following new section:

SEC. 14. SENSE OF CONGRESS.

It is the sense of Congress that the Federal Deposit Insurance Corporation and other bank regulators are sending mixed messages to banks regarding regulatory capital requirements and lending standards, which is a contributing cause of decreased small business lending and increased regulatory uncertainty at community banks.

The Acting CHAIR. Pursuant to House Resolution 1436, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Madam Chair, I want to thank the chairman of the committee and the ranking member for working with me on this amendment. And although, as they know, I am opposed to the underlying bill, this amendment is extremely important to highlight the serious problem of mixed messages that financial regulators are sending to our community banks. And I appreciate the support of the chairman on this amendment.

Banks in Georgia employ almost 50,000 people and hold \$276 billion in assets. Most of these banks are community institutions, which were mere bystanders to the financial and liquidity crisis of the last 2 years.

□ 1200

Late last week, the Treasury Department reported that TARP will cost less than they originally estimated. In fact, Treasury expects to spend less than the \$550 billion of the \$700 billion authorized. Regrettably, this figure does not factor in the bailouts for Fannie Mae, Freddie Mac, and AIG.

But even so, this is a revolving taxpayer bailout fund, meaning that there is \$550 billion that the administration and leadership could put towards small business lending. However, the administration chose not to do this and, instead, wants Congress to appropriate another \$33 billion of taxpayer money. That's right, another \$33 billion.

Certainly, small business lending is a priority for banks and businesses. However, this bill doesn't address the underlying causes of contraction in lending but invests much more in a failed regulatory agency.

Unfortunately, the mixed messages being sent by failed bank regulators will not be fixed. Instead of making the FDIC and the other regulators send a clear, consistent message to our Nation's banks, this Congress feels that throwing more money at the problem will fix it.

In February, bank regulators, both State and Federal, issued a joint statement providing guidance to banks and to credit unions, encouraging them to make loans to credit-worthy small business borrowers. The regulators described the guidance as intended to "emphasize that financial institutions engaging in prudent small business lending after performing a comprehensive review of a borrower's financial condition will not be subject to supervisory criticism for small business loans made on that basis."

However, reports from the field show a much different picture. I hear from bankers in my district and across our State that there is capital to lend. However, I also hear from those same banks that they're nervous and anxious about the unpredictable regulators' response and scrutiny of their regulatory capital ratios and loan requirements. For many banks, it's easier and better just to ride out the storm by hoarding

their cash than to justify every penny that they lend to the regulators, possibly risking their capitalized standing.

Banks cannot hold capital for regulatory compliance and comply with regulators' instructions to lend at the same time. They're mutually exclusive. My amendment states that these mixed messages sent by the regulators are a very serious problem and a cause of the contraction in small business lending and are destructive to communities.

In order to highlight this, I urge adoption of the amendment.

I reserve the balance of my time.

Ms. BEAN. I claim time in opposition, even though I'm not opposed.

The Acting CHAIR. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

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

I want to acknowledge Congressman PRICE's amendment and its recognition of the challenges facing not only community businesses seeking loans but the community bankers that are trying to provide them. His amendment recognizes mixed messages between legislators urging more lending while regulators and examiners are often urging less, particularly in the area of commercial real estate. That's why I have a bill that addresses both priorities by expanding the SBA 504 program to allow banks to lend to small businesses for owner-occupied properties, while easing the exposure on their bank's balance sheet with investments from the CDCs.

I also want to acknowledge that this amendment recognizes the credit crisis that's challenging our country and our small businesses particularly, which is the point of this underlying bill. And I hope my colleague will support the underlying bill as it addresses those credit challenges.

I yield back the balance of my time.

Mr. PRICE of Georgia. I thank the gentlelady for her support of the amendment and would just point out, once again, the mixed messages that are being received by our community banks.

I would also like to point out that the amount of money left available in TARP right now could easily cover the intent of this bill. However, this bill has in it an extra \$33 billion, \$33 billion, Madam Chair, that, frankly, we do not have as a Nation. We put it on backs of our kids and grandkids and borrow it from some other nation when we could be utilizing money that has already been appropriated for the same positive purpose.

I urge adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. AL GREEN OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part C of House Report 111-506.

Mr. AL GREEN of Texas. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. AL GREEN of Texas:

Page 19, after line 4, insert the following new subsection:

(e) NOTIFICATION TO CUSTOMERS.—Any eligible institution receiving funds under the Program shall—

(1) disclose on every applicable loan transaction that the loan is being made possible by the Program; and

(2) if such institution has an established internet website, such institution shall make available on its internet website—

(A) the written reports made by the Secretary pursuant to paragraphs (1) and (2) of section 7; and

(B) a statement that the institution, as a participant in the Program, is seeking to make small business loans to qualified borrowers and may not discriminate on the basis of any factor prohibited under the Equal Credit Opportunity Act, including the race, color, religion, national origin, sex, marital status, or age.

The Acting CHAIR. Pursuant to House Resolution 1436, the gentleman from Texas (Mr. AL GREEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. AL GREEN of Texas. I yield myself 3 minutes at this time.

Madam Chair, this is an important amendment. This amendment will not be a perfect amendment with references to what it seeks to do, but it is a perfecting amendment. This amendment seeks to provide disclosure and enhance accountability, and I'd like to make it known that this amendment received a lot of help and input from the Office of Congressman HENSARLING, and I thank him for what he has done.

This amendment would provide that an institution engaged in the lending process with the funds from the program, that this institution will on applicable loan documents indicate that the funds being loaned are funds that are coming from the fund. This is important because the public desires to know where the money is going, how it is being utilized.

This amendment would also require, if the institution has a Web site, it will require that that Web site contain the written reports of the Treasury Secretary. These reports would indicate, to the extent that loans have been made, how the money has been utilized, and this, again, would provide additional transparency which will lead to accountability.

Finally, the amendment will require lending institutions to make known to the capable, competent, and qualified borrowers that they will have the opportunity to participate in the program by way of receiving loans and that these loans must be based upon the law as it is written and not allow any type of discrimination, invidious

discrimination to infiltrate the program.

I think this is an amendment that goes a long way toward helping us improve our transparency and accountability. It is not a perfect amendment, but it is a perfecting amendment.

I reserve the balance of my time.

Mr. NEUGEBAUER. Madam Chair, I claim time in opposition, although I don't think I'm going to oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. I just wanted to clarify something that the gentleman said.

I understand that the bank will disclose to the borrower that they are loaning them funds because they are participating under this program, and then the gentleman went on to say that the Treasury would then post a report on their Web site. Now, would that list the names of the borrowers? Will the Treasury report list on their Web site the names of each borrower that borrowed money under this program?

Mr. AL GREEN of Texas. If the gentleman would yield to me?

Mr. NEUGEBAUER. I yield.

Mr. AL GREEN of Texas. It will indicate what transactions took place, and it will indicate who the banks, the lending institutions, that engaged in the transaction. The borrower's name would not be a part of the information.

Mr. NEUGEBAUER. I thank the gentleman because I was concerned about the privacy of those business owners, you know, letting the world know how much money they're borrowing. So I'm not opposed to the gentleman's amendment. I think disclosure is a good thing.

I just want to make a point that there have been several discussions up here today that this is not going to cost the taxpayers any money, and only in Washington, D.C., can you go spend \$33 billion and say it's not going to cost anything. The problem is, if this program is participated up to \$33 billion, we don't have \$33 billion, and so we're going to go have to borrow \$33 billion from the Chinese to loan banks to loan to small businesses in this country.

And a lot of folks I think understand that kind of how we got here was that the whole world, small businesses, individuals, and governments, have been on this borrowing and spending binge, borrow and spend, borrow and spend, and quite honestly, that's how we wove this web where we've got our financial markets in somewhat of a wrinkle right now.

So, while I applaud the gentleman's amendment, I still go back to the fundamental point here that, one, this bill will not help small businesses have any additional capital, but more importantly, we are going to go spend \$33 billion that we don't have, and I don't think that's the right prescription for our country.

With that, I reserve the balance of my time.

Mr. AL GREEN of Texas. Let me simply say in response that the bill anticipates that loans will be repaid. It's not a circumstance where persons are going to receive or businesses will receive loans that are not going to be paid. And the bill causes banks or lending institutions to make the loans because they will receive a better interest rate upon making loans such that they are incentivized to make these loans.

So, while the bill will not cure all of the ails of society, all of the ills that we have, it certainly will go a long way towards stimulating small business lending, which is important to the economic recovery.

I believe in this bill. I believe that this amendment will help with transparency and accountability. And I also believe that it is time for us to do all that we can to help the small businesses in this country. I believe that this is something we can do, and I believe that it is the something that will make a difference.

I reserve the balance of my time.

Mr. NEUGEBAUER. I appreciate the gentleman.

I still go back to the point, and I think that's where we get kind of in a, we're living in Wally World here in Washington, D.C., where you still have to have \$33 billion. If you're going to go invest in the preferred shares of these banks, you've still got to find the \$33 billion. And the truth of the matter is for every dollar we're going to appropriate or allocate in this country this year, we're going to have to borrow 42 cents of it.

So I guess the question is, should we go out and hock another \$33 billion for a program that many people think that there's adequate capital and liquidity already in the banking industry? Some people have been quoted as saying, well, 42 percent of the small businesses have been turned down for loans in this country. Well, you know, I was in the loan business, and everybody that came in to my borrow money from me when I was a loan officer wasn't credit-worthy or it wasn't in their best interest to leverage their business further.

So I'm afraid that we're out here trying to encourage behavior that the marketplace may be already taking care of.

My good friend from Georgia did make a point that the regulatory folks are sending mixed messages. I think that's a bad policy. I think the regulators need to be more consistent with their policy, again bringing that certainty because what we've heard time and time again, whether it's from the business community or from the lending community, all of this uncertainty about what Congress is doing and the regulatory reforms that are going on, all of this is creating a huge amount of uncertainty. And so what happens when we have uncertainty in the marketplace, people just sit on the sidelines.

If you want to get businesses going again, if you want to get the economy going again, we've got to get the government out of the banking business. We've got to get the government out of all these huge regulations. We've got to bring economic certainty by not imposing more restrictions on companies on their health care; cap-and-trade affecting what they're potentially going to pay for energy in the future; uncertainty with our tax code, where we don't know what provisions are going to expire, what provisions aren't.

And you know, wouldn't it be nice for the American people to get to see a budget of how Congress is planning to spend their money, instead of going through a daily, monthly, weekly exercise of spending money without a budget? The American people don't do their business that way. They're a little bit concerned that the United States Congress just keeps on spending money but without a budget.

So, with that, I yield back the balance of my time.

Mr. AL GREEN of Texas. I yield myself such time as I may consume.

While I appreciate the gentleman from Texas' desire to make sure that budgets are balanced and to make sure that we have accountability and transparency, I do have to remind the gentleman that the desire and the need to balance the budget did not start this year, nor did it start last year. We should have had a balanced budget for the 8 years of the prior administration.

□ 1215

I think that you find this administration burdened with the problems that were created by the past administration. I believe that in an effort to correct these problems, we will have to take some necessary steps toward helping small business.

I hear my colleagues on the other side quite regularly contending that small businesses need help. This is help, and my trust and my hope and my belief is that the small business help will be supported by not only this side of the aisle, but by both sides of the aisle.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. AL GREEN).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. DRIEHAUS

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part C of House Report 111-506.

Mr. DRIEHAUS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. DRIEHAUS: Page 23, strike lines 7 through 9 and insert the following: "of the Program through the Office of Small Business Lending Fund Program Oversight established under subsection (b)".

Page 23, after line 9, insert the following new subsection:

(b) OFFICE OF SMALL BUSINESS LENDING FUND PROGRAM OVERSIGHT.—

(1) ESTABLISHMENT.—There is hereby established within the Office of the Inspector General of the Department of the Treasury a new office to be named the "Office of Small Business Lending Fund Program Oversight" to provide oversight of the Program.

(2) LEADERSHIP.—The Inspector General shall appoint a Special Deputy Inspector General for SBLF Program Oversight to lead the Office, with commensurate staff, who shall report directly to the Inspector General and who shall be responsible for the performance of all auditing and investigative activities relating to the Program.

(3) REPORTING.—

(A) IN GENERAL.—The Inspector General shall issue a report no less than two times a year to the Congress and the Secretary devoted to the oversight provided by the Office, including any recommendations for improvements to the Program.

(B) RECOMMENDATIONS.—With respect to any deficiencies identified in a report under subparagraph (A), the Secretary shall either—

(i) take actions to address such deficiencies; or

(ii) certify to the appropriate committees of Congress that no action is necessary or appropriate.

(4) COORDINATION.—The Inspector General, in maximizing the effectiveness of the Office, shall work with other Offices of Inspector General, as appropriate, to minimize duplication of effort and ensure comprehensive oversight of the Program.

(5) TERMINATION.—The Office shall terminate at the end of the 6-month period beginning on the date on which all capital investments are repaid under the Program or the date on which the Secretary determines that any remaining capital investments will not be repaid.

(6) DEFINITIONS.—For purposes of this subsection:

(A) OFFICE.—The term "Office" means the Office of Small Business Lending Fund Program Oversight established under paragraph (1).

(B) INSPECTOR GENERAL.—The term "Inspector General" means the Inspector General of the Department of the Treasury.

Page 23, line 10, strike "(b)" and insert "(c)".

The Acting CHAIR. Pursuant to House Resolution 1436, the gentleman from Ohio (Mr. DRIEHAUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. DRIEHAUS. Madam Chair, I yield myself such time as I may consume.

Madam Chair, we know that small businesses account for the majority of new jobs created in this country, and we know that making it easier for small businesses to borrow is essential to our continued economic recovery. This legislation will help small businesses access the credit they need to create the jobs that will move our economy forward, but we need to provide strong oversight to ensure that these loans are being put to use where they are most effective and put to use in a way that is responsible to the American taxpayer.

The amendment I have offered with my colleagues from Virginia and Kan-

sas will establish the Office of Small Business Lending Fund Oversight under the authority of the Treasury Inspector General. The Special Deputy Inspector General of the oversight office will be required to monitor the Small Business Loan Fund and to report to Congress at least twice a year with recommendations for improving the program.

This amendment is about good government. It places no additional burdens on banks or small businesses. Instead, it makes a good bill better by ensuring accountability and transparency to the American people.

We've seen what happens when government fails to provide adequate protections when special interests are put ahead of the public good. Now we're taking steps to make up for the years of lax oversight and neglected responsibility.

Make no mistake, this bill is about creating jobs. Small business owners tell me constantly that they could begin hiring again if only they had access to credit and capital. This legislation will encourage banks to lend to small businesses, and my amendment will help protect taxpayers in the process.

This bill will strengthen our economic recovery without adding a dime to the deficit. I encourage my colleagues to support this amendment as well as the underlying legislation.

Madam Chair, I reserve the balance of my time.

Mr. NEUGEBAUER. Madam Chair, I rise to claim time in opposition to the bill.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. NEUGEBAUER. This new capital injection program is designed to operate exactly like the TARP program but without any of the taxpayer protection or oversight bodies. Now, this amendment is intended to substitute for putting the experience of the Inspector General for this type of program in charge of this new fund.

Republicans had an amendment that put the Special Inspector General for TARP, or SIGTARP, in charge of the oversight of this new fund, but the Rules Committee blocked it. Really, this creates a new regulator where we had an existing regulator in place for TARP-like programs, which this is, and we think that that was a better alternative. And now we want to put someone that doesn't have as much experience with this type of program in charge of oversight, and we just don't think that's in the best interest of the taxpayers.

Republicans, as I want to remind the chairman, offered a number of amendments that would have given the taxpayers much more protection even than this amendment would. Unfortunately, again—and I don't want to be redundant here, but the Rules Committee, which is controlled by the majority, only allowed one Republican amendment to be heard while we've

had 16 amendments from the majority. Again, we wondered why Republican amendments to provide better protection and better oversight were blocked by the majority when I think the American people think that any kind of amendment that would have provided them more opportunity, more protection, and more oversight would have been in their best interest.

We don't think that this amendment does the job that it needs to do, and therefore we're opposed to it.

Madam Chair, I reserve the balance of my time.

Mr. DRIEHAUS. Madam Chair, I would just comment on the gentleman's comments.

Yes, those amendments were offered, but as you know, not a dime of TARP money is being used in this bill, so it's not appropriate for SIGTARP to have the oversight. In fact, Mr. Thorson, who will have the oversight, has incredible experience overseeing small business programs. Before becoming the Inspector General of the Treasury Department, Mr. Thorson served as the Inspector General for the Small Business Administration from 2006 to 2008. In that short time, his office uncovered what is believed to be the largest government-backed loan fraud scheme in history, roughly \$75 million. As a result of that investigation, they arrested 15 people in one day. That's oversight.

And so while the gentleman is asking for SIGTARP to have oversight, despite the fact that not a dime of TARP is being spent on this bill, we have oversight that is adequate, that is strong, that is contained in Treasury, that should have the oversight within this bill.

Madam Chair, I yield 30 seconds to my colleague from Illinois (Ms. BEAN).

Ms. BEAN. I just want to applaud Congressmen DRIEHAUS, CONNOLLY, and MOORE's efforts to improve the oversight of the SBLF program. This amendment importantly expands oversight to ensure taxpayer dollars are protected. I urge my colleagues to adopt the amendment.

I would further rebut our colleague from Texas' inaccurate assertion that the program is not paid for. The gentleman knows full well that it is fully paid for and that, according to the CBO, the government will earn a profit.

Mr. NEUGEBAUER. I concede to the gentleman that none of this money is coming from the TARP program; it probably should have because it's a TARP program. I want to just remind the gentleman that Neil Barofsky, the Special Inspector General who oversees TARP, said, In terms of its basic design, its participants, its application process, from an oversight perspective the Small Business Lending Fund would essentially be an extension of TARP's capital purchase program.

From Elizabeth Warren, the SBLF's prospects are far from certain. The SBLF also raises the question whether, in light of the capital purchase pro-

gram's poor performance in improving credit access, any capital infusion for the program can essentially jump-start small business lending. So everybody but the Democrats understands that this is a TARP program.

Now, why did we want SIGTARP to have oversight? Because this is a TARP-like program. And just today it was released that SIGTARP helped bring a new lawsuit today for \$1.9 billion in fraud collection with the failure of Colonial Bank. Colonial Bank received \$553 million in TARP funds. To say that you're going to go out and put \$33 billion into the marketplace and not suffer any losses at a time when we have over 100 banks that have already missed one dividend payment—we've had one bank that has missed six dividend payments—and that several billion dollars have already been lost from some of these banks that were defaulted and were closed after the taxpayers had put money in there.

And I go back to you saying, well, it doesn't cost the taxpayers any money. I keep asking the majority, where is the \$33 billion for this program coming from?

I yield to the gentleman.

Mr. DRIEHAUS. Well, I appreciate your yielding because I would like to rebut your first point about the TARP.

Mr. NEUGEBAUER. No. I would like the gentleman to answer the question—

Mr. DRIEHAUS. There is not a dime of TARP money going into this bill. You are undermining the authority—or attempting to undermine the authority of the Inspector General of Treasury.

Mr. NEUGEBAUER. I will reclaim my time if the gentleman is not going to answer my question. The question to the gentleman was, Where is the \$33 billion coming from? If the gentleman wants to answer that question, I would love to yield him time. If he's not prepared to tell me where the \$33 billion is coming from, then I would not yield the gentleman time.

Mr. DRIEHAUS. As the gentleman knows, we disposed of that issue yesterday and we paid for it.

Mr. NEUGEBAUER. No. The pay-for was to cover any potential losses, supposedly. But where is the \$33 billion that you're going to invest in these banks coming from?

Mr. DRIEHAUS. With all due respect to the gentleman, I know that this doesn't fit into the political framework of the Republicans to suggest that this is not TARP, this is not another bailout, this is about helping small businesses.

Mr. NEUGEBAUER. I will reclaim my time because the gentleman obviously doesn't know where the \$33 billion is coming from, which is part of the problem up here. People just think this money appears when you start saying I'm going to put \$33 billion here or \$100 billion here, \$250 billion here; and nobody knows where the money is coming from. But the bottom line is we know where the money is coming from.

We're going out and borrowing that money because the Treasury doesn't have \$33 billion.

Mr. DRIEHAUS. Madam Chair, the political framework of the Republicans is that they want to call everything a bailout. And when it's not a bailout, they want to act like it is. They want to call this TARP even when it's not. So this doesn't fit into the definition that they want to use out there on Fox News and elsewhere, but the fact of the matter is it's coming out of Treasury. Treasury deserves the oversight.

Madam Chair, I yield 1½ minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my colleague from Ohio for his leadership and my friend from Illinois for her kind words.

The Small Business Lending Fund Act will expand opportunities for small businesses to access critically needed capital today. Our amendment ensures that the program works as intended, that America's small businesses receive access to that capital and that taxpayers' loans are repaid.

The lending facility encourages small business loans to credit-worthy companies, with the repaid funds and interest payments all going to reduce the deficit that our friends on the other side say they're concerned about.

Small businesses will lead private sector job growth if they can obtain the necessary capital. The Office of Small Business Lending Fund Program Oversight established by our amendment will provide accountability and enhance the effectiveness of the lending fund, helping to spur a more robust small business sector.

The current Treasury IG has a reputation for safeguarding taxpayer funds, as my friend from Ohio said. A review of the Office of Thrift Supervision uncovered six cases where it improperly allowed private thrifts to backdate capital deposits, allowing institutions like failed IndyMac to appear more solvent than they were. This amendment will correct that problem moving forward in the future. I urge its adoption.

The Acting CHAIR. The gentleman from Ohio has 15 seconds remaining.

Mr. DRIEHAUS. Madam Chair, I just want to remind the Members this amendment is about oversight; it's about doing our job to make government work properly. And while I realize it doesn't always fit into the political rhetoric of the other side, it is about good government. This isn't TARP; this isn't a bailout. This is about helping small businesses, moving the economy forward, and good government.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. DRIEHAUS).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. MICHAUD

The Acting CHAIR. The Chair understands that amendment Nos. 9 and 10 will not be offered.

It is now in order to consider amendment No. 11 printed in part C of House Report 111-506.

Mr. MICHAUD. Madam Chair, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. MICHAUD: Page 30, line 14, after "programs," insert the following: "State-run venture capital fund programs,".

Page 51, line 3, strike "extends credit support that" and insert "uses Federal funds allocated under this title to extend credit support that".

The Acting CHAIR. Pursuant to House Resolution 1436, the gentleman from Maine (Mr. MICHAUD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maine.

□ 1230

Mr. MICHAUD. I yield myself such time as I may consume.

Madam Chair, I rise today in support of my amendment to the Small Business Lending Fund Act.

The amendment I offer today does two things to improve the underlying bill's State Small Business Credit Initiative program.

First, it ensures that State-run venture capital programs are eligible to participate in the program. Second, it clarifies that State financing programs will be eligible for the program as long as their use of the new funds meets the business-sized requirements in the bill.

The programs created in the Small Business Lending Fund Act build on the proven potential of existing State lending programs. In Maine, these programs have been enormously effective at getting small businesses the access to capital and to the technical support they need.

My amendment ensures that States are able to maintain their existing initiatives while taking advantage of the new programs created in this bill.

I urge my colleagues to support this amendment and the underlying bill.

I reserve the balance of my time.

Mr. NEUGEBAUER. Madam Chair, we do not object to this amendment.

Mr. MICHAUD. Madam Chair, I would encourage my colleagues to adopt this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maine (Mr. MICHAUD).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. CAO

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part C of House Report 111-506.

Mr. CAO. As the designee of the gentleman from Texas, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. CAO:

In section 6(6) of the bill, strike "and" at the end.

In section 6(7) of the bill, strike the period at the end and insert "and".

In section 6 of the bill, add at the end the following:

(8) providing funding to eligible institutions that serve small businesses directly affected by the discharge of oil arising from the explosion on and sinking of the mobile offshore drilling unit *Deepwater Horizon* and small businesses in communities that have suffered negative economic effects as a result of that discharge with particular consideration to States along the coast of the Gulf of Mexico.

The Acting CHAIR. Pursuant to House Resolution 1436, the gentleman from Louisiana (Mr. CAO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. CAO. I yield myself such time as I may consume.

Madam Chair, I rise today in support of amendment No. 12 to H.R. 5297, the Small Business Lending Fund Act of 2010, and I urge my colleagues to support this amendment.

This amendment requires the Secretary of the Treasury to provide consideration, in the allocation of funds, to gulf region States in the areas where businesses and the economy have been adversely affected by the *Deepwater Horizon* oil spill.

I thank the gentlewoman from Texas for her partnership in drafting this amendment and for her consideration for gulf coast communities during our time of crisis.

I would also like to thank the gentleman from Alabama, the ranking member of the Financial Services Committee, for his ongoing assistance and support.

The district that I represent includes Louisiana's Orleans and Jefferson Parishes. In my district and all across the gulf coast, we were still recovering from the devastating storms of 2005 when we were hit with the latest disaster.

The oil spill in the Gulf of Mexico in April presents us with economic, environmental, and health challenges of unprecedented proportions. The shutters have gone down on businesses throughout the gulf region because they simply do not have the short-term or long-term resources to operate. Industries such as fishing and seafood processing, recreational fishing, restaurants, and tourism are all suffering disproportionately.

I have spoken with hundreds of fishermen and oystermen from my district who are no longer able to fish the waters they and their families have fished for generations. Many have spoken of desperation in not knowing how they will provide for their families. Tens of thousands of claims have been filed through BP, and the SBA has made disaster loans available to businesses adversely affected by the oil spill, and they will defer loan payments for 1 year.

These provide only temporary relief, however, and a long-term solution for economic assistance to the gulf region is what is needed now because the last thing we need is more unemployment. Without immediate economic assistance, the very businesses that in 2005 returned to the Orleans and Jefferson Parishes, committed to our recovery, will be forced to leave.

This amendment is a strong step in the right direction to providing desperately needed economic assistance, because it will see that small businesses along the gulf coast receive the credit necessary to keep our businesses alive. At the same time, it will spur new business which will be able to absorb any unavoidable and unfortunate job losses caused by the oil spill.

Again, I urge my colleagues to pass this amendment, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. I rise to claim time in opposition, but I will not oppose the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Texas is recognized for 5 minutes.

There was no objection.

Ms. JACKSON LEE of Texas. Madam Chair, I am delighted to have Mr. CAO join me in my amendment that I offered in the Rules Committee, and I am delighted that he was able to rise to claim the time for this amendment. This is an amendment that I have written, and I have asked Mr. CAO to join me, as he had a similar amendment. I appreciate very much the support that he has given, and I recognize the concerns that he has expressed.

I want to support the underlying bill as well and to make note of the fact that small businesses are now facing the most difficult time in the worst recession in our history.

According to a February 2010 report of the Federal Deposit Insurance Corporation, total bank loans and leases declined for the sixth straight quarter, with total loans to commercial and industrial borrowers declining by 4.3 percent and real estate construction development loans declining by 8.4 percent.

What that means is that small businesses are taking the strongest hit. This bill will focus, in particular, on the question of providing a lending scheme, a lending structure, which is paid for to provide the start-up credit for our small businesses.

Well, here we find ourselves addressing an enormous crisis that has occurred in the gulf. During the Memorial Day recess, I did a flyover of the gulf and of the *Deepwater Horizon*, and I saw the magnitude and the growth of this disaster. Somewhere between millions—or at least a million gallons—but somewhere between 20,000 and 40,000 barrels per day are gushing into the gulf. We don't know where this is going to stop.

Many small businesses are impacted in the Gulf States. That would include Florida. That would include Texas.

That would include Alabama, Mississippi, and Louisiana. This amendment, for which I am delighted to be joined by Mr. CAO, will, in fact, cause lending institutions to focus resources on the small business community.

Even Linda Smith, who owns the Alligator Cafe in Houston, Texas, is shut down because she cannot get product. When I visited New Orleans, there were restaurants that seemed to close early because they couldn't get product. What about the oystermen and shrimpers and fishermen who can't seem to get a lump sum payment from BP for which we've advocated?

In speaking just a few minutes ago to an oysterman in Pointe a la Hache, he indicated he had not gotten his money. So, therefore, I am asking my colleagues to support this amendment.

I reserve the balance of my time.

Mr. CAO. Madam Chair, again, I just want to express my gratitude and appreciation to the gentlewoman from Texas. She has been a very strong voice and has been very committed to the gulf coast region and has been committed to helping the many people who are in desperate need. Again, I would like to convey to her my thanks.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. I thank the gentleman from Louisiana and New Orleans, especially for his leadership. I look forward to working with him as we go forward on legislation that addresses some of the concerns I have heard him express so as we may establish a real national energy policy.

I would ask my colleagues to support this amendment. As I have indicated, I have obtained the time in opposition, but I will not oppose the amendment that we have both offered on the floor of the House. I will argue vigorously that this is an excellent opportunity to protect small businesses which are yet noted, which are yet listed, which are going to be impacted across that gulf from tourism in Florida, Alabama, Mississippi, on to the shrimpers, fishermen, oystermen, and to the restaurants that are now in conditions where they are shutting down and where they are letting go of their employees. They are pleading for assistance.

This is a good amendment, and it is a good amendment to this legislation. It focuses on our small businesses, so I would ask my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. CAO).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. JACKSON LEE of Texas. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT NO. 13 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part C of House Report 111-506.

Ms. LORETTA SANCHEZ of California. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Ms. LORETTA SANCHEZ of California:

Page 62, after line 15, insert the following:

“(8) The extent to which the applicant will concentrate investment activities on small business concerns in targeted industries.

The Acting CHAIR. Pursuant to House Resolution 1436, the gentlewoman from California (Ms. LORETTA SANCHEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LORETTA SANCHEZ of California. I yield myself such time as I may consume.

Madam Chairwoman, I rise today in support of H.R. 5297, the Small Business Lending Fund Act.

It is crucial in today's world that we further expand the potential of small businesses and of key industries that have proven to create jobs and to increase our manufacturing base here in the United States.

As a former investor and financial analyst, I was particularly impressed with title III of this bill, the Small Business Early Stage Investment program. In recent years, we have seen a shift from the entrepreneur and small business start-up community, from the traditional loans and from leverage such as mortgaging our own homes, to using intellectual capital and innovation as our leverage.

As a Californian, I understand the importance of start-up businesses and the economy as California makes up a large percentage of start-ups and venture capital funders. Creating a public-private partnership designed to channel investment capital to them is increasingly important in order to get our economy on track, which is why I submitted an amendment that would include additional criteria during the selection process of these investment companies.

My amendment would ensure that, as part of the selection criteria, the small business administrator would examine the extent the investment company would concentrate its investment capital on our targeted industries. Such targeted industries have been historical in job and economic growth, such as the information technologies, life sciences, defense technologies, clean technology, and digital media.

The small business start-ups are the backbone of our economy, and they will contribute to all of the sectors so that we can get our economy going again.

I urge my colleagues to support this amendment and the underlying legislation.

I reserve the balance of my time.

□ 1245

Ms. VELÁZQUEZ. Madam Chair, while I am not opposed to the amendment, I rise to claim the time in opposition.

The Acting CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. America's small businesses have always pioneered new economic fields and sectors. Today, small businesses continue to be some of our most creative innovators. As our Nation shifts away from the fossil fuels and seeks clean sources of energy, entrepreneurs are leading the way. Today, small businesses represent 90 percent of those companies operating in the renewable and energy efficiency industries.

Small firms are also making important contributions in the realm of life sciences and biomedicine, uncovering groundbreaking therapies and medicines. Technologies used in our national defense have also been advanced by small businesses. Components of the Predator drone, for instance, were developed by small firms. And small businesses are helping develop new information technology and digital media services that better connect our world.

The United States must continue to lead in all these areas if our economy is to remain strong in the long term. This type of innovation creates good-paying, highly skilled jobs. However, before these businesses can develop the next game-changing defense technology, unearth the next medical breakthrough, or discover a new source of clean energy, they need capital. The amendment before us simply ensures that the Small Business Early-Stage Investment program is targeted to fields like these, where there will be the biggest payoff for economic growth and job creation.

Madam Chair, this is a good amendment. It will ensure the industries of tomorrow and future companies can secure financing to get off the ground. I urge my colleagues to vote “yes.”

I yield the balance of my time to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES of Missouri. Thank you, Madam Chair.

Madam Chair, I rise in support of the amendment from the gentlewoman from California. If we're going to enact a program that's designed to target investment in certain industries, then selection of the applicants should be based on the likelihood that a venture capital company will make those amendments. As a result, I believe it provides a very important technical clarification to the bill, and I support it.

Ms. LORETTA SANCHEZ of California. Madam Chair, first, I would like to thank our great chairwoman of the Small Business Committee. I know that she's a little under the weather

today, so we really appreciate that she would come down and speak on our amendment.

As a Californian, I continue to go back every week to my district, and our small businesses are ailing. They're asking for help. They're holding on. A lot of them have not been able to make it through. Those who are still holding on are waiting for us to help them to do something.

About a month ago, I had Chairman Bernanke before us in the Joint Economic Committee. And we talked about the fact that we need—really—we need to help small business. Small business is really where the hiring of America happens. So if they're ailing, then there will be unemployment. So I really believe in this bill. I thank those who have worked on it. I urge a "yes" vote on the underlying bill and on this amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. CUELLAR

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part C of House Report 111-506.

Mr. CUELLAR. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. CUELLAR: Page 21, after line 18, insert the following new paragraph (and redesignate succeeding paragraphs accordingly):

(4) increasing the opportunity for small business development in areas with high unemployment rates that exceed the national average;

The Acting CHAIR. Pursuant to House Resolution 1436, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Madam Chair, I yield myself such time as I may consume.

I rise today in support of my amendment to H.R. 5297, the Small Business Lending Act of 2010. The concept of this bill is simple: Create a lending fund to help small businesses get important capital. This bill will help stabilize our economy and create jobs. And certainly I want to thank the chairwoman from New York and the gentlewoman from Illinois also for the work that they all have been working on.

My particular commonsense amendment is straightforward. My amendment requires that the Secretary take into consideration those areas with high unemployment rates that exceed the national average. This consideration will increase opportunities for small business development in places

where it's needed the most. The national unemployment rate is about 9.7, as of last month. There are certain communities suffering at rates severely above the State and national average for unemployment.

Like many counties across the Nation, counties in my congressional district are particularly higher than the national rate. One of my counties, Starr County in south Texas, has a high of 17.3 unemployment rate. Hidalgo County is another one, at an 11.1 unemployment rate. Again, this is not a partisan matter. Areas throughout the country have unemployment rates that exceed the national average.

This is a matter of importance to every worker and family and businessperson. And that's why this bill is good for the backbone of American small businesses, in many ways, the Nation's economic engine. I urge all of my colleagues to support this bill.

At this time I will yield 1½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Madam Chair, I thank Mr. CUELLAR for offering this amendment to make sure that creating jobs where they are needed most is the focus of this piece of legislation.

As a former small businessman myself, I call on the House to pass this important piece of legislation. Small businesses form the backbone of our economy and create jobs that we need to continue our recovery. But far too many are having difficulty getting the credit they need to grow and expand.

Today we have the opportunity to do more than just praise small businesses and lament the credit crunch. We have a bill that frees up \$30 billion directly for small businesses across our communities that are responsible for job growth in our country. Business leaders in Smithfield, community bankers in Dunn, and folks across my district in North Carolina have said that what they need most is to expand credit, and have shared their support of this initiative with me.

Today, we have an opportunity to provide real help for our Main Street businesses. Let us avoid partisan bickering, end the delay, and pass this piece of legislation now.

Mr. NEUGEBAUER. Madam Chair, I rise to claim time in opposition, although I am not opposed to the bill.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. I thank my friend from Texas.

I think this is a commonsense amendment. I think if you're going to do this program—certainly, I don't support the underlying program, but if we are going to do it, we are going to put this capital into some of these banks for lending, it certainly ought to be in areas where they have the highest unemployment. That makes sense.

I still think we can do better for small businesses by providing an envi-

ronment where there's less uncertainty; more certainty on what the tax situation is going to be, and less uncertainty about what the regulatory environment is going to be. But I think the gentleman's amendment makes the underlying bill better. So we would not object to it.

I yield back the balance of my time.

Mr. CUELLAR. Madam Chair, I thank my colleague from Texas, and thank him for the kind words. And I appreciate it. I thank him for the work that he's been doing.

At this time, Madam Chair, I'd certainly just want to ask my colleagues to support this. I'm also a former small businessperson, and I understand how hard capital can be to get to the small businesses. So I would ask Members to support my amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. BRALEY OF IOWA

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in part C of House Report 111-506.

Mr. BRALEY of Iowa. Madam Chair, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. BRALEY of Iowa:

Add at the end the following new title:

TITLE IV—PLAIN WRITING ACT

SECTION 401. SHORT TITLE.

This title may be cited as the "Plain Writing Act of 2010".

SEC. 402. PURPOSE.

The purpose of this title is to improve the effectiveness and accountability of Federal agencies to the public by promoting clear Government communication that the public can understand and use.

SEC. 403. DEFINITIONS.

In this title:

(1) AGENCY.—The term "agency" means the Department of the Treasury and the Small Business Administration.

(2) COVERED DOCUMENT.—The term "covered document"—

(A) means any document that—

(i) is relevant to obtaining any Federal Government benefit or service provided under title I, II, or III;

(ii) provides information about any Federal Government benefit or service provided under title I, II, or III; or

(iii) explains to the public how to comply with a requirement the Federal Government administers or enforces under title I, II, or III;

(B) includes (whether in paper or electronic form) a letter, publication, form, notice, or instruction; and

(C) does not include a regulation.

(3) PLAIN WRITING.—The term "plain writing" means writing that the intended audience can readily understand and use because that writing is clear, concise, well-organized, and follows other best practices of plain writing.

SEC. 404. RESPONSIBILITIES OF FEDERAL AGENCIES.

(a) PREPARATION FOR IMPLEMENTATION OF PLAIN WRITING REQUIREMENTS.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this title, the head of each agency shall—

(A) designate 1 or more senior officials within the agency to oversee the agency implementation of this title;

(B) communicate the requirements of this title to the employees of the agency;

(C) train employees of the agency in plain writing;

(D) establish a process for overseeing the ongoing compliance of the agency with the requirements of this title;

(E) create and maintain a plain writing section of the agency's website that is accessible from the homepage of the agency's website; and

(F) designate 1 or more agency points-of-contact to receive and respond to public input on—

(i) agency implementation of this title; and

(ii) the agency reports required under section 405.

(2) WEBSITE.—The plain writing section described under paragraph (1)(E) shall—

(A) inform the public of agency compliance with the requirements of this title; and

(B) provide a mechanism for the agency to receive and respond to public input on—

(i) agency implementation of this title; and

(ii) the agency reports required under section 405.

(b) REQUIREMENT TO USE PLAIN WRITING IN NEW DOCUMENTS.—Beginning not later than 1 year after the date of enactment of this title, each agency shall use plain writing in every covered document of the agency that the agency issues or substantially revises.

(c) GUIDANCE.—In carrying out the provisions of this title, agencies may follow the guidance of—

(1) the writing guidelines developed by the Plain Language Action and Information Network; or

(2) guidance provided by the head of the agency.

SEC. 405. REPORTS TO CONGRESS.

(a) INITIAL REPORT.—Not later than 9 months after the date of enactment of this title, the head of each agency shall publish on the plain writing section of the agency's website a report that describes the agency plan for compliance with the requirements of this title.

(b) ANNUAL COMPLIANCE REPORT.—Not later than 18 months after the date of enactment of this title, and annually thereafter, the head of each agency shall publish on the plain writing section of the agency's website a report on agency compliance with the requirements of this title.

The Acting CHAIR. Pursuant to House Resolution 1436, the gentleman from Iowa (Mr. BRALEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. BRALEY of Iowa. Madam Chair, I yield myself such time as I may consume.

My amendment to H.R. 5297 is a commonsense bill that is consistent with what we've already passed in the 111th Congress by a vote of 386-33 on March 17. It was my Plain Language in Government Communications Act.

Madam Chairwoman, when I go back and I talk to small business owners in my district, one of their biggest complaints is a Federal bureaucracy with too much red tape, written in language they can't understand, which forces them to go hire lawyers and account-

ants so that they can understand the requirements that we impose upon them.

My amendment would require plain language to be used for documents that go to the public related to this lending fund. It will improve the effectiveness and accountability of the Department of the Treasury and the Small Business Administration by promoting clear government communication that the public can understand and use.

Plain language is writing that the intended audience can clearly understand because it is concise, well-organized, and follows other practices of plain writing. The Department of the Treasury and Small Business Administration will be required to implement plain writing requirements by designating a senior official to oversee the implementation of the provision; communicate the requirements to employees; train employees in plain writing; establish a process to oversee compliance; create a plain language requirement on their agency's Web site; and designate one or more agency points of contact to receive and respond to public feedback.

Writing government documents in plain language will increase government accountability and save taxpayers, community banks, and small business owners time and money. Plain, straightforward language makes it easier to understand these loan documents. And my amendment will make it easier for small businesses and community banks to work with and understand the government. That is why it is so important that we move forward to implement plain writing requirements across the board, but particularly in these two agencies, as it relates to the loan programs that are under consideration.

I reserve the balance of my time.

Mr. NEUGEBAUER. Madam Chair, I claim opposition to the amendment, but I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. Well, I thank the gentleman for this commonsense amendment. It's unfortunate that we have to bring an amendment to the floor of the House of Representatives to tell government agencies to write out the instructions in plain English. But I appreciate the gentleman's amendment. I think it makes the bill better.

I yield back the balance of my time.

Mr. BRALEY of Iowa. Madam Chair, I would yield 1 minute to the gentleman from Illinois (Ms. BEAN).

Ms. BEAN. Madam Chairwoman, I just want to acknowledge Congressman BRALEY's efforts recognizing the challenges Americans have reading many government documents, particularly lending disclosures, which are very difficult to understand. This amendment is a commonsense approach to making the program more accessible. And I

commend his leadership to expand plain language to all government documents.

Mr. BRALEY of Iowa. Madam Chairwoman, I think that the comments that you've heard are indicative of what's wrong with the way the government agencies write their documents. I think it is deplorable that we have to take this action.

But the sad truth is, anybody who's looked at these loan documents knows how serious this problem is. I think this is a small step in the right direction. I call this "the little engine that could." I think if we implement this across the board in federal agencies, American taxpayers and consumers of Federal information will be much better off. And I urge my colleagues to vote in support of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. BRALEY).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. LOEBSACK

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in part C of House Report 111-506.

Mr. LOEBSACK. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. LOEBSACK:

Add at the end the following new title:

TITLE IV—SENSE OF CONGRESS ON AGRICULTURE AND FARMING SMALL BUSINESS LOANS

SEC. 401. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) agriculture operations, farms, and rural communities should receive equal consideration through lending activities for small businesses in this Act, particularly small- and mid-size farms and agriculture operations; and

(2) attention should be given to ensuring there is adequate small business credit and financing availability under this Act in the agriculture and farming sectors.

The Acting CHAIR. Pursuant to House Resolution 1436, the gentleman from Iowa (Mr. LOEBSACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. LOEBSACK. Madam Chair, I yield myself such time as I may consume.

My amendment is simple. It states that farmers and rural communities should receive equal consideration through lending activities for small businesses, particularly our Nation's small- and mid-sized farms and agriculture operations, which make up the majority of our agriculture community.

It also states that we should give attention to ensuring that there is adequate credit and financing available in the agriculture and farming sectors.

While the amendment itself is simple, the issue is not. Throughout this

economic downturn, our rural communities and farmers have been struggling, just as our major metro areas have been. Many areas in my district in Iowa have unemployment rates above the national average. I have also seen examples of agriculture operations having a difficult time finding financing, and I have worked to try to assist such operations.

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Unfortunately, our farmers and rural communities are often not discussed in the broader debate on how to encourage economic recovery. The persistence of rural poverty and hunger and the lack of rural development often go underreported as well. On a positive note, I was pleased to recently hold a series of rural development roundtables in my district with the under Secretary for Rural Development, Dallas Tonsager. I hope we can continue to build momentum nationally and ensure our farmers in rural communities can contribute to continued economic recovery.

Agriculture and our Nation's farmers are consistently strong contributors to the economy and are certainly vital for the survival of our rural communities and vice versa. Many of our rural areas were struggling even before the downturn, and we continue to see a decline in the number of farmers and rural businesses. Often the loss of one rural business can have a domino effect throughout the community and surrounding areas. I think we need to be vigilant in bringing rural and farming issues to the forefront of the debates we have on economic development and, additionally, look at policies to promote access to and the development of new food market and supply chain improvements and related rural businesses.

I hope my colleagues will agree on the need to bring attention to expanding the opportunities for agriculture and farming to contribute to the national and local economic recovery.

I reserve the balance of my time.

Mr. NEUGEBAUER. I rise to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. As the provisions in the bill say, loans to farmers in rural areas count as small business lending under the provisions of this bill. But just like the sponsor of the bill, I represent an agricultural district and understand how important access to credit is for farmers. I think this sense of Congress emphasizes that farming and ranching and agriculture is an integral part of our economy. It is an integral part of our small business community, and I think it highlights that. So I appreciate the gentleman from Iowa bringing that forward. I support the amendment.

I yield back the balance of my time.

Mr. LOEBSACK. Madam Speaker, I want to thank my colleagues for their consideration of this amendment, and I want to urge its passage, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. LOEBSACK).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. AL GREEN OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in part C of House Report 111-506.

Mr. AL GREEN of Texas. Madam Chair, as the designee of the gentleman from California, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. AL GREEN of Texas:

Page 11, line 2, before the period insert the following: “, as well as a plan to provide linguistically and culturally appropriate outreach, where appropriate”.

Page 18, line 8, after “provide” insert the following: “linguistically and culturally appropriate”.

Page 18, line 9, strike “appropriate language of the”.

Page 21, line 13, after “funding to” insert the following: “minority-owned eligible institutions and other”.

Page 26, line 2, insert after the period the following: “To the extent possible, the Secretary shall disaggregate the results of such study by ethnic group and gender.”.

The Acting CHAIR. Pursuant to House Resolution 1436, the gentleman from Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. AL GREEN of Texas. Madam Chair, this amendment is one that will add additional language to the requirement that there be minority outreach in this program. It's important for me to state that I have a district that I represent that is currently about 36 percent African American, 31 percent Latino, 21 percent Anglo, and 12 percent Asian. It's important to note that in my district the ballot is printed in three languages. It's printed in English, Spanish and Vietnamese.

This amendment furthers the notion that persons who speak languages other than English will have an opportunity to have materials that are linguistically and culturally sensitive. This amendment would require that appropriate materials, when published, be in languages that are culturally and linguistically sensitive. It also requires that advertising receive the same sort of consideration, given that we are trying to reach markets wherein we do have persons who can better understand what is being conveyed if they have the opportunity to do so in a language that they are comfortable with.

By the way, I would add that many people who speak English have difficulty with financial documents, as was indicated by a previous amend-

ment. Imagine, if you will, speaking English, but it is not a language that you are as comfortable with as perhaps another language. This would assist persons with the understanding that they should have, so as to participate in the program.

The amendment also would have data disaggregated. We find that the information that we collect too often does not disaggregate as it relates to the Asian American community, and we would have this information disaggregated so that we might ascertain whether or not we have persons who are not only of wealth in the community but also find out about persons who may not be as wealthy as many others.

With this said, I will reserve the balance of my time.

Mr. NEUGEBAUER. I rise to claim the time in opposition, although I am not opposed to the bill.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. I thank the gentleman for that. Basically, the amendment would require an applicant for the Small Business Lending Fund to plan for logistically and culturally appropriate outreach and require that such outreach is performed after receiving the funds. I think that could be appropriate there. And as I understand it, the requirements of this fall to the eligible institutions; and there's no additional money appropriated for that; but they would do that out of their own operating expenses. Is that correct?

Mr. AL GREEN of Texas. If the gentleman yields, I would add that your assumption is correct.

Mr. NEUGEBAUER. Thank you. I appreciate it.

I yield back the balance of my time.

Mr. AL GREEN of Texas. Madam Chair, at this time I yield as much time as she may consume to the gentleman from California (Ms. CHU).

Ms. CHU. Madam Chair, the Small Business Lending Fund Act is critical to helping small businesses across the country and is, therefore, critical to helping people because small businesses create more jobs than anyone else. Small businesses sustain their communities.

Our amendment ensures that we don't leave minority business owners behind. Minority businesses need every opportunity to grow, create jobs, and contribute to their community. But there are barriers. Our amendment makes sure that bank lending plans, outreach, and advertising are culturally and linguistically appropriate for diverse sets of businesses. This provision is essential for the Asian American and Pacific Islander communities because government programs can miss important details when they don't account for cultural and linguistic differences.

Take the Census Bureau, for instance, which provides so many funds

for our communities. Earlier this year, they mistranslated parts of the Vietnamese census forms. The forms used a phrase connected to the previous governmental regime which meant “government investigation” in place of the word “census.” Clearly this was no minor gaffe. The language in this amendment ensures that future outreach doesn’t repeat these mistakes, that is, excluding deserving businesses from great opportunities.

But it’s not just minority businesses that need access to this program. Minority-owned banks also deserve the right to compete. That’s why our amendment makes sure such institutions receive consideration during the program’s implementation. Minority-owned banks play a vital role in the Asian Pacific Islander and minority business development endeavor; and together they enhance the country’s economic recovery and long-term growth. Minority firms currently provide nearly 5 million steady jobs but could potentially create over 11 million more. Our amendment helps them do so.

I ask my colleagues to support this amendment because it eliminates obstacles in the way of our Nation’s minority businesses and facilitates their growth during these very tough economic times.

Mr. AL GREEN of Texas. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. AL GREEN).

The amendment was agreed to.

Ms. BEAN. Madam Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. CHU) having assumed the chair, Ms. NORTON, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

COLLINSVILLE RENEWABLE ENERGY PROMOTION ACT

Mr. MURPHY of Connecticut. Madam Speaker, I move to suspend the rules

and pass the bill (H.R. 4451) to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4451

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 “Collinsville Renewable Energy Promotion Act”.

SEC. 2. REINSTATEMENT OF EXPIRED LICENSES AND EXTENSION OF TIME TO COMMENCE CONSTRUCTION OF PROJECTS.

Subject to section 4 of this Act and notwithstanding the time period under section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to Federal Energy Regulatory Commission projects numbered 10822 and 10823, the Federal Energy Regulatory Commission (referred to in this Act as the “Commission”) may—

(1) reinstate the license for either or each of those projects; and

(2) extend for 2 years after the date on which either or each project is reinstated under paragraph (1) the time period during which the licensee is required to commence the construction of such projects.

Prior to reaching any final decision under this section, the Commission shall provide an opportunity for submission of comments by interested persons, municipalities, and States and shall consider any such comment that is timely submitted.

SEC. 3. TRANSFER OF LICENSES TO THE TOWN OF CANTON, CONNECTICUT.

Notwithstanding section 8 of the Federal Power Act (16 U.S.C. 801) or any other provision thereof, if the Commission reinstates the license for, and extends the time period during which the licensee is required to commence the construction of, a Federal Energy Regulatory Commission project under section 2, the Commission shall transfer such license to the town of Canton, Connecticut.

SEC. 4. ENVIRONMENTAL ASSESSMENT.

(a) DEFINITION.—For purposes of this section, the term “environmental assessment” shall have the same meaning as is given such term in regulations prescribed by the Council on Environmental Quality that implement the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) ENVIRONMENTAL ASSESSMENT.—Not later than 180 days after the date of enactment of this Act, the Commission shall complete an environmental assessment for Federal Energy Regulatory Commission projects numbered 10822 and 10823, updating, to the extent necessary, the environmental analysis performed during the process of licensing such projects.

(c) COMMENT PERIOD.—Upon issuance of the environmental assessment required under subsection (b), the Commission shall—

(1) initiate a 30-day public comment period; and

(2) before taking any action under section 2 or 3—

(A) consider any comments received during such 30-day period; and

(B) incorporate in the license for the projects involved, such terms and conditions as the Commission determines to be necessary, based on the environmental assessment performed and comments received under this section.

SEC. 5. DEADLINE.

Not later than 270 days after the date of enactment of this Act, the Commission shall—

(1) make a final decision pursuant to paragraph (1) of section 2; and

(2) if the Commission decides to reinstate 1 or both of the licenses under such paragraph and extend the corresponding deadline for commencement of construction under paragraph (2) of such section, complete the action required under section 3.

SEC. 6. PROTECTION OF EXISTING RIGHTS.

Nothing in this Act shall affect any valid license issued by the Commission under section 4 of the Federal Power Act (16 U.S.C. 797) on or before the date of enactment of this Act or diminish or extinguish any existing rights under any such license.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. MURPHY) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

GENERAL LEAVE

Mr. MURPHY of Connecticut. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

Mr. MURPHY of Connecticut. Madam Speaker, I yield myself such time as I may consume.

The legislation before the House today is pretty simple. It will permit several communities in my district, the Fifth Congressional District of Connecticut, to operate two now-defunct hydroelectric dams as municipal power sources. The dams, the Upper and Lower Collinsville dams, have lain dormant in Connecticut’s Farmington River since the 1960s. The licenses previously issued by FERC to operate both these dams are currently inactive, and this legislation would allow FERC to reinstate them and transfer them to the town of Canton, Connecticut, for operation. The State legislature has already passed legislation to operate these two State-owned dams, but Federal legislation is also needed to restore their operation.

These small dams are already a beloved and longstanding symbol of the Farmington Valley’s rich history. They used to power a very well-known and thriving axe factory on the site. This legislation would allow for additional comments and for environmental data to be considered by FERC prior to taking any action, ensuring that the river’s health and the region’s health is well protected.

This legislation has been drafted over the course of many months with the close cooperation of FERC, who’s unopposed to the legislation, and we put together a bipartisan coalition of stakeholders, including all of the affected communities, the Governor of the State of Connecticut, and regional and national river protection organizations. Simply put, there is broad and deep consensus and agreement that these dams represent a valuable source of renewable energy right in the heart of suburban Connecticut.

And while we work here in the House and the Senate to enact much broader and sweeping policies to try to promote renewable energy development around this country, we need to also recognize that in some parts of this Nation there are some very locally produced, locally driven projects like this one in Canton and Avon, Connecticut, that can produce some pretty immediate effects for local rate payers, providing them with clean, renewable, locally produced and locally run energy.

I would like to thank Chairman WAXMAN and Chairman MARKEY and Ranking Members BARTON and UPTON for their help in bringing this legislation to the floor. And I urge passage today of H.R. 4451.

I reserve the balance of my time.

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

I rise today on behalf of our side of the aisle of the Energy and Commerce Committee and report that we have absolutely no opposition and actually support this bill.

Mr. Speaker, today we are considering the Collinsville Renewable Energy Promotion Act. This bill was considered in a markup of the Energy and Commerce Subcommittee on Energy and Environment on March 24, and in a markup of the full committee on May 26, both times passing by a voice vote.

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The purpose of this bill is to authorize the Federal Energy Regulatory Commission, also known as FERC, to reinstate the terminated licenses for the Upper and Lower Collinsville Dams hydroelectric projects, and to extend for 2 years after the date of any such reinstatement the date by which the license is required to commence construction, and, in the event that FERC reinstates the licenses, to require FERC to transfer such licenses to the town of Canton, Connecticut.

I commend Representative MURPHY for offering an amendment in the nature of a substitute at the full committee markup that made two important changes. The first is requiring FERC to provide an opportunity for the submission of comments by interested persons before reinstating one or both of the terminated licenses. Therefore, interested parties will have an opportunity to address any concerns with FERC. And the second is to include a new Section 6 which would clarify that nothing in H.R. 4451 would diminish or extinguish any existing rights under such license.

Mr. Speaker, this bill has no direct cost. We are in support of the bill.

I reserve the balance of my time.

Mr. MURPHY of Connecticut. Mr. Speaker, I thank the gentleman for his support of the bill and for working with us in providing the amendments that he referenced. I think it is important to underscore his point, that this is not a requirement that FERC reissue these licenses to the town of Canton, it is permissive language allowing them

to do that given proper environmental review and proper availability of comment from other interested parties.

This really is an example of how local power production can be done right. This is a nonpartisan local issue, Democrats and Republicans at the local and State level, along with the administration in the State of Connecticut coming together, to try to promote a project to bring two long-dormant dams online.

I would note also that the reconstruction of the dams will allow for potential fish passage along a stream that has not allowed for that passage for a long time. There are multiple benefits to the community and to rate-payers. I thank the gentleman for his support of the bill.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I rise today to discuss a bill that I believe has been given far too little attention by the Congress, especially considering the potential precedent that it may set.

H.R. 4451, the Collinsville Renewable Energy Promotion Act allows the Federal Energy Regulatory Commission (FERC) to transfer the permit for a hydro-electric power plant once held by a private company into the hands of a public municipality. This bill went through the Energy & Commerce Committee, although I could hardly say it received regular order consideration. When this legislation was first presented to us at the subcommittee level, Members were told it was a non-controversial bill, and that all the interested parties agreed with the actions being taken.

Members of the Energy & Commerce Committee subsequently learned otherwise when the company involved, Summit Hydro, LLC, told my office that not only were they opposed to the transfer of these permits, but that they were not even told our Committee was considering the legislation. I find it outrageous that this Congress would move ahead with transferring a privately-held permit to a public entity without so much as a legislative hearing.

Despite my objections at the Committee level, voicing concerns that no hearing had been held, the Majority pushed this legislation forward.

I am disheartened that this legislation was moved by the full House today, and hope that the Senate will provide Summit Hydro, LLC the proper deference in defending its actions and explaining its story before this bill becomes law and becomes yet another example of government taking over actions more properly suited for the private sector.

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

Mr. MURPHY of Connecticut. Mr. Speaker, I urge support of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCGOVERN). The question is on the motion offered by the gentleman from Connecticut (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 4451, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HONORING THE NAACP ON ITS 101ST ANNIVERSARY

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 242) honoring and praising the National Association for the Advancement of Colored People on the occasion of its 101st anniversary.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 242

Whereas the National Association for the Advancement of Colored People (referred to in this resolution as the "NAACP"), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of Abraham Lincoln's birth, by a multiracial group of activists who met in a national conference to discuss the civil and political rights of African-Americans;

Whereas the NAACP was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the NAACP National Headquarters is located in Baltimore, Maryland;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance upon the press, the petition, the ballot, and the courts, and has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minority Americans;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the Supreme Court's decision in *Brown v. Board of Education*, 347 U.S. 483 (1954);

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama—an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of the Civil Rights Acts of 1957, 1960, and 1964, the Voting Rights Act of 1965, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006, and the Fair Housing Act, laws that ensured Government protection for legal victories achieved;

Whereas in 2005, the NAACP launched the Disaster Relief Fund to help survivors in Louisiana, Mississippi, Texas, Florida, and Alabama to rebuild their lives;

Whereas in the 110th Congress, the NAACP was prominent in lobbying for the passage of H. Res. 826, whose resolved clause expresses that: (1) the hanging of nooses is a horrible

act when used for the purpose of intimidation and which under certain circumstances can be criminal; (2) this conduct should be investigated thoroughly by Federal authorities; and (3) any criminal violations should be vigorously prosecuted;

Whereas in 2008, the NAACP vigorously supported the passage of the Emmett Till Unsolved Civil Rights Crime Act of 2007, a law that puts additional Federal resources into solving the heinous crimes that occurred in the early days of the civil rights struggle that remain unsolved and bringing those who perpetrated such crimes to justice;

Whereas the NAACP has helped usher in the new millennium by charting a bold course, beginning with the appointment of the organization's youngest President and Chief Executive Officer, Benjamin Todd Jealous, and by outlining a strategic plan to confront 21st century challenges in the critical areas of health, education, housing, criminal justice, and environment; and

Whereas, on July 16, 2009, the NAACP celebrated its centennial anniversary in New York City, highlighting an extraordinary century of Bold Dreams, Big Victories with a historic address from the first African-American president of the United States, Barack Obama: Now, therefore, be it

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

(1) recognizes the 101st anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) honors and praises the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all persons.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material.

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

There was no objection.

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

Mr. Speaker, House Concurrent Resolution 242 honors one of our Nation's oldest and most esteemed civil rights organizations, the National Association for the Advancement of Colored People, known as the NAACP, also known as the conscience of the United States Congress.

This year, the NAACP celebrates its 101st anniversary, and its ongoing efforts to promote justice and equality for all Americans; not just Americans of color, but all Americans.

I salute the gentleman from Texas (Mr. AL GREEN) the sponsor of this resolution, and the former president of the Houston branch of the NAACP, for his continued commitment to recognizing the NAACP for its historical and contemporary civil rights contributions.

As we celebrate the Nation's pre-eminent civil rights organization on its

101st anniversary, I would like to reflect on a few bits of history concerning the NAACP.

First, I would like to acknowledge its history which began February 12, 1909, when the organization was formed by Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villiard, and William English Walling, a biracial group that consisted of Christians and Jews.

It is a history that includes some of the most significant moments in our Nation's great story where we come to a more perfect union, like the 1954 case of *Brown v. Board of Education of Topeka*, the landmark Supreme Court case that ended the separate but equal fallacies that our government and laws labored under, and chief counsel was Thurgood Marshall, later one of the great justices of our Supreme Court.

The NAACP's contributions also have included support for and rallying and lobbying for the 1957, 1960, and 1964 Civil Rights Act, the 1965 Voting Rights Act and the 1968 Fair Housing Act where Clarence Mitchell led the way with the NAACP. And of course the court case that the NAACP was involved in, *Loving v. Virginia*, which turned over the miscegenation laws in this country in 1967, an aberrant set of laws that are precursors to other laws that still are in debate in this Nation today.

But the fight didn't end there; which brings me to my second point. Today, we are reminded of the NAACP's mission, to ensure equality of rights of all persons, and to eliminate racial hatred and racial discrimination. It is as important and relevant as it was decades ago. Just this year, a hate crimes law was passed that ensured that there was not discrimination based on race, religion, gender, sexual orientation, or other distinguishing characteristics, and the NAACP was there in great support.

The NAACP is engaged in battles on multiple fronts on its 101st anniversary. Its dedicated team is leading the charge in addressing issues that disproportionately impact communities of color. The NAACP advocates for equality in education, influences the debate on environmental justice, works to end disparities in the criminal justice system, racial profiling and other types of injustices.

In addition, the NAACP is working to prevent families from losing their piece of the American dream during this housing crisis, by working with financial institutions to change the mortgage lending practices that helped bring on this crisis. They are party to a lawsuit against Wells Fargo in Baltimore County, Maryland, and also in Memphis, Tennessee. Improving fair credit access, supporting sustainable home ownership, and promoting financial literacy for disadvantaged communities are among their other great priorities.

The NAACP was supportive of the resolution that the 110th Congress

passed, for the first time in our Nation's history apologizing for slavery and Jim Crow laws, and to make clear that the vestiges of Jim Crow and slavery would be affected by the future Congresses.

Today's commemoration of the NAACP's 101st anniversary occurs as the organization prepares for its convention, "One Nation, One Dream," in Kansas City, Missouri, on July 10-15. At that time, hundreds of NAACP members and leaders will consider bold and innovative approaches to tackling the challenges we face in the 21st century.

Among those leaders will be President Benjamin Todd Jealous, present Chairwoman Roslyn Brock, former Chairman Julian Bond, Washington Bureau Director Hilary Shelton, and Detroit Branch President Wendell Anthony, who have exhibited fearless dedication to build on the NAACP's great legacy. This legacy includes many great heroes, such as Dr. Martin Luther King, Jr., of whom a bust is in our Capitol Rotunda; Coretta Scott King, his widow; Rosa Parks; Medgar Evers; Benjamin Hooks; and many others. I must mention some great leaders from my hometown of Memphis: Vasoc and Maxine Smith; Jesse Turner, Sr.; Jesse Turner, Jr.; Russell Sugarman; A.W. Willis; Johnny Turner; and others.

Their unwavering commitment to protect and promote civil rights for all Americans is a proud tradition that the NAACP continues today. I am a life member of the NAACP, and proud of it. I encourage others to support the NAACP in their efforts to make the American dream true for all. I congratulate the NAACP on its 101st milestone, and I urge my colleagues to support this important resolution.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution recognizes the 101st anniversary of the founding of the National Association for the Advancement of Colored People. This resolution also praises the NAACP for its work to secure the political, educational, social and economic equality of all persons.

The NAACP was founded on February 12, 1909, in New York City. It was the centennial of Abraham Lincoln's birth. The NAACP is the oldest and largest civil rights organization in the United States today.

In 1913, the NAACP organized opposition to racial segregation in Federal Government offices. The NAACP also played a key role in securing the rights of African Americans to serve as officers in World War I. Throughout the past century, the NAACP has worked to achieve equality of rights for all persons through nonviolence. The NAACP's mission also includes the elimination of racial hatred and racial discrimination.

After World War I, for example, the NAACP expended significant resources

in an effort to combat the lynching of African Americans throughout the United States. The NAACP centered its efforts around education and lobbying for legislation.

In later years, the NAACP's leadership was instrumental in bringing about the passage of the Civil Rights Acts of 1957, 1960 and 1964; the Voting Rights Act of 1965; and the desegregation of public schools in *Brown v. Board of Education* in 1954.

The NAACP continues to work on behalf of this worthy mission for the rights of all people today.

Mr. Speaker, I urge my colleagues to support this resolution.

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

Mr. COHEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. AL GREEN), the sponsor of this resolution and the former president of the Houston branch of the NAACP.

Mr. AL GREEN of Texas. Mr. Speaker, I especially want to thank the gentleman from Tennessee (Mr. COHEN) for working with us on this resolution. I especially want to thank the ranking member, Mr. SMITH, for his working with us on the resolution, and I also want to give an extra special thanks to Mr. SENSENBRENNER because the first time we introduced this resolution he was the chairman of the Judiciary Committee, and he was very helpful not only up front in helping me with the resolution, but also behind the scenes making sure that we got the resolution through the House. Mr. SENSENBRENNER, I will be forever grateful to you.

Mr. Speaker, I am honored today to present this resolution because the NAACP stands for what America stands for, and that is liberty and justice for all.

The NAACP was founded in 1909, as was indicated, by a diverse group of Americans. It is important to note that the NAACP has always been an integrated organization. From its inception, it has been an integrated organization.

□ 1330

While I applaud all that has been done by the African Americans who have been a part of the NAACP, I have to also make mention of the many other persons who are not African Americans, because we simply did not get here by ourselves. There were persons of good will of all ethnicities who have been of benefit to us to help us have these opportunities that we have today. So today we want to thank persons who were members of the NAACP at its inception, but also persons who helped to bring the NAACP along the way.

James Weldon Johnson was the first African American executive secretary of the NAACP. But it's important to note that prior to his becoming the first, there were five other executive

secretaries, none of whom were African American.

It's important to note that the NAACP accords an award annually. It is known as the Spingarn Medal. This is given to a person who has made great achievements in the area of helping the human rights and civil rights struggle. It is important to note that the Spingarn Medal is named after Joel Spingarn. The Spingarn family was a great contributor to the NAACP. In fact, Thurgood Marshall was a great litigator in part because of other persons who made contributions to the NAACP. They were great contributors, and as a result we had this litigation to go forward. The NAACP is an organization that welcomes anyone who desires to be a part of the fight for human dignity and human freedom.

I believe that the NAACP merits this special expression from the Congress of the United States of America, and I also believe that we should thank Senator DODD, because he has the Senate Concurrent Resolution No. 3 that has 15 Senators who have signed onto it, and that will hopefully pass the Senate.

I am asking all of my colleagues to please support this legislation because the NAACP made it possible for us to sleep where we sleep, because of *Shelley v. Kraemer* and *Barrows v. Jackson*. It allows us to eat where we eat because of *Brown v. Board of Education* and other cases associated with it. So, literally, we live where we live, we sleep where we sleep, and we eat where we eat because of the NAACP. It has earned the right to be recognized by the Congress of the United States of America, and I beg that my colleagues would support this resolution.

Mr. COHEN. Mr. Speaker, I appreciate the work of Congressman GREEN from Houston. And when I look at him and I look at Mr. SMITH, I think about my weekend trip this past weekend. I went to Austin, Texas. And when I was in Austin, I was at the Barbara Jordan Airport, and in the baggage area on the ground floor, there is a statue of Barbara Jordan in her regal splendor. And what a great member of the NAACP she was, and what a great American.

Ms. WATSON requests some time. I would be pleased if she would contribute. I yield such time as she may consume to the gentlewoman.

Ms. WATSON. Mr. Speaker, and to the authors and cosponsors of this resolution, I just want to add to the testimony that you have already heard in support of this resolution commending the NAACP, that many of us would not be here if not for the work and the support of others of the NAACP.

I am a case in point. I remember being elected as the first African American woman to the second largest school board in the United States, that's LA Unified School District, and in the California State Senate as the first ever. And I was so proud that members came to me to show me their membership in the NAACP.

I then knew that the work that was done over 100 years ago was of such vision for the future of this country, and particularly my State of California, the largest in the Union, and the first State to be a majority of minorities, that that vision, that hard work, that dedication brought about justice so that the State of California and the United States of America could be reflective of who we are as a people. The justice, the fairness, the freedom, the liberty all came about for people like me because of this organization and others who supported it.

So I am pleased, I am pleased, and I do hope that all men and women of fair mindedness with division will support wholeheartedly this resolution.

Thank you, Congressman.

Mr. BISHOP of Georgia. Mr. Speaker, for over 100 years the mission of the National Association for the Advancement of Colored People (NAACP) has been to ensure the political, educational, social, and economic equality of rights for all people, as well as to eliminate racial hatred and racial discrimination. This organization has always envisioned a society where all barriers of racial discrimination are removed through the democratic processes, as well as to ensure equality for all Americans. Throughout the past 101 years, the NAACP has faithfully adhered to its mission.

Founded on February 12, 1909, President Lincoln's 100th birthday, the NAACP is the nation's oldest and most recognized grassroots-based civil rights organization. It was established in response to the lynchings that were committed against blacks throughout the country. Today, the NAACP's more than half-million members and supporters are still the premier advocates for civil rights and equality in their respective communities.

Over the last century, the talents of the NAACP's collective membership have enabled it to overcome numerous adversities and obstacles. After 101 years of setbacks and successes, this organization currently bears witness to numerous advancements that may not have been made possible if it were not for the collective voices and willpower of NAACP supporters past and present.

It is hard to imagine where our country would be today if it had not been for the courageous men and women in the NAACP who risked their lives and livelihoods in order to promote equality.

It is hard to imagine where this country would be if the NAACP had not tirelessly fought for improved equality for African-Americans.

It is hard to imagine where this great country would be if it were not for the courageous men and women who fought to promote the rights of everyone, regardless of the color of their skin.

Indeed, it is hard to imagine our country without the NAACP. My own life would not be the same if it were not for those individuals who stood up for equality and sought to form a more perfect union.

I want to congratulate the NAACP on its 101 years of service to our country and for all of its many accomplishments. I urge my colleagues to support this resolution.

Mr. FARR. Mr. Speaker, I'm a proud lifelong member of the NAACP, and today I join my colleagues in celebrating its 101st anniversary.

The Monterey County Branch of the NAACP was created in 1932. Our chapter now ranks as one of the largest per capita branches in the United States and has been active in education and law—and we're all better for it. In 1947, the Fort Ord Army training base in Seaside, CA—one of the largest bases in the U.S.—was the first military base in the United States to be integrated.

As we recognize the great achievements of one of America's finest organizations, let us not forget that the struggle continues. Our country was founded on the ideal of equality for all, with the self-evident right to life, liberty and the pursuit of happiness. The mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination.

I want to thank the NAACP for 101 years of hard work. You've made America a stronger and better nation. I especially want to thank my constituent, Ben Jealous, now the youngest national president of the NAACP. Your work continues, but we congratulate you on this historic day.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 242.

The question was taken.

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

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

The yeas and nays were ordered.

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

HONORING THE DEPARTMENT OF JUSTICE ON ITS 140TH ANNIVERSARY

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1422) honoring the Department of Justice on the occasion of its 140th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1422

Whereas the Department of Justice officially came into existence on July 1, 1870, through an Act of Congress establishing it as "an executive department of the government of the United States" with the Attorney General as its head;

Whereas pursuant to the Act, the Department was charged with providing the means for enforcing Federal laws, furnishing legal counsel in Federal cases, and construing the laws under which other Federal executive departments act;

Whereas there are currently 93 United States attorneys stationed throughout the United States, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands, serving as the Nation's principal litigators and chief Federal law enforcement officials for their specific region, under the direction of the Attorney General;

Whereas the Department of Justice comprises 7 specialized divisions, including the Antitrust Division, Civil Division, Civil Rights Division, Criminal Division, Environment and Natural Resources Division, National Security Division and the Tax Division, also including the Federal Bureau of Investigation, the Bureau of Prisons, the United States Marshals Service, the U.S. Central Bureau-International Criminal Police Organization, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the Office of Justice Programs;

Whereas in 2006, the Department of Justice recognized the danger threatening the United States due to technology-assisted exploitation crimes targeting children, and responded by launching Project Safe Childhood, an effort which has resulted in record numbers of arrests and prosecutions of individuals who seek to commit sexual crimes against children;

Whereas in the past decade the Department of Justice has obtained approximately 1,300 convictions for financial crimes;

Whereas the Department of Justice responded to the significant increase in the number of firearms-related violent crimes in small geographic areas by creating the Violent Crime Impact Team (VCIT) initiative and since 2004 has arrested more than 14,100 gang members, drug dealers, felons in possession of firearms, and other violent criminals, including more than 2,800 identified as "worst of the worst" criminals;

Whereas the Department of Justice plays a key role in the fight against international drug trafficking;

Whereas in the past 8 years, the Department of Justice has disrupted 8, and dismantled 2, Priority Target Organizations (PTOs);

Whereas Operation FALCON (Federal and Local Cops Organized Nationally) is a series of nationwide fugitive apprehension operations coordinated by the Department of Justice, and has resulted in the collective capture of more than 55,896 dangerous fugitive felons since its inception in 2005;

Whereas since 2004, the Department of Justice has led the 2 largest multinational law enforcement efforts ever directed at online piracy, involving simultaneous efforts in 12 countries, more than 200 searches and arrests in more than 30 States, more than \$100,000,000 in seized pirated works, and a total of 112 felony convictions to date; and

Whereas the Department of Justice's accomplishments are numerous and have played a significant part in securing the safety and security of the families and communities of the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the Department of Justice on the occasion of its 140th anniversary;

(2) commends the men and women of the Department of Justice for their tireless commitment to pursuing justice, combating major domestic and international crimes, ensuring civil liberties, and protecting the people of the United States; and

(3) encourages the Department of Justice to continue its mission of pursuing the administration of justice for all people in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. I ask unanimous consent all Members have 5 legislative days to revise and extend their remarks and add extraneous material.

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

There was no objection.

Mr. COHEN. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1422 recognizes the 140th anniversary of the creation of the Department of Justice. Since 1870, the Department has been tasked with enforcing our laws, providing Federal leadership in securing the public safety, and ensuring the fair and impartial administration of justice for all Americans.

The Department has long been served with distinction and courage by attorneys, investigators, and prosecutors at Main Justice and in the field. Its divisions and components do important work for the American people in criminal law, civil litigation, environmental law, antitrust law, tax law, and administration of justice-related grants. We especially appreciate the efforts and sacrifices of the law enforcement officers serving in components such as the FBI, DEA, ATF, and the U.S. Marshals office.

I would like to highlight three important points today as we commemorate the 140th anniversary of the Department. First, the Department has played an integral part in promoting justice for all Americans. Since its creation, the Department has handled the legal business of the United States, with control over all criminal prosecutions and civil suits in which the United States has an interest.

Through the Civil Rights Division, the Department enforces Federal law, prohibiting discrimination on the basis of race, color, sex, disability, religion, familial status, and national origin. Following the landmark Civil Rights Acts of the 1960s, the Department of Justice used its newfound authority to initiate desegregation of school districts across this Nation. And through its enforcement of the Voting Rights Act of 1965, the Department helped curtail the injustice of African American voters being prevented from exercising what is an American right, the right to vote.

The Justice Department also continues to vigorously enforce the Americans with Disabilities Act, to ensure that people living with disabilities are not discriminated against in employment, by public entities and transportation, or in public accommodations.

The great strides we have made in securing rights for all Americans to attain an education, access the voting booth, and secure jobs and housing, regardless of race, gender, or national origin, are in no small part due to the thanks of the Department of Justice.

Second, the Department has played an important role in protecting Americans from acts of terrorism, whether

foreign or domestic. Since the terrorist attacks at the World Trade Center in 1993 and at the Federal Building in Oklahoma City in 1995 and the attacks on September 11, it's been the Department's highest priority to prosecute and bring to justice perpetrators of terrorism.

However, it is important that, in its effort to combat terrorism, the Department is equally vigilant in upholding justice and in observing the constitutional rights of Americans that it is responsible for enforcing. This means a commitment to due process and transparency, even in the most difficult situations. It also means Congress must be steadfast in its commitment to consistent and thorough oversight.

Third, the Department has taken on an increasingly active role in helping to secure public safety in its 140-year history. Notably, the Department's efforts to support community-based programs have seen dramatic success. For example, the Office of Violence Against Women is charged with providing national leadership in reducing domestic violence through the implementation of the Violence Against Women Act. Through 19 Violence Against Women Act grant programs, the Department is helping to develop the Nation's capacity to reduce domestic violence, dating violence, sexual assault, and stalking, strengthening services to victims and holding offenders accountable, most important work in preserving the integrity of women and our commitment to individual freedoms.

In fiscal year 2009, the Office of Violence Against Women made nearly 1,100 awards. These grants have helped enable communities to develop coordinated responses to domestic violence, sexual assault, and stalking—no trivial matters, Mr. Speaker. The grants have helped communities bring together dedicated individuals and advocates from diverse backgrounds to share information and to use their distinct roles to improve community responses to violence against women.

In addition, the Department's Office of Community Oriented Policing Services, also known as the COPS Office, has promoted public safety through local investments, where police are involved in the community and show that policemen are the friends, and get a hold in the community to bring about public safety. The COPS program promotes this community policing by funding efforts by State and local authorities intended to put law enforcement professionals where they are most needed—on the streets. That way they can build mutually beneficial relationships with the people they serve, have a rapport that's necessary.

In closing, I would like to thank my colleague, Mr. JAMES SENSENBRENNER, for introducing this resolution. I urge my colleagues to support this important resolution. I couldn't let this resolution go by without remembering former U.S. Attorney Robert F. Kennedy, one of my heroes, who headed the Department of Justice.

I reserve the balance of my time.

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

Mr. Speaker, I rise today to commemorate the 140th anniversary of the Department of Justice. The Judiciary Act of 1789, which was passed by the First Congress and signed into law by President George Washington, created the office of Attorney General, which eventually became the chief law enforcement officer of the Federal Government.

The Department of Justice began its work on July 1, 1870, through an act of Congress, with the Attorney General at its head. Since then, the Department has evolved into the world's largest law office and the central agency for the enforcement of Federal law.

Today, the Department strives to meet four goals in its pursuit of justice: First, protecting the public against foreign and domestic threats; second, ensuring the fair administration of justice in accordance with the provisions of the Constitution; third, assisting both State and local law enforcement agencies; and, fourth, defending the United States and its foreign interests.

Over the past decade, the Department has made significant efforts to protect the children of America. In 2006, through the Adam Walsh Child Protection and Safety Act, the Department of Justice created a national sex offender registry to better protect children by organizing sex offenders into three tiers. The act also created a nationwide DNA database and allows law enforcement to monitor dangerous sex offenders through the use of GPS technology.

Recognizing the dangers of technology-assisted exploitation crimes against children, the Department of Justice launched Project Safe Childhood, an effort that resulted in record numbers of arrests and prosecutions of individuals seeking to commit sexual crimes against children.

The AMBER Alert system, a Department of Justice directive, works to protect and save the lives of abducted children. Since the expansion of the system in 2003, more than 500 missing or exploited children have been safely recovered. Alerts are broadcast over the Internet, television and radio programming, electronic highway signs, lottery tickets, and text messaging.

Shortly after the September 11 attack, I introduced the USA PATRIOT Act, which afforded the Department of Justice new tools to detect and prevent terrorism, organized crime, and drug trafficking. The provisions of the act updated laws to reflect new threats and new technologies, facilitate better cooperation amongst government agencies, and updated and increased penalties for convicted terrorists. Since the act's passage in October 2001, the numbers of terrorist convictions and prosecutions by U.S. attorneys have soared. Make no mistake, the USA PA-

TRIT Act has contributed to the prevention of another large-scale terrorist attack on American soil.

The Justice Department has also made a commitment to protect Americans residing in areas riddled with gun and gang violence. It responded to the significant increase in the number of firearms-related crimes in small geographic areas by creating the Violent Crime Impact Team initiative.

□ 1345

Since 2004, it has arrested more than 14,000 gang members, drug dealers, felons in possession of firearms, and other violent criminals, including more than 2,800 who have been identified as the "worst of the worst" criminals.

I applaud the work of the Department of Justice in its efforts to defend the American people and to administer justice while respecting and ensuring the rights and dignity entitled to all.

I encourage my colleagues to support House Resolution 1422.

Mr. SMITH of Texas. Mr. Speaker, I support House Resolution 1422 to honor the Department of Justice on the occasion of its 140th anniversary.

In 1870 Congress passed the "Act to Establish the Department of Justice." President Ulysses S. Grant signed the bill into law on June 22, 1870, and the Department of Justice officially began operations on July 1, 1870.

The Office of the Attorney General, created by the "Judiciary Act of 1789," was in need of more attorneys after the Civil War.

The 1870 Act met this need by creating the Department of Justice to oversee federal law enforcement as well as criminal prosecutions and civil suits in which the United States has an interest. The Act also created the Office of the Solicitor General.

While the 1870 Act still remains the foundation on which the Department of Justice stands, the structure of the Department of Justice has changed over the past 140 years.

Today the Department of Justice comprises seven litigating divisions and 93 United States attorneys and thousands of assistant United States attorneys who enforce our civil and criminal laws, including tax, environmental, and immigration laws, and defend the United States from claims.

The Department also oversees a number of federal law enforcement agencies, including the Federal Bureau of Investigation, the Drug Enforcement Administration, the Marshals Service, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the Federal Bureau of Prisons.

Among recent examples of the Department's work, we could look to the Bureau of Alcohol, Tobacco, Firearms, and Explosives' establishment of the Violent Crime Impact Team (VCIT) initiative in 2004. Since then, more than 14,000 violent criminals were arrested, including gang members, drug dealers, and felons in possession of firearms.

The Department is also combating gang and gun violence through programs like "Project Safe Neighborhoods." Since its inception in 2001, \$2 billion has been committed to "Project Safe Neighborhoods." Funding has been used to hire new prosecutors, support investigators, and promote community outreach and education.

In another area of great interest, during the past decade the Department secured approximately 1,300 convictions for financial crimes.

The Department has also been successful in combating crimes against children, drug trafficking, and counterterrorism efforts.

In 2006 the Department introduced "Project Safe Childhood" to combat predators who use the Internet to sexually exploit our children. Along with the FBI's "Innocent Images National Initiative," programs like these help break up networks of online pedophiles and rescue children who are victims of sexual exploitation.

With regard to drug trafficking, just this month the Department's "Project Deliverance" resulted in more than 2,200 arrests and the seizure of approximately 74 tons of drugs and \$154 million. This was the result of a 22-month operation. The Drug Enforcement Administration has been instrumental in bringing to justice those organizations and principal members responsible for the manufacture and distribution of illicit drugs throughout the United States.

Finally, the Department has played a key role in a number of operations to protect Americans from terrorist threats. The passage of the Patriot Act in 2001, its reauthorization in 2005, and various other counter-terrorism tools have proven helpful toward this end.

This resolution commends the work of the men and women in the Department of Justice who pursue and have pursued the administration of justice for the people of the United States. The essence of democracy is the rule of law. The Department of Justice hopefully stands as a defender of the rule of law.

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

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

Mr. COHEN. I want to thank Mr. SENSENBRENNER for bringing this important resolution honoring the Department of Justice, and I should have earlier thanked Mr. SMITH and Mr. SENSENBRENNER each for their work on the NAACP resolution.

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

The SPEAKER pro tempore (Ms. RICHARDSON). The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 1422.

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

SUPPORTING AMERICAN EDUCATION WEEK

Ms. WATSON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 879) supporting the goals and ideals of American Education Week, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 879

Whereas the National Education Association has designated November 14 through November 20, 2010, as the 89th annual observance of American Education Week;

Whereas public schools are the backbone of the Nation's democracy, providing young people with the tools they need to maintain the Nation's precious values of freedom, civility, and equality;

Whereas by equipping young people in the United States with both practical skills and broader intellectual abilities, public schools give them hope for, and access to, a productive future;

Whereas people working in the field of public education, be they teachers, higher education faculty and staff, custodians, substitute educators, bus drivers, clerical workers, food service professionals, workers in skilled trades, health and student service workers, security guards, technical employees, or librarians, work tirelessly to serve children and communities throughout the Nation with care and professionalism; and

Whereas public schools are community linchpins, bringing together adults, children, educators, volunteers, business leaders, and elected officials in a common enterprise: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of American Education Week; and

(2) encourages the people of the United States to observe National Education Week by reflecting on the positive impact of all those who work together to educate children.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Ms. WATSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, on behalf of the House Committee on Oversight and Government Reform, it is my great privilege to rise in support of H. Res. 879. This measure encourages the people of the United States to observe National Education Week by reflecting on the positive impact of all those who work together to educate America's children. American Education Week spotlights the importance of providing every child in America with a quality public education from kindergarten through college and the need for everyone to do his or her part in making public schools great.

Madam Speaker, America's success in the 21st century will be determined by our ability to innovate, foster entre-

preneurship, and constantly improve the skill base of our workforce. We believe that the evolving demands of the global economy make education vital to sustainable social and economic success. We also believe that education is a fundamental human right and is the single most important investment in the future of individuals, communities, the Nation, and the world. We in Congress and we as a Nation must make it one of our highest priorities.

H. Res. 879 was introduced by our colleague, the gentleman from Idaho, Representative WALTER MINNICK, on October 29, 2009. The measure was referred to the Committee on Oversight and Government Reform, which ordered it reported by unanimous consent on May 6, 2010. The measure has the support of over 70 Members of the House.

I thank the gentleman from Idaho for introducing this measure.

And I'd also like to thank Chairman TOWNS and Ranking Member ISSA for their support for the bill.

I urge my colleagues to support this measure.

I reserve the balance of my time.

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

I rise in support of House Resolution 879, supporting the goals and ideals of American Education Week.

Thousands of teachers in our country inspire our young children to want to learn and to teach them the vital skills they need both to succeed in their future careers and in their lives. We also cannot forget about the librarians, the cafeteria staff, the coaches, the janitors, the bus drivers, the crossing guards, the administrators, all those employees who dedicate their time, effort and talents in order to make sure that our kids are enjoying a safe environment and that they're welcomed into the classrooms and that they truly learn.

Teachers simply do not receive the gratitude that they deserve. Most people can remember that one teacher who inspired them in some way and urged them to explore a subject further. Many of us simply would not have the same lives or careers without a special teacher to guide us.

For me, that was Mr. Kobiashi in the fifth grade, who really inspired me to have a true appreciation for the environment and a true understanding of our oceans and all the living creatures and just inspired me to be a better person. I still remember him to this day and can't thank him enough for the service and the thousands of untold lives that he had touched along the way.

Those are special people, and they ought to be recognized for their efforts, and while I know that this resolution is important, they truly get the satisfaction that they deserve and that they need by inspiring those young people throughout our country.

Yet for all the effort and tireless hours the teachers put in every single

day, we oftentimes forget to thank them formally as well. As a country, we need to do more to thank teachers and educators for their hard work and service to America's youth.

Madam Speaker, I urge my colleagues to support this resolution. American Education Week gives us the opportunity to take a week to think about and thank all the educators for their work. Hopefully this week will also inspire all Americans to think about the work that educators do, not just during American Education Week but every day, so that we begin to give teachers and educators the thanks and appreciation that they truly deserve; and that, in each individual community, those people, those parents and the others affected in the community, support their teachers, the educators and all the support staff, and all the moving parts that make these things happen so they can truly feel the love and support of a Nation and make that environment the very best environment it can be for our kids to learn.

Madam Speaker, I reserve the balance of my time.

Ms. WATSON. Madam Speaker, I yield 3 minutes to the gentleman from Texas, Representative RUBÉN HINOJOSA.

Mr. HINOJOSA. I rise today in support of H. Res. 879. I want to thank the National Education Association, NEA, and its 3.2 million members for designating November 15 through November 21 as American Education Week.

I also wish to acknowledge and thank Representative MINNICK from Idaho for introducing this important resolution, and I thank the gentlelady from California for giving me time to speak.

As subcommittee chairman for Higher Education, Lifelong Learning and Competitiveness, I congratulate all of our teachers, higher education faculty and staff, custodians, substitute educators, bus drivers, clerical workers, food service professionals, workers in skilled trades, health and student services workers, security guards, technical employees, and librarians for working tirelessly on behalf of our children, parents, and communities.

Our Nation's public schools and colleges and universities continue to be the great equalizer and the backbone of American democracy. They open the doors of opportunity to millions of graduates every year.

In order to access family-sustaining jobs in our economy, it is imperative that all children, all youth and adults receive a high quality education and are equipped with 21st century skills to thrive in our Nation's economy.

As our Nation strives to build a world-class educational system, increase graduation rates at all levels, and improve literacy for adult learners, we must recognize our teachers, our principals, our faculty, and school personnel for their professionalism and extraordinary commitment to care for and educate our children, youth, and adults for a 21st century workforce.

I commend President Obama, I commend Chairman MILLER and my colleagues for making historic investments in education and for ensuring accessibility and affordability in higher education with the enactment of the Health Care and Education Reconciliation Act of 2010.

I urge my colleagues and our Nation to observe American Education Week and the invaluable contributions of our Nation's educators. You all make a world of difference in the lives of our students and families. I thank you.

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

Ms. WATSON. I yield 2 minutes to the gentleman from Idaho (Mr. MINNICK).

Mr. MINNICK. Madam Speaker, I thank the gentlewoman from California and extend her an invitation to come to Idaho anytime.

Madam Chair, you'd be a good addition.

Madam Speaker, I rise in support of House Resolution 879, celebrating the goals and ideals of American Education Week. Public schools are the backbone of America's democracy and the key to our continuing competitiveness in a 21st century global economy.

In 2010, the 89th American Education Week will take place November 14 to November 20. Each day will spotlight the importance of providing every child in America with a quality public education from pre-K through college.

As Federal legislators, we must continue to support American public education and make it the very best in the world. Dedicated American educators, teachers, principals, administrators, and their trade organizations work tirelessly to serve students and communities throughout the Nation with care and professionalism.

American Education Week celebrates the effort and achievements of these dedicated professionals and encourages community, parental and elected government official involvement in our public schools.

□ 1400

As a parent of four children, all of whom benefited from an outstanding public school education, I have witnessed firsthand the extraordinary lengths to which our hardworking teachers go in helping American youth to learn. I applaud the nearly 15,000 teachers and thousands of support staff in Idaho and those throughout this great Nation who devote their professional lives to ensuring our children are equipped with the skills, knowledge and work ethic required to succeed in 21st century America.

Let's all enthusiastically endorse American Education Week. I urge my colleagues to support this resolution and recognize the efforts and sacrifices of America's educators.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to express my strong support for H. Res. 879 supporting the goals and ideals of American Education Week.

I would like to share a quote from Mr. William Arthur Ward who said "The mediocre teacher tells. The good teacher explains. The superior teacher demonstrates. The great teacher inspires." I agree with Mr. Ward about the incredible difference a great teacher can make in a child's life. It is in the classroom environment that an educator can best lay a solid foundation in children's lives by instilling the values of determination and diligence within them. Quality education is thus an essential element to opening the door to a bright future for our country.

Madam Speaker, in celebrating American Education Week, we stand to acknowledge and celebrate the true importance of a fine education. During the week of November 14–November 20, I encourage my colleagues in Congress and all Americans to please take the time to appreciate the people who have made a difference in educating children across the nation, especially the local educators in Georgia's 4th District. I would like to personally thank the school board members, administrators, teachers, librarians, counselors, parents, substitute teachers, custodians, bus drivers, cafeteria workers, and staff members who have devoted their lives to educating the youth of my district.

I truly appreciate the important difference that educators make in children's lives through their dedication and tireless effort. I encourage my colleagues to join me in expressing their appreciation for all educators in the nation during American Education Week by supporting this important resolution.

Ms. WATSON. Madam Speaker, I urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 879, 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. WATSON. 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.

COMMENDING THE HOLLYWOOD WALK OF FAME ON ITS 50TH ANNIVERSARY

Ms. WATSON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1357) commending and congratulating the Hollywood Walk of Fame on the occasion of its 50th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1357

Whereas the Hollywood Walk of Fame is a tribute to those who have significantly contributed to the entertainment industry;

Whereas E.M. Stuart, who served as the volunteer president of the Hollywood Chamber of Commerce in 1953, is credited with creating the idea of the Hollywood Walk of Fame;

Whereas the Hollywood Walk of Fame was established to maintain the glory of a community whose name means glamour and excitement in the four corners of the world;

Whereas in January 1956 the plans for the Hollywood Walk of Fame were submitted to the Los Angeles City Council;

Whereas the Los Angeles City Council embraced the idea of the Hollywood Walk of Fame, and subsequently instructed the Board of Public Works to prepare the engineering specifications for the Hollywood Walk of Fame and to create the necessary assessment district to pay for the improvements associated with the Hollywood Walk of Fame;

Whereas the Hollywood Chamber of Commerce established the Hollywood Improvement Association to work with the City of Los Angeles in creating the Hollywood Walk of Fame;

Whereas, while the City of Los Angeles worked on the creation of the assessment district between May 1956 and the fall of 1957, the Hollywood Improvement Association worked on selecting the individuals to be honored by placement of a star in the Hollywood Walk of Fame;

Whereas four categories of stars were established to represent four aspects of the entertainment industry: motion picture, television, recording, and radio;

Whereas, on August 15, 1958, the Hollywood Chamber of Commerce and the City of Los Angeles unveiled eight stars on Hollywood Boulevard at Highland Avenue to demonstrate what the Hollywood Walk of Fame would look like;

Whereas these eight stars honored Olive Borden, Ronald Colman, Louise Fazenda, Preston Foster, Burt Lancaster, Edward Sedgwick, Ernest Torrence, and Joanne Woodward;

Whereas, on February 8, 1960, construction began on the Hollywood Walk of Fame;

Whereas, on March 28, 1960, the first star, awarded to Stanley Kramer, was laid in the Hollywood Walk of Fame;

Whereas, on November 23, 1960, the Hollywood Walk of Fame was dedicated in conjunction with the Hollywood Christmas Parade;

Whereas the Hollywood Walk of Fame was not completed until the spring of 1961, at which time it was accepted by the Board of Public Works and contained 1,558 stars;

Whereas, on May 18, 1962, the Los Angeles City Council approved an ordinance that specified that the Hollywood Chamber of Commerce should advise the City of Los Angeles in all matters pertaining to the addition of stars to the Hollywood Walk of Fame;

Whereas, by May 21, 1975, the date on which Carol Burnett was awarded a star, a total of 99 stars had been added to the original Hollywood Walk of Fame;

Whereas in 1978 the Cultural Heritage Board of the City of Los Angeles designated the Hollywood Walk of Fame as Los Angeles Historic-Cultural Monument Number 194;

Whereas in 1980 entertainer Johnny Grant was awarded a star in the Hollywood Walk of Fame;

Whereas after being awarded the star, Johnny Grant was so enthused about the honor that he involved himself in creating a memorable star ceremony for subsequent star recipients;

Whereas Johnny Grant was the chairman of the Walk of Fame Committee from 1980 until his death in January 2008;

Whereas it was through Johnny Grant's work that the Hollywood Walk of Fame turned into an international icon;

Whereas in 1984, under Johnny Grant's leadership, a fifth category of star, live theater, was added to allow individuals who excelled in all types of live performance to be considered for stars in the Hollywood Walk of Fame;

Whereas when constructed the Hollywood Walk of Fame was designed to accommodate 2,518 stars and by the 1990s space in the most popular areas was difficult to find;

Whereas Johnny Grant approved the creation of a second row of stars in the Hollywood Walk of Fame that would alternate with existing stars;

Whereas, on February 1, 1994, the Hollywood Walk of Fame was extended one block to the west from Sycamore Avenue to La Brea Avenue on Hollywood Boulevard;

Whereas, on February 1, 1994, Sophia Loren was honored with the 2,000th star in the Hollywood Walk of Fame;

Whereas the Hollywood Walk of Fame is a top visitor attraction in the City of Los Angeles; and

Whereas today an average of two stars are added to the Hollywood Walk of Fame each month: Now, therefore, be it

Resolved, That the House of Representatives commends and congratulates the Hollywood Walk of Fame on the occasion of its 50th anniversary.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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

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

There was no objection.

Ms. WATSON. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Madam Speaker, I am grateful for the opportunity to speak today and to vote for H. Res. 1357, a bill I introduced to honor one of the most well-known historical landmarks in the world, the Hollywood Walk of Fame.

For 50 years, the Hollywood Walk of Fame has existed as a tribute to those who have contributed to the unparalleled success of America's entertainment industry. As the chairwoman of the Congressional Entertainment Industries Caucus and a Representative from the City of Los Angeles, I am uniquely aware of the role Hollywood has played in presenting the values, the culture, and the creativity of the United States to audiences around the world. Across the globe, Hollywood means glamour and excitement, and in our district it also means solid jobs and revenue.

In 1953, E.M. Stuart, the president of the Hollywood Chamber of Commerce,

came up with the idea of creating the Hollywood Walk of Fame as a tribute to the industry, and on March 28, 1960, filmmaker Stanley Kramer was awarded the first star. Fifty years later, an average of two stars are added each month, and the Walk of Fame has become one of the top visitor attractions in the City of Los Angeles and also a destination in the United States.

I was proud to submit H. Res. 1357 to recognize this important cultural landmark, and I urge my colleagues to vote in support of the resolution.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I need to stand in opposition to this. Certainly, the Hollywood Walk of Fame has provided enjoyment for untold numbers of people. It's a great destination. Hollywood is certainly a unique treasure that is unique to the United States of America and specifically southern California.

To my colleagues who wholeheartedly support and endorse and stand behind this resolution, maybe I'm a wet bucket of water on a parade; but I've got to tell you, I just don't feel like it's the proper role of the United States Congress to recognize the Hollywood Walk of Fame on its 50th anniversary.

There are plenty of ways to recognize and to thank and congratulate the stars of Hollywood and the impact that they've had on the American ideal and the American entertainment industry. I just don't feel like it's the proper role of the United States Congress to do this, with all due respect. Recognizing educators, absolutely. We're about to recognize Flag Day, of course. Hollywood Walk of Fame? Maybe not so much.

So with all due respect to the 50-plus colleagues on both sides of the aisle that have supported this resolution, I, for one, as a Representative of the United States Congress, simply cannot stand here and voice my support that this is a good use of the Congress' time. I reserve the balance of my time.

Ms. WATSON. Madam Speaker, I am now proud to yield such time as he may consume to my good friend, my distinguished friend from the State of New York, Representative TOWNS.

Mr. TOWNS. I would like to thank the chair of the subcommittee for yielding time to me because I wanted to respond to a couple of things that my good friend on the other side of the aisle said. First of all, I know him. I know that he's a very dedicated and committed human being—and of course outstanding kicker in his day, and of course set records as a kicker. I think that he probably misunderstood what this bill is named. It's the Hollywood "Walk" of Fame. I want to make certain that he understands that. And many people who have walked there have contributed so much to society, contributed so much to organizations.

When you look back and you see in terms of the contributions that these people have made, then I think that my colleague would probably review it and probably would withdraw his objections. When you look at the amount of money they've given to breast cancer, when you look at the amount of money they've given to AIDS and all these diseases that we need to do extensive research on, that people that have walked these streets and walked the Hollywood Walk of Fame, when we think about the things that they've done, then I really feel that if he did, he would say wait a minute.

You know, every now and then we make a mistake or we say some things that we wish we had not said, and I think this is the situation now with my colleague because if you think about the Hollywood Walk of Fame and the contributions of the people that are listed on the Hollywood Walk of Fame, then I really feel that he would join us in supporting this legislation.

On that note, I ask my good friend on the other side of the aisle to reconsider.

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

Madam Speaker, Chairman TOWNS is one of my favorite people. I have really come to grow and appreciate him; I just happen to disagree with him on this.

There are a lot of people on the Hollywood Walk of Fame who have done some amazing and great things, and for that they should be congratulated, but not necessarily from the United States Congress. There are a whole lot of people on that Walk of Fame we probably shouldn't recognize in any way, shape or form.

The point I'm trying to make is there is a certain segment of our population, from the entertainment industry and those involved in sports, that gets more adulation from the public than they could possibly take, and yet we have true heroes, real heroes who don't get an ounce of appreciation from this body that really do deserve it.

The other day I was watching television—this was just recently—and there was a National Guardsman who pulled around a corner—and I can't remember what State it was, I want to say it was the State of Washington, but I could be wrong on that. All of a sudden, there was a truck that had overturned in a river, and suddenly this guy found himself in a situation where there is somebody who is struggling for his life. He and a few other people, just citizens who woke up that morning and had no idea that they were going to be the heroes that day, went down that river, they smashed open that window, they grabbed a rope and saved this person's life. Where are the recognitions for those true heroes?

I don't think Sophia Loren needs any more congratulations from the United States Congress. And as important as it is to the economy in southern Cali-

fornia—I've got an amusement park in northern Utah called the Lagoon. I'm not coming to the United States Congress asking for recognition of it.

Mr. TOWNS. Will the gentleman yield?

Mr. CHAFFETZ. Sure, I would be happy to yield.

Mr. TOWNS. When I think about the Hollywood Walk of Fame, I think about the man who signed the Martin Luther King Holiday bill by the name of Ronald Reagan. He's on the Hollywood Walk of Fame. I just want the gentleman to know that.

Mr. CHAFFETZ. Reclaiming my time, good point. I'm happy to recognize Ronald Reagan, and I appreciate your support. I'll bring a resolution at some point recognizing Ronald Reagan. There's a corner worth standing on. Thank you, Mr. Chairman.

Look, these issues come before the United States Congress. I think there is a time and a place to recognize significant achievements within the United States of America. I am going to ask for a recorded vote on this. It will be an interesting question.

My point is, the economy is struggling; we've got real issues out there. Like I said, there is a time and a place to make these kinds of recognitions. I just don't know that this rises to the same level as recognizing teachers or nurses who hold people's hand as they are there in the final days of their lives.

There are a lot of things that I think we could unanimously look at and recognize. I, for one, don't think that Hollywood needs more recognition. And with all due respect, I, for one, at least will be voting against this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. WATSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I proudly come before this body representing the United States members from all over this country because I think Hollywood reflects who we are as a people. And I heard and I am so pleased that my colleague, Representative TOWNS, mentioned that the legendary and iconic President, Ronald Reagan, has a star on the Walk of Fame. I also want everyone listening to know, Madam Speaker, that Senator Fred Thompson, who was a star of a crime series over a period of years, has a star on the Walk of Fame and even ran for President of the United States. And I want you to know, Madam Speaker and my colleagues, that Governor Arnold Schwarzenegger, *The Terminator*, has a star on the walk of fame. He is a Republican and proudly serves as a Republican. He represents the great State of California where Hollywood is.

I want you to know that I recently took down to South Africa, Madam Speaker, a project named after a gentleman who was the face of Hollywood, because I was told several years ago that they were getting ready to close

the Rosa Parks Library and Information in Cape Town South Africa. That is the information center attached to our embassy, the U.S. Embassy. They were going to close it down because they said the Cold War was over.

□ 1415

So I took 100 of America's best and loved films, films which are loved all over the world, which show our principles, our values, our beliefs, and our humanity, because everyone is influenced by our movies.

I also want to say, Madam Speaker, that, as our image has been tarnished, I feel that our classic movies and the people who starred in those movies, who have stars on the Walk of Fame, could be recognized in other countries and could help improve our image.

So I would hope that all Members, Madam Speaker, recognize that they represent the people of America, and I would hope that the Members here will vote to support an industry that really speaks to the world about our mores, our principles, our great talents, and our arts. It is an industry that speaks proudly and distinctly to the rest of the world. So I would hope that we would have, really, a unanimous vote on celebrating, through this resolution, the Walk of Fame.

I have no further requests for time, and I reserve the balance of my time.

Mr. CHAFFETZ. I yield myself such time as I may consume.

Madam Speaker, look, there are lots of reasons America and the world like Hollywood. I just don't believe, in my heart of hearts, that the United States Congress, in a resolution by the House of Representatives, is the right way to recognize the Hollywood Walk of Fame.

From my vantage point, you certainly don't look to the Hollywood Walk of Fame or to Hollywood in general for the principles and values that are representative of the United States of America. That Paul Reubens' *Pee-wee Herman* has a star on the Hollywood Walk of Fame is a far cry from Ronald Reagan's having a star.

Again, I am just one voice here in this body, but I've got to tell you, as to the people I represent, I'll have a hard time going back to them, saying, You know what? I did the work of the people, and I'm back there, spending the people's money, and we recognized the Hollywood Walk of Fame. I just can't do it.

Again, with all due respect, there are a lot of good Members back there, and that might be an interesting debate to take the few thousand people and go back and forth. I'm going to start with Paul Reubens, and I appreciate your starting with Ronald Reagan. Somewhere in between is probably the right answer.

We need to get on with the Nation's business, with the debt and with the other crises that we are dealing with. That is my point with this, Madam Speaker. I won't take any more of the people's time.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1357.

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. WATSON. 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.

SUPPORTING GOALS AND IDEALS OF FLAG DAY

Ms. WATSON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1429) celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1429

Whereas Flag Day is celebrated annually on June 14, the anniversary of the official adoption of the American flag by the Continental Congress in 1777;

Whereas, on June 14, 1777, in order to establish an official flag for the new Nation, the Continental Congress passed the first Flag Act, which stated, "Resolved, That the flag of the United States be made of thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new Constellation";

Whereas the second Flag Act, signed January 13, 1794, provided for 15 stripes and 15 stars after May 1795;

Whereas the Act of April 4, 1818, which provided for 13 stripes and one star for each State, to be added to the flag on July 4 following the admission of each new State, was signed by President James Monroe;

Whereas in an Executive order dated June 24, 1912, President William Howard Taft established the proportions of the flag and provided for arrangement of the stars in 6 horizontal rows of 8 each, a single point of each star to be upward;

Whereas in an Executive order dated January 3, 1959, President Dwight D. Eisenhower provided for the arrangement of the stars in 9 rows staggered horizontally and 11 rows of stars staggered vertically;

Whereas the first celebration of the American flag is believed to have been introduced by Bernard Cigrand, a Wisconsin school teacher, who arranged for his pupils at Stony Hill School in Waubeka to celebrate June 14 as "Flag Birthday" in 1885;

Whereas, on June 14, 1894, the Governor of New York ordered that the American flag be displayed at all public buildings in the State, prompting many State and local governments to begin observing Flag Day;

Whereas President Woodrow Wilson proclaimed the first nationwide Flag Day in 1916;

Whereas in 1947, President Harry S. Truman signed legislation requesting National Flag Day be observed annually;

Whereas the United States flag is a symbol of our great Nation and its ideals;

Whereas in times of national crisis, Americans look to the United States flag as a symbol of hope, courage, and freedom;

Whereas the United States flag is universally honored;

Whereas the United States flag honors the men and women of the Armed Forces who have given their life in the defense of the United States;

Whereas the United States flag serves as a treasured symbol of the loss of loved ones to the countless families of those who died in defense of our Nation; and

Whereas June 14, 2010, is recognized as Flag Day: Now, therefore, be it

Resolved, That the House of Representatives celebrates the United States flag and supports the goals and ideals of Flag Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

Madam Speaker, H. Res. 1429 celebrates our Nation's most enduring symbol: the American flag. With this resolution, this Chamber expresses its support for the annual recognition of Flag Day.

The gentleman from Ohio, Representative ROBERT LATTA, introduced H. Res. 420 on June 9, 2010. It was referred to the Committee on Oversight and Government Reform, which waived consideration of the bill to expedite its consideration on the floor today.

We celebrate Flag Day on June 14, the anniversary of the Continental Congress' passage of the first Flag Act in 1777. The flag is our symbol—a symbol of hope, courage, and freedom. All around the world, it represents the American people and our highest ideals. We, the people, have always looked to our flag as a symbol of hope, courage, and freedom, and for over 100 years, we have celebrated it each June.

As stated in this bill, the first celebration of the American flag is believed to have been introduced by Bernard Cigrand, a Wisconsin schoolteacher, who arranged for his pupils to celebrate June 14 as Flag Day in 1885. In 1947, President Truman signed legislation requesting that Flag Day be observed nationally each year, formalizing the tradition of annual Flag Day celebrations.

The flag honors the countless men and women of the Armed Forces who

have died serving to defend the United States. It is a lasting symbol of their sacrifice. As public servants, we rightly pledge our allegiance to the flag each day as do millions of Americans.

As we remember who we serve here in this Chamber, the flag stands before the entire world as a symbol of our shared values, our hopes, our aspirations, and our ideals each day of the year, and I am glad that we take this time each June to celebrate that fact.

Madam Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield such time as he may consume to the sponsor of this legislation, the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. I thank the gentleman from Utah for yielding.

Madam Speaker, I am pleased to stand before you today in support of House Resolution 1429. This resolution celebrates the symbol of the United States, and it supports the goals and ideals of Flag Day.

Flag Day is celebrated on June 14, which was the anniversary of the official adoption of the American flag by the Continental Congress in 1777. This was done by the first Flag Act, which stated, "Resolved, that the flag of the United States be made of 13 stripes, alternating red and white, that the Union be 13 stars, white in a blue field, representing a new constellation."

Since 1777, our flag's design has been altered three times under Executive orders, rearranging the design of the stars and the stripes each time a State was added.

To reiterate what the gentlewoman has stated, the first celebration of Flag Day is believed to have been introduced by Bernard Cigrand, a Wisconsin schoolteacher, who arranged for his students at Stony Hill School to celebrate June 14 as Flag Birthday in 1885.

President Woodrow Wilson proclaimed the first nationwide Flag Day in 1916. In 1947, President Harry Truman signed legislation requesting National Flag Day be observed annually.

Flag Day is an important holiday as our flag is the official symbol for our great Nation and its ideals. Our flag serves as a beacon of hope, courage, and freedom during times of crisis and triumph alike.

The flag honors the men and women of the Armed Forces who have paid the ultimate sacrifice in defending the United States, and it serves as a symbol to those families who have lost loved ones while defending our Nation.

Madam Speaker, it is with great honor that I ask for unanimous consent on H. Res. 1429 as we celebrate our Nation's flag.

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

Madam Speaker, each one of our States proudly flies its own flag, but the flag that reigns supreme flies above ours. In each one of our offices here in the Capitol, we have the flags from our States or from our territories and the flag of the United States.

I proudly say that the flag of California has a bear on it because we are the last frontier, and the strength of the bear represents the strength of our State. Also, current Governor Arnold Schwarzenegger is one of those who serves under the California flag, and he has his star on the Walk of Fame.

So I am so proud that the flag that the Speaker stands in front of in this Chamber and that adorns this Chamber is the flag that we celebrate. Every single American and every single person who lives in our country pays homage to our flag by flying it high.

I again urge all of my colleagues, Madam Speaker, to join me in supporting this measure.

I reserve the balance of my time.

Mr. CHAFFETZ. I yield myself such time as I may consume.

All right. Now, this bill is actually something I can get excited about and that I'm sure we can be in unison on. So I hope Chairman TOWNS, wherever he might be, hears that loud and clear.

Madam Speaker, I rise today in support of House Resolution 1429, celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day.

The American flag has been our national symbol for 233 years, and it remains a symbol of freedom wherever it is flown. Since 1777, when the Second Continental Congress adopted the Stars and Stripes, our flag has stood for liberty and justice.

Flag Day was first celebrated throughout the country in 1885, as one early supporter, Bernard Cigrand, a Wisconsin schoolteacher, wanted June 14 to be known as "Flag Birthday." The idea quickly caught on, and many people wanted to participate. In 1894, the Governor of New York asked that all public buildings fly the flag on June 14 to begin observing Flag Day. In 1916, President Woodrow Wilson proclaimed Flag Day as a national celebration. However, the holiday was not officially recognized until 1949 when President Harry Truman signed the National Flag Day bill.

Since the beginning of our Republic, Americans have flown the flag to show their appreciation and pride for this great Nation. Every day, Americans pledge their allegiance to the flag, and our troops carry the flag as they defend the liberties for which it stands. On Flag Day, we remember the importance of our oldest national symbols, and we reflect on the loss of loved ones who died in defense of our Nation.

Let us pledge allegiance to this flag, to declare our patriotism and to raise its colors high to express our pride and respect for the American way of life and for the freedom that it represents.

Madam Speaker, I urge my colleagues to support this resolution, and I yield back the balance of my time.

Ms. WATSON. 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 gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1429.

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

□ 1430

GOVERNMENT EFFICIENCY, EFFECTIVENESS, AND PERFORMANCE IMPROVEMENT ACT OF 2010

Ms. WATSON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2142) to require the review of Government programs at least once every 5 years for purposes of assessing their performance and improving their operations, and to establish the Performance Improvement Council, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2142

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Government Efficiency, Effectiveness, and Performance Improvement Act of 2010".

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Agency defined.
- Sec. 4. Sense of Congress regarding the need for increased consultation between Congress and Federal agencies on performance management issues.

- Sec. 5. Performance assessments.
- Sec. 6. Strategic planning amendments.
- Sec. 7. Improving Government performance.
- Sec. 8. Assessments and reports.
- Sec. 9. Additions to performance plan.
- Sec. 10. Savings.
- Sec. 11. Funding.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Weaknesses in established management processes pertaining to the use of information about the performance of Federal agencies undermine the confidence of the American people in the Government and reduce the Federal Government's ability to adequately address public needs.

(2) To restore the confidence of the American people in its Government and to increase the Federal Government's ability to adequately address vital public needs, the Federal Government must continually seek to improve the effectiveness, efficiency, and accountability of Federal programs.

(3) With the passage of the Government Performance and Results Act of 1993, Congress directed the executive branch to seek improvements in the performance and accountability of Federal programs by having agencies focus on strategic objectives and annual results.

(4) The requirements of the Government Performance and Results Act of 1993 have produced an infrastructure of outcome-oriented strategic plans, performance measures, and accountability reporting that serve as a solid foundation for agencies working with Congress to achieve long-term strategic goals and improve the performance of Federal programs; use of those plans and reports to improve outcomes has, however, been limited.

(5) Congressional policy making, spending decisions, and program oversight have been handicapped by insufficient attention to program performance and results.

(6) While improvements have been made in the development of outcome-oriented strategic plans, performance measures, and accountability reporting for individual programs, progress is still needed to ensure that agency leaders, employees, and delivery partners regularly use performance information to improve the effectiveness and efficiency of government operations and to communicate performance information coherently and candidly to inform congressional decision-making in conducting program authorization, appropriation, and oversight.

(7) Regular performance assessments, complemented by periodic assessments of Federal programs, provide critical information on whether programs are achieving specific performance objectives, help Congress and the executive branch identify the most pressing policy and program issues, and determine if specific legislative, operational, financial, or strategic reforms are needed to increase program effectiveness and efficiency.

(8) Programs performing similar or duplicative functions within a single agency or across multiple agencies should be identified and their performance and results shared among all such programs to improve coordination or possible consolidation and, ultimately, performance and results.

(9) The performance reporting requirements of the Government Performance and Results Act of 1993, along with individual performance and accountability reporting requirements contained in legislation, are in some cases redundant, and steps should be taken to eliminate duplicative performance policies and to streamline outdated and unused reports.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To improve the Government Performance and Results Act of 1993 by implementing performance assessment processes that seek to assess Federal programs on a periodic basis with a particular focus on the following:

(A) Identification by agency leaders of clear priorities and setting of outcome-focused, measurable, ambitious targets for those priorities.

(B) Regular goal-focused, data driven performance assessments to measure progress and adjust strategies.

(C) Accountability expectations that encourage managers to innovate, informed by evidence and analysis of experience.

(D) Transparent, coherent, and candid communication of results.

(2) To use relevant performance and related information to help agencies make informed management decisions, improve the effectiveness of agency and program operations (particularly for those programs, projects, and activities that are deemed poorly performing), and submit funding requests based on evidence and other relevant information.

(3) To provide congressional policy makers with information needed to conduct more effective oversight and assist in the improvement of agency operations, and to make performance-informed and results-based authorization and appropriation decisions that improve the effectiveness of program operations.

(4) To establish the Performance Improvement Council as a body that will assist in the development of performance measurement and management standards and assessment methodologies, identify best practices in Federal performance management, facilitate the exchange of information among agencies on these practices, and collaborate on and strengthen the effectiveness of agency performance improvement efforts.

(5) To establish agency performance improvement officers to institutionalize and enhance the strategic and performance management activities of Federal agencies.

SEC. 3. AGENCY DEFINED.

In this Act, the term “agency” means an executive agency as defined in section 306 of title 5, United States Code.

SEC. 4. SENSE OF CONGRESS REGARDING THE NEED FOR INCREASED CONSULTATION BETWEEN CONGRESS AND FEDERAL AGENCIES ON PERFORMANCE MANAGEMENT ISSUES.

It is the sense of Congress that the head of each Federal agency should make every effort to consult with the committees with jurisdiction over the agency and other interested members of Congress each fiscal year regarding the performance plan and priorities of the agency (required by sections 1115 and 1120 of title 31, United States Code).

SEC. 5. PERFORMANCE ASSESSMENTS.

(a) REQUIREMENT FOR PERFORMANCE ASSESSMENTS.—Chapter 11 of title 31, United States Code, is amended by adding at the end the following new section:

“§ 1120. Performance assessments

“(a) IDENTIFICATION OF HIGH-PRIORITY PERFORMANCE GOALS.—For the purpose of improving agency performance, the head of each Federal agency, in consultation with the Director of the Office of Management and Budget, shall identify near-term and long-term high-priority goals for purposes of this section. In identifying such goals, the head of the agency shall—

“(1) rely on the agency’s mission, strategic plan and objectives, and statutory directives;

“(2) consult with Congress, including each appropriate committee of Congress;

“(3) select goals that—

“(A) clearly identify agency priorities and have performance outcomes that can be clearly and objectively assessed and measured;

“(B) are ambitious targets that have high direct value to the public;

“(C) involve indicators for which the agency can collect reliable and timely data that may be used in performance assessments to measure progress and adjust strategies; and

“(D) involve multiple programs, including programs within and across multiple agencies that are performing similar functions, serve similar populations, have similar purposes, or share common objectives, for purposes of identifying common challenges, exemplary goals and practices, common measures of performance, and potential opportunities for more effective and efficient means of achieving goals, including through the integration and consolidation of Federal functions; and

“(4) with respect to a subcomponent of the agency, ensure the goals are consistent with the goals of the entire agency.

“(b) PERFORMANCE ASSESSMENTS.—The head of each Federal agency, in consultation with the Director of the Office of Manage-

ment and Budget, shall, not less often than quarterly for high-priority goals identified in subsection (a), and on a semi-annual basis for performance goals established pursuant to section 1115(a)(1) of this title—

“(1) assess progress toward achieving the goals identified under subsection (a) and toward achieving the annual performance goals for each program activity established pursuant to section 1115(a)(1) of this title;

“(2) assess whether relevant agency programs and initiatives are contributing as expected toward the goals identified under subsection (a) and the annual performance goals for each program activity established pursuant to section 1115(a)(1) of this title; and

“(3) identify prospects and strategies for performance improvement, including any needed changes to agency programs or initiatives.

“(c) PERFORMANCE ASSESSMENT REQUIREMENTS.—In conducting an assessment of agency progress toward achieving the goals identified under subsection (a) and toward achieving the annual performance goals for each program activity established pursuant to section 1115(a)(1) of this title, the head of a Federal agency, in consultation with the Director of the Office of Management and Budget, shall—

“(1) coordinate with relevant personnel within and outside the agency who contribute to the accomplishment of the goals; and

“(2) encourage innovation and hold leaders and managers accountable for effective and efficient implementation based on evidence and continuing analysis of experience.

“(d) TRANSPARENCY OF GOALS AND PERFORMANCE ASSESSMENTS.—The Director of the Office of Management and Budget shall—

“(1) make available, as part of the President’s budget submission and through the Office of Management and Budget website and other relevant websites, and provide to the congressional committees described in subsection (i)—

“(A) a list of goals identified under subsection (a) and reviewed by the Director;

“(B) consistent with section 1115 of this title, annual goals defined by objectively measurable outcomes for each program administered in whole or in part by the agency;

“(C) the methods that will be used to make progress toward achieving the goals identified under subparagraphs (A) and (B);

“(D) the expected contribution that different agency programs and initiatives will make toward achieving the goals identified under subparagraphs (A) and (B) and the expected timeline for achieving those goals; and

“(E) the approach that will be used by agencies to assess progress toward achieving the goals identified under subparagraphs (A) and (B);

“(2) provide a mechanism for interested persons, including the general public and members and committees of Congress, to submit comments on the goals being assessed under subsection (a) and the annual performance goals for each program activity established pursuant to section 1115(a)(1) of this title and the methods that will be used to make progress toward achieving those goals;

“(3) provide a mechanism for agency delivery to and consideration of comments provided under paragraph (2) by each relevant agency and adjustment of goals under subsection (a) and the annual performance goals for each program activity established pursuant to section 1115(a)(1) of this title based on the comments, with approval of the Director; and

“(4) make available through the Office of Management and Budget website a summary of comments received under paragraph (2),

any adjustment of goals under paragraph (3), and any changes to goals required by the Office of Management and Budget.

“(e) TRANSPARENCY OF PERFORMANCE RESULTS.—(1) The head of an agency shall ensure that all results of the assessments conducted under this section by the agency during a fiscal year shall be readily accessible to and easily found on the Internet by the public and members and committees of Congress in a searchable, machine readable format, in accordance with guidance provided by the Director of the Office of Management and Budget that ensures such information is provided in a way that presents a coherent picture of the performance of Federal agencies. At a minimum, the results of the assessments conducted under this section shall be available on the website of the Office of Management and Budget and also may be made available on any other website considered appropriate by the agency or the Director. The Director shall also notify the appropriate committees of Congress when quarterly assessments become available on the Internet.

“(2) The performance information related to the assessments of goals in this section and section 1115 of this title shall—

“(A) include—

“(i) a brief summary of the problem or opportunity being addressed and reasons for identifying these agency goals as well as key findings of the assessments;

“(ii) a list of each program and agency contributing to achievement of the goal and the time frame for such contributions;

“(iii) an assessment of the quality of the performance measures, and the extent to which necessary performance data are collected;

“(iv) a description of how leaders and managers are held accountable for achieving program results, and the extent to which strong financial management tools are in place;

“(v) contextual indicators that provide a sense of external factors that can influence performance trends related to key outcomes;

“(vi) as appropriate, indicators that provide information about the population being served and to the extent possible, the impact on disadvantaged and minority communities and individuals;

“(vii) factors affecting the performance of programs, projects, and activities and how they are impeding or contributing to failures or successes of the programs, projects, and activities, and the reasons for any substantial variation from the targeted level of achievement of the goals;

“(viii) the process used by the agency to assess progress made toward achieving the goals; and

“(ix) such other items and adjustments as may be specified by the Director;

“(B) describe the extent to which any trends, developments, or emerging conditions affect the need to change the mission of programs being carried out to achieve the goal;

“(C) identify, as part of any performance assessment, practices that resulted in positive outcomes, and the key reasons why such practices resulted in positive outcomes; and

“(D) include recommendations for actions to improve results, including opportunities that might exist for the coordination, consolidation, or integration of programs to improve service or generate cost savings.

“(3) The head of each agency shall—

“(A) use, as necessary and appropriate, a variety of assessment methods to support performance assessments, including methods contained in reports from evaluation centers, in assessments by States, and in available Federal program assessments;

“(B) maintain an archive of information required to be disclosed under this section

that is, to the maximum extent practicable, readily available, accessible, and easily found by the public; and

“(C) consider the relevant comments submitted under subsection (d)(2).

“(f) CLASSIFIED INFORMATION.—(1) With respect to performance assessments conducted during a fiscal year that contain classified information, the President shall submit—

“(A) each quarterly performance assessment (including the classified information), to the appropriate committees of Congress; and

“(B) an appendix containing a list of each affected goal and the committees to which a copy of the performance assessment was submitted under subparagraph (A), to the congressional committees described in subsection (i).

“(2) Upon request from a congressional committee described in subsection (i), the Director of the Office of Management and Budget shall provide to the Committee a copy of—

“(A) any performance assessment described in subparagraph (A) of paragraph (1) (including any assessment not listed in any appendix submitted under subparagraph (B) of such paragraph); and

“(B) any appendix described in subparagraph (B) of paragraph (1).

“(3) In this subsection, the term ‘classified information’ refers to matters described in section 552(b)(1)(A) of title 5.

“(g) INHERENTLY GOVERNMENTAL FUNCTIONS.—The functions and activities authorized or required by this section shall be considered inherently governmental functions and shall be performed only by Federal employees.

“(h) REPORT STREAMLINING.—To eliminate redundancy, the head of an agency may determine each year, subject to the approval of the Director of the Office of Management and Budget and provided that it meets the requirements of this section and sections 1115, 1116, 1117, 1121, and the first 9703 of this title, that the performance information provided to the public on the Internet is sufficient to meet the planning and reporting requirements of such sections.

“(i) CONGRESSIONAL COMMITTEES.—The congressional committees described in this subsection are the following:

“(1) The Committee on Oversight and Government Reform of the House of Representatives.

“(2) The Committee on Homeland Security and Governmental Affairs of the Senate.

“(3) The Committees on Appropriations of the House of Representatives and the Senate.

“(4) The Committees on the Budget of the House of Representatives and the Senate.

“(j) DEFINITIONS.—In this section:

“(1) AGENCY PERFORMANCE IMPROVEMENT OFFICER.—The term ‘agency performance improvement officer’ means a senior executive of an agency who is designated by the head of the agency, and reports to the head of the agency, the agency Deputy Secretary, or such other agency official designated by the head of the agency, to carry out the requirements of this section.

“(2) PERFORMANCE INFORMATION.—The term ‘performance information’ means the results of assessments conducted under this section.

“(k) CONSTRUCTION.—Nothing in this section shall be construed as requiring the head of an agency to perform impact evaluations that estimate quantitatively, for one or more variables, the effect a program or policy had compared to what may have otherwise happened.”

(b) PERFORMANCE ASSESSMENTS TO BE CONSIDERED IN EVALUATING SENIOR EXECUTIVES.—Section 4313 of title 5, United States Code, is amended (in the matter before paragraph (1)) by striking “organizational per-

formance,” and inserting the following: “organizational performance (including such reviews of agency performance, conducted under section 1120 of title 31, as are relevant).”

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 31, United States Code, is amended by adding at the end the following:

“1120. Performance assessments.”

SEC. 6. STRATEGIC PLANNING AMENDMENTS.

(a) CHANGE IN DEADLINE FOR STRATEGIC PLAN.—Subsection (a) of section 306 of title 5, United States Code, is amended by striking “No later than September 30, 1997,” and inserting “Not later than September 30 of the second year following a year in which an election for President occurs, beginning with September 30, 2010.”

(b) CHANGE IN PERIOD OF COVERAGE OF STRATEGIC PLAN.—Subsection (b) of section 306 of title 5, United States Code, is amended to read as follows:

“(b) Each strategic plan shall cover the four-year period beginning on October 1 of the second year following a year in which an election for President occurs.”

SEC. 7. IMPROVING GOVERNMENT PERFORMANCE.

(a) IMPROVING GOVERNMENT PERFORMANCE.—Chapter 11 of title 31, United States Code, as amended by section 5, is further amended by adding at the end the following new section:

“§ 1121. Improving Government performance

“(a) DUTIES OF AGENCY PERFORMANCE IMPROVEMENT OFFICERS.—Subject to the direction of the head of the agency, each agency performance improvement officer shall—

“(1) advise and assist the head of the executive agency and other agency officials to ensure that the mission of the executive agency is achieved through performance planning, measurement, analysis, and regular assessment of progress, including the requirements of this section and sections 1115, 1116, 1117, 1120, and the first 9703 of this title and section 306 of title 5;

“(2) advise the head of the agency on the selection of agency goals, including opportunities to collaborate with other agencies on common goals, and on whether—

“(A) the performance targets required under section 1115 of this title and the strategic plans required under section 306 of title 5 are—

“(i) sufficiently aggressive toward full achievement of the purposes of the agency; and

“(ii) realistic in light of authority and resources provided for operations; and

“(B) means for measurement of progress toward achievement of the goals are sufficiently rigorous, aligned to outcomes, useful, and accurate as appropriate to the intended use of the measures;

“(3) support the head of the agency, agency Deputy Secretary, or such other agency senior official designated by the head of the agency in the conduct of at least quarterly performance assessments, while strengthening the performance management activities of the entire agency (including sub-components) through at least quarterly performance assessments to—

“(A) assess progress toward achievement of the goals administered in whole or in part by the agency, as well as any goals common to that agency and other agencies;

“(B) identify factors affecting progress and benchmarking comparisons;

“(C) consider actions to improve the performance and efficiency of programs, projects, and activities; and

“(D) hold leaders and managers accountable for effective and efficient implementation and for adjusting agency actions based on evolving evidence;

“(4) assist the head of the agency in the development and use within the agency of performance measures in personnel performance appraisals, and, as appropriate, other agency personnel and planning processes and assessments;

“(5) assist the head of the agency in overseeing the implementation required under section 1120 of this title;

“(6) ensure that agency progress toward achievement of all goals is communicated to leaders, managers, and employees in the agency and Congress, and made public on the Internet; and

“(7) provide training for agency managers, program directors, supervisors, and employees on how to use performance targets, measure key performance indicators, assess programs, and analyze data to improve performance.

“(b) ESTABLISHMENT AND OPERATION OF PERFORMANCE IMPROVEMENT COUNCIL.—

“(1) There is established in the executive branch a Performance Improvement Council.

“(2) The Performance Improvement Council shall consist exclusively of—

“(A) the Deputy Director for Management of the Office of Management and Budget, who shall serve as Chair;

“(B) such agency performance improvement officers as determined appropriate by the Chair; and

“(C) such other permanent employees of an agency as determined appropriate by the Chair in consultation with the agency concerned.

“(3) The Chair or the Chair’s designee shall convene and preside at the meetings of the Performance Improvement Council, determine its agenda, direct its work, and establish and direct subgroups of the Performance Improvement Council, as appropriate to deal with particular subject matters.

“(4) To assist in implementing the requirements of sections 1105, 1115, 1116, 1117, 1120, and the first 9703 of this title and section 306 of title 5, the Performance Improvement Council shall—

“(A) develop and submit to the Director of the Office of Management and Budget, or when appropriate to the President through the Director of the Office of Management and Budget, at times and in such formats as the Chair may specify, recommendations concerning—

“(i) performance management policies and requirements;

“(ii) criteria for assessment of program, project, and activity performance; and

“(iii) how the goals required by section 1120(a) of this title can inform the Federal Government performance plan required by section 1105(a)(2)(B) of this title, and lead to improved results from and interagency coordination of programs that perform similar functions;

“(B) facilitate the exchange among agencies of information on performance management, including strategic and annual planning and reporting, to accelerate improvements in performance;

“(C) monitor the performance assessment process required under section 1120 of this title;

“(D) facilitate keeping members and committees of Congress and the public informed, and with such assistance of heads of agencies and agency performance improvement officers as the Director of the Office of Management and Budget may require, provide members and committees of Congress and the public with information on the Internet on how well each agency performs and that serves as a comprehensive source of information on—

“(i) agency strategic plans;

“(ii) annual performance plans and annual performance reports;

“(iii) performance information required under section 1120 (d) of this title;

“(iv) the status of the implementation of performance assessments required under section 1120 of this title;

“(v) relevant impact and process assessments; and

“(vi) consistent with the direction of the head of the agency concerned after consultation with the Director of the Office of Management and Budget, any publicly available reports by the agency’s Inspector General concerning agency program performance;

“(E) monitor implementation by agencies of the policy set forth in sections 1115, 1116, 1117, 1120, and the first 9703 of this title and section 306 of title 5 and report thereon from time to time as appropriate to the Director of the Office of Management and Budget, or when appropriate to the President through the Director of the Office of Management and Budget, at such times and in such formats as the Chair may specify, together with any recommendations of the Council for more effective implementation of such policy;

“(F) obtain information and advice, as appropriate, in a manner that seeks individual advice and does not involve collective judgment or consensus advice or deliberation, from—

“(i) State, local, territorial, and tribal officials;

“(ii) representatives of entities or other individuals; and

“(iii) members and committees of Congress;

“(G) coordinate with other interagency management councils; and

“(H) make recommendations to Congress on duplicative, unused, or outdated performance policies or reporting requirements.

“(5)(A) The Administrator of General Services shall provide administrative and other support for the Council to implement this section.

“(B) The heads of agencies shall provide, as appropriate and to the extent permitted by law, such information and assistance as the Chair may request to implement this section.

“(c) ADDITIONAL DUTIES OF THE COUNCIL.—The Council—

“(1) shall develop a website for Federal agency performance information;

“(2) shall link program performance information to program spending information on the website www.USASpending.gov; and

“(3) shall submit a report to Congress on the feasibility of creating a single web-based platform for all Government spending information and all program performance information.”.

(b) GUIDANCE.—Not later than 6 months after the date of the enactment of this Act, the Director of the Office of Management and Budget shall prescribe guidance to implement the requirements of section 1120 and 1121 of title 31, United States Code, as added by subsection (a).

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) Section 1115(g) of title 31, United States Code, is amended by striking “1119” and inserting “1121”.

(2) The table of sections at the beginning of chapter 11 of title 31, United States Code, is amended by adding at the end the following: “1121. Improving Government performance.”.

SEC. 8. ASSESSMENTS AND REPORTS.

(a) ASSESSMENTS.—

(1) IN GENERAL.—No less frequently than the first, third, and fifth year after the date of the enactment of this Act, and thereafter every three years and at such other times as may be requested by Congress, the Comptroller General of the United States shall as-

sess the implementation of this Act by the Director of the Office of Management and Budget and the agencies described in section 901(b) of title 31, United States Code, with emphasis on the matters specified in paragraph (2).

(2) MATTERS TO BE ASSESSED.—The matters to be assessed under paragraph (1) shall include, with respect to the fiscal year covered by the assessment:

(A) Whether the selection of goals, identified pursuant to section 1120(a) of title 31, United States Code, as added by section 5, and established pursuant to section 1115 of such title, is tied to performance outcomes that can be objectively assessed and measured and have a high direct value to the public.

(B) The use of agency performance goals and measures and program assessments to improve performance and ensure taxpayer dollars are spent in an efficient and effective manner, including the need to streamline or enhance Federal programs or initiatives to maximize the likelihood of accomplishing such performance goals.

(C) The use of agency performance goals, identified pursuant to section 1120(a) of title 31, United States Code, as added by section 5, and established pursuant to section 1115 of such title, and measures to clearly communicate performance priorities and results to the public.

(D) How any revision of goals, identified pursuant to section 1120(a) of title 31, United States Code, as added by section 5, and established pursuant to section 1115 of such title, has contributed to the effectiveness of agency and program performance.

(E) The tracking of program performance toward achieving identified goals and the contribution of such tracking to agency performance improvement.

(F) The use of input from Congress and the public in the assessment of programs and in the identification and assessment of goals.

(G) The use of the archive of information referred to in section 1120(e)(3)(B) of title 31, United States Code, to create a coherent, longitudinal picture of the performance of agencies and programs over time.

(H) Best practices of agencies.

(I) Whether the annual performance plan established pursuant to section 1115 of title 31, United States Code, conforms with the requirements for such plans described in paragraphs (1) through (11) of section 1115(a) of such title.

(J) The progress each agency has made in achieving the goals identified pursuant to section 1120(a) of title 31, United States Code, as added by section 5, and established pursuant to section 1115 of such title.

(b) REPORTS.—The Comptroller General shall consult with the Inspectors General when evaluating program and agency performance and shall submit to Congress a report on the results of each assessment conducted under subsection (a). The report shall include a list of recommendations on ways to improve the performance assessment and communication process and the operations of agency performance improvement officers and the Performance Improvement Council.

(c) EFFECTIVENESS ASSESSMENT.—With respect to the assessment conducted under subsection (a) in the third year after the date of the enactment of this Act, the Comptroller General shall include in the report relating to such assessment submitted to Congress under this section the following:

(1) an assessment of the effectiveness of this Act, and the amendments made by this Act;

(2) the impact of this Act on sections 1115, 1116, 1117, and the first 9703 of title 31, United States Code, and section 306 of title 5, United States Code; and

(3) any recommendations for improving the effectiveness of sections 1115, 1116, 1117, and the first 9703 of title 31, United States Code, and section 306 of title 5, United States Code and reducing duplication.

SEC. 9. ADDITIONS TO PERFORMANCE PLAN.

Section 1115(a) of title 31, United States Code, is amended—

(1) in paragraph (5), by striking “and”;

(2) in paragraph (6), by striking the period and inserting “; and”; and

(3) by inserting after paragraph (6) the following new paragraphs:

“(7) describe the existence and current scope of the problem that the program is intended to address, defined as an outcome that addresses the needs of the American people, not an input (such as staffing or resources expended) or an intermediate goal (such as teachers or police hired);

“(8) to the extent practicable, take into account the other efforts (if any) being made in Federal, State or local governments or the private sector to address the problem described under paragraph (7) and the relative cost-effectiveness of such efforts;

“(9) if the program is not new, describe the amount of funds expended in the previous year and state the progress made in the previous year toward solving the problem described under paragraph (7), including evidence of whether the problem is increasing, decreasing, or staying the same;

“(10) describe the specific level of improvement expected to be made toward addressing the problem described under paragraph (7); and

“(11) state the long-term goal for the program and when that goal is expected to be achieved or the problem described under paragraph (7) reduced to an acceptable level.”.

SEC. 10. SAVINGS.

Any savings or reductions in expenditures generated by this Act shall be used to offset the costs of implementation of this Act and any additional savings shall be used to offset the deficit.

SEC. 11. FUNDING.

Agencies shall fund the reporting requirements of this Act out of existing budgets and are authorized to make necessary reprogramming of funds.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Ms. WATSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of H.R. 2142, the Government Efficiency, Effectiveness, and Performance Improvement Act, by Congressman CUELLAR. In short, I believe the measure before us would strengthen the oversight and policy processes in place for evaluating the effectiveness of agency programs. The issue of performance-based budgeting has been long viewed as the next step

to pursuing a comprehensive framework for managing agency resources and justifying our program funding decisions.

These issues were discussed extensively during the Subcommittee on Government Management, Organization, and Procurement's hearings on H.R. 2142, this past April, as well as during our subcommittee markup on May 5. As a result of these efforts, I believe the bill before us is a more nimble and effective tool for agency performance measurement activity. Developing valuable performance and evaluation criteria is a difficult and time-consuming process, but I believe the bill before us will push our agencies to more ably identify pertinent goals for measuring a program's true value.

I want to thank all the relevant stakeholders who participated in the development of and the modifications to the bill that is before us today. I definitely want to thank Congressman CUELLAR and Chairman TOWNS for their hard work and diligence in the development of H.R. 2142, and I would ask my colleagues to support this measure. I also want to thank the staff for their hard work and the time they have spent trying to bring to the floor this particular very important measure.

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

Mr. CHAFFETZ. Madam Speaker, I yield such time as he may consume to my distinguished colleague from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. Madam Speaker, I rise in strong support of this legislation, which takes important steps to eliminate Federal Government waste and inefficiencies. I served as the chairman of the Oversight and Government Reform Subcommittee on Government Management, Finance, and Accountability for 4 years, where I focused my efforts on making the Federal Government more accountable. My subcommittee held numerous hearings in which, all too often, accounting errors such as overpayment for services or redundant payments were discovered or where programs were not effectively fulfilling their intended mission.

At a time when the national debt is over \$13 trillion, it has never been more apparent that the Federal Government must spend tax dollars wisely. Federal programs must be monitored to ensure that our investments are presenting clear results and that those programs that are not performing effectively must be reformed or eliminated.

One of the reasons that we find ourselves in such a substantial debt today is that Federal programs never end. Both high-performing and low-performing programs continue on year after year after year, often with increasing funds. The Federal Government needs a clear evaluation process for each program, the results of which would be used to provide Members of this House with the information needed to determine which programs should continue and which should not.

The legislation we are considering here today, similar to legislation that I introduced in the 108th and 109th Sessions of Congress, would require that all Federal agencies work with the Office of Management and Budget, OMB, to clearly identify outcome-based goals and then submit an action plan to achieve these goals. Agencies would be required to conduct quarterly performance assessments outlining how effectively they are working to meet the stated goals, and all information would be available to Members of the House and Senate and the American people.

In addition the Government Accountability Office, GAO, would be tasked with performing frequent and detailed evaluations outlining how effective each agency has been in achieving their goals. GAO would also assess whether the goals are appropriate and determine if the program is providing direct value to the American people. This impartial review of Federal programs will assure that agencies are being good stewards of our Federal taxpayer dollars.

I strongly commend my colleague, Representative CUELLAR, for introducing this bill to ensure that Federal resources are spent efficiently and that waste is minimized. Now more than ever, while American families are cutting extraneous expenses from their budgets, the Federal Government must do the same. I hope that all of my colleagues will join me in supporting this important effort. I urge a "yes" vote.

Ms. WATSON. Madam Speaker, I would now like to yield 2 minutes to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Thank you very much, Madam Chair, for the leadership that both you and Chairman TOWNS have provided in the Committee on Oversight and Government Reform, and, of course, your staff that has worked so hard on making sure that we get this passed. My staff also has worked very, very hard on this.

On the committee, also, I certainly want to thank Ranking Member ISSA for his input and for his amendments also that we accepted and, of course, his staff also for getting this work done.

I certainly want to thank the other stakeholders—GAO, CRS, CAP, OMB, the Blue Dog Coalition, and other folks that have worked to make this into a bipartisan bill.

In particular, I want to point out my friend, TODD PLATTS, who has been working on this particular bill the last few sessions, building the foundation. And we went and looked at his bill, looked at some of the other things we were working on, and we put it together as a bipartisan bill.

H.R. 2142 creates a results-oriented government; a government that works with the people in a commonsense concept that emphasizes a couple of things: One, increases government accountability while Federal agencies must identify cost-cutting, outcome-

based goals that have a direct impact on the American people; shines light on ineffective Federal programs to root out wasteful spending, where they're held accountable where they have to provide those goals every quarter; and more importantly, senior management will be held accountable for this work.

GAO oversight on the use of taxpayers' dollars to slash wasteful spending requires the GAO to perform frequent, detailed evaluations of the agency implementation of this legislation.

And, finally, if I can say this, it will not add to the Federal deficit. As you know, the CBO says that it does not affect the direct spending or revenues. Moreover, discretionary costs will be offset by saving from a "more effective management of agency-lowered costs."

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

Ms. WATSON. I yield the gentleman an additional 15 seconds.

Mr. CUELLAR. Just to conclude, we added some specific language that says, "Agencies shall fund the reporting requirements of this Act out of the existing budgets and authorized to make any necessary reprogramming of funds." So this addresses the issues of Mr. CHAFFETZ and some other folks, and I think this will be a good bill that we can all support in a bipartisan way.

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

We're currently dealing with a stalled economy, high unemployment, record budget deficits, and a debt that seems insurmountable. The challenge this Congress faces cannot be more clear. We must cut wasteful spending. We have to do it. We have no other choice. The Federal Government's spending to reduce our Nation's debt is paramount to our successful future. If we want to be the world's economic and military super power, we're going to have to change the way we do business in Washington, D.C.

Now performance-based budgeting can be an effective tool to do just that. It can make clear what Federal programs are not performing and then spell out what Federal programs are duplicative in nature. But performance-based budgeting dictates that we identify the problem and enact a solution. It's not enough to just recognize there's a problem. Most all of us can step forward and say we're spending too much money. But the core question becomes, What are the changes that we're going to make?

One of the challenges that we see within the bill is that it's not necessarily performance-based budgeting because the question becomes, ultimately, What are you going to do about it? It sets out to diagnosis a problem that we already know exists but does not necessarily follow through and prescribe a cure. We know that there are duplicative and nonperforming Federal programs. We know this. We need to finish the job and actually cut those programs. To be complete, the bill must do just that. In its

current form, this bill does not necessarily help us rein in these programs.

For example, just last week, our Information Policy Subcommittee held a hearing on the National Historical Publications and Records Commission, a program which appears to give grants that are duplicative of grants in the National Archives and Records Administration. I questioned then, and I ask it again today, Why should we continue to fund this duplicative program? It costs the committee nothing to find this duplication, so why, if we cannot trim \$10 million of Federal spending without a penny, then why should we authorize \$150 million to be spent? What exactly do we expect for it to bring in return?

The Congressional Budget Office estimates that this bill will cause the Federal Government to spend \$150 million to determine what many people already know. We have Federal Government programs which are nonperforming and duplicative, but the bill before us leaves wasteful programs intact.

As we came to the floor, one of the amendments that was offered, and I really, truly do appreciate, the sponsor of the bill, Mr. CUELLAR added some language that says, "Agencies shall fund the reporting requirements of this act out of existing budgets and are authorized to make necessary reprogramming of funds."

I sincerely appreciate it in every way, shape, or form. This goes a huge way to making this palatable to a lot of conservatives that are concerned about spending an additional \$150 million. I still question why it takes so much money for people to just do the jobs that they're supposed to do. But please know the sincerity in which the sponsor is offering this is greatly appreciated in every way, shape, or form. It's done in the right spirit. I think it goes a huge way to causing a lot of people to support this, particularly from the Republican side of the aisle. I cannot thank you enough for the attitude and the approaching and the actual listening to that. For that, we're very thankful.

I do wish that this bill would come under a rule—an open rule. It's hard to believe, but as a freshman in this United States Congress, I will likely go through my entire freshman Congress, the 111th Congress, having never experienced even once an open rule on the floor of the House of Representatives. That's a shame. That's a shame. There should be a way for a mechanism where this bill is brought under a rule, an open rule, where Members on both sides of the aisle can offer amendments and we can vote on those amendments. Unfortunately, that's not going to happen.

We should not necessarily pass a bill that does not have tough enforcement mechanisms. We can and must do better than this. This body must make tough choices to eliminate wasteful government spending. It should not

pass legislation with great titles—A-plus on the titles you're giving these bills. They're good. Who's going to vote against efficiency, effectiveness, and performance. But it doesn't necessarily reflect what's in the body of the bill.

□ 1445

My colleague Aaron Schock from Illinois offered a great amendment in the committee that was shot down which would put a sunset provision in programs that are not performing. In the previous administration, there was a Web site called expectmore.gov. It did an assessment of programs. It was pushed by the Office of Management and Budget. It had dashboard indicators as to how these programs that were instituted by Congress, how they were performing based on their own set of criteria that was set in advance. It allowed the American people to actually have exposure.

Unfortunately, expectmore.gov under the current administration is no longer maintained. The information is not up to date; and, consequently, the American people do not have access to the information that they do deserve. I would encourage the administration and supporters from both sides of the aisle to reinstitute this Web site.

I want to conclude by quoting Office of Management and Budget director Peter Orszag. On May 24 this year, Mr. Orszag said, "We should never tolerate taxpayer dollars going to programs that are duplicative or ineffective. Because, especially in this current fiscal environment, we cannot afford this waste." He is right. He is absolutely right. We cannot afford to let these programs go on, and Congress needs to step to the plate and do something about it. So I do appreciate the amendment that was offered that will go a long way to getting a lot of different support. I do just wish this bill would come under a rule.

I reserve the balance of my time, Madam Speaker.

Ms. WATSON. Madam Speaker, I yield 3 minutes to the most distinguished chair of the Oversight Committee, the gentleman from New York, Representative EDOLPHUS TOWNS.

Mr. TOWNS. I would like to thank the gentlewoman from California, the subcommittee chair, for yielding time to me.

Madam Speaker, I rise in strong support of this bill, H.R. 2142, and I also would like to thank Congressman CUELLAR for his hard work in making this a reality today and Congressman PLATTS who has worked on this for many, many years. And of course I would like to thank Congressman ISSA who is the ranking member of the committee. We went through consultation, and of course we worked it out, and now we are able to come to this important part and to be able to move this legislation forward, which I think is an excellent bill. And of course the dialogue made it even stronger.

I appreciate the commitment and determination of the gentleman from

Texas (Mr. CUELLAR) for advancing this bill and his willingness to work with me, the ranking member of the Oversight Committee, Mr. ISSA, and other members of the committee to make this bill stronger and to make certain that we are here today saying that this bill truly will make a difference. A number of changes were made to this bill during the committee process to address concerns raised by Republican and Democrat members on the committee as well as the Office of Management and Budget and the Government Accountability Office.

H.R. 2142 would improve the efficiency of the Federal Government by requiring each agency to identify ambitious goals and perform frequent performance evaluations. The bill improves the transparency of the performance management process by requiring the results of performance assessments to be made publicly available. The bill provides greater accountability by requiring agencies to consider input from Congress and members of the public and by requiring the Government Accountability Office to perform frequent and detailed evaluations of the agency implementation.

There are a few misconceptions about this bill. Let me just sort of talk to that for a moment. The first misconception is that this bill costs too much money. The truth is that the bill will save the government money. And I want to repeat that: it will save the government money, not cost more money. CBO says that implementing this legislation "could lead to more effective management of agencies at lower cost." So we would be doing a lot for even other agencies.

This bill will make the government more cost effective because it requires agencies to evaluate their performance. This will allow agencies to identify waste and inefficiency and to change what isn't working. This is what successful corporations do regularly, and this is what the government should do as well. This bill requires agencies to create new positions. And on that note, being that I do not have time to yield back, I will say to the gentleman from Texas and the gentleman from Pennsylvania, thank you for this outstanding piece of legislation.

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

I simply just want to note for the record that, quoting from the CBO report of June 7, 2010, regarding H.R. 2142: "Finally implementing H.R. 2142 could lead to more effective management of government agencies at a lower cost. Any such savings would depend on amounts provided in future appropriations acts." I just wanted to note that for the record.

The intention of this is good. I think in a bipartisan way, we want the government to become more efficient. How we do that—well, there are some disagreements, but the intention of this bill I think is a positive one.

With that, I yield back the balance of my time.

Ms. WATSON. Madam Speaker, I yield 2 minutes to the distinguished Member from Florida, Representative ALLEN BOYD.

Mr. BOYD. I thank the gentlelady from California for yielding.

Madam Speaker, as a long-time advocate of restoring fiscal responsibility in Washington, I rise in strong support of H.R. 2142. This is an issue, Madam Speaker, that I have worked on for many years, including my time in the Florida House of Representatives, at which time I personally authored a bill which does many of the same things. We affectionately came to know that bill as performance-based budgeting. Performance-based budgeting, that's a novel idea, isn't it? PB squared, we called it.

As many of you know, I am a member of the Blue Dog Coalition, which was created to focus on these issues. This bill is one step of many that will move us toward these goals of effective and efficient government. H.R. 2142 requires the people closest to the ground that are directly involved in government programs to assess those programs and live up to the goals and standards that have been set for their programs. This is helpful to the Federal agencies. It's helpful to the taxpayer, and it's certainly helpful to Congress in our oversight duty.

Given today's fiscal situation, it is more important now than ever for the Federal Government to be making tough decisions in order to make the most out of every single taxpayer dollar. Each of us, no matter what our political leaning is, should be confident that the programs we support and that serve our constituencies are resulting in the biggest bang for the buck. I want to personally thank Mr. CUELLAR from Texas, who is a fellow member of my Blue Dog task force for introducing this bill, and his partner Mr. TODD PLATTS. I also want to thank Chairman TOWNS, Ranking Member ISSA, and the House leadership for their support of this initiative.

The Congress has taken strides to instill a greater sense of fiscal responsibility over the last year, including enactment of the pay-as-you-go language and the establishment of a fiscal commission. This bill builds on that commitment and seeks to ensure that we are acting as responsibly as possible as stewards of our taxpayer dollars.

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

Ms. WATSON. I yield the gentleman an additional 15 seconds.

Mr. BOYD. Our efforts do not stop here, however. My Blue Dog colleagues and I have unveiled a 15-point blueprint for responsible fiscal reform, and we will continue working to curb spending, eliminate wasteful spending, and move towards a balanced budget. In the meantime, Madam Speaker, I urge a "yes" vote on H.R. 2142.

Mr. MATHESON. Madam Speaker, I rise today in support of Congressman CUELLAR'S

H.R. 2142, the "Government Efficiency, Effectiveness, and Performance Improvement Act of 2009," otherwise known as "Performance-Based Budgeting."

This simple legislation helps ensure the taxpayer is receiving efficient use of government funds by establishing a set of guidelines, tested at the State-level throughout our country, to determine how responsive government agencies are at their stated purposes. By holding agencies accountable, Congress and the American public can know what works, what does not, and what needs to be fixed.

Performance-based budgeting is designed to replicate tools utilized in the private sector to increase the taxpayer's return on investment. By increasing efficiency and cutting unneeded spending this legislation will reduce government waste while providing improved services for the taxpayer.

This system works by developing explicit performance targets, regularly evaluating the results, and developing mechanisms to improve performance. Enveloped within existing oversight mechanisms of the Government Accountability Office, GAO, reviewers will determine if stated goals match real outcomes, examine if taxpayer dollars are spent efficiently, and provide recommendations for improvement. This transparent and fact-based review of government will foster an open dialogue on how taxpayer funds are used.

Madam Speaker, I commend my fellow Blue Dog Coalition member, Representative CUELLAR, for his work on this legislation aimed at reducing government spending, and urge passage of H.R. 2142, the "Government Efficiency, Effectiveness, and Performance Improvement Act of 2009."

Ms. WATSON. Madam Speaker, again, I urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and pass the bill, H.R. 2142, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council."

A motion to reconsider was laid on the table.

RECOGNIZING 60TH ANNIVERSARY OF KOREAN WAR

Mr. FALEOMAVAEGA. Madam Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 86) recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance, as amended.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 86

Whereas, on June 25, 1950, communist North Korea invaded the Republic of Korea with approximately 135,000 troops, thereby initiating the Korean War;

Whereas, on June 27, 1950, President Harry Truman ordered the United States Armed Forces to help the Republic of Korea defend itself against the North Korean invasion;

Whereas United States and Allied forces recaptured the capital city of Seoul on September 28, 1950, after a successful amphibious landing by the Marine Corps at Inchon on September 15, 1950;

Whereas the hostilities ended in a cease-fire marked by the signing of the armistice at Panmunjom on July 27, 1953, and the peninsula still technically remains in a state of war;

Whereas, during the Korean War, approximately 1,789,000 members of the United States Armed Forces served in-theater along with the forces of the Republic of Korea and 20 other members of the United Nations to defend freedom and democracy;

Whereas casualties of the United States during the Korean War included 54,246 dead (of whom 33,739 were battle deaths), more than 92,100 wounded, and approximately 8,176 listed as missing in action or prisoners of war;

Whereas approximately 6,800,000 American men and women served worldwide in the Armed Forces during the entire Korean War era of June 27, 1950, to January 31, 1955;

Whereas the Korean War Veterans Recognition Act (Public Law 111-41) was enacted on July 27, 2009, so that the honorable service and noble sacrifice by members of the United States Armed Forces in the Korean War will never be forgotten;

Whereas President Barack Obama issued a proclamation to designate July 27, 2009, as the National Korean War Veterans Armistice Day and called upon Americans to display flags at half-staff in memory of the Korean War veterans;

Whereas since 1975, the Republic of Korea has invited thousands of American Korean War veterans, including members of the Korean War Veterans Association, to revisit Korea in appreciation for their sacrifices;

Whereas in the 60 years since the outbreak of the Korean War, the Republic of Korea has emerged from a war-torn economy into one of the major economies in the world and one of the largest trading partners of the United States;

Whereas the Republic of Korea is among the closest allies of the United States, having contributed troops in support of United States operations during the Vietnam war, Gulf war, and operations in Iraq and Afghanistan, while also supporting numerous United Nations peacekeeping missions throughout the world;

Whereas since the end of the Korean War era, more than 28,500 members of the United States Armed Forces have served annually in the United States Forces Korea to defend the Republic of Korea against external aggression, and to promote regional peace;

Whereas North Korea's sinking of the South Korean naval ship, Cheonan, on March 26, 2010, which resulted in the killing of 46 sailors, necessitates a reaffirmation of the United States-Korea alliance in safeguarding the stability of the Korean Peninsula;

Whereas from the ashes of war and the sharing of spilled blood on the battlefield, the United States and the Republic of Korea have continuously stood shoulder-to-shoulder to promote and defend international peace and security, economic prosperity, human rights, and the rule of law both on the Korean Peninsula and beyond; and

Whereas beginning in June 2010, various ceremonies are being planned in the United

States and the Republic of Korea to commemorate the 60th anniversary of the outbreak of the Korean War and to honor all Korean War veterans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) recognizes the historical importance of the 60th anniversary of the outbreak of the Korean War, which began on June 25, 1950;

(2) honors the noble service and sacrifice of the United States Armed Forces and the armed forces of allied countries that served in Korea since 1950 to the present;

(3) encourages all Americans to participate in commemorative activities to pay solemn tribute to, and to never forget, the veterans of the Korean War; and

(4) reaffirms the commitment of the United States to its alliance with the Republic of Korea for the betterment of peace and prosperity on the Korean Peninsula.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

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

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

There was no objection.

Mr. FALEOMAVAEGA. Madam Speaker, I rise in strong support of this joint resolution, and I yield myself such time as I may consume.

This resolution before us today, House Joint Resolution 86, recognizes the 60th anniversary of the outbreak of the Korean War and reaffirms the strong United States-Republic of Korea alliance. This resolution will help ensure that the bonds we forged in blood during the Korean War will never be forgotten.

Today, the United States and Republic of Korea relationship is stronger than ever, encompassing social, cultural, economic, security and diplomatic relations. Last year's joint vision statement between our two nations provided an important reminder to the importance of the bilateral relationship between our two countries. Our two countries are working as closely as ever on the problems of North Korea, which is critically important since North Korea continues its provocations, including nuclear and missile tests and just recently the sinking of the South Korean ship, the Cheonan, which resulted in the deaths of some 46 sailors from this tragedy.

With President Lee chairing the G-20 meeting this year in South Korea, this is certainly indicative of South Korea's prominence in international trade and economic development. For our part, Madam Speaker, I have long supported the Korea-U.S. Free Trade Agreement to further such growth. I continue to hope that the Congress will also pass

this free trade agreement as soon as possible because it will reinforce U.S.-Korean ties and create American jobs. And for the benefit of my colleagues, I want to note that this free trade agreement with South Korea will provide somewhere between \$11 billion and \$20 billion in export trade between our two countries which will be of tremendous benefit to both our countries.

I also want to thank my dear friend, the gentleman from New York, Congressman CHARLES RANGEL, for his service to our country during the Korean War, for his long and able service in the House of Representatives, and for his authorship of this important resolution. I also want to note our other colleagues who are also veterans of the Korean War, Congressman JOHN CONYERS of Michigan, Congressman SAMUEL JOHNSON of Texas, and Congressman HOWARD COBLE of North Carolina. My apologies if I may have left out other Members. It was certainly not intentional, Madam Speaker, but I also want to thank them as well.

Congressman RANGEL fought in the Korean War from 1950 to 1952 as a member of the 503rd Battalion, an all-black artillery unit, in the 2nd Infantry Division. In late November 1950, his unit was engaged in heavy fighting in North Korea; and at the Battle of Kunu-ri, Congressman RANGEL was part of a vehicle column that was trapped and attacked by the Chinese Army.

□ 1500

During that attack, he was injured in the back by shrapnel from a Chinese bomb shell. In subzero weather, members of the 503rd Battalion looked to RANGEL, then just a private first class, for his leadership. During 3 days of freezing weather, he led approximately 40 men from his unit out of the Chinese encirclement.

When asked about his experience in battle, Congressman RANGEL commented, "That was the coldest place, ever, in the whole world. We lost a lot of guys who froze to death in their sleeping bags." Nearly half of the 503rd Battalion were killed in the overall battle. And might I mention, a battalion is composed of about 600 soldiers. So you can imagine if 50 percent of the 503rd Battalion were killed in the Korean War.

Congressman RANGEL was later recognized for his courage and awarded a Purple Heart for his wounds and the Bronze Star for Valor for his heroic efforts. In addition, he was awarded the Presidential Unit Citation, the Republic of Korea Presidential Unit Citation and three battle stars.

In summing up his experience, Congressman RANGEL once said, "Since Kunu-Ri—and I mean it with all my heart—I have never, never had a bad day."

I might also note, Congressman JOHN CONYERS from Michigan served for 2 years in the Michigan National Guard starting in 1950. With the onset of the

Korean War, he joined the U.S. Army and fought for 1 year as a second lieutenant in the U.S. Army Corps of Engineers. For his service, he was awarded both combat and merit citations.

Congressman SAM JOHNSON began his 29-year career in the U.S. Air Force at the early age of 20. During the Korean War, he was stationed just 25 miles away from the front lines and flew 62 combat missions in his F-86 Saber jet fighter. In his plane, Shirley's Texas Tornado, named after his dear wife, Congressman JOHNSON scored one MiG fighter kill, one probable kill and one damaged. He flew on combat missions with Buzz Aldrin and John Glenn, and when he shot down the Russian MiG, he was so low on fuel that he actually had to glide back to Seoul. He went on to continue his outstanding military career through the Vietnam War as director of the Air Force Fighter Weapons School, known as Top Gun, and was one of the two authors of the air tactics manual revolutionizing military air dominance by incorporating three-dimensional flight.

Our good friend, Congressman HOWARD COBLE, meanwhile, served in the Coast Guard from September 1952 until September 1956, and was deployed to Korean waters during the war.

I ask all of my colleagues to join me in honoring the sacrifices of these gentlemen, our colleagues, Congressman RANGEL, Congressman CONYERS, Congressman JOHNSON, and Congressman COBLE, and the sacrifices of all of the other 1.8 million Americans who fought in the Korean War, as well as in recognizing the vital importance of the U.S.-Korean alliance by supporting this resolution; and also noting as a matter of history that over 30,000 of our soldiers died from that terrible conflict in South Korea.

COMMITTEE ON ARMED SERVICES,

U.S. HOUSE OF REPRESENTATIVES,

Washington, DC, June 15, 2010.

Hon. HOWARD BERMAN,

Chairman, Committee on Foreign Affairs, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BERMAN: I am writing to you concerning H.J. Res. 86, recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance. This measure was referred to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Our Committee recognizes the importance of H.J. Res. 86, and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H.J. Res. 86. I do so with the understanding that by waiving consideration of the resolution, the Committee on Armed Services does not waive any future jurisdictional claim over the subject matters contained in the resolution which fall within its Rule X jurisdiction.

Please place this letter and a copy of your response into the Congressional Record during consideration of the measure on the

House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Very truly yours,

IKE SKELTON,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 14, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, House
Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding House Joint Resolution 86, recognizing the 60th Anniversary of the Korean War and affirming the United States-Korea alliance. This measure was referred to the Committee on Foreign Affairs, in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

I agree that the Committee on Armed Services has certain valid jurisdictional claims to this resolution, and I appreciate your decision to waive further consideration of H.J. Res. 86 in the interest of expediting consideration of this important measure. I understand that by agreeing to waive further consideration, the Committee on Armed Services is not waiving its jurisdictional claims over similar measures in the future.

During consideration of this measure on the House floor, I will ask that this exchange of letters be included in the Congressional Record.

Sincerely,

HOWARD L. BERMAN,
Chairman.

COMMITTEE ON VETERANS' AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 10, 2010.

Hon. HOWARD L. BERMAN,
Chairman, Committee on Foreign Affairs, House
of Representatives, Rayburn House Office
Building, Washington, DC.

DEAR CHAIRMAN BERMAN: On May 25, 2010, H.J. Res. 86, recognizing the 60th anniversary of the Korean War and reaffirming the United States-Korea alliance, was introduced in the House of Representatives. This measure was sequentially referred to the Committee on Veterans' Affairs.

The Committee on Veterans' Affairs recognizes the importance of H.J. Res. 86 and the need to move this resolution expeditiously to recognize the 60th anniversary of the Korean War and to reaffirm our alliance with Korea. Therefore, while we have certain valid jurisdictional claims to this resolution, the Committee on Veterans' Affairs will waive further consideration of H.J. Res. 86. The Committee does so with the understanding that by waiving further consideration of this resolution, it does not waive any future jurisdictional claims over similar measures.

I would appreciate the inclusion of this letter and a copy of your response in the Congressional Record during consideration of H.J. Res. 86 on the House floor.

Sincerely,

BOB FILNER,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 14, 2010.

Hon. BOB FILNER,
Chairman,
Committee on Veterans' Affairs, Cannon House
Office Building, Washington, DC.

DEAR CHAIRMAN FILNER: Thank you for your letter concerning H.J. Res. 86, recognizing the 60th Anniversary of the Korean

War and affirming the United States-Korea alliance. I acknowledge that the Committee on Veterans Affairs has a valid jurisdictional claim in this resolution, and I appreciate your willingness to waive jurisdiction so we may proceed to suspension.

I agree to submit this exchange of letters in the Congressional Record, and I thank you again for your expeditious review of this legislation.

Sincerely,

HOWARD L. BERMAN,
Chairman.

Madam Speaker, I reserve the balance of my time.

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

I rise in support of this measure and would like to thank the gentleman from New York (Mr. RANGEL), a distinguished veteran of the Korean War for introducing it. We truly do appreciate your service to our country.

Next week, on June 25, represents the 60th anniversary of the outbreak of the Korean War. The lesson of Korea is the need for constant vigilance in the face of external aggression.

Many link Kim Il Sung's decision to suddenly and deliberately attack the Republic of Korea in the early morning hours of a rainy Sunday morning to mixed signals coming from Washington, for then-Secretary of State Dean Acheson had declared only a few months before that South Korea lay outside the defense perimeter of the United States.

North Korean dictator Kim Il Sung reportedly took that as a green light to move forward with his invasion plans. This invasion resulted in between 1 and 2 million Korean dead, and over 50,000 dead and more than 90,000 wounded members of the U.S. military.

The lesson of June 25 is clear: do not equivocate with aggressors, do not pander to dictators.

Harry Truman, in notifying the American people of his decision to deploy U.S. forces to Korea, stated that North Korea, in solidarity with its Communist allies "has passed beyond the use of subversion to conquer independent nations."

Sixty years later, as North Korea engages in further armed aggression by deliberately torpedoing a South Korean naval vessel and murdering 46 South Korean sailors, it is clear that the United States and its allies must act with firm resolve to prevent an escalation of violence in and around the Korean peninsula.

As we honor the valiant dead who fell in Korea, let us resolve to preserve that peace and prosperity for which they gave the last full measure of devotion. The events of the last six decades remind us all that the sacrifices of our soldiers and our United Nations allies were worthwhile.

One only has to compare the thriving, democratic vitality of the Republic of Korea with the impoverished and repressed hell that is North Korea to recognize the value and the purpose of that valiant sacrifice.

I reserve the balance of my time.

Mr. FALCOMA. Madam Speaker, as a veteran of the Vietnam War, I am deeply honored to yield all the time he needs to the gentleman from New York (Mr. RANGEL), the author of this resolution.

Mr. RANGEL. Madam Speaker, I thank the chairman for his gracious remarks and the work he has done to facilitate the bringing to this floor this resolution. I want to thank the other side of the aisle. I have never seen anything move so fast, and I am so deeply grateful that this happened.

Some of you don't know, but the Korean Government invited JOHN CONYERS, SAM JOHNSON, HOWARD COBLE and me to go to Korea on June 24 and 25, but the legislative calendar prevented this from happening. But because of their enthusiastic support, as well as mine, next week the Speaker and the minority leader have agreed not to forget those people who served our country; and, indeed, served the international freedom community.

I want to thank also from my office Emile Milne and Hannah Kim for working with all of the committees that had jurisdiction to expedite the fact that this will be done before June 25.

I am reminded when you gave the facts that led up to the North Koreans invading South Korea, I was a 20-year-old kid in the barracks in Fort Lewis, Washington, when a sergeant screamed that the North Koreans had invaded South Korea and the Second Infantry Division was slated to go to defend them. I was so anxious to leave Fort Lewis, I said: Hurrah. Where the heck is Korea?

I had no idea that a police action involved putting yourself in harm's way. But away we did go. There was some question at that time whether we could even land in Pusan because the North Korean Communists had been so successful that they drove the 25th Division and Japan and the People's Republic of South Korea to the Pusan peninsula, but we were able to push them back. The marines landed in Inchon and the Chinese came, and you know the rest of that story.

But how grateful I am to be not just alive, but to know we all participated once again in defending a democracy even in countries where we don't know the people and don't know the country. And as a result of that, one of America's strongest allies is the government of Korea. The truth of the matter is with China there and North Korea there, and especially the threat of Iran, South Korea has represented a symbol not only of democratic principles but a symbol of what can happen economically when freedom and democracy is the atmosphere in which we are working.

Those of us who served, especially the 50,000 who did not come back home, the close to 100,000 that were wounded, the 8,000 that were prisoners of war, we had no idea that our sacrifice would rebuild a nation from ashes to the great

economic power it is today, and the great contributions Korean-Americans make each and every day in all parts of every town, city and every state that we have.

But I want to particularly thank JOHN CONYERS who is the next highest senior member here in the House of Representatives. I want to thank HOWARD COBLE. He is a veterans' veteran. There is not a day I see him that he does not remind me and others that we should never forget the sacrifices that are made for all of us and our children and our children's children. And, of course, SAM JOHNSON who I serve with on the Ways and Means Committee, is truly a hero. Very few Americans are living who have made the type of sacrifices that he has made for his country.

So collectively and on behalf of all of the veterans who have served, and particularly for this war that they call the Forgotten War, we were sandwiched between the World War II and the Vietnam War. So many people asked when we came back home: Where were you? They had no idea America had been involved. But we were involved.

The 21 nations will have representatives here next week to thank America, as we thank them, for allowing this great country to be involved in what appeared to be a very unimportant crisis. But at the end of the day, this country has risen to be one of our best trading partners, one of our best political partners, and certainly has made an outstanding contribution to the entire world of free countries and free people.

And so, Chairman FALEOMAVAEGA, I thank you for giving us the opportunity to celebrate this occasion and never to forget those who made it possible for us to be free men and free women.

Mr. BOOZMAN. Madam Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. COBLE), ranking member of the Judiciary Subcommittee on the Courts and a distinguished veteran of the Korean War.

Mr. COBLE. Madam Speaker, I too want to express thanks to the gentleman from American Samoa and the gentleman from Arkansas for having very ably managed this resolution, and I am pleased indeed today to be on the House floor with my friend from New York and my friend from Texas, Mr. RANGEL and Mr. JOHNSON.

I rise in support of H.J. Res. 86, and while there is little I can add to enhance the merit of this resolution, I want to remind everyone that technically speaking the Korean conflict has not ended. The recent actions by North Korea against South Korea and the Chinese should not be taken lightly. South Korea is our true ally on the Korean peninsula. Although I have no solution for the growing threat of North Korea, at this point it seems to me the immediate course of action should be for America to continue to embrace and support South Korea.

This resolution correctly states that we have successfully partnered with the Republic of Korea to promote international peace and security, economic prosperity, human rights, and the rule of law on the Korean peninsula and beyond.

To that end, I encourage my colleagues to support H.J. Res. 86.

□ 1515

Mr. FALEOMAVAEGA. Madam Speaker, I continue to reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SAM JOHNSON), ranking member of the Ways and Means Subcommittee on Social Security and a distinguished veteran of the Korean War.

Mr. SAM JOHNSON of Texas. Thank you, both of you over there on the Democrat side, for getting this bill out.

Today marks a new milestone for those who fought in the forgotten war, which was Korea. And today the United States Congress recognizes the importance of their service and reaffirms our longstanding commitment to freedom and the future of Korea.

As many know, it was June 25, 1950, when Communist North Korea invaded the Republic of Korea with 135,000 troops, and that sparked the start of the Korean War. And what people don't realize about CHARLIE RANGEL is he could be dead because he was up on the Yalu River when the Chinese decided to come across. So he saved a lot of lives and buried a lot of guys. I thank you, CHARLIE, for that service. And HOWARD, I thank you as well for serving over there.

On June 27, 1950, President Truman ordered the United States Armed Forces to help the Republic of Korea defend itself against the North Korean invasion. While it ended in an armistice, the bitter conflict between Korea and North Korea still lingers on. We all know that. Korea is a strong ally, and America remains committed to Korea's safety, survival, and success.

By commemorating the 60th anniversary of the start of the Korean War, the United States Congress and the country rededicate our promise to thank those who wore the uniform during that time. An estimated 5 million valiant men and women served in the Korean War.

As a Korean War veteran who flew 62 combat missions, it brings me great pleasure to remind Americans of the sacrifice and service of those who fought in Korea. To the esteemed Korean War veterans, you are not forgotten. We honor you, we appreciate you, God bless you. And I salute each and every one of you.

Mr. FALEOMAVAEGA. Madam Speaker, how much time do I have left on this side?

The SPEAKER pro tempore. The gentleman from American Samoa has 8 minutes, and the gentleman from Arkansas has 14 minutes.

Mr. FALEOMAVAEGA. Madam Speaker, I would like to certainly compliment and thank our distinguished veterans of the Korean War, now Members, our colleagues here in this institution, for not only sharing with us their experiences, but the fact that this close relationship that we have with the Republic of Korea should never be lessened in any way.

It's been my privilege over the years to have visited the Republic of Korea, visited with their leaders. And the outstanding results of now South Korea becoming one of the great economic powers of Southeast Asia, I might say, is mainly because of our close economic ties. I also want to note the fact that the number one electronic company in the world is in South Korea. Also, the number one shipbuilding company is in South Korea.

I sincerely hope that in the coming months we will be able to continue to negotiate successfully the proposed free trade agreement that was done previously by the previous administration and negotiators. It's my understanding that as a result of this proposed free trade agreement we stand to gain at least somewhere between \$11 to \$20 billion in exports of our products to South Korea if we get an approval of this proposed agreement.

I also want to note, as a matter of a little history, and complement what my friend from New York has stated about the people and the good leaders of South Korea. My own personal experience while serving in Vietnam, I tell you, you really know who your real friends are. The fact that there were 50,000 South Korean soldiers fighting alongside American soldiers in Vietnam, now that is where you really know who your real friends are. The leaders and the people of South Korea came and joined us in that terrible conflict that our Nation was confronted with in fighting communism.

It's also my understanding that in the coming months, the President of Korea will be presiding over the G-20 meeting of 20 of the most prominent countries economically, and hopefully there will be better solutions given to the economic demise that not only the world is faced with now, especially the contributions that the 20 countries can offer in solving some of the serious economic problems that we are confronted with today.

Mr. RANGEL. Would the gentleman yield?

Mr. FALEOMAVAEGA. I gladly yield to the gentleman from New York.

Mr. RANGEL. And I want you to know this is just the beginning of the United States of America's involvement. In September of this year, in commemoration of the lives that were lost by Koreans and Americans and the other 20 countries that fought against communism, there will be a commemorative ceremony in Seoul, which our State Department will be participating in. And again, my colleagues have been invited to join, but the situation here in Congress didn't allow us to accept.

But Mr. BOEHNER, the minority leader, as well as our distinguished Speaker had thought that since we could not be represented over in Seoul next week, that a reception will be held right here and a ceremony in Statuary Hall, where the participants from the free countries that joined with us will be there with their representatives. And we have invited veterans that have served in Korea to come join us.

The reason I constantly say I haven't had a bad day since, and to say how good God is, is because it's been 60 years ago. And recently, that is last week at the Kennedy Center, the Korean Angels, a young group that's trained to go around the world talking about peace and harmony to the world, celebrated and they lauded the Korean veterans. And my colleagues here on the House floor would know they came with crutches and wheelchairs and canes, but they did come.

And what this House and Senate will be doing for them, even if they are not able to come to Washington, they will be able to tell their kids and their grandkids and their neighbors and friends that their sacrifice has not been forgotten. And I do hope that you and the chairman and subcommittee chairman that expedited this, and the Members that hopefully will be supporting this in the House and Senate, would realize how many lives they are making more bright by reminding their loved ones of those that were left behind, that what they lost, the pain that they felt is not forgotten by the United States.

And it gives us a time once again to talk about the brave men and women that are in the Middle East, that are in Afghanistan. Each and every day that we are allowed to breathe the breath of democracy, to get up and to do and say what we want is only because they are willing to put their lives in harm's way for our flag and for our country and for the freedom that's here.

So all of us, in a sense, whether it was in World War II, whether it was Korea, whether it was the Persian Gulf where my son served as a Marine, or whether or not it's the present crisis that we face in the Middle East, we have so much to be fortunate that in this country there is a spirit that we defend what is right, what is moral, and at the end of the day we are better people, we are better legislators, and we are a better country for it. And so everyone who votes today, I think it's our way of saying "thank you" for those who made the sacrifice and also "thank you" for those who continue to do it as we speak today.

Mr. FALCONE. I thank the gentleman for his comments.

I might also note, Madam Speaker, that out of some 15 million Asian Pacific Americans, we have well over 2 million Korean Americans as part of the fiber of our great democracy that have made tremendous contributions to our country. I wanted to just note that for the record.

I reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, again I want to thank Mr. RANGEL for bringing this forward. He and Mr. JOHNSON, Mr. COBLE being here, make it very, very special. We certainly appreciate all of your all service to our country; Mr. RANGEL stating that he went off at age 20; Mr. JOHNSON, I think, at the same age, around 20; and then HOWARD, Mr. COBLE, in his early twenties, going off to war.

It is so fitting that we take a little bit of time, that the House just pauses to remember the sacrifice that was incurred, again, for those that were so willing to go over for the rest of us. We look forward to the celebrations that are going to occur later in the year. And then again, at that time, the whole Nation will pause and remember the sacrifice that you all so willingly did for the rest of us.

With that, I yield back the balance of my time.

Mr. FALCONE. Madam Speaker, I have no further speakers, but I do want to say for the record again, on behalf of a grateful Nation, to extend our heartfelt gratitude and thanks to the gentleman from New York, Mr. RANGEL, Mr. JOHNSON, Mr. COBLE, and Mr. CONYERS for their contributions, and especially as veterans of the Korean War.

Mr. ROYCE. Madam Speaker, I rise in support of H.J. Res. 86, Recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance.

On June 25, 1950, the Korean War started and was halted three years later by an armistice that is still in place today. It involved 22 nations fighting together in defense of the Republic of Korea.

More than 5.7 million Americans served during the conflict. Some 33,600 were killed in action, including about 8,200 listed as missing and presumed dead. Another 21,400 died of non-battle causes and more than 103,000 Americans were wounded during the three years of war. Some have called this the Forgotten War, but were here today remembering.

I should point out that this resolution was introduced by Mr. RANGEL, Mr. JOHNSON, Mr. CONYERS, and Mr. COBLE—men who were there 60 years ago. We honor their service here today, as well.

Nearly 140,000 South Koreans were killed on the battle field, many of whom fought side-by-side with American forces for the cause of preserving freedom. The heroic deeds of these servicemen laid the foundation for an alliance between the U.S. and South Korea that has lasted over 60 years, bringing stability to Northeast Asia.

As this resolution rightly notes, the "Republic of Korea is among the closest allies of the United States." In no small part this is because of the sacrifices made by the brave Korean and American soldiers that fought valiantly together.

We've worked hard over the years to keep this relationship on solid footing. I've chaired several exchange meetings with our counterparts in the National Assembly. A few years ago (2008), legislation I authored was signed

into law to treat South Korea just the same as NATO and other top allies when it comes to defense sales.

Unfortunately, we have been reminded of the importance of this relationship by the sinking of the *Cheonan* and by the loss of the 46 South Korean sailors who were killed by a North Korean torpedo attack. Our sympathies and condolences are with their families and the South Korean people. The House passed a resolution to this effect the other week.

Last month, South Korea unveiled the results of a methodical international investigation into the cause of the sinking of a South Korean naval vessel. The evidence—overwhelming—showed what many were all but certain occurred on March 26th—the ship was sunk by a North Korean torpedo attack, in clear violation of the Korean War Armistice.

This is the same regime that caused so much death and suffering in the early 1950s—the regime brave American servicemen defended against back then, and continue to defend against today.

Mr. MCMAHON. Madam Speaker, this year marks the beginning of the war that established 60 years of peace in the Korean peninsula.

The United States suffered the loss of over 33,000 of its countrymen during the Korean War and almost 5,000 remain missing in action.

I wholeheartedly support the establishment of a commission to look into these disappearances and will soon send a letter to President Obama asking him to issue an order to fly the flag at half mast on June 25th.

The Korean War defined our country's role in the international community.

As our own POWs returned back into South Korea over the Bridge of No Return, North Korean soldiers overwhelmingly decided to stay in the free world with their supposed "captors."

This is the model of U.S. leadership and freedom that we must uphold in the world today.

As a Member of the House Foreign Affairs Committee, it astonishes me to see how thankful and how proud the South Koreans still are for the sacrifices of the US troops on their soil.

It is a rare heart-warming message that makes me that much more proud to represent The Korean War Veterans of Staten Island and Commander Joseph Calabria in Congress.

That being said, I cannot go on without mentioning the tragic sinking of *Cheonan*, killing 46 South Korean Navy men on board.

These men were the sons and grandsons of those who served alongside U.S. Forces in Korea, 60 years ago.

North Korea's hostility cannot go ignored and the reckless rhetoric following the incident is a far cry from what is expected of a member of the international community.

Unfortunately, most would be hard-pressed to find a time when North Korea was a productive, accountable member of the international community.

In fact, over a year ago, I introduced a bipartisan bill to further sanction North Korea. The North Korea Sanctions Act of 2009 calls on the Administration to impose hard-hitting sanctions on North Korea, as a result of their detonation of a nuclear explosive device on May 25, 2009, under the Arms Export Control Act.

Furthermore, I will continue to be an active voice in ensuring the safety of the over 28,000 American troops currently stationed in the Korean Peninsula and will remain an outspoken member of the House Foreign Affairs Committee when it comes to the US response towards North Korean hostility.

No one wants to see a second Korean War or a third world war for that matter.

Our veterans have sacrificed too much for that to happen.

I encourage my colleagues to support H. Res. 86 and congratulate the author of this resolution, Congressman RANGEL for introducing this bill and for his service in Korea.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALDOMAVAEGA) that the House suspend the rules and pass the joint resolution, H.J. Res. 86, as amended.

The question was taken.

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

Mr. FALDOMAVAEGA. 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.

RECOGNIZING 235TH BIRTHDAY OF U.S. ARMY

Mr. ORTIZ. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 286) recognizing the 235th birthday of the United States Army.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 286

Whereas, on June 14, 1775, the Second Continental Congress, representing the citizens of 13 American colonies, authorized the establishment of the Continental Army;

Whereas the collective expression of the pursuit of personal freedom caused the authorization and organization of the United States Army, led to the adoption of the Declaration of Independence, and prompted the codification of the new Nation's basic principles and values in the Constitution;

Whereas for the past 235 years, the United States Army's central mission has been to fight and win wars;

Whereas the 183 campaign streamers from Lexington to Iraqi Surge carried on the Army flag are a testament to the valor, commitment, and sacrifice of the brave members of the United States Army;

Whereas members of the United States Army have won extraordinary distinction and respect for the Nation and its Army stemming from engagement around the globe;

Whereas in 2010, the United States will reflect on the contributions of members of the United States Army on the Korean peninsula

in commemoration of the 60th anniversary of the Korean War;

Whereas the motto on the United States Army seal, "This We'll Defend", is the creed by which the members of the Army live and serve;

Whereas the United States Army is an all-volunteer force that is trained and ready to conduct full spectrum operations in an era of persistent conflict; and

Whereas no matter what the cause, location, or magnitude of future conflicts, the United States can rely on its well-trained, well-led, and highly motivated members of the United States Army to successfully carry out the missions entrusted to them: Now, therefore, be it

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

(1) expresses its appreciation to the members of the United States Army for 235 years of dedicated service;

(2) honors the valor, commitment, and sacrifice that members of the United States Army, their families, and Army civilians have displayed throughout the history of the Army; and

(3) calls upon the President to issue a proclamation—

(A) recognizing the 235th birthday of the United States Army and the dedicated service of its members; and

(B) calling upon the people of the United States to observe the anniversary with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. ORTIZ) and the gentleman from Hawaii (Mr. DJOU) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. ORTIZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

I rise in support of House Concurrent Resolution 286, and it is my honor to stand here today and recognize the Army for its 235th birthday.

Since 1775, the United States Army has stood prepared to fight and win our Nation's wars and has provided us with some of the greatest moments in our history.

You know, as a poor child growing up in south Texas, I never knew what existed outside my neighborhood. However, when I joined the Army and left south Texas, the world soon opened to me. When I arrived in Paris, France, as a military policeman fresh out of basic training and advanced military training, I knew that my life had changed forever.

Shortly after arriving in Paris, a friend of mine from West Virginia, who had just finished basic and military police school training, we headed down to see the Eiffel Tower. While walking around the city, a limousine pulled over to our side of the road and a

young woman stepped out of the biggest car I had ever seen in my life and approached my friend and me. She wanted to take a picture with us, two young soldiers fresh out of basic training. But it was not until about 6 months later that we discovered that this woman was one of the most popular movie stars in France.

□ 1530

But all she wanted was to have a picture with two young soldiers wearing the American uniform.

While in France, I became interested in learning more about police duties and investigations. The Army saw that maybe I could learn some of the stuff that they were teaching, and I was reassigned to the Army Criminal Investigation Division. I took the lessons and skills I learned back to South Texas where I became constable later after my return from the military, and later I became sheriff in Wasis County, which is my county.

The Army experience shaped my life like nothing else has ever done. It sent me on the pathway to become a better human being, a better elected official, a better constable, a better county commissioner, a better sheriff, and a better Congressman. The training was hard and work was even harder, but the lessons were never lost.

Just as was true in the early 1960s, when a French movie star stopped to take a picture with a poor boy from South Texas, our soldiers are respected and admired around the world for their professionalism and dedication to each other.

I am proud of my service and my Army experience. I am also proud of today's soldiers as they continue to fight and win our Nation's wars as they have done for the last 235 years. From the private in Washington's Continental Army facing a mighty adversary to the sergeant leading a patrol through the mountainous terrain of Afghanistan, the strength of our Nation is our Army, and I am proud to be part of that legacy. I am proud to wish the Army happy birthday.

But you know, time has really changed. When I served back then in the 1960s, I went to the draft board, and I volunteered to the draft because my father had passed away, and I had four siblings, two brothers and two sister. Jobs were scarce, and I volunteered to go and serve the Army.

Today is a different story. Today, we have all-volunteer services. You can join the Army, the Navy, the Air Force, the Coast Guard, the National Guard, the Reserves. They serve and they volunteer because they love our country, and this is why we're so proud of the young men and women who sacrifice so that you and I can enjoy the freedoms that we have in this country. And the day when we fail to recognize the sacrifices of these young men and women who serve, this is when the fibers of this country start to begin to deteriorate.

I am so proud to say that I served in the Army, and I wish everybody who is either serving now or have served in the past a happy birthday.

I reserve the balance of my time.

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

Madam Speaker, I rise in support of H. Con. Res. 286, which was introduced by my friends from Texas, Mr. EDWARDS and Mr. CARTER. This resolution recognizes the 235th birthday of the United States Army and honors the valor, commitment, and sacrifice that members of the United States Army, their families, and Army civilians have displayed throughout the history of the United States Army.

I personally also want to note what the recognition of the Army birthday means to myself and my district. Three things I want to point out to the floor: First off, of course, it is my honor to represent Hawaii's First Congressional District, which is home to the 25th Infantry Division of the United States Army. It is also home of U.S. Army Pacific, Tripler Army Medical Center, Fort Shafter and of course my Army Reserve unit. All of which I take great pride in representing here in the Congress.

Second, I think it speaks to the strength and vitality and greatness of our Nation and our Nation's Army that I, for myself, a child of immigrants from Thailand and China, had the privilege of calling myself an officer in the United States Army Reserve. It is a true testimony of the greatness of our Nation and the greatness of our Armed Forces that the child of immigrants would be allowed to serve as an officer in the most powerful fighting force the world has ever known.

Third and finally, of course, I am enormously humbled to call myself a Member of the House of Representatives, and I think it is also testimony of the greatness of our military, Armed Forces, and for the United States Army that I had the privilege earlier today of sitting in a hearing with General Petraeus discussing current actions and operations going on in Afghanistan.

I think one of the beauties of our Army today is the fact that our Army is professional; it is well-trained; and it also is under civilian control; and that even four-star generals have to answer to the elected officials of our Nation's people.

As a Member of the House Armed Services Committee and as a captain in the Reserve, I'm proud to speak in very strong support of this resolution.

On June 14, 1775, in Philadelphia, a weary group of Continental Congressmen worked by candlelight to lay out the provisions to form an Army. The result was a simple paragraph order for the colonial States to provide men and arms to continue an uphill fight against England. That simple paragraph order or resolution authorized the formation of 10 rifle companies, and thus began the formation and the beginnings of our United States Army.

Today, 235 years later, we continue to honor the commitment and duty of the Army soldiers who have risked their lives to preserve our freedom. They have left a lasting mark on this Nation. During the Army's 235-year history, tens of thousands of these brave young men and women have selflessly served on distant battlefields to keep our Nation safe.

I am particularly proud of the residents of Hawaii who have served and continue to serve in the Army on behalf of our Nation, as well as the many Reservists and Guardsmen, many of whom are my personal friends with whom I have served with honor and distinction. I salute them for their service to our great Nation.

Today, as our Nation continues to fight the global war on terror, the Army has been key to providing the military capabilities it needs to persist in the struggle for liberty and democracy. Through the efforts of the U.S. Army, the world has been made a more secure, prosperous, and better place for all of mankind. The courage and dedication of those soldiers and their families are an inspiration to us all, and may the rest of us endeavor to be "Army Strong" in our own lives.

I am honored to speak in favor of this resolution and urge my colleagues to join me in support of H. Con. Res. 286 and recognize the 235th birthday of the United States Army.

Madam Speaker, I reserve the balance of my time.

Mr. ORTIZ. I yield such time as my good friend from Texas (Mr. EDWARDS) may consume, my friend and colleague and member of the Appropriations Committee.

Mr. EDWARDS of Texas. I want to thank Chairman ORTIZ for the time today and, most importantly, not only for his service in the U.S. Army as a soldier but for his leadership as a key subcommittee chairman on the House Armed Services Committee. The gentleman from Texas works every day to support our soldiers, not just with his words but with his deeds, and I'm deeply grateful for that.

Madam Speaker, this resolution honors the 235th anniversary of the United States Army, and I rise today on behalf of a grateful Nation to say thank you to every Army soldier, past and present, for their service to our Nation. We express our gratitude with the humility of knowing that we could never fully repay the debt of gratitude we owe our soldiers and their families for the sacrifices they have made to protect our Nation.

When I drive past Arlington Cemetery each morning on my way to the U.S. Capitol, I'm always reminded of that sacrifice, sacrifice of those who, in the words of Lincoln, gave their last full measure of devotion to country.

When I met with several young amputees and double amputees earlier this week at a charity event for wounded warriors, I was reminded that the personal sacrifices of war do not end

with the signing of a ceasefire agreement. When I visit the Waco VA hospital in my district, I'm reminded that the mental wounds of war can sometimes be as serious and as long-lasting as the physical wounds of combat.

One of the greatest privileges of my life was to represent for 14 years Fort Hood, Texas, which is now so ably represented by my colleague and friend, Congressman CARTER. Fort Hood is the Army's largest installation, and I had the privilege of representing it through three combat deployments.

When I think about our Army soldiers and their sacrifices, I cannot help but think about the young soldier, probably no older than 20 years old, I met in December of 1995. My wife was just three days away from giving birth to our first son J.T., and as an expectant first-time father, I could not help but be excited as I talked to this young soldier sitting next to his young, pregnant wife, talking about how excited I was to become a father.

This soldier, who was about to deploy for Bosnia, said without an air of complaint in his voice: Sir, I missed the birth of my first son because I was serving in Iraq, and I will miss the birth of my second child because I will be serving in Bosnia. He said, Sir, I'm proud to serve my country.

Madam Speaker, one cannot put a price on the sacrifice of a young father missing the birth of his two children. There are no makeup days for missed births, birthdays, anniversaries, and graduations. That is why we are so deeply grateful to our soldiers and their families.

To the spouses, children, parents, and loved ones of our Army soldiers, I say, you are the unsung heroes of our Nation's defense. Whether you have worn our Nation's uniform or not, you have truly served our country. For those family members who have lost loved ones in combat, we know you continue to sacrifice each and every day of your life.

Were it not for the U.S. Army and the magnificent men and women who have served in it and are serving in it today, the world would be a much different place, a less stable, a less free place.

Just a few weeks ago, I had the honor of meeting Len Lomell. Most Americans have not heard the name of Len Lomell. He lives in Toms River, New Jersey, with his wife. My wife and I took our two young sons, J.T. and Garrison, to meet with Mr. Lomell because in my book, he is a true American hero. As an Army soldier on D-day in 1944, Len Lomell joined with Earl Rudder and the Second Battalion Army Rangers and climbed up that difficult, life-threatening cliff in the face of German gunfire and grenades to try to knock out the five massive German guns that could have put at risk the entire Allied invasion of D-day.

Len Lomell, along with one other soldier, went out scouring for the guns because they had been moved, unknown

to Army intelligence, been moved away from that cliff that we know as Pointe du Hoc. It was Len Lomell who found those guns, and while nearly 100 Germans were standing just a few yards away, took thermite grenades and put those grenades in two different trips back to those guns, put thermite grenades in those gear mechanisms of those guns and, in doing so, decommissioned all of them.

The great historian Steven Ambrose said that, next to Eisenhower, Len Lomell had more to do with the victory of D-day than any living person in this world.

I have to wonder would the world be different today had it not been for that great Army soldier Len Lomell and all the soldiers who served with him and all the soldiers who served before him and those great ones who have served after him.

Madam Speaker, we can never repay our soldiers such as Len Lomell, or the young soldier I met at Fort Hood, or Robert L. Howard, who died in my hometown of Waco this past December and was buried just 4 months ago in Arlington Cemetery after earning the Congressional Medal of Honor, the Distinguished Service Cross, the Silver Star and eight Purple Hearts in his five tours of duty in Vietnam.

□ 1545

We cannot repay the 82,000 U.S. Army soldiers serving in Iraq today or the 57,000 soldiers serving in Afghanistan, but let us always honor them, not just with our words and resolutions such as this one today, but with our deeds and our budgets every day.

Our Nation has a moral obligation to provide quality housing and health care for our troops and their families and first-class education for their children. Our Nation has a moral obligation to stand up for America's veterans because they have stood up for us.

A grateful Nation wishes our Army a happy 235th birthday. May God bless all our soldiers—past, present and future—for risking their lives to protect our divine gift of freedom.

Mr. DJOU. Madam Speaker, I yield such time as he may consume to my colleague from Texas (Mr. CARTER).

Mr. CARTER. I thank my friend from Hawaii for yielding, and I thank him for the opportunity to speak on behalf of this important honor we are bestowing upon the Army by congratulating them on their 235th birthday.

The first time that I ever realized I was going to be given the honor to represent the United States Army was when they had a redistricting in Texas and I realized that my new district was going to have Fort Hood in it. To be quite honest, it was an overpowering challenge to be called upon to represent over 50,000 American soldiers and all those who work with those soldiers. I was a little bit taken aback, quite frankly. Mr. EDWARDS, as he pointed out, who has been so helpful to me in the transition of Fort Hood, Mr.

EDWARDS had represented them for many years and had done an outstanding job, and I was going to be the new kid on the block going to Fort Hood. And so I went to my office and I said, the districts are changing, we've got to go visit soldiers, we've got to be with soldiers.

I got the opportunity through the Speaker's Office before I had hardly spent any time at all in Fort Hood to go to Korea to visit soldiers who were stationed in Korea, many of whom were part of the soldiers contingency that would return to Fort Hood. I grew up as a small child with what was earlier today commemorated as the Korean War. To me it was just a map of the peninsula of Korea that I watched lines move up and down, but I know from people who came back what a terrible fight that was. And I know that that is still, to this day, to this very moment we stand in history, a dangerous place on the Earth.

When we got there, we were given the opportunity, my wife and I, to go up on the demilitarized zone, the DMZ, where ultimately, as a result of the cease fire that took place in Korea, they have set up—both sides, you're kind of across a line looking at each other. In fact, as recently as 4 or 5 years ago, there have been fatalities on that line. There is the opportunity for another war to break out, theoretically, any minute of any day, 24 hours a day and has been since the end of the Korean War back in the fifties. So it was kind of a challenge just to go up there.

Then when I got there, there were all these young-faced American soldiers. My oldest son is a football coach and a baseball coach, and as I looked at these young men and women that I was being introduced to; they looked just like the kids that were at the graduation ceremony just a few months earlier that my son coached and taught.

When it came time for lunch, they gave me an opportunity to sit down at this table with this bunch of young men and women. I tell you this because it was kind of unusual, my first time to ever sit down with just ordinary soldiers and talk to them. And you don't really know what they're going to say; you're kind of curious. Well, the first thing I found out was there was one kid there from Killeen Ellison; he played football for my son when my son coached at Killeen Ellison. There was another kid there that played baseball for my son when he coached at Round Rock High School. So I realized that these were just like those kids that had just graduated.

I went around the table, and this was all a bunch of 18- and 19-year-old soldiers. They came from small-town and big-town America. They could have been your friend, your neighbor, your cousin, could have been your brother or your sister. And there they were, standing up there, potentially in harm's way on our behalf, where it's cold and windy and kind of scary.

So that was my first contact. And I asked the question, kind of naively,

Okay, so when are you guys going to be through over here in Korea? Most of them were going to be out within the next 8 months. And I said, Where do you want to go when you get out, expecting all kinds of exotic places. No, sir, we want to go to either Afghanistan or Iraq. My wife and I both were a little taken aback by that. And so my wife asked the question, Why would you want to go there? And they gave an answer that is one of the definitions I think of the United States Army, they said, Sir, we're warfighters; that's where the war is. That's what we do for a living. We are the Army.

Now, you hear that from a 19-year-old kid that probably a year and a half ago had been playing on some practice field someplace in central Texas and you say to yourself, what magic is it that we get people like this to come out and do this job and do it willingly and with such patriotism and such fervor for doing the job they're trained for?

Just recently, less than a few weeks ago—and I shared this at the birthday party for the Army last night—my wife and I got a very nice honor of being part of a small delegation of Members of Congress who were invited to go to the Memorial Day ceremony at Normandy Beach where our soldiers came ashore and accomplished the impossible. In fact, we stood on Pointe du Hoc, as Mr. EDWARDS was describing to you, and we looked at those cliffs and we looked at the repair being done to preserve that national treasure of our heroic effort.

We got to see that beach both at high and low tide, and we got to see the distance those soldiers had to run under heavy, heavy, heavy automatic weapon fire and artillery fire just to get to that bluff that they had to climb to get to the fight. You looked at it and you said, I don't think I could have done it. That is what I thought: I don't think I could have done it. And then you realize that that's the same kids, like the same kids I talked to in Korea. They were young people who were members of the United States Army; they had a job to do and they did it.

They told us a story about a soldier who landed there, fought his way across the beach to the bluff, fought his way up the bluff to get off of that deadly beach only to be wounded in the face—took off the right side of his face with a machine gun bullet. They wrapped him up on the top of the bluff and said you need to go back down on the beach for an aid station. And his comment was, I just fought my way off of that beach. And they said, no, you've got to be evacuated. Going back down to be evacuated he was shot four more times, the last of which took off the left side of his face. And his comment that he made when he came back to Normandy as a 90-year-old man—and they said he looked fine, he said they did a fine job on me and I looked good. I have children, I have grandchildren and I have great grandchildren, and I

did what I did for them. And I can say that I always wondered if I really ought to come to this beach because I was only here for 9 hours. True, I did get five Purple Hearts while I was here, but I wondered if I was worthy to come back and say I landed here, because I had to be evacuated.

That special something that makes up the United States Army can't be described to us in detail. But when you walk among those 10,000 crosses and stars of David in that cemetery and you realize that those heroes laying beneath that ground are exactly like those heroes who stand on the wall in the defense of liberty in Iraq and Afghanistan today, our soldiers today are exactly like those of the Greatest Generation: they sacrifice everything.

I'm proud to represent the 31st Congressional District, which is the home of Fort Hood. Every soldier at Fort Hood has been deployed multiple times, and they never complain; they just do the job. We Americans, wherever we are, in this House that we are so blessed to be able to serve or around the world, should stop every day, when we have the opportunity, and say thank you to the United States Army for the quality of human beings they have produced to defend our Nation and for the patriotic spirit that is part of what makes up the psyche of America.

Nothing is more precious to us than the United States Army. Nothing is more honorable to me than being given the opportunity to represent over 50,000 American soldiers. And so this day I am very happy to say to our United States Army, happy birthday, U.S. Army. We are proud of you. God bless you and keep you safe.

Mr. ORTIZ. Madam Speaker, I yield 3 minutes to my good friend and colleague from New York (Mr. HALL), a member of the Energy and Global Warming Subcommittee. And as always, he does a great job.

Mr. HALL of New York. I thank the chairman for yielding.

I rise in support of House Concurrent Resolution 286, introduced by my colleagues from Texas, and also the co-chairs of the Army Caucus, Mr. EDWARDS and Mr. CARTER.

I would just like to follow on Mr. CARTER's remarks about the modesty of the veteran who, upon returning to the Normandy beaches, wondered whether he was worthy after only spending 9 hours there on D-day, whether he deserved to come back there again.

I have spoken to Army veterans who were wounded and needed help but say I don't want to go to the VA and ask for help because maybe there's somebody wounded worse than I was and they need the help more, they need the money more than I need it. That modesty and sense of self-sufficiency is admirable, but something that we on the Veterans Services Committee try to get past and try to convince all veterans that they have earned the assist-

ance that this country should give them.

I am somebody who was turned away on induction day when I went for my physical on Holabird Avenue in Baltimore for various physical reasons; but as fate would have it, I am now chairing the Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs.

□ 1600

We were in the middle of a hearing yesterday on the state of the Veterans Benefits Administration when I had the honor of welcoming General David Huntoon, who is, this July, taking over the position of superintendent at West Point, which is in my district, New York's 19th Congressional District, in the Hudson Valley. He is replacing General Hagenbeck, who has served there for longer than I've been in this Congress.

It is a very proud tradition at the Army's academy. It was founded shortly after the Revolutionary War at the point of the Hudson River called World's End. It's where the Hudson takes a 90-degree bend to the west and then, once again, 90 degrees straight to the north. It is the point where the Revolutionary Army stretched a chain across the river to stop the British fleet from sailing up and influencing the battles that were taking place further north in the Hudson Valley.

To this day, West Point produces our officer corps, including my nephew, who graduated a couple of weeks ago from West Point. The corps is shortly going to be leading troops in battle—some older than they, some younger than they—but the enlisted corps will be looking to our new officers in the Army for leadership.

I was honored to be at a gathering of appointees who I had helped to gain admission. Of course, they had to pass the admissions standards to West Point and to the other service academies as well. I heard a colonel from the admissions office at West Point say that the best thing that they could do as officers in the Army is to listen. They listen to their soldiers whom they lead, and they lead through service.

So, once again, I would like to congratulate and to honor the Army on this 235th birthday. I urge support of the resolution by all of my colleagues, and I offer my hopes and prayers that all of our young officers and enlisted people—and the more senior ones and the more experienced ones as well—will come back home safely.

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

Mr. ORTIZ. Madam Speaker, I yield 3 minutes to the chairman of the Subcommittee on Asia and the Pacific of the Foreign Affairs Committee, my good friend and colleague from American Samoa (Mr. FALÉOMAVAEGA), my good friend with whom I have had the privilege of working for many years.

Mr. FALÉOMAVAEGA. I do want to thank my good friend and colleague

from Texas as well as our friend from the State of Hawaii for managing this important resolution.

Madam Speaker, it is ironic that we just got through considering a resolution which commemorated the 60th anniversary of the Korean War. Four of our colleagues were veterans of that terrible conflict: Congressman RANGEL, Congressman SAM JOHNSON of Texas, Congressman JOHN CONYERS of Michigan, and Congressman Howard COBLE of North Carolina. The Korean War took 30,000 of our soldiers' lives. Let us not forget their sacrifice as we honor the celebration of the 235th birthday of the U.S. Army.

It was my honor to have served as a member of the U.S. Army during the Vietnam conflict, Madam Speaker. I recall the time of the Revolutionary War and of George Washington, with some 12,000 soldiers who were not very well trained. They had to go up against some 30,000 British Redcoats, which was the most powerful military organization at that time, but we had to fight it. We won the war, giving credit to General George Washington and to those who were able to assist him.

Madam Speaker, as a matter of history of the U.S. Army, during World War II, some 100,000 Japanese Americans were incarcerated in concentration camps. Despite all the discrimination, all the hatred, and all the racism that was heaped upon the Japanese Americans, they volunteered and organized the 100th Battalion, 442nd Infantry brigade, which was sent to Europe. These two military organizations became among the most decorated ever in the history of the U.S. Army.

As I recall distinctly of the 100th Battalion, 442nd Infantry, some 18,000 individual decorations were given to the men who served, these Japanese Americans. Some 9,000 Purple Hearts were awarded, some 560 Silver Stars and 52 Distinguished Service Crosses—and ironically, only one Medal of Honor. Well, we corrected that. As a result of again reviewing the value and the courage of these Japanese American soldiers who fought during that time, 19 additional Medals of Honor were awarded because of what they had done during the war. I just wanted to note that as a matter of history.

I want to commend the gentleman from Texas (Mr. EDWARDS) for his authorship of this resolution. I sincerely thank my good friend, Congressman ORTIZ, for allowing me to say a few words in celebrating the 235th birthday of the U.S. Army.

Mr. ORTIZ. Madam Speaker, at the same time we are honoring these soldiers, we cannot forget their families, because they have sacrificed as well.

I have known 29 soldiers who have been killed in the Afghanistan and Iraq wars. At one of these funerals that I attended, I met a young soldier who was escorting a body to my district, and he gave me this poem that I will always carry with me and that I will never forget. These are the people whose birthday we are celebrating today.

It is entitled, "Soldier."

"I was that which others did not want to be.

"I went where others feared to go and did what others failed to do.

"I asked nothing from those who gave nothing, and reluctantly accepted the thought of eternal loneliness should I fail.

"I have seen the face of terror, felt the stinging cold of fear, and enjoyed the sweet taste of a moment's love.

"I have cried, pained, and hoped; but most of all, I have lived times others would say were best forgotten.

"At least someday I will be able to say that I was proud of what I was, a soldier."

This is their birthday, the United States Army.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H. Con. Res. 286, celebrating the 235th birthday of the United States Army.

First, I would like to thank Chairman SKELTON and Ranking Member MCKEON of the Committee on Armed Services for bringing the resolution to the floor today. I also want to commend my good friend, Congressman CHET EDWARDS of Texas, for introducing this resolution as well as all of the other cosponsors for their rapid and strong support.

The freedoms that this great country was built on were not formed out of peace and diplomacy, but out of necessity for war. The United States Army has ensured the safety and continuance of the freedoms won since the Revolutionary War that declared our independence from Great Britain. In 1775, the Continental Army was formed representing the thirteen American colonies consisting of a few thousand soldiers. Today, according to the Department of Defense, there are over 2 million personnel serving in our Armed Forces while 675,000 are either active duty or reserve in the U.S. Army.

I would like to take this opportunity to sincerely give my thanks to all the men and women who have served and are serving in the U.S. Army. As a Vietnam veteran, I appreciate the dedication and service of all those who have volunteered. The United States military is an essential component of our country's success and we owe them a debt of gratitude. Given that the average age of a soldier in the U.S. Army today is 22 years old, I would like to recognize the young men and women of this country for devoting themselves to maintaining the freedoms and rights enumerated by our founding fathers since 1776.

The United States Army personnel, as well as all branches of the military, deserve not only our respect, but our recognition. Our United States military today is the strongest and fiercest volunteer force dedicated to protecting and defending our great nation. For this reason I would like to recognize all U.S. military personnel serving in our homeland and throughout the world.

For their service, valor and commitment, we must honor the United States Army. I urge my colleagues to pass H. Con. Res. 286.

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

The SPEAKER pro tempore (Mr. GARAMENDI). The question is on the motion offered by the gentleman from Texas (Mr. ORTIZ) that the House sus-

pend the rules and agree to the concurrent resolution, H. Con. Res. 286.

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. ORTIZ. Mr. 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:

House Concurrent Resolution 242, by the yeas and nays;

House Resolution 1422, by the yeas and nays; and

House Resolution 1414, de novo.

Remaining postponed votes will be taken later in the week.

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

HONORING THE NAACP ON ITS 101ST ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 242) honoring and praising the National Association for the Advancement of Colored People on the occasion of its 101st anniversary, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the concurrent resolution.

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

[Roll No. 365]

YEAS—421

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

Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Bocciari
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Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite,
Ginny

Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
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Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
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Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
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Frank (MA)
Franks (AZ)
Frelinghuysen
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Gallegly
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Garrett (NJ)
Gerlach
Giffords
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Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
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Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
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Herger
Herseth Sandlin
Higgins
Hill
Hinchee
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Insee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsock
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lummen
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)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
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Moran (KS)
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Murphy (CT)
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Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
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Olson
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Pallone
Pascarell
Pastor (AZ)
Paul
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Payne
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Pingree (ME)
Pitts
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Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Badanovich
Rahall
Rangel
Rehberg
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Richardson
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Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce

[Roll No. 367]

AYES—420

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Billray
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Brown-Waite,
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Burton (IN)
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Edwards (MD)
Edwards (TX)
Ehlers
Ellison
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Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
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Hall (NY)
Hall (TX)
Halvorson
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Hastings (FL)
Hastings (WA)
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Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hoyer
Hunter
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)
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Lee (NY)
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Lewis (CA)
Lewis (GA)
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Loebsack
Lofgren, Zoe
Lowe
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
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Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
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Matheson
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McCarthy (CA)
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McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
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
(TX)
Murphy, Tim
Merrick
Nadler (NY)
Napolitano
Neal (MA)

Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Owens
Pallone
Pascarell
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
Space
Speier
Spratt

Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

committee addressing the question of the United-Continental merger, I was unavoidably detained and I missed the vote of H. Con. Res. 242, honoring and praising the National Association for the Advancement of Colored People on the occasion of its 101st anniversary. If I had been present, I would have voted an enthusiastic "aye."

TRIBUTE TO MANUEL SEMAN AND LUISE PANGELINAN VILLAGOMEZ

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

Mr. SABLAN. Madam Speaker, some families have an out-size influence in their community. With 12 children, 40 grandchildren, 30 great grandchildren and 2 great-great grandchildren, Manuel Seman and Luise Pangelinan Villagomez have clearly had an impact. But their influence was more than numerical. The Villagomezes were among the first great entrepreneurs to emerge from the ashes of World War II in the Northern Mariana Islands.

Manny's family had farmed and fished, selling their produce to Japanese retail stores before the war. But afterwards Manny and Luise became business people themselves. They began with a small grocery store in Chalan Kanoa, then added a second in Garapan. They invested in real estate, went into construction, sold scrap and grew their fortunes. They invested, too, in their children's education, though they had only a sixth grade and third grade education between them. And they taught their children business, bringing them into the stores at an early age.

Luise passed away, surrounded by loved ones, at the Kiyu compound in Fina Sisu a few years ago. But Manny Villagomez lives on, farming as he did as a child, still traveling occasionally, satisfied with the fruits of a life of hard work and devotion to family and faith.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded not to traffic the well while another Member is under recognition.

□ 1700

ISRAEL UNDER SIEGE

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

Mr. POE of Texas. Madam Speaker, Israel has the absolute right to defend itself. It is under siege. In the north, it has the terrorist group Hezbollah; in the south, it has the terrorist group Hamas, both firing missiles into that Nation. Recently, six ships tried to break a blockade going into Gaza. Israel defends its borders and searches ships to make sure that aid going to Gaza is not from Iran and it is not weapons.

NOT VOTING—12

Barrett (SC)
Bishop (UT)
Brown (SC)
Cassidy

Davis (IL)
Ellsworth
Hirono
Hoekstra

Inglis
Melancon
Oliver
Wamp

□ 1654

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.

ELECTING CERTAIN MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES

Mr. PENCE. Madam Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1447

Resolved, That the following named members be, and they are hereby, elected to the following standing committees:

COMMITTEE ON AGRICULTURE—Mr. Rooney.
COMMITTEE ON HOMELAND SECURITY—Mr. Graves of Georgia.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE—Mr. Graves of Georgia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. JACKSON LEE of Texas. Madam Speaker, because I was chairing the

But this was not humanitarian aid workers that assaulted the Israeli commandos, where 10 of them were hurt. It turns out that their goal was, of course, to have an international incident. The reason being, after these ships were stopped and then allowed to proceed into Gaza, the humanitarian aid was denied and refused by Hamas. Obviously, an international incident that had gone bad for Hamas.

Recently, myself and the gentleman from Michigan (Mr. PETERS), along with 128 Members of Congress have tried to make it clear to the White House that the United States should stand with our ally Israel, that we should make it clear to Israel, to America, and the rest of the world that Israel has the absolute right to defend itself in this situation and support the blockade and support their actions of the flotilla. This should be clear to all concerned throughout the world, especially Hamas and Hezbollah.

And that's just the way it is.

DISCLOSE ACT EXEMPTIONS

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

Mr. DANIEL E. LUNGREN of California. Madam Speaker, there is uncertainty on this floor as I speak as to whether or not we are going to bring up the DISCLOSE Act this day in the Rules Committee or on this floor this week. The reason appears to be that a special exemption has been given to just a select number of groups, starting with the National Rifle Association, but also not including the Gun Owners of America; including the Humane Society, but not including other agricultural groups in America.

In other words, we are saying that free speech is free for some but not all. And as I looked at this exemption that's been given, you have to have over a million members. You have to have members in all 50 States. You have to have existed for more than 10 years. It is obvious we have now gone from too big to fail to too big to file. In other words, if you have got enough juice here, you are not going to be included. But if you do, you are going to be excluded, and you are going to be allowed in this election period to fully use your First Amendment rights. That's not what the Constitution's all about.

TRIBUTE TO THE VICTIMS OF THE NORTHWESTERN OHIO TORNADOES

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

Ms. KAPTUR. Madam Speaker, I rise to recognize and pay tribute to the men and women and children who lost their lives and were wounded in the tornadoes that ravaged northwestern Ohio on June 5 and 6. And that disaster

prematurely took the lives of six people. We are talking about Wood County, Fulton County, Ottawa County, across Sandusky County, and adjacent counties.

Madison Walters has been tragically orphaned while her family, Mary and Ryan Walters and their 4-year-old son, Hayden, were all killed. We also remember Ted Kranz, Kathy Hammitt, and Bailey Bowman. Over \$100 million of estimated damage occurred. Lake High School was leveled. So many businesses, homes, farms affected.

While this is a story of pain, it is also a story of hope and human goodness, as waves of thousands of volunteers have come to try to help and assist those facing such destruction. I would like to submit two articles for the record that detail examples of this compassion. And it shows to us again the signs of a great Nation that binds together, and neighbor helping neighbor.

I urge the administration, in the strongest manner possible, to declare our region a Federal disaster area so necessary aid can flow to those whose lives have been so dramatically affected in a region already suffering from economic recession.

[From toledoblade.com, June 11, 2010]

HELP, HOPE FROM VOLUNTEERS LIFT SPIRITS IN TORNADO-WRECKED TOWNS; MORE THAN 1,600 PEOPLE TURN OUT TO LEND A HAND

(By Claudia Boyd-Barrett)

Millbury resident Tim Miller has lost his house, and he wants to say thank you.

Not to the tornado which left him and his family homeless last weekend, but to the hundreds of people—most of whom he doesn't know—who have come to help pick up the pieces.

Thursday, on what remained of his back deck and next to a hole in the ground that was once his house, Mr. Miller perched a handwritten sign addressed to the volunteers. It read "Thank You Everyone."

"I have to," Mr. Miller said. "All these people come out and help you out, you've gotta thank them somehow."

With volunteers and emergency crews continuing to pour into Wood, Fulton, and Ottawa counties Thursday, recovery and clean-up efforts were moving full-speed.

In Lake Township, site of some of the worst devastation, Police Chief Mark Hummer said he expected the bulk of the clean-up to be done by Saturday. After that, there will be small debris to pick up and rebuilding efforts will begin, he said.

Volunteers included schoolchildren, adults taking time off work, retirees, nonprofit groups, and businesspeople.

Among them, a dozen employees from the Shelly Co. in Findlay and children from a little league baseball team ferried hundreds of hamburgers, hotdogs, and refreshments to residents and other volunteers in the Lake Township area.

Nine-year-old Ryan Kerr was one of the volunteers. He said he wanted to help "because I feel really bad about all the people losing their homes." And, he added, "it's fun." Recruitment of volunteers has been so successful that the United Way announced it would close two of its volunteer reception centers today. With so much of the general clean-up work done, there is only need for specialized volunteers, the agency said.

"The community's response has been absolutely tremendous," Bill Kitson, United Way of Greater Toledo president and chief execu-

tive officer, said in a statement. "In the past three days, we have deployed more than 1,600 volunteers to help with clean-up efforts. I'm truly at a loss for words."

The closed centers were at Grace United Methodist Church at 601 East Boundary St. in Perrysburg and at the Mainstreet Church at 705 North Main St. in Walbridge.

United Way officials said that if people still wish to volunteer and think their specialized skills can be used in restoration efforts, they should call 2-1-1 and give their personal information for reference.

General volunteers are needed in Ottawa and Fulton counties, however. In Fulton County, volunteers can go to Shiloh Christian Union Church, 2100 County Road 5, between 9 a.m. and 6 p.m. today while the location will change to the Swancreek Township Hall, 5565 County Road D for the weekend. Ottawa County has a volunteer reception center at Genoa High School.

Bill Walker, the emergency management director for Erie County who has been helping out in Ottawa County, said the clean-up there would likely continue into next week.

"There's still a lot of work to do," he said. "But it's way better than what it was."

Amid the clean-up efforts, emergency officials also worked to ensure the area is prepared for future storms. They tested sirens yesterday across Wood County and one siren in Lake Township failed to sound. The siren, outside the fire station on Ayers Road, was fixed within a few hours.

Police Chief Mark Hummer said the siren had electrical problems and may have been struck by lightning.

It was not known whether any other sirens failed to work during the testing that lasted about three minutes and started at noon.

The Lake Township site where the siren wasn't working is the closest location to an area of Millbury that was among the hardest hit in the township.

Lake Township fire Chief Todd Walters said the siren was tested a week ago and was working when the tornado hit on Saturday night. Other sirens that were activated Thursday in Lake Township were at the Municipal Building in Millbury, Walbridge behind the police department, and on East Broadway in news conference yesterday morning, the township's police and fire chiefs encouraged people to prepare for future storms by having a battery-operated radio, as well as food and water in a safe area of the house, on hand at all times.

According to the National Weather Service, there is a chance of showers and thunderstorms today and through the weekend, but severe weather conditions have not been predicted.

Also yesterday, Ohio Department of Transportation Director Jolene Molitoris toured the storm-ravaged areas and spoke with officials involved in the recovery efforts. She pledged continued help by ODOT crews in clearing roads and making them safe for emergency personnel and the public.

Ms. Molitoris said she was inspired to see the progress made by the various government agencies on the ground and by volunteers.

"Everybody is a team and there's a power in working together," Ms. Molitoris said. "It reminds us of what it means to be Ohioans."

In another sign that things are slowly recovering, the Lake Township Police Department moved to a former Ohio Highway Patrol substation on Lemoine Road. Emergency dispatchers for the Lake Township Fire Department and EMS will continue to work out of the Northwood police dispatch center, however.

Meanwhile, others were recovering on a more personal level. After losing the house they had moved into just three weeks ago to

the tornado, Melody Kisseberth and her fiancée, Steve Avers, said they are gradually coming to terms with their ordeal.

"I was devastated for days, but now I'm trying to see the bright side," Ms. Kisseberth said, as she picked up the debris along with dozens of volunteers. "I realized we need to be thankful because there's a lot of people worse off than us."

[From toledoblade.com, June 15, 2010]
RELATIVES PULL TOGETHER FOR GIRL
ORPHANED AFTER TORNADO
(By the Blade staff)

The extended family of a 7-year-old left orphaned and homeless by the June 5 tornadoes said Monday they are "pulling together" to protect the little girl.

Madison Walters' mother, Mary Walters, 36, and her 4-year-old brother, Hayden, were killed shortly after a powerful tornado struck the family home in Millbury, Ohio, ripping off the second story.

Her father, Ryan Walters, 37, who was critically injured, died Sunday at Mercy St. Vincent Medical Center in Toledo.

Madison was released Sunday from the same hospital after days of treatment for broken bones. Her aunt, Amy Sigler, said the child is being cared for by family members.

"She is doing well and is surrounded by her loving family," Mrs. Sigler said.

Barbara Walters, Mr. Walters' mother, said she was not surprised at her son's passing, but the family had hoped for a better outcome. She said the couple left a will "with specific instructions" for Madison.

The family declined to give specifics about which family members she will live with, citing a desire for privacy.

Mr. Walters will be buried Friday with his wife and son in Lake Township cemetery, Barbara Walters said.

Mrs. Sigler described her brother-in-law, a long-distance runner, as an "exemplary" father and husband who dedicated many volunteer hours to help manage the computer systems at Mainstreet Church in Walbridge.

She said faith in God is helping the family cope with their grief.

"God's grace is amazing," she said. "We know we're going to see him again."

Mr. and Mrs. Walters apparently were asleep in an upstairs bedroom of their Main Street house when the tornado struck. Their children were asleep in the same part of the house, family members said.

The house appears to have been in the direct path of at least one tornado, and was flattened to the foundation.

Mrs. Sigler, who lives in nearby Northwood, said she tried to call her sister to warn her about the approaching storm. She had watched news reports of violent thunderstorms moving across northwest Ohio, and knew the family was asleep. "The phone just rang and rang," she said the day after the storm hit. "I knew as soon as it hit and she didn't call that something was wrong."

The storm was one of northwest Ohio's worst.

The others killed include Ted Kranz, 46, who died after part of his Case Road home fell on him after he left his basement to check on a generator; Wauseon resident Kathy Hammitt, 56, who was en route for home along State Rt. 795 after visiting her husband at a nearby hospital, and Bailey Bowman, a 20-year-old mother of a 2-year-old boy, who was killed as she tried to seek shelter at the Lake Township police building.

DEAL WITH THE GULF

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

Mr. BURTON of Indiana. Madam Speaker, last night I watched the President on television, and I was really disappointed because, instead of really addressing the problem of the gulf spill, he was once again talking about a government move to take over part of our country.

We have seen the government move to take over or control the auto industry, the financial industry. We have seen the government or the administration force through the health care bill which the vast majority of Americans don't want. And last night, instead of really focusing on dealing with the problem in the gulf that's going to cost maybe 150,000 jobs and make us more dependent on foreign oil, what the President did, he started talking about the cap-and-trade bill, which will raise taxes on energy production, and every family in America will suffer to the tune of about \$3,000 or \$4,000 a year.

This is a time, Mr. President, if I were talking to him, I would say to deal with the problem in the gulf instead of talking about taking over more of the private sector and raising our taxes.

COMMENDING THE PRESIDENT'S OVAL OFFICE ADDRESS

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

Mr. RANGEL. I really didn't intend to talk, but I just wonder whether my colleague was listening to the same President, a President who I thought was responding to all Americans when he said that the government has a responsibility to make certain that the private sector upholds their commitment to people, to make certain that they do what I would hope that you would want.

We have to get away from this whole idea that government's bad. Ask anybody that has Medicaid and Medicare. And this President was an exciting, fresh air for all Americans to know that we will never forget those people in Louisiana.

The whole idea of cleaning the atmosphere and making this planet a better place to live, maybe that's repugnant to your way of thinking, but believe me, it's not for Democrats. It's for Democrats, Republicans, and for the civilized world to understand that we are prepared to make this a better planet than the one in which people have destroyed it.

So I just hope that we check and see who you were listening to last night, because I really thought it was exciting, invigorating, and gave us a lot of comfort that the President really cared.

SPECIAL ORDERS

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

THE NEW NATIONAL SECURITY STRATEGY: JUST WORDS?

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

Ms. WOOLSEY. Madam Speaker, the National Security Strategy released by the White House late last month has plenty to recommend. This administration, on paper and in its rhetoric and proclamations, clearly has a broader view, beyond the use of military force, of how to keep Americans safe.

The strategy puts a premium on diplomacy and multilateral cooperation as key tools of advancing our security interests. It discusses clean energy and a reduced dependence on foreign oil. It recognizes the threat, within a national security context, of global climate change. It expresses a commitment to nuclear nonproliferation and pledges support for fledgling democracies. It includes, under the rubric of national security, human rights, global health, and development aid. Madam Speaker, it even emphasizes the important national security implications of investing in education and human capital right here at home.

Frankly, it sounds a lot like the smart security platform that I have been advocating for the last several years. I'm glad the folks at the other end of Pennsylvania Avenue are getting there, also.

And yet, Madam Speaker, I can't reconcile all of those promising ideas with the ongoing prosecution of two wars, which are bankrupting our country morally and fiscally, without reducing terrorism threats or contributing to our national security.

The situation on the ground in Afghanistan remains very tenuous. While Americans, other NATO forces, and civilians continue to shed blood, insurgents and militants continue to thrive. As we prepare to move in on the Taliban's home base of Kandahar, all evidence indicates that we weren't successful at the more modest task of driving them out of Marja this very winter. Besides, according to General McChrystal, the Kandahar offensive isn't even ready to start on time.

At the same moment, we have an unreliable partner in President Karzai, a partner who has now dismissed two of his top aides who had the best working relationship with the United States. And General Petraeus is on Capitol Hill this week to tell the Armed Services Committees that the last 15 to 18 months have been about installing the "inputs" in Afghanistan, and that now, finally, we are ready to reap some "outputs."

Well, with all due respect, Madam Speaker, and respect to the General, we are all pleased that he is fine after briefly passing out in the Senate hearing room earlier this week, but in all due respect, I think the American people feel as though they have been providing inputs for more than 8½ years now. It's particularly difficult to accept this explanation when we've seen

\$275 billion fly out of the Federal Treasury to pay for inputs in Afghanistan. It's long past time when we can expect to see results, or outputs.

But, tragically, there will be no meaningful outputs until we make a U-turn and reverse the strategy 180 degrees. The outputs will come when, and only when, our Afghanistan policy actually adheres to the core principles offered in the administration's National Security Strategy.

So my urgent plea to the White House is to embrace its own advice. If they are serious about a new approach to defending and protecting America, let's not wait until July 2011. Bring our troops home now.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5297, SMALL BUSINESS JOBS AND CREDIT ACT OF 2010

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111-508) on the resolution (H. Res. 1448) providing for further consideration of the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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.)

SECOND DISASTER IN THE GULF

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

Mr. POE of Texas. Madam Speaker, when the Deepwater Horizon oil rig exploded in the Gulf of Mexico, there was no plan to handle that disaster. The Federal Government was missing in action. Now the Feds have a moratorium on deepwater offshore drilling.

The administration plan, based upon President Obama's speech last night, can be summed up quite well in the Los Angeles Times, and I quote, "Obama's speech: There is a pipe spewing a gazillion gobs of oil into the gulf, so let's build more windmills." Yes, Madam Speaker, that seems to be the plan of the administration: Close down deepwater drilling and maybe build windmills.

Why would we shut down this industry in the Gulf of Mexico? And what is the purpose of this plan? The moratorium is preventing drilling in the Gulf of Mexico for the next 6 months or even longer. When we have a plane crash,

Madam Speaker, when people die, and that's a horrible thing, we don't close down the entire airline industry for 6 months. That wouldn't make sense.

But shutting down the offshore drilling for 6 months or more is going to be the second disaster in the Gulf of Mexico. And it's expanding the economic destruction caused by this explosion and this oil spill. It will put 50,000 people or more out of work in the entire gulf region. It affects my State of Texas and Louisiana and Mississippi the most.

□ 1715

It's interesting. Although the oil spill affects Louisiana and Mississippi, Alabama, these are the States, along with Texas, who want to continue deepwater drilling because they know it's necessary for jobs, the economy, and making sure that America is independent of foreign oil.

What is the reason for putting these workers out of business? Why has the Federal Government seen fit to eliminate these jobs? Actions have consequences, and in this case, inaction also has its consequences.

Seventeen percent of the Nation's domestic crude oil comes from deepwater drilling in the Gulf of Mexico. Now where is the country to obtain energy for the loss of this oil? There is no plan, no answer from the administration about this question. A 6-month moratorium will in effect send these expensive rigs to Brazil and Indonesia. It costs about \$500,000 a day to operate one of these deepwater offshore drilling rigs.

These rigs are not going to sit there and wait for the Federal Government to make a decision, and just like what happened in the 1970s and 1980s with the American manufacturing industry, when it left America, it has never returned. And these oil rigs in the deepwater, when they leave American waters, they will not return ever. They will find some other safe haven to drill for crude oil.

The loss of our domestic source of oil in the Gulf of Mexico will make us further dependent on foreign oil. It means the United States will now have to import more oil from countries that don't like us, like the Middle East, like those good friends in Venezuela. It will increase the cost to all Americans, and that will increase tanker traffic bringing oil through the Gulf of Mexico. There is a greater risk from leakage of oil tankers than there is from any leakage from an offshore rig, but we will have to bring in at least 300 more tankers just to make up the 17 percent difference, and those tankers, of course, will bring foreign oil, not American oil, to the United States. We need to tap our own domestic sources of oil.

It took 37 days for there to be an attempt to have the top-kill procedure. Why did it take so long to make this decision? We're still looking for the answer to that question.

The majority of the pollution, Madam Speaker, is not the result of the explosion itself but the delay in handling the explosion and the containment thereof. In other words, there was no plan to contain the oil for at least 37 days, and then it was too late to try to contain the oil near the rig.

Now the government is overreacting by saying our solution to the explosion, to the containment, to the pollution is: stop deepwater drilling, kill American jobs, kill the American energy industry. And that will have a disastrous effect on our country.

We do need a plan for future disasters to include, who is in charge of this leak? Who is in charge of the containment? Who is in charge of the cleanup? And the only plan we have today is to shut down deepwater drilling, and now the administration is using this as a political ploy to implement more taxes on the American energy industry which will be called the cap-and-trade national energy tax. Of course, that is passed on to the American citizens.

So a new crippling natural energy tax will result in regulations on carbon dioxide emissions, the very substance we as humans exhale, and it's unfortunate that the moratorium on the drilling has already caused devastating economy losses in the Gulf of Mexico, especially in my State.

So we would ask that the Federal Government rescind its ban and allow deepwater drilling in a safe manner.

And that's just the way it is.

UPDATE ON GOLDMAN SACHS

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

Ms. KAPTUR. Madam Speaker, please allow me to update my colleagues and citizens across the country on some recent news about Goldman Sachs, one of the white shoe Wall Street outfits that got bailed out by the American taxpayer 2 years ago. We've learned that the Securities and Exchange Commission and Department of Justice are looking into Goldman Sachs, but there is more you should know.

Today, it was revealed that this privileged firm also wholly owned a mortgage servicing company back from 2007. So it claims it had no knowledge of the housing meltdown, but in fact, it owned a loan servicing company.

Back in 2007, Goldman Sachs scooped up Litton Loan Servicing in Houston, Texas. Litton specialized in collecting money from borrowers in California and Florida. Goldman now services around 320,000 loans worth around \$50 billion according to the Financial Times.

Litton does not seem to be quite on the up-and-up. In fact, it was just recently forced to settle a class-action lawsuit in Los Angeles for over half a million dollars, and the Financial Times reports that the Better Business

Bureau has listed almost 800 complaints on Litton. Worse, Litton has only put up about 29 percent of their loans into permanent modifications, leaving the rest of the consumers who tried to get one trying to find money to make up the difference they immediately owe Litton, and oh, of course, then they will owe the accrued late fees.

Goldman Sachs says little about this, of course. This is business as usual for them, but bad business as usual it appears.

However, the customers of Litton are not the only ones receiving poor services from Goldman Sachs. The Financial Crisis Inquiry Commission created by Congress is getting similar treatment. Despite saying that they will cooperate fully, Goldman Sachs is not cooperating fully with the Financial Crisis Inquiry Commission. In fact, a subpoena had to be issued last week to get documents from Goldman Sachs.

The New York Times quotes the chairman of the commission, Mr. Phil Angelides of California, as saying the following: "Goldman Sachs has not, in our view, been cooperative with our requests for information or forthcoming with respect to documents, information, or interviews."

Should that surprise any of us? It certainly shows that Goldman Sachs does not respect the law, nor the Congress, nor the executive branch, nor the American citizens, whose hard-earned dollars have poured into Goldman leading it to record profits, huge bonuses, and no results for ordinary people.

Worse, it makes one wonder what Goldman Sachs has to hide. Otherwise, why send irrelevant information to the commission and withhold other information? Yet Goldman continues to drag its feet in responding, and the commission had to subpoena.

Goldman Sachs could and should do better. They could lead Wall Street in corporate citizenship. We now know that Goldman Sachs could easily reduce the principal on every loan at Litton, write off all the late fees, and give 320,000 citizens some relief from the housing crisis that Goldman, along with the rest of Wall Street's biggest investment banks—or I should say speculators—had in creating.

How much do you want to bet that they won't? Anyone want to hedge a bet with a credit default swap or a synthetic collateralized debt obligation? I bet Goldman would be willing to sell you one, but you know, what they're really doing is they're trying to send their lobbyists to try to meet with members of the commission that Mr. Angelides heads.

The New York Times reports that, "Lobbyists representing Goldman in Washington tried to arrange one-on-one meetings with a handful of those commissioners, including Mr. Angelides, but he declined to meet with them."

Congratulations, Mr. Angelides. Guess what, they do the same thing to

the Members of Congress. They wait for us in the hallways. They get on the elevators with us if we refuse to meet with them. They pay their lobbyists here lots of money.

So you keep doing what you're doing, Mr. Angelides. You keep digging. I'm glad you declined to meet with them.

And you know, according to the people who spoke with the New York Times, many of them said they spoke on the condition of anonymity because they were not authorized to discuss the commission's inner workings. So I'm glad to see that there are some Americans out there who are trying to get to the truth, trying to get to the heart of the matter, trying to get justice for the American people in the housing market where the deck is so strongly stacked against ordinary citizens who should hold one piece of paper they call their mortgage, and yet the note for that is locked up somewhere upstream, held on Wall Street or one of its subsidiaries. And most Americans who are getting thrown out of their houses across this country and being forcibly removed don't even have enough legal advice to know that they should be asking the judge to produce the original note in those proceedings, not a Xeroxed copy.

The American people: get yourself legal assistance back home from your fair housing agencies, your counseling agencies. You have a right to your own mortgage, and no one should take it away from you if you have a leg to stand on. And the judge should be on your side if you ask for that original note.

[From FT.com, June 16, 2010]

U.S CONSUMERS RAGE AGAINST GOLDMAN UNIT

(By Suzanne Kapner and Francesco Guerrera)

As ever-darker clouds have gathered over Goldman Sachs in recent months, its executives have relied on a consistent line of defence.

As regulators, congressional investigators and activist shareholders have accused Wall Street's most successful investment bank of putting its interests ahead of those of its clients, Goldman's response has been: we deal with sophisticated investors who ought to know how to look after themselves, not powerless individuals.

"We don't have banking branches . . . we provide very few mortgages and don't issue credit cards or loans to consumers," is how Lloyd Blankfein, Goldman's chief executive, summarised the bank's modus operandi in a recent appearance before a U.S. Senate subcommittee.

Yet, in one small corner of its domain, Goldman interacts directly with ordinary Americans. Through its wholly owned subsidiary Litton Loan Servicing, which is facing a wave of complaints from consumers, Goldman collects payments on 320,000 loans, mainly in California and Florida, with an unpaid principal balance of \$50bn.

When Goldman acquired Litton in December 2007 for \$430m, the deal attracted little attention. Compared with Goldman's \$45bn in annual revenue, Litton is tiny. Goldman says Litton services half of 1 per cent of U.S. mortgages.

The high-risk mortgages serviced by Litton were like the many loans Goldman—and

its rivals—packaged into complex securities that plunged in value once the housing bubble burst, leading to huge losses among investors.

Goldman's knowledge of the perilous state of the U.S. property market, and its alleged reluctance to share it with investors, is at the centre of civil fraud charges filed by the Securities and Exchange Commission—which the bank denies—and were the focus of an 11-hour grilling of Goldman executives by Senate investigators in April.

Founded in 1988 by Larry Litton Sr in Houston after the Texas real estate bust, Litton developed expertise in collecting payments on high-risk mortgages that were near default. The company was purchased in 1996 by Credit-Based Asset Servicing and Securitization (C-Bass), which bought troubled loans from banks and used Litton to restructure them.

Because of its focus on distressed borrowers, Litton was one of the first companies to experiment with reducing interest payments for customers who had fallen behind to keep them from losing their homes. Such "loan modifications" have become common practice.

Litton's focus on modifying loans, coupled with its relationship with C-Bass, gave it an edge over rival servicers.

Because C-Bass bought bonds that were backed by pools of mortgages, Litton had the right to modify those loans once they soured.

According to Moody's Investors Service, Litton has retained the right to modify loans in 95 percent of the securities backed by loans it services. In contrast, other servicers have been blocked and even sued by investors, who claim loan modifications violate the original contract terms.

"Litton has been more aggressive than some of the other servicers," said Alan White, an assistant professor at the Valparaiso University School of Law. "It's part of their culture."

That approach has at times incurred the wrath of consumers. Concerned about rising complaints against the company, the Houston chapter of the Better Business Bureau conducted an investigation in 2005. "They were arrogant," said Dan Parsons, president of the Houston chapter. "It was all about how much money they could make."

The bureau voted to revoke the company's membership but Litton resigned before it could act.

Larry Litton Jr, current chief executive of the servicer, told the Financial Times the resignation was prompted by a failure of the bureau to fully grasp its business strategy.

He added that Litton had long been an advocate of restructuring consumer debt.

"We do it because it's a good financial decision for investors, but also because it's a good outcome for consumers," Mr Litton said.

When C-Bass ran into financial trouble in 2007, Goldman snapped up Litton. Goldman said it has extensive procedures in place to ensure that information from Litton is not used inappropriately.

A person familiar with the situation said Mr Litton did not report directly to Mr Blankfein or Goldman's senior management, but interacted with lower-level mortgage executives.

After buying Litton, Goldman took pains to operate the company separately from its trading and advisory business and does not use Goldman branding on Litton's marketing materials. Such distance is in keeping with Goldman's desire to be seen as a Wall Street firm that deals with high finance only.

Many Litton customers did not realise the mortgage servicer was owned by Goldman. Marla Vasquez, a disgruntled customer in

California, said she learnt about the SEC investigation from a radio broadcast. "It surprised me Goldman owns a company like this," she said.

[From FT.com, June 16, 2010]

SUBPRIME CONSUMERS HIT AT GOLDMAN

(By Suzanne Kapner)

Goldman Sachs is facing a wave of complaints from consumers over the business practices of its mortgage servicing unit, a subsidiary that collects payments on hundreds of thousands of loans worth tens of billions of dollars.

Goldman bought Litton Loan Servicing—a Houston, Texas, specialist in collecting money from high-risk borrowers—in December 2007, a year after the bank decided to reduce its exposure to the U.S. housing market.

The deal gave Goldman a new way to earn fees from subprime borrowers and provided it with a street-level view of conditions in the U.S. housing market as the financial crisis deepened.

It also put the Wall Street bank in the unusual position of facing hundreds of complaints from mainstream consumers, who allege that Litton unfairly charged them money. Without admitting wrongdoing, Litton agreed last year to pay \$532,000 to settle a class-action lawsuit in Los Angeles, accusing it of charging late fees during a 60-day grace period on loans it acquired from other servicers.

"Litton saw a great opportunity to make a lot of money by collecting servicing fees on troubled loans," said Dan Parsons, president of the Houston chapter of the Better Business Bureau, a non-profit group that promotes responsible business practices. "But when Litton takes over a loan, the borrower tends to be worse off."

Larry Litton Jr, chief executive of the Goldman unit, declined to comment on specific complaints and said any fees resulted from normal procedures. He added that it was "inevitable" Litton would face complaints as it deals mainly with distressed borrowers. "Do I wish complaint levels were lower?" he said. "Absolutely, we take complaints very seriously."

The Better Business Bureau lists nearly 800 complaints in the U.S. against Litton during the past three years, more than have been filed against most similar-sized servicers. In Houston, only three companies—Comcast, Telecheck and Continental Airlines—received more complaints Mr Parsons said.

Consumer Affairs, a website that tracks consumer problems, said it had received 390 complaints against Litton in the past year, a 60 percent rise over the prior 12 months, and more than triple the number logged against some similar-sized competitors. Many complaints against Litton come from consumers who say they entered into "trial" mortgage modification programmes that reduced their payments, only to find out later that they had been denied a permanent modification and owed more money than they would have if they had not entered the programme.

Litton's loan modification application states borrowers are liable for past due amounts, including unpaid interest, if they are denied a permanent modification. Late fees are supposed to be waived if permanent modifications are granted. According to government data through April, Litton's rate for converting loans from trial to permanent modifications was 29 percent, compared with rates of more than 80 percent for some competitors.

[From the New York Times, June 7, 2010]

FINANCIAL PANEL ISSUES A SUBPOENA TO GOLDMAN SACHS

(By Sewell Chan and Gretchen Morgenson)

Washington.—The commission investigating the causes of the financial crisis said on Monday that it had subpoenaed Goldman Sachs and harshly accused the investment bank of trying to delay and disrupt its inquiry.

"Goldman Sachs has not, in our view, been cooperative with our requests for information, or forthcoming with respect to documents, information or interviews," Phil Angelides, the chairman of the Financial Crisis Inquiry Commission, told reporters on a conference call.

The deputy chairman, Bill Thomas, accused Goldman of stonewalling, and said, "They may have more to cover up than either we thought or than they told us."

But even as Goldman appeared to be uncooperative, it tried over the last month to set up personal meetings with members of the commission, two people briefed on the discussions said.

Lobbyists representing Goldman in Washington tried to arrange one-on-one meetings with a handful of commissioners, including Mr. Angelides, but he declined to meet with them, according to the people, who spoke on the condition of anonymity because they were not authorized to discuss the commission's inner workings.

Mr. Angelides and Mr. Thomas both said that Goldman had inundated the panel with data—about five terabytes, equivalent to several billion printed pages—and dragged its feet on answering detailed questions about derivatives, securitization and other business activities.

In particular, the commission sought records on collateralized debt obligations based on mortgage-backed securities, and the names of Goldman's customers in transactions of derivatives. In a chronology it provided, the commission also indicated that it was interested in Goldman's dealings with the American International Group, the insurance giant that collapsed in 2008, and in the bank's so-called Abacus transactions, which are at the heart of a civil fraud suit brought by the Securities and Exchange Commission.

The commission's unusual public criticism—it has issued 12 subpoenas, none accompanied by stinging accusations of obstruction—underscored the anger in Washington at the outsize profits and influence of Goldman, which had emerged nearly unscathed from the financial crisis. It also reflected the fallout from Goldman's unyielding strategy of standing its ground in the face of inquiries and attacks.

A spokesman for Goldman, Michael DuVally, said, "We have been and continue to be committed to providing the F.C.I.C. with the information they have requested."

The lashing by the commission further complicated Goldman's public image. In April, the bank was accused of securities fraud in a civil suit filed by the S.E.C., which contended that it created and sold a mortgage investment that was secretly devised to fail.

That investment and others like it were the subject of a Senate investigation that also exposed Goldman to withering criticism. And federal prosecutors in Manhattan have begun looking into the mortgage practices of banks, including Goldman.

The commission, created by Congress, is required to deliver a report by December, but with only \$8 million and some 50 employees to draw on, it has at times seemed out-matched by the targets of its inquiries.

"I suspect they're spending more on their lawyers than our whole budget," Mr. Thomas conceded.

Lloyd C. Blankfein, Goldman's chairman and chief executive, testified at the commission's first public hearing in January, with the top bankers Jamie Dimon of JPMorgan Chase, John J. Mack of Morgan Stanley and Brian T. Moynihan of Bank of America.

After the hearing, the commission sent written questions for Mr. Blankfein and made requests for records in April and May.

Mr. Thomas, a California Republican who served 28 years in the House, said the requests to Goldman were "not inordinate" compared with similar queries sent to a half-dozen other banks. All of the other institutions complied, he said.

In contrast, Mr. Thomas said, Goldman gave a "basically incomplete" response, even as it deluged the commission with so much irrelevant information that it amounted to "mischief-making" that was both "deliberate and disruptive."

Mr. Angelides, a former California treasurer and candidate for governor, said, "We did not ask them to pull up a dump truck to our offices and dump a bunch of rubbish." He added, "This has been a very deliberate effort over time to run out the clock."

The two men also seemed to acknowledge that the sheer volume of data was beyond the commission's capacity to analyze. "We should not be forced to play Where's Waldo? on behalf of the American people," Mr. Angelides said. "This is not right."

Mr. Thomas, turning to the proverb about looking for a needle in a haystack, said, "We expect them to provide us with the needle."

The two men said that after the subpoena was issued on Friday, Goldman had moved to schedule interviews with several executives, including Mr. Blankfein; David A. Viniar, the chief financial officer; Gary D. Cohn, the president and chief operating officer; and Craig W. Broderick, the chief risk officer.

The 10-member commission was slow to get started. It recently replaced its executive director, B. Thomas Greene, with Wendy M. Edelberg, an economist on loan from the Federal Reserve, who had been the research director. Mr. Greene, a former chief assistant attorney general for California, remains on the commission's staff as senior counsel.

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

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

THE OIL SPILL

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. Madam Speaker, my good friend Congressman POE of Texas just a few minutes ago talked about the oil spill down in the Gulf and referred to the action or inaction of the administration in dealing with it. He quoted something from the L.A. Times that I thought was kind of interesting and a little humorous that my colleagues might like to hear again, and it quotes the LA Times as saying: "Obama's speech: There's a pipe spewing a gazillion gobs of oil into the Gulf, so let's build more windmills."

Now, I know that sounds a little humorous, Madam Speaker, but that

sounded like what the President's speech was all about last night. There was no real solutions in dealing with the problem. Everybody's concerned about it. Everybody feels empathy and sympathy for the people in the Gulf, the thousands of people who have lost their jobs and who are out of work, the environmental problem that's been created. But what people want is they want a solution to the problem.

It has now been 57 days, 57 days since this tragedy occurred. And what did the President do? He has suspended oil drilling in the Gulf for 6 months. Now, that's going to result in as many as 150,000 people losing their jobs, and for the oil people that work on those derricks out there in the Gulf, that's 150,000 jobs that it not only affects them, it affects almost six times that number of people who have ancillary jobs that work in the restaurants, that work on the beaches down there, all the things that are going on down in the Gulf. So you're looking at the potential of half a million to a million jobs being affected adversely because we haven't dealt with the problem.

There have been other countries right after the spill took place that offered to send skimmers, ships over here to help skim up the oil on the surface of the ocean. We have had other countries that offered other help, and it's all been turned down. The Jones Act should have been suspended, but it was not suspended, and as a result, the oil crisis, the spill goes on and on and on.

It is extremely important that we address the problem as quickly as possible. I'm not an engineer. I don't know what the answer is. But today we had a meeting with people who had talked to the BP oil company and had talked to other oil engineers, and there are things that are going on right now that they believe will address the problem, hopefully in the next 2 or 3 or 4 weeks or at least another month or month-and-a-half, but at least they're moving on the problem now with auxiliary wells being drilled down into the bottom of the Gulf to choke off the spill.

All I'd like to say tonight, in addition to what's already been said, is that we have a tragedy down there that should not be compounded by what the problem has advocated, and that was he advocated last night that we come up with an energy bill, i.e., the cap-and-trade bill. And the cap-and-trade tax bill will tax all energy producers that emit CO₂ emissions into the atmosphere. And if translated, that means that companies around this country will have to pay hundreds of thousands and maybe millions of dollars more for their utility bills which will be passed on to the consumer in the form of higher prices, and the average family is going to be affected to the tune of about \$3,000 to \$4,000 a year if cap-and-tax is passed.

This is a time to deal with the crisis in the Gulf, not a time to start talking about the cap-and-tax bill which is going to cost jobs at a time when we

need to create jobs. The unemployment rate in this country is at 10 percent or very close to it, and if you include the people who are unemployed and looking for work who are no longer counted, we're looking at 13, 14, 15 percent that are unemployed.

So we need to address the economic problems, and we need to be dealing with that in a positive way and not going on with more taxes and more spending as the administration has talked about.

What I'd love to see if I had my druthers right now, Madam Speaker, is somebody like Ronald Reagan who could come in and cut taxes and cut spending and stimulate economic growth like he did, and as a result, we had 20 years of economic growth.

Right now what we're looking at is more unemployment, and now they're talking about, because of the way the Gulf is being handled, the possibility of more double-digit unemployment.

□ 1730

This is something that we can't tolerate right now. We need to be positive, we need to move ahead, and the President is not moving in that direction. And a perfect commentary is what was in the Los Angeles Times, not a conservative newspaper. And you heard liberal commentators all across the country last night saying the President is not addressing the problem, and he is way late in the first place, and in the second place, and in the third place.

So I would like to end by saying once again, I think the Los Angeles Times was right on the money when they said of Obama's speech, There's a pipe spewing a gazillion gallons of oil in the gulf, and what's he talking about? More taxes, more spending, and more wind-mills.

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.)

OIL SPILL UPDATE

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

Mr. KLEIN of Florida. Madam Speaker, I rise today to continue my regular real-time updates to my south Florida constituents on the BP oil spill in the Gulf of Mexico. I believe it's my responsibility to keep the families, homeowners, and businesses along the 75 miles of my coastline in my district fully informed so they can be prepared for all possibilities.

First things first. Obviously, the spill itself has to be capped. I certainly call on BP to deploy every possible resource, every expert, every technology, every available opportunity to plug

this hole. This is not about a question of whether the Federal Government is going to step in and come on with some magic silver bullet. This is an all-hands-on-deck approach. Everyone should be involved. And it will require scientists and geologists and people from other oil companies from around the world to help figure this thing out. The permits should have probably never been issued in the first place without having the necessary cleanup plans in place, but it is here and it is now and we need to get it done.

I had the opportunity a week or so ago to join some NOAA researchers, those are oceanographic experts, on a 9-hour mission in a P-3 plane over the gulf to really understand what was going on, what the currents were doing. Obviously, from the southeast Florida side, we're concerned about the current which may bring it through the Florida Straits and up through the Gulf Stream. We saw through the research that was done. There is this possibility of course, and the sooner we can cap the oil, the better.

We all know that if this oil does come to the east side of Florida, as it has to the panhandle, it will impact Florida homeowners and businesses—not to mention the environment—for generations to come. We need to do it now, and we need to take whatever action is necessary to finish that job.

The other thing I would like to say to my constituents—and obviously this is a national issue—but no one should have to suffer because of BP's recklessness, and taxpayers cannot and will not be stuck with footing even a dime of the bill for this debacle. BP has to be fully responsible for the full cost of plugging the leak, cleaning up the spill, and making every person, every business who is harmed whole again. I appreciate the fact that today there was discussion about \$20 billion being put in escrow that can be drawn down for businesses and local groups that have to clean up this mess to pay for it, but this may play out for a generation. Let me repeat myself: BP is responsible for the full cost down to the last dime.

In Florida, we have always been concerned about offshore drilling because we have a multibillion-dollar tourism industry that depends on our pristine waters, beautiful beaches, and coral reefs. Right now, every restaurant owner in places like Deerfield Beach, which is part of my district, every hotel worker in West Palm Beach, every entrepreneur with a small souvenir shop or a fishing charter is concerned and they're holding their breath as to whether this water spill will affect them, affect their businesses, their jobs, and their livelihood. I have seen the fear on their faces, and meeting with them has only strengthened my resolve to make sure we do not leave our children with this terrible fate.

We cannot let another generation pass without making a serious move to not only clean up this mess, but to

make sure that we have a plan in place for other types of energy. The issue with deepwater drilling is not just a question of—of course we need more energy and we need more oil, but to do it in places where there is no plan in place to clean it up for BP or anyone else is unacceptable.

So I think this is also an opportunity to not only clean this up and deal with this issue, but also to recognize this is a moment in time that should be our put-a-man-on-the-Moon moment, or the Manhattan Project, where every American says, you know something? Yes, we're going to have oil and, yes, there are others—there is a lot of natural gas and a lot of opportunities out there, but why not more solar? I live in a State, we call it the Sunshine State. Why aren't we building the jobs and having the types of technology which we're not only creating for Florida, but for the United States and the rest of the world? Whether it's hydrogen or nuclear or any other possibilities, there are lots of opportunities, and we should use this moment as a time to also recognize we shouldn't be dependent on fossil fuels.

So as we look at this historic disaster, we should also look at this as an opportunity for the future. And I believe that now is the time to not only bring the best and the brightest to clean up this mess. It is also an opportunity to bring our best and brightest minds together to end our dependence on foreign oil over the next 10 years and become a world leader in the kind of clean, affordable alternative energy that will create good jobs right here in the United States.

ON THE REPATRIATION OF AMERICAN MANUFACTURING JOBS

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

Mr. WOLF. Madam Speaker, I rise to discuss a critical issue for American families: job creation.

With unemployment still hovering around 10 percent, this country must focus on new and innovative ways to create jobs in America. I believe that we must be aggressive and creative in our approach to job creation. That's why I've been urging both the Federal Government and my home State of Virginia to work to repatriate jobs that are going overseas, to bring them back to America. We must launch a systematic program, led by all the Governors of each State, to identify American companies that are doing business abroad and incentivize the repatriation of jobs back to America. This is necessary and feasible.

Earlier this year, The Wall Street Journal reported that a major American manufacturer, Caterpillar, was considering expanding its manufacturing inside the U.S. rather than overseas. According to the article, repatriation is gaining momentum; and after

a decade of rapid globalization, economists say companies are seeing disadvantages of offshore production, including shipping costs, complicated logistics, and quality issues. Political unrest and theft of intellectual property pose additional risk. I applaud Caterpillar's effort and call on every other American company to follow its lead.

I believe that every American company has a moral obligation to try to create jobs in America. American companies with overseas factories take ample advantage of American law enforcement, the American justice system, and countless other resources provided by the American taxpayer. In doing so, they have an obligation—a burden—to contribute and to support American job creation.

When an American company operating factories overseas needs law enforcement help, they turn to the FBI, not the Chinese secret police. When an American company is the victim of cyberattack or intellectual property theft, they turn to the American Government for support and assistance, not to the Chinese Government, which is spying and stealing from them and arresting Catholic bishops and Protestant pastors. That's why I believe that, if asked, American companies will support their home country in creating new jobs.

Many of the world's largest companies are American, but much of this manufacturing and call-center work has shifted overseas over the last two decades. This trend is fueled primarily by the opening of international markets, cheap labor, and affordable shipping.

Although free trade has yielded significant benefits to our economy and consumers, the U.S. has done a poor job of encouraging domestic manufacturing investment. Now is the time for American companies to reevaluate their business models and return home. Our competitive dollar makes the U.S. an excellent location to export to international markets. Rising oil and gas prices have added to the cost of international air and shipping, which has helped level the playing field for U.S. domestic producers. More importantly, we have a highly skilled and efficient workforce in the U.S. that is ready to help companies start producing at home.

Finally, I believe that a repatriation initiative is important because it focuses the U.S. on competing internationally for these jobs rather than States competing with other States for existing American jobs. Instead, this will lead to net job growth throughout the United States.

Over the last 4 months, I've been urging Secretary of Commerce Locke and other officials in the Department to launch a national repatriation initiative in conjunction with its export initiative. As a result, I will be urging the Appropriations Committee to include language in this year's bill, the 2011

Commerce-Justice-Science bill, to direct the Department to launch such an initiative working with the Governors of this country. I hope the administration and my colleagues in the Congress will embrace this initiative and reach out to large American companies about bringing the jobs home to America. A major repatriation program will allow us to create new jobs, promote U.S. exports, and demonstrate that America can still be a highly competitive manufacturer in a global market.

CALLING ON PRESIDENT OBAMA TO STAND UNEQUIVOCALLY WITH ISRAEL

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

Mr. SMITH of New Jersey. Madam Speaker, I rise today to call on the President to give Israel the unequivocal, robust, and vigorous support it deserves.

Since the May 31 Gaza flotilla incident, Israel has been under media attack, and even in the past few days many articles and international newspapers take a grossly anti-Israel slant. Make no mistake about it, the purpose of the flotilla was to provoke an incident, thereby to set up an international media campaign against Israel. The flotilla was an aggressive and hypocritical attempt to manipulate world public opinion and to isolate Israel. Thankfully, it has not worked in the United States, where Rasmussen polling shows that despite the anti-Israel bias of so much media coverage, less than 20 percent of Americans think that the Israeli Government is to blame for the deaths that resulted from the incident.

Madam Speaker, the facts of the incident were clear within 48 hours, and it's high time our government sent a much more powerful and unambiguous message, that the United States fully supports Israel's action to intercept the flotilla. The administration should emphasize that Israel's action was legal, that it was right, and that the U.S. stands with Israel without any ifs, ands, or buts, or so long as, or any other qualifiers.

It's a matter of record that on May 25 the Israeli Government offered to offload at its port of Ashdod the humanitarian aid the flotilla carried and to have the U.N. personnel deliver it to Gaza. On that same day, the Israeli Government also stated it would not permit the flotilla to break its blockade of Gaza, which is not only legal under international law; but I believe it's also just, given the rampant maritime arms smuggling, the 7,000 rocket attacks Hamas has launched on Israel from Gaza since 2005, and the unlimited aid that can flow to Gaza through proper checkpoints.

Madam Speaker, the Turkish group that organized the flotilla has documented ties to Hamas, which is recognized by the U.S. Department of State

as a foreign terrorist organization. Radicals with ties to other terrorist groups were aboard the ships. The flotilla launch was marked by violent, anti-Semitic rallies. Flotilla participants spoke to al Jazeera of martyrdom and sang *intifada* songs. All this shows the grotesque hypocrisy of those who would portray the flotilla participants as somehow being harmless peace activists. Nothing could be further from the truth.

Madam Speaker, the response of the Israeli Government was extraordinarily restrained and responsible. Israeli troops boarded the ships in the flotilla carrying paint ball guns, but when the crew beat them with iron rods, stabbed and lynched them and threw one of them off the deck, they got the order to defend themselves with their side arms. This, too, was right. Every government permits its troops to defend themselves when they are attacked.

I call on President Obama to give Israel our government's full support and to make unmistakably clear our government's position that Israel, in its response to the Gaza flotilla, was fully in the right. Whether or not the Israeli Government decides to adjust the blockade, our government must make it perfectly clear to all that we will never permit an anti-Israel media campaign to isolate America's most faithful and trusted friend in the Middle East.

□ 1745

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

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

THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION

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

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I take these 5 minutes to speak on a subject that is of utmost importance but that does not regularly get discussed here on the floor, which is the First Amendment to the Constitution, that part of it which deals with freedom of speech—that is, with freedom of political speech.

Now, obviously, the First Amendment of the Constitution does not merely protect political speech, but in the decision by the U.S. Supreme Court, known as *Citizens United vs. Federal Election Commission*, the Supreme Court noted that the First Amendment has its fullest and most urgent application to speech uttered during a campaign for political office.

In other words, they said, if you look at the essence of the First Amendment protection, it goes, first and foremost,

to political speech. They had this in laying the premise for the decision that they came to because the Supreme Court realized that the First Amendment's protection for political speech had been under assault by various pieces of legislation passed by this body, not that it was done for evil purposes or intentionally to undercut the Constitution of the United States; rather, it was done in a good-faith effort to try and deal with political campaigns and with the position of money in political campaigns.

The Supreme Court decided back in the 1970s, in *Buckley vs. Valeo*, that money is speech, meaning that the money you have you can use as you see fit to further your speech. You can print pamphlets; you can buy a megaphone; you can buy a radio ad; you can buy a television ad; you can hire somebody to represent your interest to appear in an ad for you. In other words, the Supreme Court recognized that, in the way that we communicate, oftentimes, it takes the use of money to further that communication.

So they made a decision at that point in time that, by terms of the First Amendment, you could not stop one from using one's money to express one's point of view. Then they went to the point of asking, But how does that apply when you are giving money to a candidate?

In those instances, the Court said that the government might be able to put some restrictions on speech—that is the use of money—but only if it is for the purpose of avoiding the corruption of the process. That is the only basis upon which the government can put some limitations, or parameters, around political speech.

In the *Citizens United* case, they had to decide: As people individually and as associated with others—and the First Amendment talks about freedom of association—what are they allowed to do, permitted to do, protected under the First Amendment, when they expend funds to express a point of view during a period of time that is close to an election?

That is why the Court said that First Amendment freedoms are at their height when the speaker is addressing matters of public policy, politics and governance and has its fullest and most urgent application to speech uttered during a campaign for political office, because that is the point in time when you might have the most influence on your fellow citizens.

Now, what does this have to do with what we are doing here on the floor?

Well, there is a bill that has been introduced, called the DISCLOSE Act—*Democracy is Strengthened by Casting Light on Spending in Elections Act*. We are led to believe by the majority that all this does is promote disclosure. Yet, in fact, what it does under its very terms is chill political speech, so much so that the National Rifle Association came out with a large complaint about the bill, saying that it would have an

undue burden on its operations in expressing itself and would intimidate membership. Now, some people scoffed at it and said, Well, it's the National Rifle Association talking again.

But what happened?

We have found that the majority listening to the National Rifle Association has created a specific exemption for that group and for others similarly situated, but not for others. That is the crux of the question: Do we have a situation in which now we say not only too big to fail but, for some, too big to file?

It is an affront to the First Amendment, and my hope is that we will not bring this bill to the floor, because, of all things, we should be most protective of the speech of our fellow citizens when they engage in political debate.

NATIONAL SECURITY AND DEPENDENCE ON OIL

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

DISCLOSURE

Mr. GARAMENDI. Madam Speaker, I rise today to engage in a colloquy with my colleagues on the Democratic side of the aisle, who will be along shortly, but before I launch into the issue of national security and of our dependence on oil, I would like to just address what my colleague from California was talking about, give an example of why disclosure is important, and would like to recognize the fact that it was the Republican Party mantra for nearly 20 years that the solution to campaign finance reform was disclosure. Now, apparently, they want to stand up and say they don't want disclosure after having, for 20 years, said they want disclosure.

Go figure.

The fact of the matter is, in California, in an election held just 2 weeks ago, disclosure under the State law has played a critical role in stopping Pacific Gas & Electric from ripping off the ratepayers of California and has played a critical role in stopping Mercury Insurance Company from doing the same to their customers.

The California law required disclosure. PG&E spent over \$40 million in, what I think, was blatant, false advertising, and at the bottom of each one of those ads, they had to read, "Paid for by Pacific Gas & Electric." Similarly, with Mercury Insurance Company, the public took one look at those ads, which they saw repeatedly, and said, Oh, that's who's behind it. Well, I'm a "no" vote.

Disclosure works, my Republican colleagues. It's what you wanted for more than 20 years, and now that you're about to get it, you don't want it. Well, I think not.

NATIONAL SECURITY AND DEPENDENCE ON OIL

Let me go to the subject at hand that we are to talk about this evening,

which is really the issue of national security.

For more than 40 years now, America has talked about energy independence, about literally breaking our addiction to oil. America is addicted to oil. We consume more than 25 percent of all the world's oil supply. Yet we have a very small portion of the reserves. We are literally sending overseas \$1 billion a day, with much of it going to countries that are actively supporting people who don't agree with us and people who are actually—well, perhaps—supporting terrorist organizations. Certainly, our national security is dependent upon going after the terrorists, and no one is going to do it more aggressively than the Obama administration, which has increased the antiterrorist activities of this Nation far more than during the Bush period—but back to oil.

If we doubt for a moment that our Nation's security is at risk with the current way in which we produce oil, you only need to take a look at the Gulf of Mexico. In the last 20 years, there have been more than 38 blowouts, none of them as large as what we now see with the Deepwater Horizon situation. Nonetheless, it is, in fact, a common occurrence, which has averaged more than one and a half per year over the last 20 years.

So is it safe?

Well, not so much. We just heard that saying from our Republican colleagues that the moratorium imposed by the President is somehow wrong. Hello? When two Air Force jets crashed within a month several years ago, the United States Air Force did what it calls a "stand-down." They grounded the entire fleet until they found out what was wrong. They corrected the problem and went on their way. That is exactly what President Obama has done. He did a stand-down of additional drilling in the Gulf of Mexico because, hey, there is a problem. This is an extraordinary blowout, one that is now exceeding everybody's estimate. The result: Oil on the beaches, dead birds and, according to *The Wall Street Journal* today, hmm, "Oil Spill Delivers Recovery Setback." This is specifically looking at the real estate industry along the gulf coast. They cite five or six projects here that may be jeopardized because of the oil spill.

This is a national security issue in the sense of how we get our oil, in the sense of our addiction to oil. It is time for us to recognize that. Because we have, in the past, consumed all of the easy oil, we are now going to the most difficult, the most dangerous, and the most risky places in the world, certainly to the deep waters. The Deepwater Horizon blowout is, perhaps, as much as 60,000 barrels a day. This is a very serious problem, and it deserves our attention.

Last night, the President spoke to the problem and committed his administration and this Nation to everything necessary to clean up and to plug the

well. My colleagues on the Republican side mentioned that, just 37 days ago, they started the relief. That's not true. They actually started the relief program on the very day of the blowout. It took a while to get it going, and it is going to take even longer to get it done.

So where are we going to go with this?

I've been joined by a couple of my colleagues today, and I would like to ask my colleague from California, Congresswoman JUDY CHU, to give us her thoughts on this situation.

Ms. CHU. Thank you, Congressman GARAMENDI, and thank you for bringing this very, very important order to the floor tonight.

I would like to focus for a moment on the oil spill and its impact on the victims.

Kim Tran doesn't know how he will pay this month's car insurance, and he has got no idea how he will take care of his mortgage, but what he is most in the dark about is when he will be able to get back in the water and start working again.

Kim is a deckhand on a commercial fishing boat which is stationed near Buras, Louisiana, in Plaquemines Parish. He is part of a close-knit community of Vietnamese and Cambodian shrimpers whom the gulf oil spill has hit particularly hard. Many of them came to the gulf coast in the 1980s as war refugees from Vietnam. They did well. It is estimated that the Vietnamese Americans own between one-third and one-half of all of the fishing vessels on the gulf coast.

After Katrina, they were one of the first groups to rebuild, but figuring out how to recover from the recent man-made disaster has been difficult. You see, for many of these fishermen, language is a barrier as bottomless as the Deepwater Horizon's well. Because English isn't essential for fishing, many have never learned it, so they rely on interpreters to help them cross the language barrier. It takes 14 words to translate the word "dispersant" into Vietnamese—and don't even get me started on what to do with acronyms like "EPA."

So not only have these fishermen lost their normal sources of work, but they have been locked out of the cleanup effort, too. Many have even had problems filing basic claims for lost income. These Vietnamese fishermen are just one group affected by the tragic gulf oil spill. Indeed, this spill has devastated lives up and down the gulf coast. It is the biggest environmental disaster in our Nation's history.

Yet Congress is working hard to repair the damage that has been done. I've joined in the effort to secure \$85 million in emergency funding to assess and respond to damages from the oil spill. This money improves the Federal response and guarantees compensation to out-of-work fishermen, but we know that is not enough.

I am proud also to sponsor a very, very important bill on the Judiciary

Committee. This bill is called the SPILL Act. It fixes our outdated liability laws, and it ensures that we can hold those who caused this spill accountable for the damage that they have done, but we know that's not enough either.

□ 1800

So I've cosponsored the bill to impose a moratorium on new drilling off the western coast of our country. The suspension is a great step forward to ensuring that a disaster like this never happens again. And even then, it's still not enough. Indeed, the only solution to this disaster, the only thing that truly makes sense, is to finally end this country's addiction to oil.

For decades, oil companies and lobbyists killed energy reform to keep their profits. For decades, our dependence on oil has hurt our economy and put the security of our country and our environment at risk. For decades, we knew that offshore drilling was just a disaster waiting to happen. Well, the news is that it has happened. And the Gulf oil spill shows that it's time to take back control of our energy policies—with clean power made right here in America.

We will never be able to undue this spill. As much as we wish it didn't happen, we can't pretend it never did. If we do, Kim Tran's worries about his car and house payments will only be afterthoughts because his town of Buras, and countless others like it along the Gulf Coast, will just disappear. But we will not let that happen.

Join me and make sure that these fishermen, these people, these families haven't suffered in vain. And let's make sure we clean up this spill, hold those who caused it accountable, and make sure it never happens again. Together, we will end our addiction to oil and create a better, cleaner future for our country.

Mr. GARAMENDI. Representative CHU, thank you very much for your statement and also mentioning the end of new oil leases off the West Coast. We call it the West Coast Ocean Protection Act. And it would prohibit new leases off the West Coast of the United States. This is a \$32 billion a year industry along the West Coast—California, Oregon, and Washington—that is dependent upon the pristine nature of that coast. In addition to that, the West Coast has a much different environment than the Gulf of Mexico. It's downright dangerous out there. High waves, high wind, and earthquakes, and a lot of other things that we'd say, Oh, that's not a good place to be drilling.

It's not enough to talk about the West Coast. I see my colleague from New York here, and I know that he, too, along with the residents of New York, are terribly interested in what is happening and in our natural energy policies and our move away from oil.

Congressman TONKO, if you would, please join us.

Mr. TONKO. Representative GARAMENDI, thank you for bringing us

together in this very thoughtful way. It's great to join you and Representative CHU and others who will be participating in this hour of dialogue where we really look in a very laser-sharp, focused way at this very tragic occurrence in the Gulf. Obviously, I think it's important to recognize the commitment made by the President and his administration to make certain that we do everything we can possible to make certain that we stay on this case of cleanup and capping.

Certainly, shutting off that leak of that oil well is incredibly important and the cleanup in that Gulf area that impacts the Gulf States is absolutely essential. And to have the President recognize that we have deployed some 30,000 workers that will be in the midst of that activity, helping, is important; to know that over 5,000 vessels have been solicited and that our National Guard numbers—over 17,500 forces—out there making a difference is important. But let's really look at the some of the situation here.

I really get concerned and joined with some Members in this House to advance correspondence to the BP CEO, stating very clearly with my colleagues that their priorities spoke volumes as to where they rest as a corporation. To have suggested that payments be made to investors as a high priority, be established as a high priority; to suggest that dollars going to marketing go to revamping their image, enhance their image, while we sit there and look for ways to cap this leak, while we continue to make certain that we need resources to clean up the Gulf, that didn't seem to be a very high priority with this company. And so it was, I think, very appropriate for us to respond in very forceful measure to address this strong language in a letter to the organization, to BP management, and state that what you really need to do is re-prioritize to make certain that what comes as the most important, essential bit of work here as you invest dollars—and they best ought to—as you do that, the priority has got to be to cap that leak, to clean up the Gulf, to make certain that we make whole the individuals, the States, the communities that surround that given region; to make certain that businesses are allowed to function again. When we think of the impact on agriculture, on tourism, on the seafood industry, to name a few, the impact on our ecosystem, on the environment, on the wildlife, it is painful to watch the news accounts of this continuing saga of a tragedy. And so their priorities were misplaced and totally insensitive to the needs of people and industries and certainly the wildlife in this given region.

I had stated clearly at a press conference where we aired this letter that it was important for them to not be so concerned about their image but rather deal with the basics. And I said, Before you shore up your image, clean up our shores. I think it's straightforward and

easily understood. That's where I would like to see the priorities. And today, after pressure from the President and many of us in Congress, I think the company has heard the message. They have been given this forceful statement, and they are now responding to the pressure by suggesting they are setting up an account that will respond to some of these needs. They are setting up an account that will deal with the compensation fund for oil workers who are out of work because of the catastrophe.

Now, one can only imagine what would have been the outcome, how much less impacting the outcome would have been, if they had embraced the same order of integrity when it came to the technology they should have utilized with the drilling operation. You know, they asked to go 5,000 feet deeper. They want to drill a mile deeper. But the impact of the damage, without the right technology and discipline and regulation, meant hundreds of miles of spread. From that 1 mile deeper, hundreds of miles of impact because of that lack of integrity.

And so I am here with you this evening in spirit and in voice to say that we need to stay on this dilemma, we need to stay on this catastrophe, until all of the essentials are done—the clean up, the capping, the reforms that are essential—and making certain that the dollars, the resources are coming from the source—the source of the pollution here—in this case, BP.

So, thank you, Representative GARAMENDI, for bringing us together, and it's great to join you and our colleagues here this evening.

Mr. GARAMENDI. Representative TONKO, thank you once again for being both eloquent and right on the target of the issue that's out before us. When you talk about the nature of the spill, this map is a recent one from the US Geological Survey and NOAA—actually, NOAA. And if you look at the size of that spill, it looks like it's getting about the same size as Louisiana itself, and of course, the Gulf Coast along here is seriously threatened and the extraordinary wildlife and habitat of the Mississippi Delta is at risk and already seriously hurt by it.

You mentioned BP—and maybe, maybe, but I'm not convinced that BP has actually gotten the message that their first task is to clean up. Their \$50 million PR campaign, I've seen some of the ads. If they had spent that \$50 million on the proper blowout protector and actually had put in the most modern protection at the well head and not cut the corners, as is becoming increasingly obvious, in the drilling techniques and in securing the well itself, they wouldn't have to be spending multiple billions of dollars cleaning up.

They absolutely must put that money into a trust fund. BP is not to be trusted to adequately distribute that money to the people that have been harmed. So the President is right. Create the trust fund. Put an inde-

pendent party in charge of it and let the money go to those that have been seriously harmed by this, as well as the wildlife and the damages there.

By the way, we really ought to pass a bill to increase the liability limit. And I know that bill will be moving through here.

Joining us from—well, my neighbor in California, Congresswoman BARBARA LEE, who about 2 years ago, you experienced an oil spill on the shores of your district.

Representative LEE, thank you for joining us.

Ms. LEE of California. Yes, Congressman GARAMENDI, we did experience a devastating oil spill 3 years ago, and that's why many of us know from personal experience and from a history of trying to find a way to help our country become energy independent and end this addiction of oil. We have worked on this issue for many, many years. So I am very pleased that you've taken the lead in sponsoring a bill, which I am proud to cosponsor, H.R. 5213, which would really create a ban, mind you. We need more than moratorium. We need a ban on offshore oil and natural gas drilling from platforms in Federal waters, particularly near California, Oregon, and Washington, which your bill addresses. I think what we have seen in the Gulf really explains why we're doing this, first of all, on the West Coast, but this needs to be done nationwide.

The fact is, offshore drilling poses too great a risk to our coastal communities, economies, and our ecosystem. This has been made painfully clear by the recent British Petroleum oil spill disaster in the Gulf of Mexico. Every day, we have seen more and more damage to our Gulf Coast, with really no end in sight. Over the course of weeks, estimates of the damages have risen from, I think it was \$14 billion, now to \$34 billion. Who knows how many billion this is going to end up being. As millions of gallons of oil flow into the Gulf each day, I can't imagine what this will be like in a few months, let alone in the years to come.

Over 50,000 claims have been filed by small businesses for economic losses and thousands more workers have lost their jobs. Every day, new fishing areas are closed off, new coastline is contaminated, and more communities are affected. BP must be held accountable, and they must pay for this tragedy. The fragile ecosystem, which once sustained over 400 species of wildlife, are so ravaged that experts cannot even begin to assess the damage. However, they all agree on this—that the long-term health and environmental effects of this spill will plague the region for generations to come. We cannot continue to put our economy and our environment and the health of our children on the line. We must stop the drilling.

Just a few decades ago, California experienced a similar spill. That oil spill was so toxic and ruinous that it led to the creation of the Environmental Protection Agency and the declaration of

the first Earth day by the Santa Barbara City Council. We understand just how devastating these chemicals can be both to our Nation's ecosystem and to our economy. It's time we start making decisions for our future. This is a terrible, tragic wake-up call. We cannot continue to endanger our natural treasures or economic prosperity for a paltry reward in the form of a decade or so of oil and natural gas protection.

The Deepwater Horizon explosion was really not an isolated incident. According to the Minerals Management Service, there were 38 blowouts, mind you—38—in the Gulf of Mexico between 1992 and 2006. Just yesterday, the CEO of ExxonMobil admitted that when spills happen, we are, "not well-equipped to handle them." I don't know what they do with the billions of profits that they make. But if we aren't prepared, then we really shouldn't be drilling.

Perhaps the greatest tragedy behind the BP oil spill disaster is that it really did not need to happen. Today, we have the power to learn from history and to chart a new path. In order to safeguard the natural beauty, wildlife, and ocean-based economies of California, Oregon, and Washington, Congressman GARAMENDI's bill really does set the standard. We've got to move forward with a permanent moratorium or permanent ban on offshore oil drilling in Federal waters off the West Coast.

The environmental disaster that we're witnessing in the Gulf is a symptom of a much larger problem; that is our perilous dependency, as I said earlier, on, really, dirty fossil fuels. We must work to end that addiction today or really risk sacrificing our environment for the future. The best and most responsible way forward is one in which our coastlines remain free of offshore oil and gas drilling and our demand for fossil fuels is diminished through the use of renewable energy sources and the deployment of energy-efficient technologies.

It's time to take a stand, and it's time to declare that enough is enough. We must be committed to a cleaner, greener future—and that future starts with putting and end to offshore drilling. I think the President is right on point. I think we need to move forward and support Congressman GARAMENDI's bill. And we need to really recognize that the horrific tragedy that we're seeing today is really a sign of what could happen tomorrow, and use this as a defining moment to regroup and to become clearer about our future in terms of our energy independence.

Thank you, again, Congressman GARAMENDI, for your leadership.

□ 1815

Mr. GARAMENDI. Thank you very much, Representative LEE. And thank you for all the work you did dealing with that problem in the San Francisco Bay when the ship hit the bridge. We had our own little spill over there.

I had pulled this placard up with the pictures of the oil and the birds. And I

didn't realize until you started talking about the escalation and the estimate of the amount of oil that spilled—my staff put this together actually about 4 weeks ago—and they said by Father's Day it would be the worst spill ever. At 60,000 barrels, it was actually the worst spill after about the first 3 weeks. So in any case, we have got a real serious problem there.

I notice that I have fortunately been joined by three Representatives from a wide, diverse part of America. From the west coast, in the great metropolitan area of Los Angeles, Congresswoman WATSON, if you would care to join us.

Ms. WATSON. Yes. I want to thank you, Congressman GARAMENDI, for your leadership. As a Californian, I am so proud of the leadership you are taking here. Former Lieutenant Governor, you know our State so well, and your charts are depicting the problems that not only the gulf coast has, but we've had our disasters as well. And I just want the public to understand our commitment.

From day one, the Obama administration has been committed to containing the damage from the BP oil spill and extending to the people of the gulf the help they need to confront what is the worst environmental disaster America has ever faced, and we will continue to fight this spill with everything we have for as long as it takes. That is a commitment that is made from the top and all the way through every level of government. We will make BP pay for the damage that their company has caused our country, and we will do whatever is necessary to help the gulf coast and its people recover from this massive tragedy.

This has already been the largest environmental cleanup effort in our country's history. We now have nearly 30,000 personnel who are working across four States to contain and clean up the oil, thousands of ships and other vessels are responding in the gulf, and the President has authorized a deployment of over 17,000 National Guard members along the coast. And because of these response efforts, millions of gallons of oil have already been removed from the water through burning, skimming and other collection methods. Over 5.5 million feet of boom have been laid across the water to block and absorb the approaching oil. We have approved the construction of new barrier islands in Louisiana to try to stop the oil before it reaches the shore. We're working with the affected States to implement creative approaches to their unique coastlines, and we will offer whatever additional resources and assistance they may need.

Now the President is meeting and has met with the chairman of BP and will inform him—and has—that he is to set aside whatever resources are required to compensate the workers and business owners who have been harmed as a result of his company's recklessness.

This fund will not be controlled by BP, but instead by an independent third party in order to ensure all legitimate claims are paid out in a fair and timely manner.

But we also need to be committed to a long-term plan for restoration that goes beyond responding to the crisis of the moment. So the President has asked the Secretary of the Navy and former Mississippi Governor Ray Mabus to develop a long-term gulf coast restoration plan as soon as possible. And the plan will be designed by States, local communities, tribes, fishermen, businesses, conversationalists, and other gulf residents. And BP will pay for the impact this spill has had on the region.

We also are taking steps to ensure a disaster like this does not happen again, and that's why the President has established a national commission to understand the causes of this disaster and offer recommendations on what additional safety and environmental standards need to be put in place. The President has issued a 6-month moratorium on the deepwater drilling. He is mindful that this creates difficulty for the people who work on these rigs, but for the sake of their safety and for the sake of the entire region, we need to know the facts before we allow deepwater drilling to continue.

And while the President urges the commission to complete its work as quickly as possible, he expects them to do that work thoroughly and impartially. We have already begun to take action at the Minerals Management Service to ensure more effective oversight and end the close relationship between oil companies and the agency that regulates them. The President has asked Michael Bromwich, a former Federal prosecutor and inspector general, to lead this effort and to build an organization that acts as the oil industry's watchdog, not its partner.

So we must look towards the future, Mr. GARAMENDI. We must look at our energy future, and we must get off this addiction to oil. You know, the globe is speaking to us. We've gone too deep this time. And at the core of this Earth there is a lot of static and volatile motion, and we're seeing it bubble up. And when we look around this globe, and we see the volcano explosion in Iceland that grounded planes for weeks, when we look at the earthquake down in Haiti, and we see other effects on the globe natural, we're getting the message.

So we must take action to look at our planet, to notice the environmental tragedies that really underscore the need for this Nation to embrace a clean-energy future. I look forward to having conversations on this floor with all of my colleagues. And with you leading those conversations, we will make plans that will sustain a future for those yet unborn, and that is the purpose of looking towards new energy sources that don't violate the surface of our planet or go down so deep

they disturb the powers underground. I thank you so very much.

Mr. GARAMENDI. Thank you so very much for your eloquent comments on what has happened, what we must do.

I notice that sitting next to you is a Representative from the other side of the American continent, Representative MORAN from the Commonwealth of Virginia.

Mr. MORAN of Virginia. Mr. GARAMENDI, thank you for having this Special Order. We in Virginia—not all of us, but many of us—watch with sadness at what happened to the California shores, and we don't want it repeated in Virginia. Even though the Governor and the Republican Party have pushed and pushed with these silly mantras, Drill, baby, drill, and Drill here, and drill everywhere, we're not going to let it happen. If we had not been diligent, we might have some drilling rigs off the shore of Virginia today, but we don't. And they're not going to go there until there is substantial modification of the industry practices with regard to offshore drilling.

Let's bear in mind that what we are talking about is our Nation's oil. It's not oil that's owned by these oil companies or by the private sector. It's owned by us, the taxpayer. It's public land. It's owned by our children and our grandchildren. And instead of being put to our benefit and their benefit, because of neglect, carelessness, irresponsible decisions, it is destroying the ecology of the gulf and could well destroy the ecology of the Everglades along the Florida shore, and could even go up the east coast. We have no idea how extensive this damage is going to be, nor how expensive it will be to clean it up. But we're now getting an idea of why it happened.

And I would say to the gentleman and to the Speaker that we ought to be mindful, first of all, that this was not under President Obama's watch. It was not under any kind of Democratic policy. It was under the administration of a President who owned an oil drilling company, an oil exploration company, a Vice President who was the CEO of Halliburton, who made money from manufacturing and installing drilling rigs—in fact, continued to own thousands of shares of Halliburton while they made enormous profits not only from drilling rigs but from the wars in Iraq and Afghanistan. So while these two folks sit back, the damage is being inflicted upon people who bore no fault but, in fact, became dependent upon this industry. And our hearts go out not just to those who lost their lives but to those who have lost their livelihoods.

Now, when we trace back how this particular drilling rig exploded, we find that there were a number of points along the way where it could have been avoided. Back in 2003, the Interior Department—the Bush administration's Interior Department—agreed with BP and other oil companies that installing

a \$500,000 acoustical shutoff switch on every offshore rig would be unreasonably expensive, even though such a shutoff switch would have prevented all of this oil from spewing out. Now it's costing BP billions of dollars. It's costing our country billions of dollars in tourism, to the fishing industry, and it's costing the lives of thousands and thousands of people because they cut corners. They weren't even willing to spend \$500,000—a half million dollars on a shutoff switch.

And then they feel badly. They think they are being beaten up on by the Congress. Well, let me share some of the reasons why they've lost their credibility. For one, they started out telling us that it was about 1,000 barrels a day that were leaking. I think the gentleman will remember that. Of course there are 42 gallons in a barrel, which would mean that every day, about 200,000 gallons of oil were being emitted. Well, it wasn't 1,000. Then they went up to 5,000, which means that—well, with 5,000 instead of 42,000 gallons of oil a day, it was 210,000. But the 5,000, even though the scientists at the Minerals Management Service say, We think it's much larger than this, the scientists continued to be ignored. And now we find that every second, 18 gallons of oil is being emitted from this spill.

Now, think about that. Most of us, to fill our tank, the gas tank in our car, it takes about 18 gallons. All of that is going out into the gulf every second, which means that we've got more than 1,000 a minute. We've got 65,000 gallons an hour, and we have 1.6 million gallons every day. It's hard for the mind to comprehend that, but 1.6 million gallons of oil is coming out into the gulf every day. And this has gone on for, what, 50 days.

Now, what has to happen in the future is there needs to be a time-out. No more deepwater drilling until, number one, we have the technology on hand. The Minerals Management Service has been assured that this cannot happen again.

□ 1830

We had a 30-day open window when they had the ability to determine whether permits should be issued. Under the Bush administration, it was automatic. They didn't take any of that time.

But in the future, we need trained personnel. We need tested equipment. We need all of the technology to be on hand. And all of that research that should have been done, it needs to be paid for by the oil companies. The taxpayers shouldn't have to pay for that research. The taxpayers shouldn't have to pay for the training. And the taxpayers, obviously, shouldn't pay for the equipment. All of it needs to be tested because it is the taxpayers' oil. It is the taxpayers' land, and it has been exploited and a lot of people have made billions of dollars by drilling off our land, drilling the oil that really be-

longs to our children and grandchildren.

Well, it is time to put a stop to this. As far as I am concerned, there should be a moratorium until we can assure the American public and our children and grandchildren that this can't happen again because the government is going to be the sheriff in the future. The Obama administration is going to put in the people that care about our environment that are going to regulate this oil drilling and are going to ensure that this kind of catastrophe never happens again because we are not going to show the kind of negligence and greed that drove this situation to occur.

So I thank you, Mr. GARAMENDI. Again, let me conclude by ending where I started, that we feel bad for what happened to California. We feel worse for what is now the worst ecological disaster in the gulf, but we have to make sure that we learn from this and we never, ever let something like this happen again.

Mr. GARAMENDI. Mr. MORAN, how correct you are: never let this happen again. It is not just drill, baby, drill. What we have seen is spill, baby, spill. There have been 38 blowouts in the gulf between 1992 until 2009. You used the words irresponsible actions, corners being cut, and decisions being made that led to this blowout. You mentioned the \$500,000 that could have been spent and should have been spent on an acoustical switch.

I was talking to one of our colleagues here who was a former Federal prosecutor, and the colleague said to me, if there is evidence that two of the BP executives worked together to circumvent a law or regulation, it may very well be criminal conspiracy. To that end, the Obama Justice Department has initiated a criminal probe of BP's actions with regard to this spill. We know that this is not the first time BP has been involved in a serious accident that has cost lives: 11 at this drilling rig; at their refinery in Texas, another large number of employees were both injured and killed. It is time for this industry to get its act together.

I know that the gentleman from New York (Mr. TONKO) has been involved in this for very long. If you would pick this up and carry us for a little while.

Mr. TONKO. Representative GARAMENDI, listening to Representative MORAN from Virginia reminds us of the investment in technology that should accompany this situation. There should have been the checks and balances, and there should have been the investment; as he suggested, a drop-in-the-bucket investment compared to the damages now associated with this catastrophe. I know the people I represent in the 21st Congressional District watch with sadness as they see the news accounts that show us the day-to-day responses with regard to this disaster.

We have heard a lot of talk about alternatives and technology that needs

to be embraced to carry us into a clean energy economy. My region in the capital region of New York State is ripe with that sort of opportunity. It is investing in high-tech opportunities for clean energy jobs, in innovation, energy intellect, energy ideas, energy technology that will enable us to move forward with a progressive agenda.

The fact that we have been held back by slogans and mantras such as “drill, baby, drill” have held back the progress. Even the likes of T. Boone Pickens has said we can’t drill our way out of the energy crises of this country or the world. We need to embrace that new technology. We need to bring about the type of jobs that will allow for a clean energy economy to take hold, and to make certain that we invest in those subsidies that will take us into renewables like utilizing our sun and our wind and our soil and our water to create and respond to the energy generation that we require. I think that is so very important.

Mr. GARAMENDI. If I might interrupt you for a second, well, maybe more than a second.

We prepared a little diagram here, and let’s consider this a quiz for the American public.

Which of these energy sources gets the most Federal subsidies? Would it be solar, maybe the algae, the new technologies of algae-producing fuel? How about wave action? Or maybe it is wind? Or maybe it is the oil industry? Which ones?

Mr. TONKO. I think we are going to have a sad answer there.

Mr. GARAMENDI. I am going to let people ponder that for a few minutes while I turn to the gentleman from California (Mr. FARR) who has been a champion of protecting the ocean for many, many years.

Mr. FARR. Thank you, Congressman GARAMENDI. It was such a pleasure serving with you in the California legislature when we adopted a lot of legislation dealing with handling oil.

Tonight I would like to share with you essentially a tale of two States, States that are both oil-producing States, States that both have offshore oil drilling, and those two States are California and Louisiana.

Mr. Speaker, the comparison here is one that essentially I really want to ask Governor Jindal: Ask not what the Federal Government can do for Louisiana, but what Louisiana should be doing for its own constituency, as California has done for its constituency, knowing that we have an oil economy, somewhat of an oil economy in the State, and certainly an offshore oil economy.

The comparison is this. Both States have an oil response. California has a strong law on oil response. Louisiana has a very weak law on oil response. Why? That is something that Louisiana ought to correct. The California statute has stations throughout California, places to clean up wildlife. It is paid for, it is implemented. It is essen-

tially large, wildlife veterinary hospitals. The one in my district, you could even bring a small whale in there and operate on it. Louisiana has no such network, no such program, and no such allocation of resources.

Another big disability, big difference between the two, liability caps. Louisiana has a cap on liability. California has no cap on damages. Louisiana has a cap on damages. When you and I and our colleague, JACKIE SPEIER, who has joined us here, were all members of the State legislature, I authored legislation that you sponsored to put a strict liability on oil spills in California, a remarkable law. There is strict liability that has no cap on damages under State law.

Louisiana, being a friend of the oil companies, puts caps on damages. They are not asking for that cap right now, they are asking it to be raised.

The big difference number three between California and Louisiana, both offshore oil drilling States, is civil and criminal penalties. California sets up involved civil and criminal penalties, a whole section of law. Louisiana has no civil or criminal penalties.

Louisiana, come on. If you are going to cry now where is the Federal Government when you have a problem, why haven’t you risen to the occasion? California has had that law in place since 1990. Your law was enacted in 1991 with no teeth. It is about time you took responsibility for putting some teeth into your State law.

Lastly, what both States have is a Coastal Zone Management Act created by the Federal Government. There is a nifty provision in that act. It is called consistency provision. What that means is the State can review any proposal to do offshore oil drilling, whether it is in Federal waters or State waters. And as long as you have an adopted plan and that plan can explain why you should condition that oil drilling, or even deny that oil drilling in Federal waters, you have the power at the State level to do that. We in California have used that power and prevented the Federal Government from expanding its offshore oil drilling.

We are going further now with the bill that Mr. GARAMENDI has because we realize that drilling for oil off coast is high risk and low gain. You really don’t get a lot out of it. And the risk we can see in spades from what is happening in the gulf right now.

So Louisiana, don’t cry for what the Federal Government is not doing, cry for yourself as to what you are not doing to help your own constituency, put teeth in the laws that would allow you to deny those offshore oil drilling rigs, to put conditions on those offshore oil drilling rigs, to allow you to have the money to clean up the mess and help the wildlife, to put teeth in the penalties and to raise those caps. So we want to see our coastal States have a strong law. And most of all, we think if you really look at it, we shouldn’t be drilling offshore at all.

Lastly, I want to change the issue because one of it is about money. There is money that comes into the Federal Treasury from offshore oil drilling. It produces \$23.2 billion; \$23.2 billion. Out of that, Congress has authorized the expenditure of about \$5 billion in five programs: American Indian tribes get some of that money; historic preservation gets some of that money; lands and water conservation fund which is essentially land more than water, it is on land not offshore, get some of that money; the reclamation fund gets some of the money; and there are two funds that go back to the States.

But out of the \$23 billion fund, \$5 billion, less than 20 percent, is spent. Where does the rest of it go, into the United States Treasury. And guess what, all of that money made from offshore oil drilling and not a penny spent on the ocean. We have a big source of income that the United States Government can use to start with renewable resources, start investing in the oceans, and create an ocean fund and ocean governance plan so it isn’t chaos at sea, it is a planned, organized, smart way to use the ocean, just like we have learned smart ways to use the land.

I commend you on your bill and on your work, and thank you for inviting me to be here tonight.

Mr. GARAMENDI. Congressman FARR, thank you very much.

I am going to go back and answer the question about where did the Federal subsidies go in just a moment, but I see our colleague, Representative JACKIE SPEIER, arrived with the next generation that is going to have to live with our decisions that we are making right now with regard to climate change and the extraordinary consumption of carbon-based fuels.

Ms. SPEIER. Thank you, Congressman GARAMENDI, and thank you for your leadership in this area and for recognizing the next generation. Marianne Larson will be part of that next generation that is going to be asking the question: Did we do enough?

The question I have tonight that I would like to pose is when will we see enough damage to say enough is enough. How many oil spills do we need before we take decisive action to end our dependence on fossil fuels?

Just last week, probably not heard because we have been focused on the BP oil spill, but last week we saw yet another spill in Salt Lake City, Utah. Any oil spill is one too many, and the era of our planet being constantly contaminated by crude oil must come to an end.

The preventable accident in the gulf claimed 11 lives, tragically, and is now the worst environmental disaster in this country’s history, and the biggest environmental cleanup that we have ever undertaken. It serves as a terrible reminder of our country’s dangerous dependence on foreign oil. As long as we remain addicted to that oil, foreign and domestic, spills are inevitable. The question we have to ask ourselves: How

many more do we want to somehow live with? Live with the damage to our ecosystem, live with the damage to the people that are afflicted by it, the jobs that are lost, the tourism that is lost. They have been with us for over a century, these oil spills, and they will be with us for centuries more unless we break that addiction to oil.

□ 1845

We must replace oil in our energy supply with clean fuel. And it's right here. We have it. We know what it is. You pointed to some of them in that chart. And the stunning figure that I just heard that I would like to share with you tonight, Mr. GARAMENDI, is that, by just retrofitting 75,000 homes in this country, we would save the equivalent of all the oil that has spewed into the gulf by BP. Just retrofitting 75,000 homes.

Now, we have passed in this House legislation, the Home Star bill, which will spur the retrofitting of 3.3 million homes and create over 600,000 jobs. The energy saved from these retrofits, if the Senate passes that measure, would save more than 44 times the wasted energy floating in the gulf and would do so at one-fortieth of the cost.

Mr. GARAMENDI. You know, that's really, really interesting. And if I recall the vote, when that was on the floor, the Republicans voted against that. They didn't vote for one of the most important conservation programs we have that not only would save all that energy, but help each homeowner's utility bill. Go figure.

You mentioned this. We've got to go back here because I've got to answer this question. Please help me with this. Who gets the most subsidies; solar, algae, wave, wind, or oil?

Ms. SPEIER. The answer is?

Mr. GARAMENDI. The answer is oil. If you take a look, 2002 to 2008, where did the subsidies go? Well, the oil industry got over \$70 billion of taxpayer money in direct tax subsidies, \$72 billion. The green renewable energy got \$12.2 billion over that same period of time, 2002 to 2008. And in addition to that, the ethanol industry got \$16.8 billion.

So we really, if we took this money, this subsidy, \$70 billion over a 6-year period and shifted it over to this side, particularly up here to the renewable energy—this is solar, wind, advanced biofuels like algae and the rest—where would we be? Where would that young lady's future be? Renewable energy of all kinds. You shift the subsidies around.

Is that possible? Can we do that? What do you think?

Ms. SPEIER. Of course we can do it. It's all about whether we have the will. We can even allow Big Oil to continue to have some little subsidies, or equalize the subsidies that we are providing there and take that other money, take \$6 billion, retrofit 3.3 million homes in this country, create hundreds upon hundreds of thousands of jobs, and we would be better off.

Mr. GARAMENDI. Duh. Why didn't the Republicans vote for that? It makes eminent sense.

Ms. SPEIER. Well, it's the same reason that they sat in this Chamber a year-and-a-half ago and chanted over and over again, "Drill, baby, drill." It was like a high school football field. And they couldn't say it loud enough or long enough or repeat it often enough.

Mr. GARAMENDI. I wasn't here at that time. I got a special election last November. You are telling me that it was just less than a year ago?

Ms. SPEIER. About 18 months ago.

Mr. GARAMENDI. About 18 months ago they sat here and they said, "Drill, baby, drill"? I heard the same thing tonight. They said, End the moratorium on deepwater drilling. Drill. And I am going, You want another oil spill? Thirty-eight in the last 18 years in the gulf plus this big one. That's not the solution.

The solution lies in moving to a new energy source, the green technologies, the renewable energy, so that it is the sun that gives us the power in the future so that that young lady doesn't have to face the extraordinary impact that climate change will bring. We have to move away from carbon-based fuels.

Would you agree with that?

Ms. SPEIER. Oh, I absolutely agree with that. And I think that we have got to just face some very fundamental facts. If you continue to drill at 18,000 feet, you are asking for trouble.

Mr. GARAMENDI. Let's see, that fellow Murphy was right. Everything that can go wrong will go wrong. And BP didn't plan for what could go wrong. In fact, they ignored it. They put together an application that just ignored the possibility of the worst case. In situations like this, we must force the industry to assume the worst case will happen. We have seen it. No more.

Mr. Speaker, thank you so much for the time. I yield back.

CONGRESS MUST ACT TO DEFEND THE GULF

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

Mr. CARTER. Mr. Speaker, I thank you for this hour. It's going to be an interesting couple of weeks on this issue of this oil spill, because we are going to get two conflicting points of view. I actually heard, I believe, that somehow this oil spill is now George W. Bush's fault. It reminds me of the game, the Kevin Bacon game that your job is no matter what actor or movie you lay out before the public, you have got to bring it back in seven cycles to Kevin Bacon. And it seems that everything that goes on in the United States, that the majority party seems to somehow think whatever goes on in the United

States they can somehow track it back to George W. Bush.

And what I heard was that Mr. Bush had used a drilling rig at some point in his life, and therefore it's Bush's fault that there was a failure, or something to that extent, a failure on this BP drilling rig. It's time to really stop. It's getting a little old for the American public, for them to hear constantly that no matter what goes wrong in the Obama administration it's George W. Bush's fault. I think this is getting a little old and getting a little bit, it seems to be sort of a fantasy that seems to be prevailing.

We have got a great disaster in the gulf, and nobody's denying we have a great disaster in the gulf. Today I heard a man who actually knows something about drilling in the gulf. I haven't heard anyone stand up that has talked on the majority side tonight and said, By the way, I have drilled these, and let me tell you what has happened in the gulf.

But TRENT FRANKS came before us today and showed us what has happened in the gulf—it is very interesting—and why the cap failed that they first started, and why the wells that are being drilled to intersect this well, the relief wells should be successful. And, you know, if you want to know how you do something, you ought to talk to somebody that's actually done it. And TRENT, a Member of this body, has actually done it.

So we will find out, whenever we get this spill stopped, we will find out what happened in the gulf to cause this thing to blow out. And it may be human error. It may be the company's error. It may be shortcuts they took. It may be the inspector's error. It could be just about anybody's error. We don't know.

Now, the truth is we don't have to know yet because the presumption is overwhelming that it's BP's responsibility, and they admit it. It's their responsibility. But blame-gaming is not going to stop the oil from flowing into the gulf. Putting our resources together at every level from every source is part of what you do when you have a national emergency. I don't care whether that national emergency has the name Katrina or Rita or Ike or any of the other names, or Carla or any of the other names of hurricanes that have swept across our gulf and attacked all Gulf States at some point in time, or it has the name—what's the name of this well? I can't even remember anymore. Anyway, just call it the BP well in the Gulf of Mexico that blew out. Blame game's not solving the problem.

What's the problem? When it's the hurricane, the wind's blowing and things are getting torn down, and we need to put our resources together to help the people and the industries that are attacked by that hurricane. Today we have animals, we have sea life, we have wildlife, sea life, human life that is threatened by this BP oil spill.

And our first job, and the job not only of British Petroleum but of those of us who have the responsibility of protecting this country, which would be the President of the United States, the executive department, this Congress, and everybody involved, should have immediately poured massive, massive support into doing something about this oil well and stopping this spill. And we should have done it through the people who have the intelligence and the technology to tell us just exactly what we are dealing with.

I wouldn't recommend you call a great white hunter in Africa to tell him how to put down this oil spill. I wouldn't recommend that you call a surgeon in Brooklyn, New York, and ask him to put down this oil spill. And I wouldn't recommend you talk to a community organizer and ask him how to put down this oil spill. I would recommend that you immediately, when this happened, approach those people who have the expertise to deal with this oil spill and do it. And quite honestly, I think we have to say that the President of the United States told us the buck stops with him, so he's the person who should have started this ball rolling when this whole thing started coming down on us.

I have got a little chart up here, the gulf spill timeline. And we are going to look at that for just a minute to see how well we did in deciding that we were, as a government, going to join the oil and gas industry in coming up with a solution to British Petroleum's disaster that they had created in our blessed Gulf of Mexico. In fact, I think I have the State with the largest amount of Gulf of Mexico coastline of any State in this Union. And it would be close, Florida would be a close second. And they may have more. I don't know. But certainly the State of Texas has a lot. So let's look at this thing for just a second.

April 20, 2010, and today is June 16. So looking back to April 20, the explosion occurred. Eleven people were killed. Right there we knew we had a problem. The first oil leak was officially recognized and revealed by the administration in Washington on April 24. So 4 days later, the administration acknowledged and revealed to us that there was an oil leak.

On April 28, the Secretary of the Interior, Mr. Salazar, traveled down to the BP command center in Houston. April 29, the Homeland Security Secretary Napolitano announced a spill of national significance, and President Obama made his first public remarks about the disaster. That's 9 days after it occurred. April 30, the President deployed his senior administration officials to the gulf region and makes a request for remarks about what's going on, and the Louisiana National Guard was activated to assist. That's a start. That's a first start.

The President visits the gulf on May 2. It looks like 13 days after the event. Cabinet officers briefed the Members of

Congress on May 4 about the seriousness of this event.

□ 1900

May 11, Louisiana requests emergency permission from the Federal Government to dredge barriers to construct berms. Now, when I was about 18 years old, I worked in south Louisiana, and the whole ecology and economy of Louisiana is directly affected by what they call the marshlands. There are literally thousands of people who make their living because the marshlands in Louisiana thrive to be breeding grounds and producing grounds for numerous amounts of seafood products. And in fact, I would venture to say that there's not anybody who eats seafood in the United States, and have done so for any length of time at all in their life, has eaten seafood that was produced as a result of the overall environment of the Louisiana coastal region, which is 99 percent marsh.

Now, marsh is different from the beach. The beach is bad. If you've got a beautiful beach like they had at Pensacola, that gorgeous white sand, or anywhere in Alabama or Mississippi or anywhere in Florida, tar balls on the beach and this nasty sludge coming into the beach is going to be icky and yucky and nasty. And if you get it all over your feet, you have to clean it off with alcohol, and it can burn you and tear you up.

But if that stuff comes into the marsh, it can kill and will kill plant life, animal life, and ocean life.

So when the Governor of Louisiana, who was so unfairly criticized here tonight by the opposition, when the Governor said, look, guys, at least authorize some dredging to put some sand barriers between us, between our marsh and that terrible spill that's headed our direction, and yet it wasn't until the 27th of May that the Federal Government granted Louisiana a partial permission to dredge sand up to build sort of an island-like barrier so maybe that oil will hit the sand and not come in where all the plants and the wildlife and the sea life lives and thrives and functions.

But that was only 27 days too late, and the 28th of May, the President went down on a second visit to the Gulf States, and this is what he told us: The buck stops with me.

I agree with him. The buck stops with the President of the United States, and now we are hearing people scream about a national disaster, which it is, and the President of the United States' job was to lead, and lead means go out and if you have to, roll up your sleeves and suck oil out of the water. You certainly need to get people out there that are taking it seriously enough to follow the instructions of the man on the ground, Governor Jindal, who said it's not a solution, but it sure would help if there's a barrier between us and that oil. And he shouldn't have had to wait for the Federal Government to hem and haw and

say, well, we don't know what that sand island you're going to build is going to do to the overall environment of south Louisiana. What does it matter? The oil is going to come in there and wreck it. So let's just dig up the sand. No, we had to wait.

On the 29th of May, British Petroleum did its top-kill plan to try to stop the oil, and it failed. The 2nd of June, the Obama administration finally approved Louisiana's plan to dredge and tells BP to pay \$360 million for five new berms. The Justice Department announced a criminal investigation into the explosion and the spill. Let's see, that's all of May and 11 days in April when nothing of significance took place.

June 14, the Senate Democrats write BP calling on the company to set up a \$20 billion independent administrative escrow fund to compensate victims of the spill.

June 15, that was yesterday, President Obama makes the Oval Office speech on the oil spill and uses the crisis to push climate change legislation.

And if you heard what our colleagues were talking about in the previous 1 hour before this Congress, they were talking about that we need to have these alternative fuels to replace oil and replace petroleum products, in fact, all carbon products, coal, oil, natural gas. They talked to you about subsidies and other things, but they show you on their chart, and you see this one right here, it is algae, and next year we're going to replace all the energy produced by oil with algae if you will put the resources in algae. No, because it won't.

If you say, look at these wind farms, this is going to replace all the energy we needed to charge our electric cars so we don't even have to run on any kind of petroleum product. And that's all we need is to subsidize that and pour money into it, and it will replace it in the next 2 years. So why am I using the term the next 2 years? Because the President of the United States has put a moratorium on drilling in the gulf, and 17 percent of our consumption on oil and oil products, which includes plastic and other by-products of oil and natural gas, 17 percent of that a year comes from deep-water drilling in the Gulf of Mexico. So, in 2 years, that's 34 percent of our fuel consumption nationwide that's going to have to be accounted for by somebody in some alternative form if we're going to give up on oil and gas.

Are any of the alternatives that are even close to replacing 34 percent of our energy consumption in this country? No. Will there be? Maybe. But the reality is, we get up in the morning, and we start our cars, and we drive to work. And generally we're burning gasoline or diesel, all of which are products of the petroleum industry. And if you're not going to use gas or diesel, then you better hook a sail up to your car and hope the wind is blowing towards work or you're not going to work.

So the reality is, to just cave in on an industry because of a terrible disaster is like saying, oh, my God, a 747 went down with 600 passengers, shut down the air industry for the next 6 months. But here's the reality: The reality is this 6-month shutdown of the Gulf is actually going to be a 5-year shutdown of the Gulf because once they pull those rigs out of the Gulf, we're not going to get them back it's estimated for 3 to 5 years. So the 6-month moratorium in effect shuts down 17 percent of our energy production in this country for 5 years, potentially for 5 years.

It is time to be realistic and say, what's the big problem right now? And it's the oil spill. Why is it a problem? Because oil is floating around on our pristine Gulf of Mexico. It is moving from State to State. It is eventually going to come ashore in someplace, and why aren't we doing everything we can to bring people over here from anywhere that will help and say we'll help?

I'm going to add one more thing. On June 16, President Obama met with BP executives in the White House—that's today—and he got his \$20 billion to go into escrow. But the reality is where have we been, where has our leadership been of this country, the President of the United States and the administration, when this oil was spilling out of that well? Why didn't we answer the phone when the Dutch said 3 days after the spill started, we've got a fleet of skimmers that will come over to help you skim oil? Why didn't we respond? In fact, why didn't we say, world, we help you every chance you ask us to help you, give us a hand; anybody who's got resources that can soak up oil, please bring them to the United States and help us out?

That kind of leadership had to come from the President of the United States, and the waiving of the antique act called the Jones Act had to be done by the President of the United States.

So as we talk about this disaster, let's start by saying what's our real problem? And our real problem is this leaking oil, and we've got to clean it up. Before anything else, we've got to clean it up, but instead, we act to attack the drilling industry and shut down 17 percent of our energy resources a year at a minimum because it's very, very good and popular to attack the oil industry. But in reality, tomorrow morning, when you crank up your engine, say to yourself, what kind of fuel is driving me to work today and where does it come from?

I am very pleased to see that I'm joined by two of my colleagues, and I'm going to call on Mr. MICA from Florida to talk about this very, very disastrous situation and a bill that he has that offers some solutions.

Mr. MICA. Thank you so much. We affectionately refer to the gentleman from Texas as Judge CARTER, but a distinguished Member of Congress, a part of the leadership of the Republican team, and thank you also for coming

tonight before the Congress and the American people, House of Representatives, to review probably what is one of the worst ecological disasters, natural disasters our country has ever experienced, and actually to come here and to review some of the timeline of what has taken place. You've touched on a number of important issues.

First of all, as someone who comes from the State of Florida—we're part of the Gulf Coast—I have to extend our deepest, heartfelt sympathies to those that lost lives, both on the rig, and now we heard today from some of our colleagues, in an extensive review that we participated in on our side of the aisle, from some of those from the adjoining States, how their economy is suffering and how the proposed moratorium that's being arbitrarily imposed may make this disaster even worse. It's hard to imagine it being worse, but again, we empathize with those who have lost lives, who have been injured, and now have seen their livelihood dramatically impaired by this natural disaster.

What we've got to do, though, is we've got to step back. We've got to look at what took place, and then we've got to look at some remedial action. Judge CARTER, gentleman from Texas, raised some excellent points. This is now 60 days, almost two full months, into this disaster that took place on April 20. We have not had the proper response. That's evident.

The gentleman talked about the need to bring skimmers and other craft in. He spoke about waiving the Jones Act, which President Bush did I think in 4 days afterwards. We haven't really called for a waiving of the Jones Act, but we would support it. It probably should have been done. There have been offers of foreign vessels.

I was absolutely dumbfounded; on Saturday, I received an urgent e-mail from those who are involved with American-flagged vessels, one of the leading maritime ship owners, domestically flagged, U.S. flag, who contacted me on Saturday. The message just floored me. Mr. MICA, our industry, American flag industry, doesn't mind waiving the Jones Act. The Jones Act does protect American jobs and American labor. Again it's great to have those flagged vessels. Waiving it is done on rare occasions and in emergencies, as President Bush did.

□ 1915

I was informed that we have flagged Jones Act-compliant vessels, American flag vessels waiting—this particular company, one of the largest maritime companies in the United States, American flag, has been waiting for a call. They've been waiting for a call from the Department of Homeland Security, from the Coast Guard, any Federal agency, or BP, to come in and provide—they have vessels that can help and could be helping in the cleanup even before we exempted vessels, foreign vessels to come in on this, and

we've had an offer of that for some time. So I was shocked.

I sent to Secretary Napolitano yesterday a letter and I outlined the information I got. I lead the Transportation Committee in the House on the Republican side, but I said, Madam Secretary, this is unbelievable that no one has even availed themselves of the American flag vessels who are ready, who have equipment. We should not be endangered in Florida or in other States in having that oil up on our shores. We have the capability that has not even been utilized to date. So this was my letter, my plea to the Secretary, and I'm shocked and disappointed.

The other thing, too, is there seems to be a conflict. Last night, we heard the President say that we have been in charge, he's in charge as the Commander in Chief. Under the Oil Spill Recovery Act that we passed in 1990 after Exxon Valdez, it's pretty clear the chain of command, but Thad Allen, who is in charge of this, former Coast Guard commandant now in charge of the spill cleanup, he said, but we do not have the capability, the United States Government does not have the capability—he said that over and over again, that the private sector has this capability. Here again we have U.S. flag vessels that can do the cleanup haven't gotten a call, still waiting. The Jones Act they could have waived and allowed those who volunteered assistance with skimmers and other equipment, that has not come in.

So while there are folks in this administration who say they're in charge, there is some disconnect here in getting the equipment, getting the resources out there. In fact, the private sector has been in charge, and this is the first time the President has met with these folks. I was dumbfounded, too, today—and I think Judge CARTER was in that meeting and other Members on our side of the aisle—when we heard the gulf coast delegation say they have requested but not yet met with the President of the United States. It's hard to believe the President would not meet with the elected Representatives of the gulf coast States to sit down.

And then time and again we heard in the review that took place today of requests, simple requests for berms to stop the oil coming into the marshes, simple requests to act now, sooner rather than later. And we've seen the results of now that oil is making its way towards the Florida shores and doing even more damage. So if in fact the President is in charge, we need to free these vessels, employ every means possible to keep this disaster from going further.

One other thing I disagree with the President on. I know it's important to act, and he did act in imposing a moratorium, but I think what they've got to do—and I believe he revised that moratorium to not affect the 3,500 shallow water drilling sites, but it is closing

down the deepwater drilling sites. Some of those are exploration sites. In fact, they probably should be closed until we have assurances that future deepwater drilling can be done. My point here is that by closing all of them down with a blanket moratorium, we are putting more people out of work, taking a horrible situation and making it worse. We will have even more people unemployed.

So I think the logical, reasonable approach would be to send inspectors in, hire, retain whatever we need, or if they have government officials to go in and see that the deepwater drilling that is taking place where they actually have the well in production—which I think is about half of the approximately 30 deepwater wells that are out there. We don't want to make the situation worse economically for those that have lost their job, seeing their business close down or, again, see thousands of people put out of work by the wrong approach.

So a reasonable approach. First, we get every piece of equipment, whether it's U.S. or foreign flag, there. This can be cleaned up. This is a doable job with U.S. vessels that have been waiting to hear that call from the administration. And then secondly, let's also be reasonable in the moratorium. I have been a strong advocate of keeping the U.S. independent and free as much as we could, drill where it's safe. My State of Florida I helped on a 100-mile setoff years and years ago. I thought that was reasonable. But you know, it may or may not make a difference because this was only 45 miles off the coast of Louisiana, as we see.

The other thing we need to do is have a good backup system. We shouldn't be rubber-stamping approvals of any company, whether it's BP or anyone else. BP, in February of 2009, gave this—and this is a copy of it—this is the plan for their exploring that site and their doing an exploration well, a development well. This plan was submitted in March of 2009, over a year ago, and this is the one-page approval. I got a copy of this before our Transportation Committee hearing just before it took place. This is the one-page, *carte blanche* approval. I don't think some of the people in the Minerals Management Service even read this 59-page request. And we've heard hearings lately as to the failures of BP to outline a good, solid proposal.

This proposal is the basic plan for drilling that BP submitted. It also refers to a much bigger document, and that's the actual 500-plus-page document that details all of the spill cleanup procedures that BP would employ. That was also rubber-stamped with this approval, this one-page approval. So this was done by the Obama administration with people sleeping at the switch or not paying attention.

What's shocking, and I heard former-Governor Palin telling the country this—and people should listen to Governor Palin on this—Sarah Palin, when

she was the Governor, she was tough on the oil companies. No one passed anything by her. She cracked down on them, made sure they towed the line. And what was interesting is Governor Palin told what they did is, she said this never would have happened, this kind of approval, in her State because there would have been more scrutiny.

The plan that BP offered, in addition to this 59 pages of the 500 cleanup plan, it looks like BP merely mirrored the Alaska plan; in fact, it told how they were going to deal with cleaning up walruses, seals and polar bears, none of which I've seen in the Gulf of Mexico. So, again, the Minerals Management Service was asleep at the switch.

What's finally startling is two things: one, I had our Transportation Infrastructure Committee get a copy of the President's budget. This is the Obama budget—not doctored or anything. I have the exact pages and cover copy of the budget. And in February of this year, before this oil spill, the President submitted a budget to our T&I Committee, Transportation and Infrastructure, that oversees the Coast Guard to slash the Coast Guard, our first responders, by 1,100 positions. In addition, he wanted to decommission and take out of service ships, helicopters, aircraft, all which are necessary for our first responders.

I remember when FRANK LOBIONDO, who is my ranking member on the Coast Guard Committee within our Transportation Committee, when we heard about this, we sent out this press release—this was in February, after the President had recommended cutting our first responders. We said—well, we said it's outrageous, but we said this is a recipe for disaster. This is dated February 25, after we got this. Then startling in this also, if you look a little bit further in the budget—not under our purview, but our staff found this—that the Minerals Management Service that the President talked about last night and how we need to clean that up and everything, in his budget that he proposed to Congress, he proposed slashing the Environmental Review Agency within that, or activities within that, agency by \$2 million; pretty dramatic cut for someone who has to review, again, what the private sector submits, their plan, slashing that plan. I thought this was just unbelievable.

And finally—this is in February. In March, the President came out—and this is the story in *The New York Times*—and said that we have to increase drilling in the gulf. This is it. I didn't make it up. It's *The New York Times*: "Obama to open offshore areas to oil drilling"—and it says right here, the gulf. So first he's slashing first responders, then he's next proposing slashing the agency that does the environmental reviews. The review, again, the oil companies present that to the Minerals Management Service, they review it—I showed you the rubber stamp, April 6, that they approved it.

And then finally, again, the main thing now is cleaning this mess up.

And we've got to employ everyone we can, every piece of equipment, be it domestic or foreign, keep that from coming in.

This is a doable job. When Governors ask to take steps, the solution doesn't need to be caught up for weeks in approvals from agencies. It shouldn't be why we can't do something. It should be, how can we get this accomplished? We've got people around the coast whose livelihood now depends on this. We can't let this disaster that's already done great damage to our economy—we have incredible loss of life that we've seen, and, again, we empathize with those who have lost loved ones in this tragedy, but we can't make a horrible tragedy even worse. So reasonableness on this approach.

I thank Judge CARTER, my colleague, the gentleman from Texas. I see we also have another outstanding member of our Transportation and Infrastructure Committee, Mr. OLSON, also a gentleman from Texas. I thank you for coming out tonight, sharing with the Congress, the House of Representatives and our colleagues, some of the facts and information that need to get out to the public so that we can get this mess behind us. Thank you so much, and I yield back.

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Mr. CARTER. Before you yield back, would you tell us a little bit about your Oil Spill Liability Trust Fund Improvement Act that you have proposed.

Mr. MICA. Well, I will tell you right now that we are open to suggestions. We are looking at trying to be reasonable in whatever we do. To just impose unlimited caps on liability could be a very serious and damaging measure.

First of all, let me say I believe that BP must be held accountable, fully accountable. Certainly, that company has the resources. They must be responsible for the cleanup. Even though there is a limit under the current 1990 statute of \$75 million, they must be held accountable, far beyond that, for economic damages.

What we don't want to see is that we make the terms for liability so high that only a few multinational corporations will ever be in the oil business. Small producers in Texas and throughout the gulf—there are thousands of people in business—do a good job day in and day out. 3,500 of 3,600, I believe, active rigs in the gulf are in shallow water, but they shouldn't be penalized by the failure of government or by the failure of a big corporation. Let's hold their feet to the fire.

So we are going to work with the Democrats. We are going to work with the administration. We are going to try to craft something that is fair and reasonable, that holds people accountable and that holds their feet to the fire.

The current fund that we have shouldn't be just a slush fund or front financing of the cleanup for BP or for any big company. That was actually set up for orphan spills or for a company that may not have the assets but

that was responsible for a spill. We want that fund to continue to work, and we may need to put more funds in it to make certain that we have coverage for the future. Again, what we don't want to do is put in place insurance and liability limits that are so high that very few people can meet those requirements.

So we are crafting that legislation. We want to do it in a bipartisan manner. The law does need to be altered. We should learn, and we should benefit by this horrible experience, and we should make it better and make certain that it doesn't happen again.

Again, thank you for your leadership and for asking me to participate tonight.

Mr. CARTER. I thank the gentleman for what he has had to say.

I want to tell you that my wife is Dutch, so I took a little offense at the fact that we had an offer of help of a fleet of skimmers from the Dutch. It is my understanding we gave no response. Maybe that's different. I don't know. All I know is that I'm like Will Rogers. All I know is what I read in the newspapers. Now I'm even more upset since I've found out we have American-flagged ships waiting in the harbor ready to help, and nobody has asked for their help. The leadership that runs this country, the executive branch of the government, ought to be ashamed of themselves.

Mr. MICA. Will the gentleman yield?

Mr. CARTER. I yield back.

Mr. MICA. In conclusion, I do want to say that I work very closely with Mr. OBERSTAR, the Democrat chair of the T&I Committee. When we found out that the \$1.6 billion fund has a \$150 million cap for emergency use, we came together last week. I offered legislation specifically to deal with that. Again, we have to act in a responsible manner for the country. We passed that. The House concurred with us. We have provided some temporary relief.

Again, I'm not going to let the \$1.6 billion or the \$150 million be a piggy bank for BP or for any responsible parties, but we want to make certain that all of the resources are there on an emergency basis to the administration, to the Coast Guard, to whomever, so no one can say that Congress didn't act in a timely fashion. We were alerted that some of the funds were running low in that emergency portion of the \$1.6 billion, which is put out in advance.

So I talked a little bit before about the legislation we are looking at on liability caps, and that is what we have done in a bipartisan fashion today. We did that, and we are prepared to do even more on the caps, whatever it takes and whatever resources and assets of the government and of the private sector we can bring to bear to bring this horrible disaster under control.

Thank you again for your leadership, both of our Texas Members—Mr. CARTER and Mr. OLSON.

Mr. CARTER. In reclaiming my time, let me say right off that I am very,

very proud to be part of a Congress that instantly reacts to a crisis situation. Mr. OBERSTAR should be commended for that reaction. That is what we are asking for the entire government to do. Let's react positively. Let's work as a team. Let's quit blaming previous administrations. Let's do the job to clean this mess up.

I thank you very much.

My good friend from Texas lives in the heart of All Country USA. Houston, Texas, is, to my way of thinking, the center of the universe for the oil industry, and my good friend PETE OLSON is one of the members of our Houston delegation who is very knowledgeable in this area. He has some legislation, and there may be other things that he wishes to talk about, so I yield to my friend PETE OLSON, the Member from Sugar Land and all points south, to talk to us about how he feels about what is going on today.

Mr. OLSON. Well, thank you for hosting this Special Order tonight on such a critically important issue for the American people.

I would like to thank my colleague from Florida for coming by and for giving his perspectives on how this disaster is affecting Florida.

I'm going to have a theme tonight, Judge. I was in the Navy for 10 years—a naval officer. We're trained to lead. I mean, in my aircraft, I was a crew of 12—five officers, seven enlisted folks. I was the patrol plane commander, so those 11 individuals depended upon me to take them out, to do the mission, and to come back home safely. To sum it up in two words, the philosophy is "leaders lead." Well, guess what? We are not seeing leadership out of Washington.

We've had a very difficult situation. We've had the largest oil spill in American history, and there are thousands of jobs affected by it already: the food processing industry; the fishing industry across the coasts of Louisiana, Mississippi, and Alabama; the tourist industry. We're hitting the summer season. This is when people go on vacations. We're past Memorial Day. From what I hear, the hotels are about half full. It has had a significant impact on the people of the gulf coast.

Yet what does the administration do? Do they lead? No. Again, in a knee-jerk reaction to this terrible tragedy, they imposed a 6-month moratorium on deepwater drilling—all of it stopped. Again, it's a disaster for our economy and for our Nation. Let me go over some of the specifics with you as I know my good friend knows.

There are 150,000 jobs that are going to be lost because of this moratorium. That's 1½ times my hometown of Sugar Land, which the judge mentioned. That's like wiping out Sugar Land and going down to Rosenberg or Richmond and taking them off the map. This is 150,000 jobs.

There are 33 rigs currently out there. I've talked to a constituent in my district who has an ownership interest in two of those rigs.

I asked him last week, How long can you hang out?

He said, Three weeks max.

How much is it costing you?

Well, the rigs are a little different. One's down around \$500,000 a day. The other one is at \$1 million a day. \$1 million.

If this baby goes on, if this moratorium goes on for 6 months, that is going to be \$180 million that that company is going to just have to absorb. Yet you know what they're going to do. Guess what? They're going. They're going overseas. He has been talked to. My constituent has been talked to, and he has had interest from Australia, from Brazil, from western Africa, and from eastern Africa already. He is considering their options very seriously because he can't afford to be paying \$500,000 or \$1 million per day as long as this moratorium goes on. This is going to have a devastating effect on our domestic production of energy.

One of the great problems we have in America—and it is something we should have fixed years ago—is our dependence on foreign oil. We all remember 1979 when the Shah fell, when Iran was taken over by the Ayatollah Khomeini and when the Arab world cut off our fuel supply. I was a 16-year-old in Houston, Texas, and I had just gotten my driver's license. So my job was to take the car up when it got down to about a quarter of a tank of gas. I'd take it up and get in that gas line depending on what the last number of my license plate was—odd or even on an odd or even day—and I loved it. I was standing there with my radio and with my window rolled down. Now that I'm an adult, I realize what a disaster that was. It's not gone. I mean it's still out there today.

As the judge knows, we've got serious challenges in the Middle East. I mean Mr. Ahmadinejad in Iran is scary. I mean he is trying to get a nuclear weapon. He was here in our country a couple of weeks ago at the United Nations. He sat down with George Stephanopoulos and literally—this is the leader of Iran—told him that Osama bin Laden is here in Washington, D.C. Let me say that again. Judge, I think Osama bin Laden is here in Washington, D.C. This guy is trying to get some nuclear weapons. He certainly has some oil, and he has friends out there—the Saudis and others—who would cut him off if something happens.

What has happened, as you know, too, Judge, just as well, is that this administration has hurt our relationship with our great ally Israel. In 18 months, our relationship with Israel has gone from being one of our strongest allies to someone the world looks at and asks, Is the United States really with them? That has created another dangerous situation where countries out there are going to start taking chances and taking shots at our best friend. Again, what happens at the end of the day if we stand up for Israel?

Maybe we get another oil embargo. We can't afford that. Yet this administration's actions by imposing this 6-month moratorium on deepwater drilling in the gulf are going to help that cause.

I don't know where to start sometimes. As my colleagues have mentioned, we introduced a bill yesterday, a very simple bill. It's one page—half a page. It basically says, Let's end the moratorium, Mr. President. We had a meeting today with Mr. Salazar. The Secretary of the Interior came over today.

I asked him, Do you believe that you were given all of the accurate analysis on the economic impact of this moratorium on deepwater drilling? Did you know all of the facts? Did you know that 150,000 Americans are going to lose their jobs and that those rigs in the gulf are most likely going to go overseas and start developing oil in foreign nations? They're not coming back any time soon.

It's a minimum—a minimum from what I've heard from the people in my district—of 5 years before those rigs will even consider coming back because they will have paid all that money to go over there. They're going to sit there. They're going to make money. They're going to decrease our national reserves here in America, and they're going to increase our dependence on foreign oil.

Again, Judge, leaders lead. What has the administration done?

Well, you know, as you talked about earlier, Governor Jindal asked for some sand, for about 24 miles of sand to place in between some of the marshlands that were going to be impacted by the oil spill. It took our government 3 weeks to approve that.

Why? Why? he asked.

Well, we had to do some studies. You know, the Environmental Protection Agency had to look and make sure that, if we put that sand in front of the berms, we weren't going to do some things to hurt the birds and the wildlife behind that.

You're going to hurt the wildlife behind that, and you're going to damage those birds when that oil gets in there. Put the sand up. Prevent that from happening. Let's deal with that problem. Amazing.

The Jones Act. You talked about that. We've got great allies out there who want to help us, who have come to us and who have said, Please, we can help you. What did we do? No thanks. We've got this law that requires American unions, our unions, to man the ships. We don't need your help.

Katrina, 2005. President Bush was asked, you know, to waive the Jones Act. He stepped up and did it. Why? Because it was right for America. He was focused on the problem, which was help Louisiana and New Orleans recover from that hurricane.

The problem here is real simple, Judge. We've got oil spewing out of a hole in the Gulf of Mexico. We need to

focus on that. That's the problem, and the administration is not focused on that. Again, leaders lead.

What do we see out of the White House today? Coerced British Petroleum to a \$20 billion slush fund, a privately funded slush fund for government to use and spend as they see fit. Now, BP has made some mistakes, and the investigation is not complete, but there is a lot of evidence and indication that they have made some mistakes, have cut some corners and have done things that haven't been consistent with standard operating procedure.

□ 1945

And they should agree to reimburse the Americans who have been affected by that.

But for the government to force upon them a \$20 million concession that the government's going to handle and dole out as they see fit is just not what's in our country's interest. We see what this administration has done if we give them large amounts of money. The first big vote I had as a Member of Congress, almost \$900 billion in economic stimulus package. Guess what? Has it stimulated the economy like the administration, like the President, said it would? Has it kept our job rate below 8 percent; our unemployment rate? No. We're hovering about 10 percent. What do we spend it on? You know the answer to that, Judge. Two-thirds of the money has been spent on public sector jobs and one-third on private sector jobs. I'd submit—and this isn't taking much of a chance—that's not how you grow an economy. And yet the administration has now coerced British Petroleum to give them \$20 billion as they see fit.

Finally, and I've got the President's speech here, about the last third of it didn't have anything to do with the Gulf of Mexico. It had something to do with a much bigger agenda. He was talking about why this substantiated and justified the administration's pursuit of a hydrocarbon emission law—a cap-and-tax, as we call it up here in the House. I mean, again, why are we talking about this when we've got oil spilling out of the Gulf right now. And the answer is: because the administration has an agenda that doesn't have anything to do with the oil coming out. It has everything to do with changing America, making us uncompetitive in a global market, increasing our costs of energy for every American consumer, and getting a big tax increase with all these payments, allotments that the corporations, companies, small businesses across America have to pay. And it's quite frustrating.

I mean, when I go back home, Judge, and I am sure you get this, What's going on in D.C.? And, Who's leading? An the answer is, Nobody is leading right now. Again, leaders lead. And that's why I introduced that law that you mentioned earlier to just repeal the moratorium. Get the American people back working on those wells.

The President, as you recall, met this past week with the families, the families of the 11 rig workers that were killed in the explosion. Many of them, from the press reports, told him, Please, Mr. President, don't do this moratorium. Don't do this to my husband, who most of these people were born and raised in small towns in Louisiana, like Homer, and they planned on living their lives there, raising their children there, raising grandchildren there. And they see what's at stake here. They don't want a moratorium, even though their family members have made the ultimate sacrifice.

It's my hope that the administration listens to the American people, looks at the numbers of 150,000 jobs that are going to be lost. Just the fact that we're going to lose all of our—most of our domestic offshore production of oil, and we're going to take that overseas to foreign nations. And one other thing is the second largest income tax source for the Federal Government is offshore drilling. About \$6 billion a year, bye-bye. It's just incredibly frustrating as a freshman Member of Congress that we're going through this, Judge. We need to fight to make sure that this moratorium is repealed, because it's in America's best interest.

Mr. CARTER. Reclaiming my time for a moment, I asked TRENT FRANK, who is an experienced offshore driller, as we all know. I said, TRENT, what kind of salaries do these guys make? He said, The ordinary laborer—which in my day, at least, we used to call those guys roughnecks or roustabouts—\$60 an hour. And the high-tech guys, the guys that can drive a drill bit down 5,000 feet under the water and another multithousands of feet and hit a 12-inch hole where this oil is coming out of, with that kind of skill, they're paid a lot more.

Now the question I would have for the administration, if you take the drilling away and all those people are looking for a job to replace that income, where is the guy who developed his skills through experience at the low-paying job on a well? So maybe he's got a high school education, and he learned his job on the job. Where is he going to find \$60 an hour to support his family on? It doesn't exist.

Mr. OLSON. Will the gentleman yield?

Mr. CARTER. I yield.

Mr. OLSON. Judge, I think the President gave us the answer to your question there. In his speech yesterday, this is what he said. "Already, I have issued a 6-month moratorium on deepwater drilling. I know this creates difficulty for the people who work on these rigs, but for the sake of safety and for the sake of the entire region, we need to know the facts before we allow deepwater drilling to continue."

Mr. CARTER. Reclaiming my time, in wrapping this up, there's a lot of things that the Republicans—we get accused of an awful lot of things around here. We're going to ignore

those accusations. Mr. BLUNT has a bill. The Oil Spill Response and Assistance Act, by Mr. ROY BLUNT from Missouri, H.R. 5336, requires the Secretary of Energy to develop and deploy technology for the use in the event of breach or explosion at or at a significant discharge of oil from a deepwater port, offshore facility, or tank vessel, including caps, fireproof booms, remote-operated submersibles, 24-hour response time, double liability limits for oil companies.

Mr. BLUNT is addressing the issue. Mr. SCHOCK has an Offshore Safety and Response. We have legislation. Let's do our job. And let's continue. Let's end that moratorium and continue to drill. And be safe.

FEDERAL GOVERNMENT'S RESPONSE TO THE OIL SPILL

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

Mr. GOHMERT. Thank you, Mr. Speaker. I want to follow up on what my friends were discussing because this oil spill is so important. And when our colleagues across the aisle control the White House, the Senate, the House of Representatives, the most we can do is use this honored place here to bring out some points so that, hopefully, America will respond, let their Members of Congress know what can be done, what should be done, and why. And then perhaps we will get the appropriate action from the majority.

But I know there have been a lot of people that have been perplexed over the President waiting for so long to sit down with the chairman of British Petroleum. I know our President has said he has been involved and been in control and been in charge since day one. We have heard that over and over. And I know my colleague, former Judge CARTER, like me—maybe it's the judge in us—but even though the President has said he wasn't going to believe—something like he wasn't going to be able to believe whatever he said, so he didn't even meet with him. Well, as my fellow former judge knows, the best way to find out if you can believe them is bring them. Look them in the eye. Ask them questions. Find out if their answers are credible. Find out by the questions you ask whether they make sense, whether they're conflicting. And you find out whether you can trust somebody just by getting them in and talking to them. To make the statement that, for whatever reason, but if it was you can't trust what he says, then get him in and talk to him, for heaven's sake. I guess if you're used to condemning police officers before you know the facts, then, as we know from court cases, the best indication of future activity is often past history. It needs to rise to the level of being habit. But we're beginning to see a pattern developed here.

But many have wondered, Why was the President easy on British Petroleum for so long? Lately, he talked about kicking rear ends and all this stuff, but this is over a month and a half later. So I was very interested in this article, apparently from the Washington Examiner. And the K Street Column appears on Wednesday by Timothy Carney. I'm just going to read the article because I found this very interesting and helped give me some insight into this relationship with British Petroleum.

But the article says, "As British Petroleum's Deepwater Horizon oil rig was sinking on April 22, Senator John Kerry, Democrat of Massachusetts, was on the phone with allies in his push for climate legislation, telling them he would soon roll out the Senate climate bill with the support of the utility industry and three oil companies, including BP, according to the Washington Post."

Let me explain here why this is called climate legislation. In the last couple of years, it became clear that there was significant evidence to indicate that global warming was not occurring. We've had indication one of the heads of the movement that is claiming it was, actually admits there has been no evidence that the planet has been warming since 1995. And the evidence has been the last few years it is probably cooling. I read an article in the wee hours this morning that South Africa is getting the first snow in decades.

So, anyway, but apparently, the global warming movement realized this was a problem. And I read another article sometime back around this time that indicated, you know what? We've been saying carbon dioxide trapped the warmth in, but it may be, since the planet may be cooling, maybe it makes the Sun's rays bounce off the carbon dioxide. And so maybe CO₂ is to blame for the cooling. So they realize if the planet is cooling, and you want to blame CO₂, you're going to have to change the name, because global warming doesn't work if the climate is actually getting cooler. So they have started calling it climate legislation rather than global warming legislation. So that's why it's referred to this way, and that's why senators like Senator KERRY down the hall are referring to it as climate legislation.

But, anyway, going back to the article, it says, "Kerry never got to have his photo op with BP Chief Executive Tony Hayward and other regulation-friendly corporate chieftains. Within days, Republican cosponsor Lindsey Graham, Republican from South Carolina, repudiated the bill following a spat about immigration, and Democrats went back to the drawing board. But the Kerry-British Petroleum alliance for an energy bill that included a cap-and-trade scheme for greenhouse gasses pokes a hole in a favorite claim of President Obama and his allies in the media that BP's lobbyists have

fought fiercely to be left alone. Lobbying records show that BP is no free-market crusader but instead a close friend of Big Government whenever it serves the company's bottom line. While BP has resisted some government intervention, it has lobbied for tax hikes, greenhouse gas restraints, the stimulus bill, the Wall Street bailout, the subsidies for oil pipelines, solar panels, natural gas and biofuels."

The article continues on, "Now that BP's oil rig has caused the biggest environmental disaster in American history, the left is pulling the same bogus trick it did with Enron and AIG. Whenever a company earns universal ire, declare it the poster boy for the free market. As Democrats fight to advance climate change policies," AKA global warming when it's not warming. Back to the article, "they are resorting to the misleading tactics they used in their health care and finance report: posing as the scourges of the special interest and tarring reform opponents as the stooges of big business. Expect BP to be public enemy number one in the climate debate. There's a problem. BP was a founding member of the U.S. Climate Action Partnership, a lobby dedicated to passing a cap-and-trade bill. As the Nation's largest producer of natural gas, BP saw many ways to profit from climate legislation, notably by persuading Congress to provide subsidies to coal-fired power plants that switch to gas. In February, BP quit the United States Climate Action Partnership without giving much of a reason beyond saying the company could lobby more effectively on its own than in a coalition that is increasingly dominated by power companies. They made out particularly well in the House climate bill, while natural gas producers suffer."

□ 2000

And I am still reading from the article: "But 2 months later, BP signed off on Kerry's Senate climate bill, which was hardly a capitalist concoction. One provision BP explicitly backed, according to Congressional Quarterly and other media reports: a higher gas tax. The money would be earmarked for building more highways, thus inducing more driving and more gasoline consumption.

"Elsewhere in the green arena, BP has lobbied for and profited from subsidies for biofuels and solar energy, two products that cannot break even without government support. Lobbying records show the company backing solar subsidies including Federal funding for solar research. The U.S. Export-Import Bank, a Federal agency, is currently financing a BP solar energy project in Argentina.

"Export-Import has also put up taxpayer cash to finance construction of the 1,094-mile Baku-Tbilisi-Ceyhan pipeline carrying oil from the Caspian Sea to Ceyhan, Turkey—again, profiting BP. Lobbying records also show BP lobbying on Obama's stimulus bill

and Bush's Wall Street bailout. You can guess the oil giant wasn't in league with the Cato Institute or Ron Paul on those."

Continuing to read from the article, the last couple of paragraphs: "BP has more Democratic lobbyists than Republicans. It employs the Podesta Group, cofounded by John Podesta, Obama's transition director and confidant. Other BP troops on K Street include Michael Berman, a former top aide to Vice President Walter Mondale; Steven Champlin, former executive director of the House Democratic Caucus; and Matthew LaRocco, who worked in Bill Clinton's Interior Department and whose father was a Democratic Congressman. Former Republican staffers, such as Reagan alumnus Ken Duberstein, also lobby for BP, but there's no truth to Democratic portrayals of the oil company as an arm of the GOP."

Reading the last paragraph: "Two patterns have emerged during Obama's Presidency: 1) Big business increasingly seeks profits through more government, and 2) Obama nonetheless paints opponents of his intervention as industry shills. BP is just the latest example of this tawdry sleight of hand. Once a government pet, BP now a capitalist tool."

So I would like to yield time to my friend from Round Rock, the Georgetown area, and ask if that makes sense now that you know the full story and perhaps explains why the President was so slow to get after British Petroleum. I yield.

Mr. CARTER. I thank my friend from Texas for yielding. And let me say, that was a real eye-opener. I knew from having read some of the things previously that BP certainly was claiming big green activities both in their ads on television and in other places, and I do remember reading, I believe in the National Journal, some articles about their activities on behalf of climate change. But it didn't really sink in until this very minute when you read this to me. And I am going to bring something up that's a little tongue-in-cheek humor. But I have a question I wanted to ask because now you have talked about the difference between what we talked about, which was global warming and climate change.

When I went to school in Lubbock, Texas, back in the sixties, I remember specifically a day when a bunch of buddies and I went out to play a round of golf. It was 89 or 90 degrees. We were in a pair of golf shirts and Bermuda shorts, and we started out playing a round of golf. Before we got through with nine holes, a dust storm came up, and we could hardly see the ball, and we could hardly hit it. Then it began to rain, and it rained mud for about an hour through the dust storm. Then as the dust seemed to calm and go away, the temperature began to drop, and by the time we got to the club house, the temperature was 20 degrees.

So we had had a climate change from 90 to 20 in a 10-hour period, including a dust storm and rain. And we know that climate change is George W. Bush's fault. Now did he do that? Because that certainly was the most spectacular climate change I have ever seen in my entire life. But, unfortunately, we all know in Texas, we have those climate changes all year long. Is that the Republicans' fault and the Bush administration's fault? Good Lord, where were they in 1964? I think he was probably in junior high school or something. I don't know. What do you think, Mr. GOHMERT?

Mr. GOHMERT. Well, reclaiming my time, it appears that apparently former President George W. Bush must have had an awful lot of activity to have that kind of effect on global warming even back then. But then I find it interesting, because I know my friend recalls seeing the articles as I did. In fact, I recall in college being told that we were probably at the very beginning—some said we absolutely were at the very early stages of a new ice age that would end the world, end all people on the world with ice.

Well, I just didn't believe it because as a Christian, you know, the Bible doesn't teach that the world ends with an ice age, and so I just knew that couldn't be right. But the people all around me were saying, Oh, yeah, we're at the beginning of a new ice age. It's the global cooling. It's going to ultimately have the whole planet frozen solid, and then who knows what life forms will emerge, if any, after the big ice age. Now I remember that, and I remember the discussions and discussing it with classmates and things, and I just could not buy back in the seventies that we were at the beginning of a new ice age.

So I come into this thing a bit skeptical. And as I have said many times, there is an adage here in Washington that no matter how cynical you get, it's never enough to catch up. And this is exactly the kind of thing that makes you see that. It just creates too much cynicism.

Mr. CARTER. If the gentleman will yield for a moment, I would argue that we enhance our cynicism quite a bit by the article that you just read concerning the relationship between the Obama administration, the Democratic Party, and British Petroleum prior to the leak, the massive disaster in the gulf. So you have to be a cynic when you see the kind of "whose blank am I going to kick" attitude out there. And of course everybody knew who we were talking about's blank that was going to get kicked, and that was going to be British Petroleum, as if they were the evil empire, you know, the black knights or whatever you want to call them. When you realize that they were partners on the same piece of legislation that he talked about for at least one-third to almost one-half of the speech that the President made last night to the American people because

the solution to the oil flowing into the gulf is not bringing in the Dutch ships and other ships that have volunteered to come help by awaiting the Jones Act. It's not even releasing American flagships to go out there, which is no violation of the Jones Act.

No. The solution to the oil spill is cap-and-trade, cap-and-tax. Let's see if we can't come up with a whole new tax scheme for the American people. Let's see if we can't drive up the cost of the energy for their homes and for their businesses. Let's see if we can't put the American farmer out of business. Because you talk to a farmer about cap-and-tax, and he will tell you, his food and fertilizer—or the food and fiber he produces and the energy it takes to run his farm equipment is all going to be destroyed by this scheme to make money another way with cap-and-tax programs.

Well, I mean, look at how much money the former Vice President of the United States, Al Gore, has made in participating in cap-and-tax issues in foreign areas, like the European Union. So get back to the oil spill, Mr. President. I yield back.

Mr. GOHMERT. Well, I was just going to mention, former Vice President Gore. He has got a global warming problem of his own now, so I will probably just leave reference to him out entirely. Apparently his planet is warming right now.

But it is interesting, too, when I heard the President talking previously about this cozy relationship between regulators and the Big Oil—here it is back again to the cynicism, and part of it I think is all those days as a judge—you know, it hit me. And I asked my office to check. And sure enough, they found a press release from the Department of Interior dated June 18, 2009, and I'm glad my friend was enlightened, as I was, to find out just how cozy British Petroleum and the White House and the global warming advocates here on Capitol Hill and the White House have been. There is apparently a very cozy relationship, which obviously made it difficult for him to want to condemn BP because they were the oil company that was jumping out there and saying, We support all this global warming stuff.

Well, let me read you this press release. It's from the Department of the Interior. It says, Department of the Interior press release. Date, June 18, 2009. And the headline is, Secretary Salazar Names Sylvia V. Baca Deputy Assistant Secretary for Land and Minerals Management. Minerals Management should ring a bell with what's going on today. And then it has the city, "Washington, D.C.—Secretary of the Interior Ken Salazar today named Sylvia V. Baca, a senior public and private sector manager in energy and environmental policy and programs, as Deputy Assistant Secretary for Land and Minerals Management. The appointment does not require Senate confirmation." Because see, if it required Senate confirmation, as my friend knows, then

they would have been really digging into what she had been doing before.

But anyway, back to the press release from the Department of Interior: "Sylvia brings more than two decades of management experience dealing with natural resource and environmental stewardship issues in both the public and private sectors and at all levels of government. Secretary Salazar said, Sylvia understands the value of partnerships and the dynamics of consensus building on difficult issues, and her professionalism and detailed knowledge of Interior's land and energy responsibilities will make her a valuable member of our leadership team.

"Baca, who currently is general manager for Social Investment Programs and Strategic Partnerships at BP America Inc. in Houston, has held several senior management positions with the company since 2001, focusing on environmental initiatives, overseeing cooperative projects with private and public organizations, developing health, safety, and emergency response programs, and working on climate change, biodiversity, and sustainability objectives.

"As Director of Global Health, Safety, Environment, & Emergency Response for BP Shipping Ltd. in London, Baca led a worldwide team to develop innovative and proactive energy and the environment initiatives. Among her accomplishments, she oversaw health, safety and environmental outcomes for an \$8 billion shipbuilding program, resulting in the youngest, greenest and most technically advanced fleet in the world. The project has received numerous awards for its safety and environmental advancements.

□ 2015

"As vice president for Health, Safety and Environment, BP North America in Los Angeles, Baca served as policy adviser on environmental initiatives, such as climate change, biodiversity, sustainable development, land restoration, and air and water programs. Baca presented BP's Climate Change Program before congressional committees and served as a board member on the California Climate Action Registry, National Resources Council of America, NatureServe, and the University of Colorado Natural Resources School of Law. She developed collaborative partnerships with key constituents, trade associations, regulators, and other stakeholders on environmental legislative and regulatory issues."

It gets better.

"From 1995 to 2001, Baca served as the Assistant Secretary for Land and Minerals Management at the Department of the Interior, where she was the principal policy adviser to the Secretary of the Interior for environmentally responsible stewardship of public lands and resources. She was responsible for the development of national policy and management direc-

tion of the Bureau of Land Management, Minerals Management Service, and Office of Surface Mining Reclamation and Enforcement.

"Among her achievements, Baca formulated consensus-based Federal land and resource management policies and facilitated policy resolution for public land and mineral disputes with competing interest groups. She earlier served as the Deputy Assistant Secretary for Land and Minerals Management, and was the Acting Director of the Bureau of Land Management."

I'm going to stop reading here because what brought her to my attention for the first time I ever heard her name was when the inspector general, who had investigated a few years ago how in the world we ended up on our offshore leases having the price control adjustment language pulled out in 1998 and 1999, he mentioned that Ms. Baca was probably principally in the best position to talk about why it was pulled out.

From the hearing, it certainly appeared that they were informed: We always put this price adjustment language in there. For some reason there were two people, Ms. Baca and another, who were involved apparently in seeing it was pulled out. And it has cost this country's Federal Treasury billions of dollars now that has gone to those who signed those leases in which she or somebody she knew about was pulling the language out regarding the price adjustment.

When I asked the inspector general what Ms. Baca said about this when he questioned her, he said he had never questioned her because she left government service at the end of the Clinton administration and he couldn't talk to her now that she was in private business and in the private sector. I couldn't believe he wouldn't at least give her a call.

Anyway, it turns out that cozy relationship that the President talked about is very real. It was present in the Clinton administration. It left during the Bush administration, but came back in June of 2009 as their own press release from the Department of the Interior indicates.

I yield to my friend.

Mr. CARTER. I want to congratulate my colleague for doing some mighty interesting research. It is good that we laid this kind of research out before this House and before the American public.

One of the things that people get concerned about up here is who is shooting straight. As far as Ms. Baca is concerned, it looks right now like this administration decided to put their money on the wrong horse. When we start talking about Minerals Management, that is starting to ring a bell with the American people because our interesting father and son inspection team that you have talked about on the floor of the House, isn't that part of Minerals Management?

Mr. GOHMERT. It certainly is part of Minerals Management Service. I have

to say, it was a hunch when I heard President Obama talking about the cozy relationship between Big Oil and the regulators. It just hit me, and I sent a message to my staff and said find out where those two people are who the inspector general said were largely responsible or likely responsible for the price adjustment language being pulled out that cost our country billions of dollars while they were there in 1998 and 1999. They came back and said we have a press release that is talking about one of them, and this is the press release that I just have read from.

So it is interesting. There is a cozy relationship between this administration, and it goes beyond this, and I am deeply troubled. I know whether you are in Congress, but especially President of the United States, we rely so much on our staff and those people around us to help us get information, and we often depend on what they give us. That is why I like to see it in print, verified.

But the President said in his speech last night, We are running out of places to drill. Well, yes, because if you go back a year and a half ago you will find this same Secretary Salazar took checks that the government had already received at the end of 2008 for leases in the middle of the United States area and returned the checks and said it was his decision and this administration's decision that they were not going to allow those leases to go forward that were let at the midnight hour as the Bush administration was leaving. That was grossly unfair to what occurred, because the information that some of our folks in natural resources had found was that actually that was a 7-year process. He called it a midnight hour, that is when the checks came in, but no company is just going to rush in and say, Here is a check; I don't know what the land looks like. They have to do some testing, see what they think they might want to offer in the way of a bid. So that was a long 7-year process. And it was terminated.

So when the President says we are running out of places to drill, yeah, I guess so, when you keep declaring all of these areas off limits, on shore, in the shallow gulf, all of these shallow and inland areas. People are not aware, but every time they declare a wilderness area, they put that land off limits to drilling. When they declare a wilderness area like this body has, and it is on the Mexico-Arizona border, that means there is no Border Patrol cars or helicopters or anything that can be on the ground in that area in the wilderness area. So there is probably not a month goes by that we don't declare more and more land unavailable for any mineral production.

Mr. CARTER. That comment about the no vehicles also prevents those who are in charge of enforcing our border from following the drug dealers as they take their caravans of bad product

across the border and into our wilderness area, and that is a serious situation.

Mr. GOHMERT. The people who are coming into the country illegally, obviously they are not worrying about what the laws in the wilderness area are. They can bring mechanical things and let them work there, but the Border Patrol cannot pursue them. Those areas look like roadways, and it is from the illegals coming through the wilderness areas.

I want to mention one other thing. I know our President has said he has been doing everything from day one. He has been in control. He has been in charge, and we are doing absolutely everything we can. But then we find out many weeks after this explosion that actually the Netherlands and other countries have offered their ships, their expertise to come help us. The Netherlands, probably the best nation in the world for building dikes and building sand barriers and things, they volunteered to come over here. The problem is that would violate a union-pushed law back in the 1920s. I believe it was in the 1920s when it came. It says, if it is not an American ship, it can't operate and do the things that the Dutch were willing to do for us.

I am sure the President is just a victim of whoever put that information in his teleprompter, but the fact is that everything has not been done. We had a hearing where we had Coast Guard people, and the people from Louisiana have made clear, they have been trying to do things since it started and they keep being hampered by this administration giving BP the responsibility to make all decisions. That didn't make a lot of sense until you read this article and find out just how cozy that relationship has been between BP and the majority leaders in the Senate and in the Congress and at the White House.

But since I know the President believed, I am sure he wouldn't have said it, believed he is doing everything—actually, Presidents can suspend the Jones Act on their own. I know it was mentioned by my friend from the Houston area, but just to bring the fact home and give some specific information, Hurricane Katrina hit the coast of mainly Louisiana on August 29, 2005. Two days later, on September 1 of 2005, President Bush suspended the Jones Act so foreign ships could come in and assist in the hurricane cleanup. As I understand it, I heard that they were a very good help. They came in immediately, and so we have a track record of foreign countries that can come in and help us. President Bush continued the suspension until September 19, 2005. So 19 days was enough to allow those ships to come in and the foreign equipment to come in and help us clean up the disaster areas there on the coast in 2005.

Now, the process requires signoff from Customs and Border Protection, from Department of Energy, and the Maritime Administration, but that can

be done on an expedited basis and can be done all within 1 day. You could, in fact, give a call if you are President of the United States, you could give a call to Customs and Border Protection, DOE, and Maritime Administration and say, I want this done. If you are not going to do it, I am going to get somebody in your job that will get it done. Do it. Then get it for final signature to me. I will be finishing the 9th hole on the golf course such and such time; get it to me before I start the 10th tee. He could jump out of the cart and sign that Jones Act suspension and not even be interrupted from a round of golf. It could easily have been done all these days ago.

Just like Hurricane Katrina hit on August 29, and just think about this. As incompetent as this administration has repeatedly said the Bush administration was, just think about if an incompetent administration as totally worthless and incompetent as the Bush administration was, could get the Jones Act suspended within 3 days after Hurricane Katrina hitting, just think what these guys could have done. Since they are so much more competent and qualified, think how much quicker they could have done it since it took the Bush administration nearly 3 days.

Mr. CARTER. JOHN MICA from Florida was with us earlier tonight, and he gave us an interesting revelation. There is an American flagship firm with cleanup capabilities that has informed our government they stand ready and willing, if they are asked, to start helping clean up.

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The Jones Act has nothing to do with this. These are American-flagged ships, and they are still waiting for a response from the White House, and you don't have to waive any Jones Act. All you've got to do is say, come on, boys, get in there and start cleaning up. My Lord, if they know how and they've got the equipment, why don't we have anybody on the face of this globe that's willing to do it out there in the Gulf cleaning that water up?

So it really is almost comical. With all the criticism of the Bush administration over Katrina and Rita and some of the hurricanes, natural disasters that occurred, this man-made disaster has had this administration's hands hog-tied for 2 months, and it's a hog tying of their own doing.

Mr. GOHMERT. Well, it makes most of us just furious that BP appears to have gotten in such a hurry that with all the talk and all the help that Senator KERRY and the global warming bill and this administration on global warming and all the bills they were trying to get done, it makes it so outrageous when it appears they got in a hurry, they got sloppy, lots of safety problems. And this thing happens because it devastates not just—the worst tragedy is the loss of life, and then there are at least 17 others that were

severely hurt, and our thoughts and prayers go out to them.

And I know my friend says it's basically almost comical. I know he knows what it is to have personal loss in your life, and I do, including just in the last couple of months losing a brother and a cousin, funeral attended yesterday, and there's nothing like that kind of heartache.

But then the next tragedy is what's being done to this country, what's being done to our ability to be energy independent and to force us to be more dependent on countries that don't like us, that help our enemies. There's tragedies in line behind those, most tragic the loss of life and the injuries and the hurt, but what they have done to our future is also really devastating. And we have got to take a step forward.

And our friend from the Navy, PETE OLSON, made it clear, when you're the leader, you've got to lead; it's not something you can vote "present" on. You've got to take charge. People are looking at you, and I know when I was in the Army, it certainly made an impression on me when a superior commissioned officer got in my face and said, Captain, no decision is a decision, and that's exactly right. No decision for day after day after day after day was a decision not to move forward, not to embarrass British Petroleum because they were being so helpful on the global warming bills, not to embarrass British Petroleum because we've got people in this administration that came straight from BP and helped the Clinton administration, made billions of dollars for the oil companies at the cost of the Federal Treasury back during the Clinton administration. All that coziness that President Obama talked about, we're seeing it here, and it's understandable. He wouldn't want to be too harsh until the country didn't give him any choice on such a close ally on these global warming bills like BP.

I appreciate so much my friend's assistance, but I did want to kind of change gears here and talk a little bit for a few minutes about something very close to my heart, and I know, my friend's heart. He mentioned the words "my Lord" and I know he and I believe in the same Lord, but the book that we're pointed to discusses Israel, our friend and our ally Israel, and it continues to grieve me much to see the way this administration continues to snub Israel.

This episode with the flotilla that was obviously an effort to force Israel's hand because they knew, Israel had made clear, we're going to have to defend ourselves, and that means checking any shipment to see if you're bringing in anything that can be used to blow up more Israelis, into the Gaza Strip. They made it very clear. That was very predictable, because when you study the course of human history and government's history, you know that when the strongest ally of a small country shows the world that there is

space between us and our smaller ally, it is going to induce, many times, their enemies to make a move. This was entirely predictable. You didn't see a flotilla move toward Israel during the Bush administration. They knew there was no space between Israel and this country under President Bush. They see a lot of space, and it is dangerous, and I would just, Mr. Speaker, hope and pray and plead that this would stop.

I have a letter that we're circulating getting signatures on asking the Speaker and Majority Leader REID to please invite Prime Minister Netanyahu to come stand right there at that podium and speak to a Joint Session of Congress so that Iran and all of Israel's enemies will see both sides of the aisle standing and applauding the Prime Minister, the leader of our close ally Israel; so they will know there may be games being played some places around here in Washington, but when push comes to shove, we're going to defend our friend, our ally in Israel.

We have shared belief systems in the value of human life. Both Israel and the United States believe women, for example, are not property, that they're not someone to have honor killings of if you think they've embarrassed your family. They're a country that does not believe that because you practice some other religion, it's okay to kill you. It is a country that believes, as Voltaire and Cicero said, apparently, that I may disagree with what you say, but I will defend to the death your right to say it.

Now I know we're moving away from that, and there are maybe some people in this country, not maybe, there are people in this country that say basically, you disagree with me, I'm not only not going to defend your right to say it, I'm going to get your job taken away from you; I want to take all your assets; I want to kill any chance you will ever have of making a living; I want to embarrass your family. That's some of the stuff we've had, but that's a minority in this country.

Israel has the same belief system in the value of human life that we do, and we should embrace that relationship and make sure that the world knows that that relationship is intact and that, if necessary to defend itself—I have this resolution, and we're circulating that. We're getting lots of signatures on that from Members of Congress. I'm hoping more and more Members of Congress will be signing on so that we can get this bill to the floor and the Speaker will feel pressured by people's reactions, pushing on their Representatives and their Senators to get them to come on board and sign, so we can let the world know, these are our friends, and we're not going to forsake them.

And like a big strong brother would tell the enemy of his little brother, if you're going to attack my little brother, you're going to have to go through me because I'm going to make sure you

have to pay if you hurt my little brother. That's the kind of friend we need to be to Israel so that Iran knows and Ahmadinejad knows, and it sounds like he honestly does believe that he could use nuclear weapons to hasten the end, to hasten the return of the mighty to rule and apparently even believes Jesus would come and help fight to put the mighty in charge of the whole caliphate. But he needs to find out that if he hurts our friend, that not only is there not going to be a caliphate, there will not be an Iran.

We need to make this clear: You don't go start anything with Israel.

But in the meantime, while Israel's leaders are being snubbed by an administration here, the centrifuges are just spinning, and the IAEA says they have enough nuclear material for two nukes. You read Ahmadinejad's quotes, he makes it very clear: It's not just Israel. Israel apparently in his mind is the little Satan, and we're the big Satan.

And some of his quotes, he said here at the conference in Tehran, called "The World without Zionism," Ahmadinejad stated, quote, God willing, with the force of God behind it, we will soon experience a world without the United States and without Zionism.

Well, as the New York Times, they also quoted him as saying, This occupying regime Israel is to be wiped off the map.

It is one thing when some little pee wee punk with no weaponry says I'm going to kick your rear-end or something like that. It's another when a Nation has enough enriched uranium to make two nuclear weapons, says I'm going to wipe you off the face of the earth, you will no longer exist when we're done, and he continues to make material for a nuclear weapon to do that.

I really thought that this Nation would be a bit like the Roman empire, not that we're an empire; we are not imperial. That's why they still speak French in France and German in Germany and Japanese in Japan, because we're not imperialists. We fight for liberty wherever it needs to be fought for. But this is a Nation that all of the sudden after 9/11, we realized we may not take decades and decades and decades to meet our end because we know every Nation eventually ends, and I would not stay in Congress if I didn't believe we could turn things around and this country could go for a couple hundred more years.

But the problem is, after 9/11, we saw we're very vulnerable, and if he gets a nuclear weapon—and this is common knowledge, otherwise I wouldn't be out there saying it—but he takes a nuclear weapon on a boat into New York Harbor, Houston, New Orleans, and it takes out a tremendous amount of our energy capabilities; Chicago and New York, big financial hubs; LA, Washington, wouldn't take but a handful of nukes and we're in big trouble. We may not be able to respond. We've got to take this stuff seriously.

Some have referred to Israel as the miner's canary for the world, that when they're under assault, that the world is going to be next. That may be true, but we have got to take it seriously, and we have got to support our friend Israel, and I yield to my friend for comment.

Mr. CARTER. And the first thing I should say is, Amen to everything you've had to say, and I want to thank you for saying it.

You know, it's become a strange world when our closest ally in the Middle East, Israel, sends its Prime Minister over here and he's taken in through the back door, the service entrance, to the White House. He's told no photo ops, and he is basically slighted by the person we have elected to be the leader of the free world.

And then fast forward to just a couple of weeks ago, when the leader of the Palestinian movement comes in here, and we see photo ops, living room meetings, and a big chunk of money headed to the Palestinians promised by the President of the United States.

□ 2045

It's embarrassing how much of a change of policy we have towards our only—or at least our longest surviving ally in the Middle East. I was in New York the day before yesterday, and one of the people I met with said, Have you ever thought about the fact that if Israel didn't exist, how many Americans would have to be stationed somewhere in the Middle East to try to keep that cauldron from exploding all over the entire world? Remember what the Prime Minister of England told us right here before this House, the reason you have to respond is because it's your turn, you're the only real superpower left in the world.

That responsibility we're taking and we know about it, but when we have those who have stood by our side and worked with us to try to make things go—like Israel, like great Britain—why would a change of administration be so insulting to an ally like Israel? I was struck dumb by the whole thing; I think you were too. And I think you've done an excellent job of describing the possible consequences of the position we seem to be taking in this administration against Israel. I think all Americans of whatever heritage should be seriously concerned about what's going on.

I thank you for allowing me to participate in this evening, and I yield back my time to you, Mr. GOHMERT.

Mr. GOHMERT. I appreciate my friend, Judge CARTER, and I appreciate your insights in this discussion.

I would like to finish tonight by reading a couple of things of historical nature because I know our President has said we're not a Christian Nation. I understand that; I'm not going to debate that. But I know our history, I know where we came from, and I know that people in the United States are really victims of who it was that

taught them and, therefore, only know so much as what they're taught.

So I'd like to read this proclamation from George Washington, October 3, 1789. This was during his first year as President of the new United States. He said—and these are Washington's words, his proclamation, "Whereas it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor." "And also that we may then unite in most humbly offering our prayers and supplications to the great Lord and Ruler of nations and beseech Him to pardon our national and other transgressions, to enable us all to render our national government a blessing to all the people, to promote the knowledge and practice of true religion and virtue."

In fact, he mentioned in 1790, in his letter to the Hebrew congregation in Newport, Rhode Island, that, "may the children of the stock of Abraham who dwell in this land continue to merit and enjoy the good will of the other inhabitants; while everyone shall sit in safety under his own vine and fig tree and there shall be none to make him afraid. May the Father of all mercies scatter light, not darkness, upon our paths and make us all in our civil vocations useful here and in His own due time and way everlastingly happy."

This is a book that was put together by William Federer, "Prayers and Presidents: Inspiring Faith From Leaders of the Past." So these are direct quotes. I will just finish with a couple things from Lincoln.

This is from August 12, 1861, the first year that Abraham Lincoln was President. This is his own words: "Whereas, when our own beloved country, once, by the blessings of God, united, prosperous and happy, is now afflicted with faction and civil war, it is peculiarly fit for us to recognize the hand of God in this terrible visitation, and in sorrowful remembrance of our own faults and crimes as a nation and as individuals, to humble ourselves before Him and to pray for His mercy, to pray that we may be spared further punishment, though most justly deserved; that the inestimable boon of civil and religious liberty may be restored."

And this in closing, Abraham Lincoln's own words, his first inaugural, March 4, 1861: "Intelligence, patriotism, Christianity, and a firm reliance on Him who has never yet forsaken this favored land, are still competent to adjust in the best way all our present difficulties."

It was true then, it's true now.
I yield back.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today.

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

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. KLEIN of Florida, 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, June 23.

Mr. JONES, for 5 minutes, June 23.

Mr. WOLF, for 5 minutes, today and June 17.

Mr. SMITH of New Jersey, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, June 21, 22, and 23.

Mr. DANIEL E. LUNGREN of California, for 5 minutes, today.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3951. An act to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondenno, Sr., Post Office Building."

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Thursday, June 17, 2010, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7912. A letter from the Secretary, American Battle Monuments Commission, transmitting report of a violation of the Antideficiency Act, as required by section 1341(a) of Title 31, United States Code in the Commission's Salaries and Expenses account and Trust Fund Account; to the Committee on Appropriations.

7913. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7914. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final

Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7915. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1096] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7916. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-8129] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7917. A letter from the Secretary, Department of Health and Human Services, transmitting the thirtieth annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and Labor.

7918. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicaid Program; Final FY 2008, Revised Preliminary FY 2009, and Preliminary FY 2010 Disproportionate Share Hospital Allotments and Final FY 2008, Revised Preliminary FY 2009, and Preliminary FY 2010 Disproportionate Share Hospital Institutions for Mental Disease Limits [CMS-2300-N] (RIN: 0938-AP66) received June 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7919. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Standards for Business Practices and Communication Protocols for Public Utilities [Docket No.: RM05-5-017; Order No. 676-F] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7920. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-051, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7921. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-050, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7922. A communication from the President of the United States, transmitting a supplemental consolidated report, consistent with the War Powers Resolution, to keep Congress informed about deployments of U.S. Armed Forces equipped for combat, pursuant to Public Law 93-148; (H. Doc. No. 111-122); to the Committee on Foreign Affairs and ordered to be printed.

7923. A letter from the Administrator, Agency for International Development, transmitting the Agency's semiannual report from the office of the Inspector General for the period ending March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7924. A letter from the Assistant Secretary for Civil Rights, Department of Agriculture,

transmitting the Department's fiscal year 2009 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7925. A letter from the Assistant Attorney General, Department of Justice, transmitting the Semiannual Management Report to Congress for October 1, 2009 through March 31, 2010, and the Inspector General's Semiannual Report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7926. A letter from the Director, Environmental Protection Agency, transmitting the Agency's annual report for FY 2009 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7927. A letter from the Director, Congressional Affairs, Federal Election Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7928. A letter from the Director, Office of Personnel Management, transmitting the Office's semiannual report from the office of the Inspector General for the period October 1, 2010 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7929. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Oversight and Government Reform.

7930. 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; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XV80) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7931. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Antarctic Marine Living Resources; Use of Centralized-Vessel Monitoring System and Importation of Toothfish; Re-export and Export of Toothfish; Applications for Krill Fishing; Regulatory Framework for Annual Conservation Measures [Docket No.: 0907141130-0112-02] (RIN: 0648-AX80) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7932. A letter from the Section Chief, NNCP, RMD, FBI, Department of Justice, transmitting the Department's final rule — FBI Records Management Division National Name Check Program Section User Fees [Docket No.: FBI 118] (RIN: 1110-AA29) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7933. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the cost of response and recovery

efforts for FEMA-3300-EM in the District of Columbia, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

7934. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the cost of response and recovery efforts for FEMA-3299-EM in the State of Colorado, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

7935. A letter from the Secretary, Department of Transportation, transmitting the regulatory status of each recommendation made by the NTSB to the Secretary that is on the Board's "most wanted list", pursuant to 49 U.S.C. 1135(d) Public Law 108-168, section 6; to the Committee on Transportation and Infrastructure.

7936. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Area Navigation Route Q-15; California [Docket No.: FAA-2010-0028; Airspace Docket No. 10-AWP-1] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7937. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Manila, AR [Docket No.: FAA-2009-1184; Airspace Docket No. 09-ASW-39] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7938. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Mountain View, AR [Docket No.: FAA-2009-1181; Airspace Docket No. 09-ASW-36] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7939. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Batesville, AR [Docket No.: FAA-2009-1177; Airspace Docket No. 09-ASW-34] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7940. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Marianna, AR [Docket No.: FAA-2009-1167; Airspace Docket No. 09-ASW-33] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7941. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Beatrice, NE [Docket No.: FAA-2009-0697; Airspace Docket No. 09-ACE-10] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7942. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment and Establishment of Restricted Areas and Other Special Use Airspace, Avon Park Air Force Range; FL [Docket No.: FAA-2008-1261; Airspace Docket No. 09-ASO-18] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7943. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Restricted Area R-2502A; Fort Irwin, CA [Docket No.: FAA-2010-0471; Airspace Docket No. 10-AWP-7] (RIN: 2120-AA66) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to

the Committee on Transportation and Infrastructure.

7944. A letter from the Chief Counsel, Department of the Treasury, transmitting the Department's final rule — Securities Held in TreasuryDirect received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7945. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Diversification Requirements for Certain Defined Contribution Plans [TD 9484] (RIN: 1545-BH04) received May 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7946. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Twentieth Annual Report to Congress on health and safety activities; jointly to the Committees on Armed Services and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERLMUTTER: Committee on Rules. House Resolution 1448. Resolution providing for further consideration of the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes (Rept. 111-508). 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. CHAFFETZ:

H.R. 5535. A bill to establish a pilot program for the expedited disposal of Federal real property; to the Committee on Oversight and Government Reform.

By Mr. FLAKE:

H.R. 5536. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated; to the Committee on Ways and Means, and in addition to the Committee on the Budget, 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. WU:

H.R. 5537. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of emergency service volunteers as independent contractors; to the Committee on Ways and Means.

By Mr. LAMBORN (for himself, Mr. AKIN, Mrs. BACHMANN, Mr. BARTLETT, Mrs. BLACKBURN, Mr. BROUN of Georgia, Mr. CONAWAY, Mr. FLEMING, Mr. GOHMERT, Mr. JORDAN of Ohio, Mr. MANZULLO, Mr. NEUGEBAUER, and Mr. LINDER):

H.R. 5538. A bill to amend the Communications Act of 1934 to prohibit Federal funding for the Corporation for Public Broadcasting after fiscal year 2012; to the Committee on Energy and Commerce.

By Mr. CHAFFETZ (for himself, Mr. CONYERS, Mr. SMITH of Texas, Mr.

ISSA, Mr. BACHUS, Mr. HENSARLING, Mr. ROYCE, Mr. GOODLATTE, Mrs. BIGGERT, Mr. ROONEY, and Mrs. LUMMIS):

H.R. 5539. A bill to apply the Freedom of Information Act to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation during any period that such entities are in conservatorship or receivership; to the Committee on Financial Services.

By Mrs. BLACKBURN:

H.R. 5540. A bill to make 2 percent across-the-board rescissions in non-defense, non-homeland-security, and non-veterans-affairs discretionary spending for each of the fiscal years 2010 and 2011; to the Committee on Appropriations.

By Mrs. BLACKBURN:

H.R. 5541. A bill to make 1 percent across-the-board rescissions in non-defense, non-homeland-security, and non-veterans-affairs discretionary spending for each of the fiscal years 2010 and 2011; to the Committee on Appropriations.

By Mrs. BLACKBURN:

H.R. 5542. A bill to make 5 percent across-the-board rescissions in non-defense, non-homeland-security, and non-veterans-affairs discretionary spending for each of the fiscal years 2010 and 2011; to the Committee on Appropriations.

By Mr. FILNER:

H.R. 5543. A bill to amend title 38, United States Code, to repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. NORTON:

H.R. 5544. A bill to promote the development of the Southwest waterfront in the District of Columbia; to the Committee on Oversight and Government Reform.

By Ms. NORTON:

H.R. 5545. A bill to deauthorize a portion of the project for navigation, Potomac River, Washington Channel, District of Columbia, under the jurisdiction of the Corps of Engineers; to the Committee on Transportation and Infrastructure.

By Mr. ROSKAM:

H.R. 5546. A bill to provide for the establishment of a fraud, waste, and abuse detection and mitigation program for the Medicare Program under title XVIII of the Social Security Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE:

H.R. 5547. A bill to terminate the authorities of the Trade and Development Agency; to the Committee on Foreign Affairs.

By Ms. HARMAN (for herself and Mr. KING of New York):

H.R. 5548. A bill to amend the Homeland Security Act of 2002 and other laws to enhance the security and resiliency of the cyber and communications infrastructure of the United States; to the Committee on Oversight and Government Reform, and in addition to the Committees on Homeland Security, and Science and Technology, 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. TERRY:

H.J. Res. 89. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MCNERNEY:

H. Res. 1446. A resolution recognizing the residents of the City of Tracy, California, on the occasion of the 100th anniversary of the city's incorporation, for their century of dedicated service to the United States; to the Committee on Veterans' Affairs.

By Mr. PENCE:

H. Res. 1447. A resolution electing certain minority members to certain standing committees; considered and agreed to, considered and agreed to.

By Mrs. MYRICK (for herself and Mrs. CAPPS):

H. Res. 1449. A resolution supporting the observance of Thyroid Cancer Awareness Month and recognizing and applauding the work of national and community thyroid cancer organizations; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. GRAVES of Georgia.
 H.R. 43: Ms. RICHARDSON and Mr. ALEXANDER.
 H.R. 482: Mrs. DAHLKEMPER.
 H.R. 571: Mr. MURPHY of Connecticut.
 H.R. 613: Mr. ROSS.
 H.R. 673: Ms. HERSETH SANDLIN, Mr. COSTELLO, and Mr. HOLDEN.
 H.R. 678: Ms. MOORE of Wisconsin, Mr. THOMPSON of Pennsylvania, and Mr. FRELINGHUYSEN.
 H.R. 855: Mr. CAPUANO and Mr. CARSON of Indiana.
 H.R. 949: Mr. MCNERNEY and Mr. MATHE-SON.
 H.R. 950: Mr. MICHAUD.
 H.R. 1021: Mr. HELLER.
 H.R. 1023: Mr. HERGER.
 H.R. 1032: Mr. WITTMAN and Mr. MELANCON.
 H.R. 1079: Mr. OLVER.
 H.R. 1392: Mr. WALDEN.
 H.R. 1428: Mr. ARCURI.
 H.R. 1657: Mr. DEFAZIO.
 H.R. 1691: Mr. HEINRICH.
 H.R. 1708: Ms. CHU.
 H.R. 1751: Ms. EDWARDS of Maryland and Mr. SABLAN.
 H.R. 1925: Mr. GARAMENDI, Mr. CROWLEY, and Mr. BISHOP of New York.
 H.R. 2024: Mr. LEE of New York.
 H.R. 2049: Mr. PITTS.
 H.R. 2104: Ms. MATSUI.
 H.R. 2112: Mr. CARSON of Indiana and Mr. YARMUTH.
 H.R. 2138: Mr. PALLONE.
 H.R. 2149: Mr. FILNER.
 H.R. 2349: Mrs. DAHLKEMPER.
 H.R. 2381: Mr. TONKO.
 H.R. 2408: Mr. SIRES.
 H.R. 2480: Mr. TIM MURPHY of Pennsylvania.
 H.R. 2575: Mr. MURPHY of Connecticut.
 H.R. 2866: Mr. CAPUANO.
 H.R. 2906: Mr. MAFFEI and Mr. TIM MURPHY of Pennsylvania.
 H.R. 2941: Mr. CHANDLER.
 H.R. 3025: Mr. BISHOP of New York and Mr. HOLDEN.
 H.R. 3174: Ms. FOXF.
 H.R. 3564: Mr. FRANK of Massachusetts.
 H.R. 3683: Mr. DJOU.
 H.R. 3721: Mr. HINCHEY.
 H.R. 3734: Mrs. CAPPS.
 H.R. 3813: Mr. HOLDEN and Mr. CRITZ.
 H.R. 3974: Mrs. MALONEY and Mr. CARNAHAN.
 H.R. 4269: Mrs. MALONEY and Mr. CONNOLLY of Virginia.
 H.R. 4278: Mr. BOOZMAN.
 H.R. 4371: Mr. SCHRADER.

H.R. 4402: Mr. LUJAN.

H.R. 4514: Mr. CONNOLLY of Virginia, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. BISHOP of Georgia, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. LEWIS of Georgia, Ms. MOORE of Wisconsin, Mr. WATT, Mr. SCOTT of Georgia, Mr. RUSH, Mr. HASTINGS of Florida, Mr. CLYBURN, Mr. CLEAVER, Ms. RICHARDSON, and Ms. CLARKE.

H.R. 4524: Mr. MILLER of North Carolina.

H.R. 4534: Mr. MOORE of Kansas.

H.R. 4599: Mr. HIGGINS.

H.R. 4645: Mr. TAYLOR and Mrs. MALONEY.

H.R. 4662: Mr. MILLER of North Carolina.

H.R. 4684: Mr. LOEBBACH, Mr. WALDEN, Mr. SCHAUER, Ms. ZOE LOFGREN of California, Mr. HUNTER, Mr. ROONEY, Mr. PITTS, Mrs. BONO MACK, and Mr. CARNAHAN.

H.R. 4693: Mr. SNYDER.

H.R. 4737: Mr. HIMES.

H.R. 4890: Mr. ENGEL.

H.R. 4914: Mr. GARAMENDI, Mr. DEFAZIO, and Mr. HALL of New York.

H.R. 4925: Mr. HONDA.

H.R. 4962: Mr. BISHOP of New York.

H.R. 4999: Mr. COFFMAN of Colorado, Mr. FLAKE, Mr. BILLIRAKIS, Mr. CRENSHAW, Mr. MCCARTHY of California, Mr. DENT, Mr. CULBERSON, Mr. REHBERG, Mr. ALEXANDER, Mr. GRIFFITH, Mr. BOUSTANY, Mr. FLEMING, Mr. PETRI, Mr. POE of Texas, Mr. BRADY of Texas, Mr. MACK, Mrs. BONO MACK, Mr. SIMPSON, and Mr. DANIEL E. LUNGREN of California.

H.R. 5044: Mr. DOGGETT.

H.R. 5113: Ms. BERKLEY.

H.R. 5115: Mr. KILDEE.

H.R. 5124: Mr. MORAN of Virginia.

H.R. 5126: Mr. DUNCAN, Mr. GOHMERT, Mr. BOOZMAN, Mr. PUTNAM, Mr. BOSWELL, Mr. GRAYSON, and Mr. REHBERG.

H.R. 5141: Mr. WESTMORELAND and Mr. LEE of New York.

H.R. 5143: Mr. DEFAZIO.

H.R. 5162: Mr. PUTNAM, Mr. BOSWELL, Mr. GRAYSON, and Mr. REHBERG.

H.R. 5174: Mr. DOYLE and Mr. HIGGINS.

H.R. 5208: Mr. KING of Iowa.

H.R. 5210: Ms. NORTON.

H.R. 5214: Mr. ENGEL and Ms. TSONGAS.

H.R. 5234: Mr. COURTNEY.

H.R. 5244: Mr. HARE.

H.R. 5268: Mr. MCGOVERN and Mr. GUTIERREZ.

H.R. 5307: Mr. TANNER and Mr. VAN HOLLEN.

H.R. 5337: Mr. DEUTCH.

H.R. 5377: Mr. MARCHANT, Mr. MCCLINTOCK, Mrs. BACHMANN, Mr. HALL of Texas, and Mr. KINGSTON.

H.R. 5404: Mr. SABLAN.

H.R. 5423: Mr. GORDON of Tennessee.

H.R. 5425: Mr. GOODLATTE.

H.R. 5428: Mr. MCINTYRE.

H.R. 5429: Mr. GARAMENDI and Mr. STARK.

H.R. 5434: Mr. FILNER, Ms. LEE of California, Mr. HINCHEY, Mr. GALLEGLY, and Mr. HOLT.

H.R. 5475: Mr. REHBERG.

H.R. 5477: Mr. BRALEY of Iowa.

H.R. 5479: Mr. SABLAN.

H.R. 5501: Mr. GINGREY of Georgia, Mr. GRAVES of Georgia, Mr. CANTOR, and Mr. WOLF.

H.R. 5503: Mr. GUTIERREZ.

H.R. 5506: Mr. GRIJALVA and Mr. HOLT.

H.R. 5520: Mr. MICHAUD, Mrs. CAPPS, and Mr. KUCINICH.

H.R. 5523: Mr. LEWIS of California, Mr. ALEXANDER, Mr. DUNCAN, Mr. BOOZMAN, Mr. SHUSTER, and Mr. SHADEGG.

H.R. 5525: Mr. HENSARLING, Mr. HALL of Texas, Mr. PITTS, Mrs. BACHMANN, Mr. DANIEL E. LUNGREN of California, Mr. BURTON of Indiana, Mr. MARCHANT, Mr. SHIMKUS, Mr. MCCLINTOCK, Mr. BISHOP of Utah, Ms. FALLIN, and Mrs. BLACKBURN.

- H. Con. Res. 16: Mr. PETRI.
H. Con. Res. 226: Ms. NORTON, Mr. RODRIGUEZ, and Mr. BLUNT.
H. Con. Res. 284: Mr. BURGESS, Mr. COURTNEY, Mr. GALLEGLY, Ms. MOORE of Wisconsin, Mr. CLAY, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. CHAFFETZ, Ms. FALLIN, Mr. HALL of Texas, Mr. KINGSTON, Mr. DANIEL E. LUNGREN of California, Mr. MCCLINTOCK, Mr. MARCHANT, Mr. PITTS, Mr. POSEY, Mrs. SCHMIDT, and Mr. SHIMKUS.
H. Con. Res. 286: Mr. BOSWELL, Mr. SMITH of Nebraska, Mr. TURNER, and Ms. HARMAN.
H. Con. Res. 287: Mr. NEUGEBAUER, Mr. BROUN of Georgia, Mr. HARPER, Mr. SESSIONS, and Mr. PENCE.
H. Con. Res. 288: Mr. BERRY.
H. Res. 308: Mr. MORAN of Virginia and Ms. NORTON.
H. Res. 762: Mr. NADLER of New York.
H. Res. 771: Mr. DONNELLY of Indiana and Ms. KILROY.
H. Res. 803: Mr. ELLSWORTH.
H. Res. 1110: Mr. HUNTER.
H. Res. 1207: Mr. CARNEY.
H. Res. 1219: Mr. ROYCE and Mrs. BONO MACK.
H. Res. 1226: Mr. WALDEN, Mr. ROGERS of Michigan, and Mrs. BLACKBURN.
H. Res. 1264: Mr. ROTHMAN of New Jersey.
H. Res. 1326: Ms. LORETTA SANCHEZ of California.
H. Res. 1350: Mr. FORTENBERRY.
H. Res. 1355: Mr. DOGGETT.
H. Res. 1379: Ms. BORDALLO.
H. Res. 1384: Mr. MARCHANT.
H. Res. 1398: Ms. NORTON.
H. Res. 1401: Mr. SCHAUER, Mr. ENGEL, Mrs. MALONEY, Ms. LEE of California, and Mr. GEORGE MILLER of California.
H. Res. 1402: Ms. SLAUGHTER.
H. Res. 1426: Mr. STARK.
H. Res. 1431: Ms. CHU, Mr. LATHAM, Mr. McKEON, Mr. CLAY, and Mr. ISSA.
H. Res. 1433: Ms. SPEIER, Mr. FRANK of Massachusetts, and Ms. MOORE of Wisconsin.
H. Res. 1439: Mr. KIND, Mr. MORAN of Virginia, Ms. PINGREE of Maine, and Mr. CAPUANO.